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## Appeal Decision

Site visit made on 3 September 2025

**by Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10<sup>th</sup> November 2025**

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**Appeal Ref: APP/T1410/W/25/3364491**

**Holy Rosary Convent, 34 The Goffs, Eastbourne, East Sussex BN21 1HD**

- 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 A Green (Castle Accommodation) against the decision of Eastbourne Borough Council.
  - The application Ref is 240480.
  - The development proposed is the erection of a 1-storey 8 bed residential unit associated with the wider HMO residential facility.
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 24 September 2025.**

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1-storey 8 bed residential unit associated with the wider HMO residential facility at Holy Rosary Convent, 34 The Goffs, Eastbourne, East Sussex BN21 1HD in accordance with the terms of the application, Ref 240480, subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by A Green against Eastbourne Borough Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The appellant has submitted amended plans and a daylight/sunlight report as part of their appeal submission. These do not alter the nature of what is being sought. The Council has had an opportunity to comment upon the additional documents, and I am satisfied that no party would be prejudiced by my taking them into consideration, which is what I have done.
4. The accommodation is intended for those with mobility difficulties. However, the proposal is for a House in Multiple Occupation and there is no suggestion that the accommodation should be restricted to any particular person or occupant. Accordingly, I have based my decision on the nature of the use rather than the intended occupants but have taken into account the Management Statement submitted in support of the scheme.

## Main Issues

5. 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 future occupiers with particular regard to access to natural light.

## Reasons

### *Character and appearance*

6. The appeal site comprises a former convent which has been converted into a House in Multiple Occupation (HMO). The building is located within a residential area. The property is set back from The Goffs occupying something of a 'backland' position, with its grounds occupying an area to the rear of houses on The Goffs and Upperton Road. The adjacent Henleaze development, which although accessed from Upperton Road, similarly occupies a space between the properties on Upperton Road and The Goffs.
7. Given this existing configuration, the new building would be a reflection and extension of this prevailing arrangement between the two roads. It would not disrupt the existing pattern of development along either Upperton Road or The Goffs.
8. The extent of built form on the site is likely to be proportionally greater than the dwellings surrounding the site. Nonetheless, given my observation above regarding the pattern of development, I am satisfied that this area between the two roads can accommodate this particular proposal without harming or impacting the wider character of the area.
9. The building has been designed to be subservient to the host property and although not being widely seen does not necessarily make a building acceptable, the proposal would not be prominent in wider views either from public vantage points or from neighbouring properties. While the building's form and appearance may result from its function rather than from any significant design input, not seeking to replicate or compete architecturally with the host building is a reasonable approach given the position of the new building, its height and size. Consequently, the host building would retain its character and not be visually impinged by the new structure.
10. The proposed building would occupy a large part of the existing rear garden. Nonetheless, an appreciable gap will be maintained between the buildings on site, and a retained garden area and revised patio would still be available for occupants to enjoy. The Council do not point me towards any particular requirements or standards for garden space provision. In view of the above, I am satisfied that there would be sufficient garden and outside space to serve the new development without it appearing unduly cramped.
11. The proposal does not provide details of refuse/recycling, cycle or mobility scooter storage facilities. These are matters which would reasonably be required to be provided as part of the scheme. Having regard to the scale of the proposal, I am confident that there would be sufficient space on site to provide these necessary facilities. While the nature of the site and its surroundings might require the appellant to use bespoke rather than off-the-shelf solutions, I am satisfied that they could be provided without causing undue harm to the wider area.

12. Drawing the above points together, I find that the appeal building would have a large footprint but its simple form would ensure it did not appear bulky. Its siting and layout would not unduly impact the appearance of the host building or the site as a whole and it would not adversely affect the character and appearance of the area.
13. On this basis, it would accord with Policy D10a of the Eastbourne Core Strategy Local Plan 2013 (CSLP) and Policy UHT1 of the Eastbourne Borough Plan 2003 (EBP). These policies require, amongst other things, that development preserves or enhances local character and is of appropriate scale, form, materials and layout.

