



Appeal Decision

Site visit made on 23 September 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/T1410/W/25/3360383

26 Jevington Gardens, Eastbourne, East Sussex BN21 4HN

- 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 Mrs A Heywood of IRQA Estates against the decision of Eastbourne Borough Council.
 - The application Ref is 240341.
 - The development proposed is the erection of 1no. dwelling to the rear of 26 Jevington Gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on: -
 - a) The character of the area and whether it would preserve or enhance the character or appearance of the Meads Conservation Area (the CA); and
 - b) The living conditions of existing adjoining occupiers and future occupiers of the proposed dwelling.

Reasons

Character and CA

4. Jevington Gardens is characterised by road frontage properties of three, four and five storeys in height. The proposed dwelling would be of much smaller scale at one and a half storeys in height. Being located to the rear of No.26 Jevington Gardens it would not host a road frontage location. Furthermore, the dwelling would be located within a substantially smaller sized plot than other existing properties within the area. Taken collectively, this would create a development out of keeping with the prevailing pattern of development within the area and be of an uncharacteristic size and form wholly at odds with the character of the development in the locality. As such, the proposal would be harmful to the character of the area.

Whilst other properties in the area may have been extended at the rear, this does not justify a new dwelling to the rear of No.26 Jevington Gardens that is of a different type of development.

5. For these reasons, I conclude that the proposed development would be harmful to the character of the area. The proposal would, therefore conflict with Policy D10a of the Eastbourne Core Strategy Local Plan 2013, saved Policy UHT1 of the Eastbourne Borough Plan 2003 and the provisions of the Framework. These policies seek, amongst other matters, development to achieve high quality environments whereby new development makes a positive contribution to the appearance of the townscape and enhances local character by ensuring that the layout and design is appropriate and sympathetic to its setting in terms of scale, height, massing and density, and in its relationship to adjoining buildings. Whilst there are no specific policies relating to plot sizes and intensification of development, the above policies reflect the Framework's objective for development to achieve well-designed places by adding to the overall quality of the area, including layout. I have found the proposal would conflict with these policies.
6. The Council's first reason for refusal also sets out that the proposal would fail to preserve the character and appearance of the Meads CA. The Council's Conservation Officer adviser has however not raised an objection to the proposal on conservation area or heritage grounds. Furthermore, the officer report that forms the Council's statement of case in respect of this appeal does not raise any concern in regard to conservation or heritage related grounds. Therefore, on my reading of the Council's case there does not appear to be any contention that the proposal would give rise to harm to the designated CA. Therefore, it does not appear to me that the proposal would conflict with Policy D10 of the Eastbourne Core Strategy Local Plan 2013 or saved Policy UHT15 of the Eastbourne Borough Plan 2003 or cause harm to the significance of this designated asset.

Living conditions

7. The occupiers of the existing and proposed residential developments should reasonably expect to enjoy acceptable living conditions as part of their day-to-day lives.
8. The proposed dwelling would be in close proximity to the existing four storey dwelling. Given the limited separation between the respective developments there would be a loss of privacy to the existing occupiers as well as to future occupiers of the proposed development as windows within both developments would create harmful inter-visibility of the private internal living spaces. In addition, the limited separation would prevent light to both the existing and the proposed developments. Furthermore, the existing building would appear dominant in the outlook of respective occupiers at ground floor level.
9. A planning condition could be imposed requiring the rear ground floor windows of No.26 Jevington Gardens to be obscure glazing up to 1.7m measured internally. However, reducing the outlook the existing occupiers would have of the outside world would create a poor living environment for the occupiers. As such, this would create further harm to the living conditions of occupiers and render the proposal even more unacceptable. Whilst the existing vegetation, images of which I have been provided, may create some overshadowing of the rear garden this would not

justify the poor light that the limited separation between respective developments would create.

10. The proposal would provide an extremely small area of outdoor amenity space for the future occupiers of this proposed dwelling. This would result in a particularly cramped and enclosed area of outdoor living space. Furthermore, taking into consideration the close proximity of the rear boundary of the site there would be poor outlook for future occupiers. Given the proposal's proximity to the existing properties at the rear, both the outdoor amenity space and the private internal habitable living space within the proposed dwelling would be overlooked by the occupiers of existing properties at the rear of the site. As such, the lack of an appropriately sized outdoor amenity space along with it lacking in privacy would result in a poor standard of living environment for future occupiers. Whilst the rear garden area is to some extent overlooked and a degree of mutual overlooking is experienced within the area, this does not justify new development where the harm would intensify given the close proximity to existing neighbouring residential occupiers that would create observation into the living area of a new dwelling.
11. Taking these matters collectively the proposed development would detract from the enjoyment the existing and future occupiers would have of their habitable indoor and outdoor living spaces. Whilst the public areas of open space at Western Lawns and Eastbourne Promenade may be close by, this does not justify the creation of a poor living environment for future occupiers.
12. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing adjoining occupiers and future occupiers of the proposed dwelling. The proposal would, therefore conflict with Policy B2 of the Eastbourne Core Strategy Local Plan 2013, saved Policy HO20 of the Eastbourne Borough Plan 2023, the provisions of the Framework and the National Design Code. These policies seek, amongst other matters, development to protect the residential and environmental amenity of existing and future residents and indicates that proposals will be refused where they cause unacceptable loss of outlook, loss of privacy and/or loss of light. Whilst there may not be specific policy requirements in regard of separation distances and/or provision of amenity space, the above policies reflect the Framework's objective to ensure a high standard of amenity for existing and future users. I have found the proposal would conflict with these policies.

Other Matters

13. The Council's decision notice also includes a refusal reason relating to the planning application failing to provide sufficient information to adequately demonstrate that the proposed development would result in a measurable net gain in biodiversity within the site. The appellant has undertaken a Preliminary Ecological Appraisal in support of the appeal. The local planning authority, although having the opportunity as part of the appeal process, has not commented on the additional net gain in biodiversity information provided by the appellant. Notwithstanding this, as I am dismissing the appeal for other unrelated reasons to that of biodiversity net gain there is no need for me to address this matter further.
14. Reference has been made to an appeal decision at St Andrews Church, Blackwater Road, Eastbourne (Appeal Ref: APP/T1410/W/23/3317177). That development proposed the redevelopment of an existing site to create 17 houses with car and

cycle parking, which is a very different proposal to that which is before me. That decision dealt with the matter of the Borough's current lack of sufficient housing land supply sites and how this impacted the weight to be attributed to development plan policies in light of the housing supply situation.

15. The Council cannot demonstrate a 5-year housing land supply of deliverable housing sites. As such, the provisions of paragraph 11d) of the Framework should be applied.
16. The proposal would boost the supply of housing, noting the Framework encourages tenures of housing for different community groups. The proposal could create a modest sized dwelling suitable for those looking to down-size from larger family-sized homes. However, even if the housing shortfall is substantial, as the appellant suggests, the benefits associated with a single dwelling would be relatively small. Also any economic benefits during construction would be temporary and limited.
17. The lack of housing land supply reduces the weight to be attributed to development plan policies. Nonetheless, the policies referred to above seek to achieve well-designed places and to protect residential amenity, which align with the environmental and social objectives of the Framework. Even if the current housing land supply situation is acute, the adverse impact of the proposed development on the character of the area and upon living conditions attracts substantial weight and therefore significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

18. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR