



Appeal Decision

Site visit made on 19 February 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/B1415/D/24/3352200

2 The Heights, Hastings TN35 5EP

- 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 R Palmer against the decision of Hastings Borough Council.
 - The application Ref is HS/FA/24/00419.
 - The development proposed is erection of first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of neighbouring occupiers with particular regard to harm to privacy and creating a dominant and overbearing presence.

Reasons

Character and Appearance

3. The Heights is characterised by both one and two storey detached dwellings. The single storey dwellings, other than the appeal property, are either grouped together in a row on the south side of The Heights when entering from Fairlight Road or in a cul-du-sac opposite the appeal site. Each of these groupings has its own distinct design and appearance neither of which the appeal property reflects.
4. Furthermore, the appeal site being something of an irregular shape, being on rising land and at a bend in the road all appear to have contributed to how the dwelling is positioned within the plot. This in turn has increased its prominence and accentuated its non-conformity with the other houses generally within The Heights. Whilst the building is therefore something of an outlier, its single storey nature ensures that this does not tip over into being harmful to the street scene.
5. The proposal would see a first floor erected over much of the building's existing footprint. The result would give the building the appearance of being a 2-storey dwelling rather than just appearing as an extension to the existing property. The design and appearance would not reflect that of other dwellings in the vicinity but there is some variety within the street scene and so that in itself is not necessarily a reason to reject the scheme.
6. However, due to the building's position within the site and prominence within the street, adding a second storey in the manner proposed, would substantially alter

the building's relationship with this wider area. The additional height and mass would be visually intrusive and so the dwelling would become a conspicuous and incongruous form of development that would fail to integrate into the streetscene.

7. On this issue, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and so would conflict with Policy DM1 of the Hastings Development Management Plan 2015 (HDMP). This policy, amongst other things, seeks to ensure that local character is protected, and that developments have a height, scale and form which is appropriate to its location.

Living Conditions

8. In a setting such as this one, some degree of overlooking of rear gardens from neighbouring first floor windows can be expected. However, the alignment of the appeal dwelling within the plot means that the windows in the new first floor rear elevation would be angled towards the neighbour's rear garden and would provide extensive views over it.
9. In order to try to protect the neighbour's privacy, it is proposed that the rear windows on the extension would be obscurely glazed. No restriction on the opening of the kitchen and living room windows is proposed. I agree with the Council that such a restriction would seem unreasonable for these rooms and be difficult to enforce.
10. Whilst I am satisfied that the position of the extension would not be so close to the neighbour's garden as to be overbearing, it would nonetheless be an intrusive feature that would dominate the south westly outlook. Thus, even though the glazing would be obscure, given its extent, together with the increased height and prominence of the dwelling, the neighbour would inevitably have a feeling of being overlooked when in their rear garden.
11. This would significantly compromise the enjoyment and use of the garden area. Thus, the existing living conditions experienced by these neighbours would be eroded and would fall below that which they could reasonably expect, having regard to their current situation and the area generally.
12. Based on the information before me and my own observation on site, the overall effect on the neighbour's side windows would not result in an undue loss of light to the rooms that they serve. However, this represents an absence of harm and does not diminish the other harms I have identified.
13. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of No.3 The Heights. The proposal would therefore be contrary to Policy DM3 of the HDMP which, amongst other things, seeks to ensure future users of proposed developments and their neighbours achieve a good living standard.

Other Matters

14. The appellant notes that Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the erection of an additional storey on a single storey house. However, the appellant has chosen to submit a planning application, and I have not been provided with evidence to indicate that the current scheme could be achieved at

the appeal property as permitted development. Furthermore, I have not been provided with any plans to indicate how a scheme allowable under permitted development would have either similar or greater harmful impacts than the scheme before me. I therefore give this potential fallback position limited weight in the context of determining this appeal.

15. There would be some social and economic benefits associated with the development. However, given the scale of the project the benefits would be limited and therefore attract only a small amount of positive weight.
16. The proposal is said to have no impacts on matters such as highways or trees. However, these were not contentious issues in this appeal and are neutral factors in my decision.
17. The obscure glazing would allow light to the appellant's new kitchen and living room. Other windows in these rooms would ensure that occupants retained some degree of outlook. I am therefore satisfied that their living conditions would not be unduly harmed.

Conclusion

18. Whilst there would be some beneficial aspects arising from the scheme, considered overall the development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations which lead me to determine the appeal other than in accordance with the development plan.
19. Therefore, for the reasons given, the appeal is dismissed.

Stewart Glassar

INSPECTOR