#### *Living Conditions*

14. The proposed building would provide occupants with a south westerly outlook over the remaining part of the garden. The outlook would not be extensive given the boundary wall and remaining trees but by the same token it would not be unpleasant. The proximity of these features would not be overly dominant or over shadowing such that the outlook would be unduly poor or unacceptable.
15. Each of the proposed rooms can broadly be seen as comprising two parts, a bedroom area and living area. The patio doors at the living room end provide outlook and light. As initially submitted, the bedroom area, while not shut off from the living area, would nonetheless be somewhat gloomy. During early evening, particularly in winter months, the accommodation would be likely to suffer a deficit of natural light.
16. As now proposed, the bedroom areas would each benefit from a rooflight. While it would provide limited outlook, it would nonetheless provide important additional natural light to the room as a whole and bedroom areas in particular. While rooflights are not proposed to the communal lounge, this area benefits from two patio doors.
17. The daylight/sunlight report supports the contention that the level of natural light occupants would receive in their bedrooms should now be considered acceptable. The Council has not provided any submissions which might lead me to a different conclusion.
18. Access to the rooms would principally be via a new ramped access. This will necessitate some amendments to the raised patio at the rear of the main building. Some of the stepped access to the garden and thus the new building, would be removed. However, there is no objection to those works from the Council and it would still be possible to access the proposal from the rear of the main building and walking across the garden. As such, I see no issues regarding access to the new building.
19. Given the use of patio doors and their position, views into the individual rooms would be possible from the decked area at the front of the new building. However, the more private parts of the rooms would be to the rear, and the internal wall which subdivides the area would ensure a reasonable level of privacy for individual occupants would be provided.
20. There is no evidence before me to indicate that the size of the individual rooms falls below any particular requirements or standards.

21. Overall, the accommodation would provide reasonable living conditions to future occupants. I do not therefore find conflict with Policy B2 of the CSLP which, in relation to this main issue, requires developments to protect the residential and environmental amenity of existing and future residents.

### **Other Matters**

22. The provision of 8 rooms would be a small numerical contribution to housing supply in the area. However, in the context of a housing land supply position of just 1.4 years, it is a matter which attracts considerable support in favour of the scheme.
23. Interested parties have raised concerns regarding overlooking and loss of privacy. Occupants of some of the neighbouring properties do have views into and across the rear garden of the appeal property. Therefore, there will be some intervisibility between the proposed building and these existing neighbouring properties. However, occupants of the proposed building will only have a south westerly outlook. The additional rooflights will not provide views of the neighbouring properties.
24. The single storey nature of the building will inevitably limit the extent of any views out of the proposed building. The existing boundary enclosure and planting will assist in providing some additional screening. That the proposed building would be raised at the front to address the uneven site levels would not unduly reduce their effectiveness. Having regard to the flood risk assessment, its findings would not affect the building's internal heights further.
25. I am also mindful of the Council's finding of no impact upon the privacy of the occupiers of the properties that surround the site. Therefore, based on the information before me and from my own observations on site, I am satisfied that having regard to the proposed position and height of the new building, as well as the existing boundary treatments, privacy would not be unduly compromised, and harmful overlooking would not result.
26. For similar reasons, light emissions from the building, while they might be noticeable from neighbouring buildings are unlikely to be harmful, given the site's context and surrounding environment. Equally, the proposal would not restrict natural light to the neighbouring properties.
27. I note that the Local Lead Flood Authority were consulted but the nature of the proposal means that they would only provide comments if the Council deemed there to be a significant flood risk, which they do not. The substantive information before me indicates that flood risk can be managed and that an attenuation tank under the building would be feasible. There is no information before me to indicate that any pumps would be noisy.
28. The Planning Policy Framework supports the re-use of previously developed land in certain circumstances. The appeal site not being previously developed land means that this aspect of the Framework does not weigh positively in favour of the proposal. However, it does not mean that the site is incapable of being developed.
29. Similarly, backland sites can sometimes present potential obstacles to a site's development. However, the appeal site being a backland site does not, in itself, weigh against the scheme.

30. The County Ecologist indicated that the presence of bats, badgers and Great Crested Newts is likely to be low. The appellant's Preliminary Ecological Survey (PES) did not find any potential bat roosts on site. As such, there is no substantive information to suggest harm will arise in respect of protected species.
31. The proposal would be subject to the statutory pre-commencement biodiversity gain condition ('the condition') as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended) (the Act). The appellant has shown how it would be possible to fully secure Biodiversity Net Gain (BNG) provision off-site, by demonstrating the intention to purchase off-site habitat credits. Therefore, the scheme would be capable of meeting the mandatory requirements for a minimum of 10% BNG, in accordance with the statutory framework.
32. It would be for the Council to consider the Biodiversity Gain Plan and development may not begin until this is approved. As such, I am as satisfied as I can be, that 'the condition' is capable of being discharged. I therefore find that it would not conflict with the requirements of the Act.
33. Interested parties refer to the surrounding area as being one of HMO concentration and being subject to negative increased noise and disturbance. However, the Council's objection is not based on perceived HMO stress in the area nor on the development causing noise or disturbance to neighbouring occupants. I have no substantive information on the matter to come to a different conclusion.
34. The scheme provides no additional car parking. As such, the situation would not change in terms of access to the site, including for emergency vehicles. I have not been presented with any information to indicate there would be a requirement for additional parking provision or any evidence that there would be overspill parking or if it did occur that the surrounding streets would not have capacity to accommodate it.
35. Non-major development would not usually generate a requirement for affordable housing provision or an off-site contribution. There is nothing before me to indicate that the circumstances of this case or the local context mean that affordable housing provision/contribution would be applicable in this instance.
36. I have not had further regard in this decision to the operator of the existing HMO. I have focused on the planning merits of the scheme in regard to the main issues of the case.

### **Conditions**

37. I have had regard to the conditions set out in the Council's submissions and relevant guidance on the imposition of conditions. Both parties have had the opportunity to comment on the conditions. I have obtained the appellant's written agreement where it has been necessary to impose pre-commencement conditions.
38. In addition to the standard time limit, a condition which lists the approved plans/documents is necessary in the interests of certainty. As the appellant notes, this would commit the development to the heights/floor levels shown on the drawings and thus a separate finished floor level condition is unnecessary.
39. In the interests of the living conditions of future occupants and neighbouring residents, a condition is necessary to ensure the building is appropriately

managed. The Management Statement forms part of the scheme as submitted and relates to the use of the site. It is likely to be the basis on which the current facility operates and the Council raises no concerns in that regard and is satisfied that the Statement would be sufficient for the additional building.

40. As noted above, details of the refuse/recycling, cycle and mobility scooter storage facilities will need to be provided and implemented prior to occupation.
41. In order to protect the retained trees on site and thus the character and appearance of the area a condition requiring the implementation of the tree protection plan is necessary.
42. Given the site's context, construction work, whilst only temporary, could affect neighbours. A Construction Environmental Management Plan for the construction period is therefore reasonable in this instance.
43. Given the findings of the PES and County Ecologist, a biodiversity management plan is not necessary for this site. However, the statutory BNG condition applies to the permission and is a matter the appellant would need to address directly with the Council. As such, there is no requirement to duplicate it in my decision.

### **Conclusion**

44. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the schedule below.

*Stewart Glassar*

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 the following:

|                                        |                 |
|----------------------------------------|-----------------|
| Location Block Plan                    | - 8048 / LBP    |
| Proposed Building - Site Plan          | - 8048 / L1 / B |
| Proposed Building - Plans & Elevations | - 8048 / P1 / B |
| Proposed Building - Site Sections      | - 8048 / S1     |

Management Statement – Goffs Residence (September 2023),  
Tree Survey Arboricultural Impact Assessment & Tree Protection Plan  
(Reference AR/150824) - The Mayhew Consultancy Ltd (July 2024)
- 3) Prior to the commencement of any works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall review all construction operations proposed on site and shall cover as a minimum the following areas of work, identifying appropriate mitigation measures as necessary:
  - Construction traffic routes, including provision for access to the site;
  - Entrance/exit from the site for visitors/contractors/deliveries;
  - Delivery, loading and storage areas;
  - Proposed locations of site compound areas including siting of temporary containers;
  - Parking for contractors, site operatives and visitors;
  - Measures to control noise, vibration and dust;
  - the erection and maintenance of security hoarding/ temporary site security fencing;
  - site/artificial illumination; and
  - Hours of working including proposed delivery hours.
- 4) Prior to the commencement of any works on site, the Tree Protection Plan and Arboricultural Method Statement shall be implemented as set out in the Arboricultural Report dated July 2024.
- 5) Prior to the commencement of any works on site, a detailed surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the local planning authority.
  - (i) The submitted details shall:
    - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
    - include a timetable for its implementation; and,
    - provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- (ii) The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 6) The Management Statement – Goffs Residence (September 2023), shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the building hereby permitted continues to be used as a house in multiple occupation.
- 7) Prior to first use of the building hereby permitted, details of secure and covered cycle parking facilities and mobility scooter parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the building and retained as such thereafter.
- 8) Prior to first use of the building hereby permitted, details of enclosed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the building and retained as such thereafter.

**\*\*\*\*END OF SCHEDULE\*\*\*\***

The permission is also subject to the statutory pre-commencement biodiversity gain condition ('the condition') as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended).