



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: 13th November 2023

Appeal Ref: APP/B1415/D/23/3324004

1 Amherst Road, Hastings, East Sussex TN34 1TT

- 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 Mrs L Byrne & Mrs A Lancaster against the decision of Hastings Borough Council.
 - The application Ref: HS/FA/23/00101, dated 16 February 2023, was refused by notice dated 28 March 2023.
 - The development is proposed first floor to detached garage to provide home office accessed via external stairs with landing/decking area with balcony.
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Decision

1. The appeal is allowed and planning permission is granted for proposed first floor to detached garage to provide home office accessed via external stairs with landing/decking area with balcony at 1 Amherst Road, Hastings, East Sussex TN34 1TT in accordance with the terms of the application, Ref: HS/FA/23/00101 dated 16 February 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) Location Block Plan Ref: 7389/LBP, (ii) Proposed First Floor Extension Ref: 7389/22/1/E and (iii) Existing and Proposed Roof Plan Ref: 7389/RP/D.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan Ref: 7389/22/1/E.
 - 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) Prior to the use of the rear first floor decking area hereby approved, the 1.8m high obscure glazed privacy screen positioned to the side (west) elevation shall be constructed and completed in line with approved drawing No. 7389/22/1/E and thereafter retained and maintained in good order.

- 6) The garage with office space hereby permitted shall remain ancillary to the residential use of the dwelling house known as 1 Amherst Road and shall not, at any time, be used for commercial use or be used as an independent residential unit.
- 7) 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 extensions, no new or enlarged windows, no additional storeys, no roof extensions or dormer windows permitted by Classes A, AA, B and C of Part 1 of Schedule 2 of the order shall be carried out to the hereby approved garage and office.

Preliminary Matters

2. The appeal proposal follows an earlier planning permission Ref: HS/FA/22/00696 for a similar first floor office over the garage albeit with a different design. Whilst I have considered the appeal proposal on its own merits, the existing planning permission is a realistic fall back that I have given weight to in this decision.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the property and surrounding area.

Reasons

4. The appeal property is a large detached house set in spacious grounds within the urban area of Hastings. The surrounding character is mainly residential made up of detached, semi-detached and bungalow dwellings with a wide range of architectural styles.
5. The main dwelling is a distinctive period brick built property with tiled hipped roof with gable ends to the front, sides and rear and a small pitched roof dormer to the front. The appeal property retains many of its original features with projecting windows, stained glass windows and veranda to the rear. Set back from the main dwelling is the detached garage subject of this appeal. Running along the western boundary is the entrance and driveway to Beatrice Close.
6. The appeal scheme proposes to erect a first floor office on top of the detached garage with a decking area at the rear to provide access. The appeal proposal would be of the same footprint and height as the previously approved design, but differs in that it proposes a gabled end roof as opposed to the hipped roof used in the previous scheme.
7. There are a wide range of garage types along Amherst Road including those with gable ended roof designs, which the appeal proposal would be consistent with. In this context, and given that the ridge height appears the same as previously approved, the change from hip to gable would not result in a materially perceptible bulkier first floor in terms of scale, bulk and mass, particularly when considering the garage is set back in the plot within the street scene. Even with the proposed gable ended roof design, the garage would remain as a subservient feature that would not be out of keeping with the character of the area in terms of its scale, bulk and massing.

8. Whilst I note the Council has concern over the impact on spacing between the garage and the dwelling from the appeal proposal, it is not clear from the information provide what the specific issue is in this regard. Nonetheless, given that the extended garage would remain as a subservient building on a similar footprint to the previous approval, there would not be a materially harmful erosion of spacing between it and the main dwelling, sufficient to justify refusing planning permission. Moreover, Beatrice Close adjacent to the site provides a spacious setting for the plot, that enables the impressive and dominant main dwelling with its architectural quality to stand out. The pre-eminence of the main dwelling in the street scene would not be diminished as a result of the appeal scheme.
9. I agree with the appellant that the design features proposed would be complimentary to the main dwelling by using features such as soldier brick arch lintels and traditional sash windows, and consider this to be a positive feature of the appeal proposal. Whilst I note the Council's concern over the increased use of bricks compared with the approved scheme, a key feature of the period property's architectural quality is that it is brick built. In this context the proposed use of bricks would complement the design of the main dwelling. The use of gables also replicates a key design feature of the main dwelling, which I consider is an acceptable design cue to have used when considered together with the overall scale and detailing proposed.
10. The first floor terrace would be largely hidden from public views by the garage extension and proposed privacy screen. Whilst the lightweight glass privacy screen would be seen from some of the nearby properties, it would not result in a material visual harm to the character of the area given that boundary treatment of various types forms part of the existing character of the area. The proposed decking is therefore acceptable subject to the specific design of the privacy screen being secured by condition, which is discussed later in this decision.
11. For the reasons set out, the appeal proposal would be consistent with the architectural quality of the main dwelling and would not result in harm to the character and appearance of the area. Therefore, the appeal proposal accords with Policy DM1 of the Hasting Local Plan Development Management Plan 2015, which amongst other things requires that proposals reach a good standard of design, protect and enhance local character, show an appreciation of the surrounding area, achieves attractive streetscapes and be a scale and form of development appropriate to its location. The proposal would also be consistent with paragraph 130 of the National Planning Policy Framework (the Framework) and the National Design Guide, which seek to ensure that developments have a high standard of design appropriate to their site and surrounds.

Other Matters

12. The scale of the proposal and positioning of windows would not lead to harmful impacts in terms of outlook, loss of privacy, daylight and sunlight, due to distance to between the proposal and the nearest properties. The proposed privacy screen is necessary to maintain privacy to the nearest property to the west; its installation and retention can be secured through a condition, which I discuss later in this decision. Subject to this condition, there would not be any adverse impacts on living conditions for neighbouring properties.

Conditions

13. I have attached the standard time limit condition and a condition to specify the approved plans, both of which are needed to provide clarity.
14. I have reviewed the Council's suggested conditions in light of the tests contained in the Planning Practice Guidance (PPG). Given the presence of residential properties close to the site I agree that it is necessary to impose time restrictions for construction to safeguard the living conditions of neighbouring occupiers. It is necessary to ensure the appeal proposal remains ancillary to the main dwelling in order to prevent the development being used as a separate unit of accommodation or business, the effects of which have not been assessed, and I have attached the condition proposed by the Council accordingly.
15. The PPG makes clear that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in this case the removal of permitted development rights for extensions and further openings is necessary given the location close to the main dwelling, which is a period property. To safeguard the character and appearance of the main house, any future development of the garage building needs to be considered carefully through a separate planning application. I have amended the Council's proposed wording slightly to make clear that a new planning application would be required for any future changes to the development.
16. The inclusion of a specific condition to secure the installation of the privacy screen and its retention is necessary to ensure the development would not result in overlooking of neighbouring properties, and ensure a satisfactory appearance.
17. Given that the appeal property is an attractive period dwelling, it is necessary to also include a condition requiring that the development is constructed using the materials specified on the approved plans. This is in the interests of precision and to safeguard the character and appearance of the property.

Conclusion

18. For the reasons given above, the proposal is consistent with the policies of the development plan as a whole. I conclude that the appeal should be allowed.

N Perrins

INSPECTOR