



Appeal Decision

Site visit made on 13 March 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/B1415/W/23/3329236

11 Linton Road, Hastings, TN34 1TN

- 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 Mark Bartlett against the decision of Hastings Borough Council.
 - The application Ref: HS/FA/23/00131 dated 24 February 2023, was refused by notice dated 22 June 2023.
 - The development proposed is single detached dwelling at land to the rear of 11 Linton Road.
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Decision

1. The appeal is dismissed.

Costs Decision

2. An application for costs was made by Mr Mark Bartlett against Hastings Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council's decision notice refers only to plans 816-01D and 816-02. I am aware that a number of other plans were submitted during the application process but the Council were not able to take them into account as there was insufficient time to consider the plans before determination of the application. As these plans seek to overcome some of the reasons for refusal, and are generally of a detailed nature, I have taken them into account in my consideration of this appeal.
4. The National Planning Policy Framework (Framework) was revised in December 2023 after the application was determined, although some of the appeal documentation was after the revision date. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

5. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area;

- b) The effect of the proposed development on the living conditions of the neighbours at No 10 Linton Road, with particular regard to outlook;
- c) Whether the proposal would create satisfactory parking and access arrangements; and
- d) Whether the proposal would create satisfactory living conditions for future occupiers, with particular regard to the size of the accommodation.

Reasons

Issue a) Character and Appearance

6. The appeal site at No 11 Linton Road sits on the corner of Linton Road with a long side return to Winterbourne Close. The existing property is divided into flats with a parking area at the front and private amenity space to the rear, leading to a further area of overgrown garden area, which is fenced off from the existing property and at a higher level. The surrounding area is predominantly residential with a range of dwellings fronting both sides of Linton Road, and leading to a development of more recent houses in Winterbourne Close. The land rises steeply from Linton Road westwards along Winterbourne Close. There is a wide sloping grass bank with mature trees alongside the site, sloping down to Winterbourne Close.
7. The proposal would introduce a single detached dwelling on the overgrown and fenced off rear garden area, with pedestrian access from Linton Road along the side of the existing property and leading up to the new house. The house would be sited at an angle to the existing property and to the site boundaries.
8. There is no issue with the principle of residential development in this location given that the site falls within an established residential area. There is a distinct difference in character and appearance between the more generally older and larger properties fronting Linton Road and the newer, smaller scale houses within Winterbourne Close. However, the predominant and regular pattern of development in the local area is of properties fronting the street, with pedestrian or vehicular access from the front and amenity space to the rear.
9. The proposal would be a detached property which would not relate well to the predominant pattern of development; it would not form part of the Linton Road development nor be read as part of the Winterbourne Close residential development. It would therefore appear as an incongruous addition which would fail to respect the predominant pattern of development in the local area. Whilst it would appear more related to the form, scale and style of the houses in Winterbourne Close, it would not appear physically related to that development. It would appear visually incongruous in its siting unrelated to the surrounding development. Its visual awkwardness would be exacerbated both because of the raised level of the land and its angled siting within the plot. The angled siting would not relate to the site boundaries or the host property on Linton Road and would exacerbate its harmful appearance in the street scene.
10. The proposed property would not be seen from Linton Road, being to the rear of No 11. The photos provided by the Appellant show that views of the proposed house from the roadside in Winterbourne Close would be softened by the street trees on the grass verge when they are in full leaf. However,

because of its height above the road, it would still be visible in some views and more generally visible during the months when the trees are not in leaf. In such views, it would be a discordant feature and harmful to the character and appearance of the local area.

11. I have taken into account the extensive attached residential development to the rear of the property on the northern side of the corner of Linton Road with Winterbourne Close. However, that development is attached and is read as part of the Linton Road development and does not compare with the proposal before me for a detached dwelling which does not relate to the surrounding development.
12. I therefore conclude that the proposed introduction of a new house would harm the character and appearance of the local area. It would therefore conflict with Policy DM1 of the Hastings Development Management Plan (DM Plan) and the Framework, and in particular Section 12, both of which amongst other matters seek a high quality of design which respects the local context.

Issue b) Neighbouring Living Conditions

13. The neighbouring property to the south of the appeal property, at 10 Linton Road shares a common boundary with the appeal property, and its rear garden adjoins the proposed development site. I do not agree with the Council's use of the term 'tunnelling' effect as the proposed development would only affect one side of No 10 Linton Road.
14. Although the proposed dwelling would be two storeys under a pitched roof, it would be set in from the boundary with No 10 Linton Road with open space also to the front and to the rear. I consider that there would be the opportunity to introduce further planting to the common boundary which would assist in protecting the living conditions of the neighbours. Were no other matters of concern and planning permission were to be granted, a landscaping scheme including boundary treatments could be addressed by condition. Although the neighbours would be aware of the proposed property from the windows in the rear of their property as well as from within their rear garden, given the distance of the dwelling from the common boundary as well as the open amenity space surrounding, I do not consider that the proposed new dwelling would be overbearing and lead to a material harm to their living conditions.
15. I am therefore satisfied that there would be no material harm to the living conditions of the immediate neighbours at No 10 Linton Road, with particular regard to loss of outlook. There would be no conflict with Policy DM3 of the DM Plan and the Framework and in particular paragraph 135 f) both of which amongst other matters seek to protect the amenities of neighbouring occupants.
16. The neighbours have also raised a concern about potential overlooking and resultant loss of privacy as a result of the proposed new dwelling. However, I consider that there are sufficient distances between the windows of the existing properties at No 10 and the proposed new dwelling that there would be no material loss of privacy from overlooking. The Appellant has also demonstrated that the windows at first floor level on the elevation facing towards No 10 could be in obscure glass and non-openable at the lower level (below 1.7m above the floor level of the room). I consider that this would be an acceptable approach given that these windows would serve a bathroom, hallway and a second

