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# Appeal Decision

Site visit made on 14 November 2024

**by A James BSc (Hons) MA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> November 2024**

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**Appeal Ref: APP/B1415/W/24/3345803**

**Land adj. No. 365 Priory Road, Hastings, East Sussex TN34 3NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr P Long against the decision of Hastings Borough Council.
  - The application reference is HS/FA/23/00648.
  - The development proposed is erection of one dwelling to land adjacent to No.365 Priory Road.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of one dwelling at Land adjacent to No. 365 Priory Road, Hastings, East Sussex TN34 3NW in accordance with the terms of the application, reference HS/FA/23/00648 and subject to the conditions in the attached schedule.

## Main Issue

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

## Reasons

3. The appeal site is located adjacent to a terrace property. The roof of the adjacent terrace gradually steps down the hill, responding to the changes in topography in the area. The appeal site comprises of an area of off road parking and grass and currently has an unkempt appearance. A public footpath runs along the side of the site, which is adjacent to a derelict community centre. The community centre is on lower level land than the appeal site. The level of land also slopes down to the rear of the site.
4. There are a variety of uses in the locality, including a dentist, commercial and retail units. However, the area is predominantly characterised by residential development. There are a mix of architectural styles in the locality, including modern 20<sup>th</sup> century development ranging in height from one to four storeys and more historic development, such as the adjacent two storey terrace.
5. The individual properties within the adjacent terrace have been subject to numerous alterations, including replacement windows. Some of the properties have small front projections, which have replaced the previous bay windows.
6. The proposed dwelling would be set back behind the front building line of the adjacent terrace. It would be two storeys high and have a hip-fronted roof. The width of the proposed dwelling would respect the width of the individual

dwelling within the adjacent terrace. The proposal by reason of its set back position and lower roof height would appear subservient in relation to the adjacent terrace. While the roof form would differ from that on the adjacent terrace, the design of the roof helps to minimise its visual bulk at roof level. As a result of its size, design and siting, the proposal would not appear visually prominent in the street scene. Furthermore, the provision of the canopy on the front elevation provides visual interest and to some extent mimics the front projections that are present on the adjacent terrace. Accordingly, I find that the proposal would be in keeping with and would respect the built form in the locality.

7. While both side elevations would be devoid of windows, the side closest to No. 365 would be partly obscured from the public realm by the existing built form. The other side would be more visible from the public realm and adjacent footway but would be partially screened in some views by an existing tree, which is sited along the road frontage. I noted on my site visit, numerous buildings in the locality that have blank facades that are visible from the public realm, some of which are a far greater size than proposed in this case. As a result, I do not find that the proposal would be out of character in the locality. Furthermore, the proposal would make efficient use of the site and help to tidy up land, which currently has an unkempt appearance.
8. The proposal seeks to provide a 1.2 metre fence to the front of the site. There are a variety of boundary treatments in the locality, including boundary walls, railings and palisade fencing. However, close boarded fencing is not a typical feature along the front boundary of properties in this area. In order to ensure any boundary treatment is sensitive to the character of the area, details of boundary treatment will be required by condition.
9. For the reasons given above, I conclude that the proposal would preserve the character and appearance of the area. The proposal would comply with Policies DM1 of the Hastings Development Management Plan, September 2015 and Policy SC1 of The Hastings Planning Strategy 2011 – 2018, adopted February 2014. These policies among other things require that proposals respect the character of the area.

## **Conditions**

10. In the interest of certainty and to minimise waste from the site, conditions specifying timescales and that the development shall be carried out in accordance with the approved plans and Waste Management Statement are required. To ensure there is appropriate foul sewerage and surface water drainage arrangements in place, a pre-commencement condition specifying the systems to be installed prior to the occupation of the dwelling is required.
11. To ensure that the development respects the character and appearance of the surrounding area and in the interests of biodiversity, details of hard and soft landscaping and biodiversity enhancement measures are necessary. In order to mitigate and adapt to the effects of climate change, details of measures to address this issue are also required.
12. A condition regarding external materials is not deemed necessary, given details of external materials are specified on the proposed plan. Given the small scale nature of the development, I do not find that a Construction Method Statement is necessary. A condition restricting hours of construction

on site is not necessary, as any disturbance to the living conditions of neighbouring occupants could be addressed by other legislation. Given the distance of the proposal to neighbouring properties and its set back position from the highway, I do not find that a condition requiring the bathroom and cloakroom windows to be obscure glazed is necessary. As each dwelling has its own private curtilage where bicycles and refuse could be stored, conditions regarding cycle and refuse storage are also not required. Nevertheless, such details are adequately shown on the approved plans.

### **Conclusion**

13. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers and documents: 4968.2B, 4968.LP, 4968.SP and Waste Management Statement.
- 3) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, prior to the first occupation of the dwelling hereby approved.
- 4) Notwithstanding the details hereby approved, prior to the commencement of above ground works, full details of the soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following:
  - A proposed soft landscaping and planting plan;
  - A schedule of plants, noting native species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme;
  - Finished levels or contours;
  - Means of enclosure/boundary treatment;
  - Details of biodiversity enhancement measures; and,
  - Details of the proposed materials for the new parking area and pathways.

If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

- 5) Prior to the commencement of above ground works, details of measures to be incorporated in the design of the proposed development to mitigate and adapt to the effects of climate change shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.