



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/W/24/3349878

26 Eversfield Place, St Leonards-on-sea, East Sussex TN37 6BY

- 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 Arthur M Cahill (Eversfield Property Management Limited) against the decision of Hastings Borough Council.
 - The application Ref is HS/FA/24/00358.
 - The development proposed is described as “Conversion of the lower level of a maisonette, formerly part of Flat 1B into an additional residential unit to be known as Basement Flat 1D. Building Regulations Approval for remedial works was previously granted 4th October 2018. The lower level of the property has been isolated from the upper part following completion.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit I observed that internal works were being undertaken at the property to create a separate unit. For the avoidance of doubt, I have based my decision on the drawings submitted with the planning application and on which the Council took its decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupiers.

Reasons

4. The proposed new unit would have a single aspect, which would face west onto a courtyard. The courtyard is relatively narrow and enclosed on three sides by high walls and with a raised garden to the north. As such, not only would the outlook from the flat be limited but the extent to which light would reach the courtyard, and thus the new unit, would be constrained.
5. My site visit, which is only a snapshot, was on a weekday morning when there was cloud cover outside, but generally daylight and visibility were good. Inside the unit, natural light was noticeably limited, despite the newly installed windows and the reflective insulation material which was exposed on a number of walls. Even with the presence of artificial lighting, the main living area was a somewhat gloomy space. The appellant suggests that the accommodation would receive good levels of light but there is no sunlight or daylight study to help support this position.

6. The bedroom of the adjacent basement flat has direct access out onto the courtyard. As such, this is a shared space rather than it being just for the benefit of future occupants of the new unit. This situation means that the privacy of both sets of occupants could be affected. Similarly, use of the courtyard by one of the occupiers would have the potential to cause disturbance to the other. However, it would be the occupants of the new unit whose living conditions would be principally affected as their windows all look out onto the courtyard.
7. A likely consequence of all this is that the windows facing the courtyard would require some form of blind or similar, to help provide privacy. While this would not necessarily fully obscure the windows, the need to shade them would in reality further compromise the potential outlook, and daylight serving the living space.
8. Given my reasoning above, I conclude that the proposal would not achieve a satisfactory level of living conditions for future residents with particular regard to outlook, daylight, privacy and disturbance. This would conflict with Policies DM3 and HC1 of the Hastings Development Management Plan 2015 which, amongst other things, seek to ensure developments, including conversions of existing dwellings, achieve a good standard of living for future users and neighbours.
9. The proposal would also be contrary to Paragraph 135 of the National Planning Policy Framework (the Framework), which amongst other things, seeks to ensure developments create a high standard of amenity for existing and future users and do not undermine quality of life.

Other Matters

10. The proposal would result in the creation of a new residential unit, in a location well related to services and facilities. Given the Council is unable to demonstrate a 5-year supply of housing, this weighs in favour of the scheme.
11. It is suggested that privacy screens and landscaping could be introduced to mitigate the situation regarding privacy. However, I have no details before me and therefore cannot be sure if such measures would achieve the desired outcome without compromising outlook or daylight to either the existing or proposed flat. Furthermore, to seek the full details of such matters through a planning condition, which could have implications for the neighbouring flat, would not be appropriate.
12. That the proposal would be comparable to other situations elsewhere, does not mean that the proposal is acceptable. I note the example provided of a neighbouring property where a fence divides the courtyard. However, I have no information as to whether that was a situation assessed through the planning regime and if so whether it was under the current development plan policies. As such, this is not a matter which overcomes the harms I have identified.
13. The appellant indicates that the unit would be constructed and finished to the highest standards with matters such as damp proofing, sound and heat insulation being addressed. I have no reason to doubt this, but they do not overcome the concerns I have raised, particularly in relation to outlook, light and privacy.

Planning Balance

14. The proposal would make a small numerical contribution to reducing the housing supply deficit but would nevertheless accord with the Government's objective outlined within the Framework to boost the supply of homes from a variety of sites,

including the reuse of previously developed land. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term upon occupation. However, the extent of the benefit would be very modest given the small scale of the development.

15. Conversely, the support in the Framework for new housing is not at the expense of the living conditions of future occupants. The need to protect them is perennial and in direct compliance with the Framework. As the harms in this case would be substantial and long lasting, they are worthy of significant weight. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. The scheme would not therefore be sustainable development.

Conclusion

16. 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, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
17. Therefore, for the reasons given above the appeal is dismissed.

Stewart Glassar

INSPECTOR