



Appeal Decision

Site visit made on 4 October 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.11.2023

Appeal Ref: APP/B1415/D/23/3327405

44 Clifton Road, Hastings, East Sussex TN35 5AN

- 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 & Mrs Killick against the decision of Hastings Borough Council.
 - The application Ref: HS/FA/23/00305, dated 26 April 2023, was refused by notice dated 21 July 2023.
 - The development proposed is for a single storey rear extension at first floor level to form additional living space.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at first floor level to form additional living space at 44 Clifton Road, Hastings, East Sussex TN35 5AN in accordance with the terms of the application, Ref: HS/FA/23/00305 dated 26 April 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Site Location Plan and Site Block Plan Ref: 23.472/03, and (ii) Proposed Floor Plans & Elevations Ref: 23.472/02A.
 - 3) The materials to be used must match as closely as possible, in type, colour and texture of those listed within the Materials section of the submitted planning application form.
 - 4) With the exception of internal works the building works required to carry out the development hereby permitted must only be carried out within 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays and no working on Sundays or Public Holidays.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new openings within the side elevations of the extension permitted by Class A of Part 1 of Schedule 2 of the Order shall be constructed.

Main Issues

6. The main issue is the effect of the proposal on the living conditions of the occupiers of No 42 Clifton Road with particular regard to outlook .

Reasons

7. The appeal scheme comprises an extension on top of the single storey rear extension to provide additional living accommodation, a hipped roof with 3 rooflights to the south-west side elevation, window and French doors with Juliet balcony on the first floor rear elevation. This type and form of extension is relatively common place along Clifton Road. Due to the levels of Clifton Road, the appeal property is higher than its neighbour 42 Clifton Road (No 42).
8. I acknowledge that No 42 has a L-shaped rear elevation and rear door that enters the garden area facing the appeal site where the proposed 1st floor extension would be built. However, I observed on site that due to the change in levels the existing single storey extension's side wall is already highly visible from the side door area of No 42 when looking up. In this context, I do not consider that the addition of the second storey would result in any material harm or change in the outlook when compared with the existing situation. Moreover, views of the appeal proposal would be comparatively fleeting as occupants would leave the rear door and go on into the garden area.
9. I note the Council has referenced examples of similar developments that are considered to be more acceptable due to greater distances between properties than the 0.8m that exists here. Whilst other properties may have greater distances this is not determinative in this case that the appeal proposal is unacceptable. As I have identified, the change in levels already results in the appeal property being visible from No 42; a view that I do not consider would be materially changed or harmful with the addition of the 2nd storey, even with the gap of 0.8m that exists between the two properties.
10. For the reasons set out, the appeal proposal would not have a materially harmful impact on the outlook from No 42. Therefore, the appeal proposal accords with Policy DM3 of the Hasting Local Plan - Development Management Plan 2015, which amongst other things seeks to ensure a good living standard for future users of development and its neighbours in terms of amenity. It would also be consistent with Paragraph 130 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments have a high standard of amenity for existing and future users.

Other Matters

11. I note the concerns from the occupant of No 42 regarding whether the appeal proposal may affect the integrity of the retaining wall between their property and the appeal site. However, such an issue would be for separate legislation to address.

Conditions

12. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance (PPG) and the conditions suggested by the Council. In this case, I have attached the standard time limit condition and a condition to specify the approved plans, both of which are needed to provide clarity.

13. I have reviewed the Council's suggested conditions regarding materials, construction time restrictions and removal of certain permitted development rights and agree that they are necessary. It is important to ensure the proposed materials are secured to ensure an acceptable standard of design. Given the tight urban grain of the area the time restrictions for construction is necessary to ensure the build out is not unduly disruptive to neighbouring properties. The removal of permitted development rights with regard to external openings in the extension is also necessary given the proximity to neighbouring properties and necessary for these in the future to be subject to a separate planning application process to consider the impacts of any changes afresh.

Conclusion

14. For the reasons given above, the proposal is consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I conclude that the appeal should be allowed.

N Perrins

INSPECTOR