



Appeal Decision

Site visit made on 20 February 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/B1415/W/24/3348636

Uffington, 31 Charles Road, St Leonards on Sea, East Sussex TN38 0QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr R F Proietti against the decision of Hastings Borough Council.
 - The application Ref is HS/PIP/24/00006.
 - The development proposed is development of disused garden land with 1no. residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage, permission in principle, establishes whether a site is suitable in-principle and the second, Technical Details Consent (TDC), is when the detailed proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submissions from the parties on this matter. I have considered their additional submissions alongside the original representations.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to the amount of development.

Reasons

6. The appeal site is in proximity to both Markwick Terrace Conservation Area (MTCA) and St Leonards North Conservation Area (SLNCA). Paragraph 213 of the Framework is clear that any harm to the significance of a conservation area, including development within its setting, should require clear and convincing justification.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

7. The significance of both MTCA and SLNCA in part relates to the surviving historic environment, including evidence of the town's expansion in the 19th Century. This includes the largely rectangular building plots which are laid out around formal public gardens, such as Gensing Gardens. Properties in this area are of a varied design, there are examples of stuccoed Italianate terraces and larger villas. However, most nearby buildings are tall and sited within large plots which often accommodate mature vegetation. The character of the surrounding area transitions from a denser pattern of development closer to the town centre, to a more verdant suburban character.
8. Uffington is a large property, located at the junction between Charles Road and Brittany Road. The appeal site is within the garden of Uffington and forms part of a large gap to the Italianate stuccoed terrace, Anglesea Terrace. There are single storey garage buildings within the garden of Uffington and Anglesea Terrace next to the appeal site. However, the appeal site and these buildings are set down from Charles Road; as such, there are views across the gardens which contribute toward the spacious character. There is a tree within the site which is in a prominent location close to Charles Road. It is at one end of a line of trees, which are subject to a Tree Preservation Order (TPO).
9. Whilst the appeal site is not within either conservation area, it makes a positive contribution to the setting of both as it is characteristic of historic development in this part of St Leonards on Sea. It also forms part of a transition between the terraced properties toward more spacious verdant development along Brittany Road.
10. Although the design of the proposed dwelling would be assessed as part of a TDC application, a dwelling within the appeal site would lead to the partial loss of the gap between two properties. Given the size and orientation of the site, regardless of the amount of landscaping, a dwelling would appear as part of a cluster of development alongside the garages either side. This would clutter this part of the street scene and be at odds with the spacious character. Moreover, the subdivision of the rear garden would create a square plot, which would appear discordant with the prevailing pattern of rectangular plots.
11. The appellant contends that the proposal would broadly replicate the layout and amount of built form opposite at 30 Charles Road (No 30) and would not extend further south. However, No 30 is a large dwelling located within a corner, rectangular plot. The layout of No 30 is not like other properties in the area as it extends to almost the entire length of the plot. Nevertheless, it is characteristic of surrounding development in some respects as it is a large, detached property set within spacious grounds. Given the size and orientation of the appeal site, a similar property could not be designed at the TDC stage.
12. Due to the surrounding topography the proposed dwelling could be single storey and set down from the road. In this scenario, the proposed dwelling would be largely screened. Nonetheless, single-storey properties are not commonplace in the area. Consequently, regardless of any screening, a single-storey dwelling would appear incongruous within the street scene.
13. The tree within the appeal site could be removed as part of a TDC proposal. However, the loss of a tall, prominent tree would be harmful to the verdant character. The proposed dwelling could be set away from the tree and/or modern

construction methods could be used to ensure that the foundations of the proposed dwelling do not harmfully affect the root protection area. However, in this scenario the tree would overshadow large sections of the appeal site as it is tall and at the southern end of the site. Whilst the principal windows of the proposed dwelling could face east and west, the tree would still overshadow the garden areas. Given the size of the tree, its location, and the modest size of the appeal site, if retained there would be significant pressure to undertake works to the tree. Whilst a reduction in its canopy would be favourable compared to felling the tree, it would still be harmful to the verdant character of the area.

14. I conclude that the site is not suitable for residential development, having regard to the amount of development. The appeal proposal would be contrary to Policy EN1 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, February 2014, and policies DM1 and HN1 of the Hastings Local Plan, Development Management Plan, September 2015. These policies indicate that applications which impact the significance of designated heritage assets will be assessed to ensure that it sustains and enhances the significance of the heritage asset; and importance will be placed on new development making a positive contribution to the quality of historic areas; amongst other matters.

Other Matters

15. As above, permission in principle considers the location and proposed land use. It is accepted by the appellant and the Council that the location and proposed land use would be acceptable. With no evidence to the contrary, I agree with the parties' assessment.
16. The principle of the location of the proposed residential development concerns many factors. This includes how accessible services and facilities are, and the interrelationship with surrounding land uses. Therefore, it is not contradictory for the Council to raise concerns with the effect of the amount of development on the setting of conservation areas, without objecting to the principle of the location.
17. There is no substantive evidence before me to indicate that appropriate parking, bin and cycle storage could not be agreed as part of a TDC application.

Planning Balance

18. Due to the scale of the proposal and given it is in proximity to, but not within, MTCA and SLNCA, the proposal would result in less than substantial harm to the conservation areas. Regardless, paragraph 212 of the Framework is clear great weight should be given to a heritage asset's conservation. Paragraph 215 of the Framework indicates less than substantial harm to a heritage asset should be weighed against the public benefits.
19. Benefits of the proposal include the construction of a home in a sustainable location, which may be modest in size and built to be fully accessible to meet a need set out within the Strategic Housing Market Assessment. Paragraph 73 of the Framework is supportive of the contribution small and medium sites can make to meeting the housing requirement of an area. The dwelling could also be built to a high standard of energy and water efficiency and the proposal may include sustainable drainage systems and biodiversity improvements, whilst retaining the tree on site. It could also introduce an active frontage to this part of Charles Road.

The proposal would also generate economic benefits during the construction process and through an increased population living in the area.

20. Even when considering the objective of boosting significantly the supply of homes, due to the scale of the proposal, the benefits do not outweigh the less than substantial harm to both the MTCA and SLNCA.
21. The appellant contends that the Council can only demonstrate 2.1 years supply of deliverable housing land; this is not contested by the Council. Also, as of 2023 only 28% of the area's housing requirement had been delivered for the preceding three years. Therefore, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. In this instance, paragraph 11 d) i) is engaged and it advises granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. Footnote 7 of the Framework details that these policies include designated heritage assets. As above, the proposal would cause harm to two conservation areas. Therefore, the provision of paragraph 11 d) ii) of the Framework is not engaged.

Conclusion

22. For the reasons set out above, I conclude the appeal should be dismissed.

J Hobbs

INSPECTOR