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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: 2 December 2024**

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**Appeal Ref: APP/B1415/W/24/3349583**

**2 Paxhill Close, St. Leonards-on-Sea TN38 9RE**

- 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 Messrs Sean & Dan Tyler of Tyler Investments Ltd against the decision of Hastings Borough Council.
  - The application reference is HS/FA/24/00227.
  - The development is proposed dwelling attached to existing end of terrace.
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## Decision

1. The appeal is allowed and planning permission is granted for proposed dwelling attached to existing end of terrace at 2 Paxhill Close, St. Leonards-on-Sea TN38 9RE in accordance with the terms of the application, Ref HS/FA/24/00227 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 lies within a predominantly residential area and occupies a prominent corner plot. There is currently a detached, single storey, flat roof garage on the site. The appeal site is irregular in shape and increases in width to the rear of the plot. The rear part of the appeal site is enclosed by a close boarded fence. There is a path to the rear of the appeal site, which provides access to the rear gardens of properties within the terrace. The level of land slopes downwards towards the rear of the site. The Church Wood Nature Reserve lies to the rear of the site.
4. The area is mainly characterised by two storey, brick built terrace and semi-detached dwellings, which are set back from the highway behind small front gardens. The dwellings in the locality are modern in appearance and vary in design. The areas of soft landscaping, including the front gardens and areas of amenity space make a positive contribution to the character and appearance of the locality.
5. The proposal seeks to demolish the existing garage and construct a new two storey dwelling, which would be attached to the end of the terrace. The existing terrace of properties are finished in brick with white cladding details to the front elevations and have concrete tile roofs. The proposed dwelling would

follow the same building line and street pattern and would have the same proportions as the buildings on the adjacent terrace. The proposed external materials would also match that on the adjacent terrace. As a result, I find that the size, design, siting and materials of the proposed dwelling would harmonise with the adjacent dwellings.

6. The proposed dwelling would be set away from the side boundary of the site. While the front corner of the dwelling would be a similar distance to the side boundary as the existing garage, the rear corner would be set further away from the side boundary. The proposal seeks to provide one parking space to the front of the dwelling and a front garden, which would wrap around to the side of the new dwelling. The proposal would ensure that a sense of greenery is retained on this prominent corner plot.
7. Although the flank elevation of the proposed dwelling would be devoid of windows, the existing garage, albeit single storey in height already has a blank, brick wall that faces the public realm. While 2 Paxhill Close has a side window at ground floor level, it has no windows at first floor level. The first floor of No 2 is visible above the garage from the public realm and is also blank. Furthermore, I observed several other buildings, within the street scene that do not have windows on their side elevations. Consequently, I do not find that the proposal would appear out of character in this locality.
8. While the proposal would be higher in height than the existing garage and would reduce some visibility of the nature reserve and woodland to the rear, views would remain from the public realm, ensuring that the verdant backdrop is retained and the character and appearance of the street scene is preserved.
9. For the reasons given above, I conclude that the proposal would preserve the character and appearance of the area and would comply with Policy 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 Minimisation Statement are required. To ensure there is appropriate drainage arrangements in place, a condition requiring the development to be carried out in accordance with the submitted drainage strategy 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 required, as 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. Given the distance of the proposal to neighbouring properties, a condition requiring the bathroom window to be obscure glazed is also not

necessary. As each dwelling has its own private curtilage where bicycles and refuse could be stored, conditions regarding cycle and refuse storage are not required.

**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: P1003, P1004, P1005, Surface Water Drainage Strategy Issue A dated 28 May 2024 and Waste Minimisation Statement.
- 3) Prior to the first occupation of the dwelling hereby approved, the development shall be carried out in accordance with the approved drainage details.
- 4) 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 in 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.