window to a room. I am also satisfied that the combination of the distances between the proposed and the existing surrounding properties together with the proposed use of obscure glass for windows on the southern and western elevations that there would be no overlooking or loss of privacy for the neighbours in Winterbourne Close and at the host property. The Council also did not raise this matter as a reason for refusal.

Issue c) Parking Provision

17. The forecourt in front of 11 Linton Road is mainly hardstanding but there are no markings to indicate parking spaces. The submitted plans show different arrangements for either two or three spaces, although I accept that some of these plans are not dimensioned and as a result of my site visit, I do not consider that all options would be workable.
18. It has not been suggested that there are any highway safety issues raised. Although there are double yellow lines immediately outside No 11 and extending into Winterbourne Close reflecting its corner location there is on-street parking in Linton Road on both sides and there is no indication from the Council that there is a parking issue in this local area. I have noted the concerns of local residents particularly during the construction period, but if no other matters were of concern and permission were to be granted, the permission could be the subject of a construction management plan to ensure such matters were addressed.
19. It is important that there would be appropriate parking for the new dwelling, given its siting to the rear of No 11. However, I am not persuaded that there could not be achieved a suitable arrangement for parking at the front of the property to serve the new dwelling, taking into account the existing flats at No 11 and the availability of on-street parking. In reaching this view I have also taken into account the generally sustainable siting of the dwelling in relation to transport connections, shops and services.
20. Were no other matters of concern and planning permission were to be granted, I consider that a condition could be imposed to secure a satisfactory parking arrangement to serve the new dwelling. and as a result, there would be no conflict with Policy DM4 of the DM Plan which seeks, amongst other matters, appropriate and safe access and movement for the development, as well as suitable parking. Whilst the proposal may not accord precisely with the parking standards set out under the Council's Parking Provision in New Developments SPD, that SPD does refer to some flexibility of approach.
21. The Council's reason for refusal makes specific reference that the parking spaces would impede the ability to open and close the front entrance gates, but there is no information before me as to why this is considered to result in any planning harm. It seems to me that this would solely be a matter of personal choice.

Issue d) Living Conditions of Future Residents.

22. One of the Council's reasons for refusal refer to the inadequate size standards of two of the bedrooms by reference to the nationally described space standards. However, the Planning Practice Guidance is clear that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space

standard. Policy DM3 of the Local Plan as referenced in the same reason for refusal sets out at criterion f) minimum internal floor areas for different dwelling sizes. The Council has raised no concern with the overall floorspace proposed, but with the size of two of the bedrooms.

23. Although the application forms refer to 1 x 3 bedroom dwelling, the description of development is not specific to this size of dwelling. Given the overall size of the plot and the size of the house, I am satisfied that were there no other matters of concern and planning permission were to be granted, it would be possible to impose a condition to require reconsideration of the internal layout to ensure a satisfactory bedroom arrangement. Although not one of the plans determined by the Council, the Appellants have shown an alternative arrangement under Plan 816-01E, with two bedrooms and the third room marked as a study.
24. Subject to the imposition of a condition to require revised plans of the internal layout of the dwelling, I am satisfied that the proposed dwelling would provide satisfactory living conditions for future residents. There would be no conflict with Policy DM3 of the DM Plan and paragraph 135 f) of the Framework, both of which amongst other matters seek to ensure a high quality of design to protect the amenities of existing and future occupiers.

Planning Balance and Conclusion

25. The Council has confirmed that it is unable to demonstrate a five year supply of deliverable housing land. As a result, and in accordance with Paragraph 11 d) of the Framework, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. I have found that, subject to the imposition of appropriate conditions, the proposal would not materially harm the living conditions of the surrounding neighbours and would provide satisfactory living conditions for future residents of the proposed house, including in terms of internal accommodation and parking arrangements.
27. When judged against some of the core planning principles the proposal would perform well in that it would be generally well located, where access to facilities and services is likely to be greatest. In terms of its component dimensions there would be a modest social benefit from the provision of a new dwelling and economic advantages would arise from the construction and occupation of the new dwelling.
28. However, I have found that the proposed development would harm the character and appearance of the local area and the harm I have concluded would be significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

29. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR