



Appeal Decision

Site visit made on 21 January 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2024

Appeal Ref: APP/U1430/W/23/3325446

Flat 2, 31 Eversley Road, Bexhill, East Sussex TN40 1HA

- 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 Cheatley against the decision of Rother District Council.
 - The application Ref RR/2023/383/P, dated 16 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is for the installation of balustrade to flat roof of ground floor bay window.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly for the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character or appearance of the Bexhill Conservation Area (CA)

Reasons

4. Eversley Road is located in the CA and is typified by Victorian brick and tile dwellings with predominantly pebble-dashed or rendered elevations that have white-framed bay windows. The road is further characterised by detached or semi-detached dwellings, some of which have flat-roofed bay windows at ground floor level that mirror the neighbouring property, including the appeal dwelling at No 31 Eversley Road and the neighbouring No 33 Eversley Road.
5. While the CA was designated relatively recently in comparison to the age of the dwellings along Eversley Road, even if balustrades were found to the front of the properties before confirmation of the CA, I have no substantiated evidence to persuade me that a balustrade at first-floor level was ever a feature at No 31.

6. Moreover, while my attention has been drawn to a limited number of ornate and vintage type balustrades in the parallel and surrounding streets, and notwithstanding its limited scale and low maintenance materials, the proposal would not only be of a non-traditional type design but also unbalance the symmetry of the building with No 33. Consequently, it would be at odds with the character and appearance of the CA and diminish the significance of No 31 as an example of modest Victorian architecture in this specific location.
7. The above combination of factors would result in an unacceptable degree of harm to the character and appearance of the area. As such, the proposal would fail to preserve or enhance the character and appearance of the CA.
8. Accordingly, the proposal would result in 'less than substantial harm' to the CA as a designated heritage asset. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 208 of the Framework requires that 'less than substantial harm' should be weighed against any public benefits of the proposal, including where appropriate, securing its optimum viable use.
9. The proposal would act as a 'safety guard' and enable the occupier of Flat 2 to clean the first-floor windows with more ease. It would also provide a small outside space for fresh air. The public benefits in this case therefore, even in combination, are very limited and do not outweigh the adverse effects of the proposal I have found above.
10. I conclude therefore, that the proposal would be contrary to Policy EN2 and BX2 of the Rother Local Plan Core Strategy 2014, Policy DHG9 of the Development and Site Allocation Local Plan 2019, which say, amongst other things, that development affecting the historic built environment, will be required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabrics and materials.
11. For similar reasons, the proposal would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, and Paragraphs 135 (c) and 206 of the Framework, which aims include that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment.

Conclusions

12. For the reasons given above I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR