



Appeal Decision

Site visit made on 12 July 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2023

Appeal Ref: APP/U1430/W/22/3312083

14 Cranfield Road, Bexhill, TN40 1QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Lakin against the decision of Rother District Council.
 - The application Ref RR/2021/3049/P, dated 12 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is described as proposed demolition of existing detached garage and construction of self-contained flat, vehicular parking and courtyard garden area.
-

Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Mr Gary Lakin against Rother District Council. This application is the subject of a separate Decision.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the street scene. The second main issue is whether the proposal would provide satisfactory living conditions for its occupiers, with particular regard to private usable external space.

Reasons

Character and appearance

4. The appeal site is located in an accessible and long-established residential area, where in principle policy OSS2 of the Rother Local Plan Core Strategy (CS) and policy DIM2 of the Rother Local Plan Development and Site Allocations Local Plan (DaSA) support the provision of new housing through infilling, particularly on previously developed land. This is subject to compliance with other policies in the development plan.
5. Cranfield Road and Buckhurst Road are primarily characterised by large two and half to four storey blocks of flats and houses, some of which have been converted to flats. They result in a tall, imposing and suburban street scene. Some of the properties have flat or pitched roofed garages to the side of them and a few of the dwellings have flat roofed side extensions. In addition to on-

street parking many of the properties benefit from on-site parking to the front, side or rear, which is partially screened from the street by boundary walls, low fences and soft planting within the front gardens.

6. The appeal site is located alongside a large and imposing three storey Victorian villa at 32 Cranfield Road (No.32), which has been converted into flats. It has a steeply pitched roof with projecting gables to the front and sides, as well as a modern flat roofed wide dormer window facing the appeal site. There are numerous windows of various sizes on the side elevation of this building, which together with the varied roof detailing and mixed palette of materials results in a busy elevation facing the appeal site. On the opposite side of the appeal site is an access drive with a large modern three storey block of flats immediately beyond (Hartwood Lodge). The flats directly opposite the appeal site include habitable windows that face towards the appeal site.
7. The appeal site comprises a detached double garage with a fully hipped roof and a parking area to the front of it. Access to the garage and parking area is from the access drive that serves the parking court at Hartwood Lodge.
8. Collectively and amongst other things CS Policies OSS4 (iii) & EN3 (i & ii) and DaSA Policy DEN1, seek to ensure that new development respects and does not detract from the character and appearance of the locality. It should be of high-quality design and should respect and contribute positively to the character of the site and its surroundings. It should maintain and reinforce the natural and built landscape character of the area.
9. This is consistent with paragraph 130 of the National Planning Policy Framework (Framework), which states that new development should be designed to a high standard; be sympathetic to local character and history; function well; safeguard the environment; and optimise the development potential of a site.
10. The proposed dwelling would meet internal floorspace standards and could be constructed to be wheelchair accessible and energy efficient. Notwithstanding this, due to its modest size, height and form the proposed dwelling would be dwarfed by the adjacent buildings at No.32 and Hartwood Lodge. Their overbearing impact would be exacerbated the close proximity of the proposed dwelling to the busy side elevation of the building at No.32 and the small size of the appeal plot. The relationship between the proposed dwelling and the building at No.32 would appear cramped and inharmonious within the street scene.
11. The use of the front courtyard to provide parking, bin and cycle storage, as well as private garden space would increase the cramped appearance of the proposed development. In addition, the use of slate roofing and grey fascia detailing would fail to respect or reflect the prevailing built characteristics of Cranfield Road.
12. For these reasons the proposed development would appear cramped, incongruous and totally out of keeping with the street scene. Due to the nature of these concerns, they are not something that could be satisfactorily addressed through the imposition of conditions. As stated in Paragraphs 126 and 134 of the Framework good design is a key aspect of sustainable development and that development that is not well designed should be refused.

13. The appellant has referred to a small modern infill development in Sea Road. However, the buildings along that stretch of Sea Road are more varied in form and height and the new infill is located between a two-storey dwelling and a single storey building. This infill building is also materially larger than the proposed building, is one and half storeys high and occupies a larger plot. The council has referred to a scheme for a single storey dwelling elsewhere in Bexhill, which was dismissed at appeal partly due to its cramped appearance. Neither of these schemes are directly comparable to the current appeal proposal. Rather than set a precedent they highlight the need to assess each proposal on its individual planning merits and in accordance with the prevailing planning policies.
14. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the street scene. It would therefore conflict with CS Policies OSS4(iii) & EN3(i & ii) and DaSA policy DEN1 along with paragraphs 11, 126 and 130 of the Framework.

Living conditions

15. DaSA Policy DHG 7(i) states that appropriate and proportionate levels of private external space will be expected. For new dwellings such space should normally be at least 10 metres in depth. The supporting text to this policy advises that developments should not be dominated by hard-standings and that refuse and recycling facilities should not detract from the street scene or residential amenity. CS Policy OSS4(i) states that new development should meet the future needs of its occupiers, including providing appropriate amenities.
16. Having regard to the small size of the proposed dwelling I consider that there would be scope to provide a garden area that is less than 10 metres deep. That is provided such space would be private, safe and attractive to use.
17. Other than a narrow strip between the side of the building and the access road that serves Hartwood Lodge, the only external space included in the proposal is a courtyard at the front of the property. It would accommodate a parking space, refuse and recycling facilities, a cycle store and would provide access to the dwelling. There would be little usable garden space left over and the quality of the space for use as a garden would be poor. This is because of its size and proximity to the parking area, bins, cycle store, front entrance and access drive serving Hartwood Lodge.
18. The submitted drawings do not show any boundary treatments. If none are proposed the small amenity area at the front of the proposed dwelling would be over-looked from the access drive and the street scene. Conversely, if enclosed by tall fences/hedges it would add to the sense of enclosure both within the dwelling and the courtyard and would provide a poor standard of usable private outdoor space. It could also detract from the street scene and affect driver and pedestrian sight lines between the courtyard and the access drive. Accordingly, it could harm the character of the street scene and/or have an adverse impact on highway safety. These factors highlight the cramped nature of the outside space.
19. For these reasons I conclude on the second main issue that the proposal would fail to provide satisfactory living conditions for the occupiers of the proposed flat, due to the poor quality and quantity of its usable private outside space.

Accordingly, the proposal would conflict with DaSA Policy DHG7 (I & ii) and CS Policy OSS4 (i).

Other matters

20. The appeal site is located within Flood Zone 3 on the Environmental Agency Strategic Flood Risk Map. Accordingly, the application was supported by a Flood Risk Assessment (FRA). Subject to the mitigation measures set out in the FRA, I concur with the council that the proposal would be unlikely to raise significant flood risk issues.
21. The appellant submitted a bat survey report with the application, which reported no bats entering the building, although there was bat activity in the immediate area. It concluded that bats are likely absent from the building, although vegetation within the wider site provides a good habitat for foraging and commuting bats. No further ecology surveys were undertaken. Given the proximity of the site to the SSSI I agree with the council that further survey work would have been pertinent. Accordingly, whilst due to the nature of the proposal it would be unlikely to result in significant harm to biodiversity, this is a matter upon which I would have sought further comments from both main parties, had I found in favour of the proposal.
22. Concern has been expressed by a local resident that the appellant does not own the land to the front, sides and rear of the appeal site and it is noted that access to the site is not included on the submitted drawings. As access would be required across land to the side or front of the site to access the appeal site this is a matter about which I would have sought further information, had I found in favour of the appellant on all other matters.
23. Whilst I note the concerns regarding noise and disturbance during the construction period, this is a consequence of many developments and rarely amounts to a reason for withholding planning permission. However, conditions could be imposed relating to construction working hours and to minimise dust, noise, etc. to keep any nuisance to a minimum.

Planning Balance and Conclusion

24. The council has confirmed that currently it does not have a five-year supply of deliverable housing sites. Therefore, the development plan policies that are most important for determining the appeal are out-of-date and the tilted balance as set out in paragraph 11d of the Framework is engaged.
25. Paragraph 15.11 of the CS advises that Bexhill has a large stock of private rented property, which provides a valuable supply of cheaper housing stock of small houses and flats. For this reason, it is appropriate to provide more accommodation for families and younger households, in order to support policy objectives. Having regard to this and the modest size of the proposal, the contribution it would make in helping meet local and district wide housing need is minimal and I give only a small amount of weight to it.
26. The construction of the proposed dwelling would provide employment and the occupiers of the proposed dwelling would likely support local services and facilities. Notwithstanding this, due to the modest nature of the proposal this is a benefit to which I give only a modest amount of weight in the planning balance.

27. I have found that due to the siting, size and height of the proposed dwelling, the proposal would unacceptably harm the character and appearance of the street scene and would fail to provide satisfactory living conditions for its occupiers. As a consequence, the proposal would be contrary to CS Policies OSS4 & EN3 and DaSA Policies DHG7 & DEN1, which are consistent with paragraphs 126 and 130 of the Framework. For the reasons set out above I give this harm and conflict significant weight.
28. Overall, for the reasons set out above the proposal would conflict with the environmental objective of sustainable development. This weighs heavily against the proposal.
29. A lack of a five-year supply of housing and the shortfall in housing delivery does not automatically lead to the grant of planning permission. In this instance the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits resulting from the proposal when assessed against the policies in the Framework taken as a whole. I therefore find that the presumption in favour of sustainable development should not be applied.
30. The proposal would conflict with the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework and in particular paragraph 11. Accordingly, for the reasons stated above and taking all other matters into consideration, I conclude that the Appeal should be dismissed.

Elizabeth Lawrence

INSPECTOR