



Appeal Decision

Site visit made on 24 January 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/T1410/D/23/3333948

4 Chiswick Place, Eastbourne, BN21 4NH

- 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 J Manek against the decision of Eastbourne Borough Council.
 - The application Ref 230441, dated 29 June 2023, was refused by notice dated 21 September 2023.
 - The development proposed is described as erection of self-contained two storey annexe to rear garden of no.4 Chiswick Place.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced. Within the current National Planning Policy Framework December 2023 (Framework) paragraphs 130 and 197 of the Framework 2021 have been renumbered 135 and 203, although their content is unchanged. For the avoidance of any doubt, I confirm that in this decision I have referred to the new numbering.

Main Issue

3. The first main issue is the effect of the proposal on the character and appearance of the Eastbourne Town Centre and Seafront Conservation Area (TCCA). The second main issue is the effect of the proposal on the living conditions of the occupiers of 31 Wish Road (No,31), with particular regard to visual impact, daylight and sunlight.

Reasons

Character and appearance

4. The TCCA comprises a mid to late 19th century planned resort. It is irregular shaped and includes the town centre, the railway station and part of the seafront. It is characterised by wide boulevards and pavements, square and tree lined avenues and private formal gardens, surrounded by terraces and groups of detached Italianate villas. These features contribute to the character, appearance and significance of the TCCA.
5. The appeal property is located within the middle section of a short row of detached and semi-detached three storey villas with semi-basements. They

are predominantly uniform in scale and mass, have consistent front and rear building lines and occupy generous sized rectangular plots. The villas are set back from the street behind modest sized front gardens and have spacious rear gardens. The prevailing external materials include painted stucco/render walls, slate roofs and flint walls. These features contribute to the character and appearance of the TCCA, as well as to its significance.

7. To the rear of the appeal property is a small mews style development with red brick walls and a slate roof. The development sits behind a relatively high brick and flint wall and the mews cottages have shallow rear gardens. To the sides of this development are views of the rear elevations of the appeal property and the adjacent villas.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Policy UHT15 of the Eastbourne Borough Plan 2003 (LP) and policy D10 of the Eastbourne Core Strategy Local Plan (CS), similarly state that proposals should preserve or enhance the character and appearance of conservation areas.
9. Collectively paragraphs 199, 200 and 202 of the National Planning Policy Framework (the Framework), state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. That the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. Together and amongst other things LP Policy UHT1, CS Policy D10a and paragraph 135 of the Framework, seek to ensure that new development is of the highest quality design and is sympathetic to local character and history. New development should be visually attractive and establish or maintain a strong sense of place. It should also provide a good standard of amenity for existing and future users.
11. The proposed annexe would be sited at the rear and would project across the full width of the garden. It would be approximately 5.6 metres tall, with an asymmetrical pitched slate roof, which would sit behind the front parapet wall. The front roof slope would include a number of high level rooflights, with a row of solar panels below them. Below that the projecting front elevation of the proposed annexe would have rendered walls and its design detailing would reflect a Regency style. This includes a Regency front door and a metal canopy over the living room doors. Whilst not all elevations are provided, it appears that the annexe's side and rear elevations would be plain and constructed from a combination of brick and slate hanging. Finally, the upper floor would be set in slightly from the side and rear elevations, leaving a flat rim above the side and rear ground floor walls.
12. Due to its combined central position, width, depth and height the proposed annexe would be visually prominent and would be seen as encroaching into the

- existing spacious rear garden environment. The front façade would visually contrast with the plain modern structure behind it and the side and rear elevations would be visually stark. As a result of these factors, the proposed annexe would sit uncomfortably within and would detract from the spacious and verdant character and appearance of the rear garden environment.
13. From Wish Road the proposed annexe would appear stark above the boundary wall at the rear of No.31 and would obscure views of the rear elevations of the villas. Due to their proximity to each other the relationship between the proposed annexe and No.31 would be cramped and would further detract from the spacious character and appearance of the villas and their gardens. From Hardwick Road the building would similarly be seen as encroaching into and detracting from the spacious view across the gardens towards Blackwater Road.
14. I acknowledge that the rear part of the garden at 8 Chiswick Place is currently being developed for a small contemporary residential building. Whilst it has an enclosing impact on the rear garden environment, it is contained in the northwest corner of the gardens, alongside a large house and fronts directly onto Blackwater Road. As such its impact on the rear garden environment is not directly comparable to that of the appeal proposal.
15. For these reasons the proposal would fail to respect and would have a degrading impact on the host property, the row of villas and its wider setting. It would fail to preserve the character or appearance of the TCCA and would result in clear harm to the significance of the TCCA. Whilst the level of harm that the scheme would cause to the significance of the TCCA would be modest and thus less than substantial, it nonetheless needs to be weighed against the public benefits resulting from the scheme. In doing this, as required by the Framework, great weight should be given to the conservation of the TCCA.
16. During its construction, the proposed annexe would provide employment and would contribute to the local economy. The proposed annexe would provide accommodation for a carer, who would provide a local service and support existing local services and facilities in the town. However, both individually and cumulatively these public benefits would clearly fail to outweigh the harm that would be caused to the significance of the TCCA. Further, the harm to the character, appearance and significance of the TCCA that would be caused by the proposed development would outweigh the personal benefits for the appellant that would result from the additional independent living accommodation.
17. I conclude on the first main issue that the proposal would fail to preserve the character or appearance of the TCCA and the modest level of harm it would cause to the significance of the TCCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies UHT1 & UHT15, CS Policies D10 & D10a and paragraphs 135 and 203 of the Framework.

Living conditions

18. Together LP Policy HO20 and CS Policy B2 seek to protect the living conditions of existing and future occupiers. Proposals should not cause unacceptable harm to the living conditions of residents due to visual impact or loss of light.

19. The proposed building would be sited immediately adjacent to the rear garden and approximately 5 metres from the dwelling at No.31. It would also be located to the east and would project some four metres above the existing boundary wall. As a consequence the proposed building would have a significant enclosing impact and would be visually overbearing in the outlook from both the rear facing rooms and gardens at No.31. Its overbearing impact would be exacerbated by the resultant loss of daylight and overshadowing within the rear garden of No.31.
20. I note the concerns that have been expressed regarding loss of privacy. Internally the proposed annex would provide a kitchen/living area hall and W.C on the ground floor and a double bedroom and ensuite on the first floor. The ground floor patio doors face into the host garden which is enclosed and the roof-lights would be fixed at a high level. This, coupled with the distance and angle between the proposed dining area glazed doors and the adjacent villas, would ensure that the proposal would not result in a material loss of privacy for the occupants of the adjacent villas.
20. I conclude on the second main issue that the proposal would materially and unacceptably harm the living conditions of the occupiers of No.31, due to its overbearing visual impact. Accordingly, it would conflict with CS Policy B2, LP Policy HO20 and paragraph 135 of the Framework.

Conclusion

21. The conclusions on both main issues represent compelling reasons for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR