



Appeal Decision

Site visit made on 9 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 27 December 2023

Appeal Ref: APP/B1415/W/23/3321665

Flat 1, 1 Emmanuel Road, Hastings, East Sussex TN34 3LB

- 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 and Mrs S Holden against the decision of Hastings Borough Council.
 - The application Ref HS/FA/23/00014, dated 9 January 2023, was refused by notice dated 21 March 2023.
 - The development is retention of garden shed and minor changes to boundary treatment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have indicated on the appeal form that works have started and been completed. During my site visit I observed a development which matched the application plans. I will therefore treat the appeal as retrospective development.
3. The appeal site has a detailed planning history including similar proposals to the appeal proposal. The Council acknowledge that the section of trellis closest to 30B Vicarage Road is now considered lawful as it has been in place for over 4 years.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is close to the junction between Emmanuel Road, Vicarage Road and Plynlimmon Road. It slopes significantly uphill along Vicarage Road toward the road junction. Given the topography and its siting close to the junction, the appeal site is prominent in views from neighbouring roads, including from Vicarage Road toward Emmanuel Church. There is a formal pattern of development along nearby sections of Vicarage Road and Emmanuel Road. Terraced properties front the roads behind modestly sized gardens, usually behind low rendered walls, whilst some properties include railings or other short boundary treatments. During my site visit I did not observe any storage buildings in gardens fronting the roads, nor have any similar examples been put before me.
6. The appeal site is slightly different to nearby properties as it is a corner plot, and the principal elevations of the property are set back from the road to form

- a garden area. Nonetheless, the potential openness of the garden area, combined with neighbouring low boundary treatments would combine to create mid distance views along Vicarage Road to and from Emmanuel Church.
7. Whilst the shed has a mono-pitched roof it is tall, and clearly visible above the wall and trellis. It is also sited closed to the boundary of the property. Given its height and prominent siting, it is a dominant feature and reduces the openness of the garden area.
 8. The orientation of the shed is such that the narrow side elevation fronts the road, but given it is located on a bend in the road, the wide front elevation is prominent in views. The solid nature of the shed harmfully disrupts views between Emmanuel Church and Vicarage Road.
 9. I note that sheds are common features in gardens and there may have previously been one located close to where this shed is sited. Also, a landscaping scheme could soften the appearance of the shed. Nonetheless, sheds are not common features to the front of properties in this area. In this instance, the shed is sited in front of two principal elevations. As such, it appears incongruous in the street scene and interrupts the formal pattern of development.
 10. The gate and side panel are particularly tall and given their design, they are stark in appearance compared to the rendered wall with trellis above. I note that the gate could be painted the same colour as the trellis which would help assimilate it with the rest of the boundary treatment. Nonetheless, due to the height and solid nature of the gate, it appears as a dominant feature and reduces the openness of the garden area.
 11. A few similar developments have been put before me, but only a limited number of them are in proximity to the appeal site. Moreover, the Council has indicated that some of these treatments may not be lawful and do not benefit from planning permission. Regardless, these structures appear as exceptions within the street scene, and harmfully disrupt the formal pattern of development. The presence of harmful development elsewhere, does not justify allowing further development which would be harmful to the character and appearance of the area.
 12. There is a lack of substantive evidence to demonstrate that the shed is chattel development. Therefore, I cannot conclude that it could be lawfully constructed by using the appellants' permitted development rights. Furthermore, whether the shed would comprise permitted development if the property were a dwellinghouse does not alter my assessment of the acceptability of the appeal proposal, as it is a flat. Therefore, these rights do not apply in this instance.
 13. Several moveable structures could be sited within the garden area. However, no details of the types of structure or what the purpose of these structures would be, have been put before me. Based on the evidence provided, this scheme is a theoretical prospect only. Also, without further evidence on the types of moveable structures I cannot ascribe weight to this fallback position.
 14. I note the appeal site is not located within a conservation area, neither is it subject to any other restrictive designations. Moreover, the appellants have recently undertaken a significant amount of work to improve the appearance of

the garden. Nevertheless, these factors do not alter my assessment on the acceptability of the shed and boundary treatment.

15. Although the holes in the trellis are small, it does allow views through it. The trellis only increases the height of the overall boundary treatment by a modest amount. Moreover, consideration needs to be given to the topography of the area. One section of the garden is significantly raised compared to the level of the street; therefore, a taller means of enclosure is required. Given the relative transparency, modest increase in height and surrounding topography, the installation of the trellis above the wall would not disrupt the formal pattern of development. I therefore consider that the installation of the trellis is not harmful to the character and appearance of the area.
16. Nevertheless, overall, the development is harmful to the character and appearance of the area. It conflicts with Policy DM1 of the Shaping Hastings, Hastings Local Plan, Development Management Plan (DMP), September 2015. This policy indicates that all proposals must reach a good standard of design, protecting and enhancing local character.

Other Matters

17. I note paragraph 11 of the National Planning Policy Framework (the Framework) but for the reasons given above, it conflicts with a development plan policy which is not considered to be out-of-date. Therefore, the proposal should not be approved without delay.
18. I acknowledge that without the development, the living conditions of the property's residents may be harmfully affected due to a perceived lack of privacy and security and a lack of external storage space. Also, anecdotal evidence indicates that the installation of the trellis has reduced anti-social behaviour, including littering in the garden. As such, the development complies with DMP Policy DM3. However, I am not convinced that less harmful alternatives that could achieve similar benefits do not exist. Therefore, only limited weight can be ascribed to these benefits, which do not outweigh the identified harm.

Conclusion

19. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR