



Appeal Decisions

Site visit made on 13 March 2018

by **Grahame Gould BA MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2018

Appeal A Ref: APP/B1415/W/17/3184420

Queensbury House, 1 Havelock Road, Hastings TN34 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Red Rock Development Group against the decision of Hastings Borough Council.
 - The application Ref HS/FA/17/00523, dated 22 June 2017, was refused by notice dated 29 August 2017.
 - The development proposed is roof extension to provide two additional floors to comprise two 2-Bed and six 1-Bed apartments; and external treatment to an existing nine-storey office building to include new windows and openings.
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Appeal B Ref: APP/B1415/W/18/3194259

Queensbury House, 1 Havelock Road, Hastings TN34 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Red Rock Development Group against Hastings Borough Council.
 - The application Ref HS/FA/17/00894, is dated 10 October 2017.
 - The development proposed is roof extension to provide two additional floors to comprise two 2-Bed and six 1-Bed apartments; and external treatment to an existing nine-storey office building to include new windows and openings.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and planning permission for a roof extension to provide two additional floors to comprise two 2-Bed and six 1-Bed apartments; and external treatment to an existing nine-storey office building to include new windows and openings is refused.

Application for costs

3. An application for costs in respect of appeal B was made by Red Rock Development Group against Hastings Borough Council. That application is the subject of a separate Decision.

Procedural Matters

4. Appeals A and B concern very similar schemes (schemes A and B) for adding two floors to Queensbury House (QH). In both cases the extensions associated with the schemes would accommodate eight flats. The planning application for scheme A (HS/FA/17/00523) was determined by the Council.

However, the Council failed to determine the application (HS/FA/17/00894) subject to appeal B. However, in response to the submission of appeal B the Council has submitted that had it been in a position to do so it would have refused planning permission for scheme B. In summary the Council has stated that the reasons for that refusal would have related to the development's effect on: the supply of employment land within the Priory Quarter of Hastings town centre; and the character and appearance of the area, including various designated heritage assets.

Main Issues

5. The main issues for appeals A and B are: the effect of the development on the character and appearance of the area, including the Hastings Town Centre Conservation Area (the HTCCA) and the Cornwallis Gardens Conservation Area (the CGCA) and the setting of Hastings Castle; and the supply of employment land in Hastings town centre.
6. In respect of appeal A there is an additional main issue relating to the development's effect on the living conditions for its occupiers, with particular regard to the size of the flats.

Reasons

Character and Appearance – Appeals A and B

7. QH is a 1960s, nine storey, flat roofed, 'partly vacant'¹ office building. QH is bounded by Cornwallis Terrace, Havelock Road and Priory Street and is situated at a slight rise at the intersection between Havelock Road, Cornwallis Terrace, Devonshire Road and Station Approach. The CAs cover the heart of the town centre and the HTCCA, within which QH is located, is mixed use in character, while the CGCA is primarily residential in character. Hastings Castle, a grade I listed building and scheduled ancient monument, is around 500 metres (as the crow flies) to the south east of QH.
8. Both extensions would be of the same dimensions, with the only external differences between schemes A and B concerning the external cladding and fenestration arrangements.
9. QH possess little or no architectural merit and its proportions are somewhat unusual, with it being comparatively wide while having a relatively shallow floorplan. This part of Hasting has been subject to some quite extensive redevelopment, with the concourse of the railway station having been remodelled and adjoining new buildings being constructed, while new, multi-storey office, commercial and university buildings having been built immediately to the south of QH. Given the redevelopment that has taken place within the immediate vicinity of QH it is now something of a remnant building, belonging to an era of development that was unsympathetic of its surroundings, namely the commercial, mixed commercial or residential buildings dating predominantly from the Victorian period.
10. I consider QH as it stands does not contribute positively to the appearance of the HTCCA and I recognise extending this building would provide an opportunity for its poor exterior to be improved through its recladding. However, to achieve that improvement the building's height would be

¹ First bullet point on page 4 of the appellant's appeal statements for appeals A and B

increased and I consider that the extra height would serve to accentuate how poorly proportioned this building is, given that its vertical emphasis would be increased, resulting in the extended building harming the area's appearance. I also consider the grey fibre cement panels that the extensions would be clad in would have a stark appearance, adding to the incongruity of the extended building's appearance.

11. QH occupies a prominent position, at the northern extremity of the HTCCA, being readily visible to pedestrians and motorists using Cornwallis Terrace, Havelock Road and Priory Street and being very close to the public transport hub at the railway station. The intensity of built development within Havelock Road and the streets to its east, south and west, means that the views of QH within the HTCCA are quite confined. That would mean that the harm to the HTCCA would directly affect only part of the HTCCA and its immediate hinterland.
12. Given that I have found extending QH, in the manner envisaged, would reinforce how poorly proportioned the existing building is, I am not persuaded that this dis-benefit for either of the schemes would be outweighed by the improvement arising from the recladding works. The design for scheme B has sought to address the appearance concerns highlighted as part of scheme A's refusal by the Council, most particularly by altering some of the fenestration and cladding arrangements. I consider the external appearance for scheme B would be an improvement over scheme A. However, I consider that that improvement would not address my more fundamental concern that the addition of two storeys would accentuate how poorly proportioned QH would be when viewed against the backdrop of both the long established and more recently constructed buildings that immediately adjoin this building.
13. I am of the opinion that neither extension scheme bears comparison with the development that was granted planning permission under application reference HS/FA/11/00284. That is because the permitted development, while being taller, included the redevelopment of QH as a component of a comprehensive and cohesive redevelopment scheme² for this part of the town centre. I consider the implementation of scheme A or B would seek to make QH a focal point, a status undeserving of this building, given its poor and uncharacteristic proportions and the nearby regeneration that has occurred.
14. I therefore consider that neither schemes A nor B would preserve or enhance the appearance of the HTCCA. Having regard to the mixed use character of the HTCCA, I consider that in land use terms both schemes would, however, preserve the character of this CA. While there would be some effect on the setting of the CGCA, I consider that effect, when compared with the prevailing situation, would be modest and of itself would not be harmful.
15. At the time of my site visit Hastings Castle was not open to the public, I was, however, able to view QH from the publically accessible land outside the Castle's walls. QH is located several hundred metres from the Castle and within the town centre there are many buildings, of varying heights, affecting the lines of sight between the Castle and QH and vice versa. While the Castle occupies an elevated position, its setting comprises many buildings of different ages, designs and heights, including QH, and I found the roofscape in the area to be very varied. Having regard to those characteristics of the

² Based on the details for this development included as part of the appellant's and the Council's appeal cases

townscape between the Castle and QH, I consider the siting and height of QH do not constitute a significant component of the Castle's setting. Having regard to the distance between the Castle and QH I therefore consider raising QH's height by two storeys would not impinge significantly upon the Castle's setting. Given that finding I consider the setting of the Castle would be preserved were either scheme A or B to be implemented.

16. For the reasons given above I conclude that the development subject to schemes A and B would be harmful to the character and appearance of the area and that the developments would fail to either preserve or enhance the appearance of the HTCCA. The development would therefore be contrary to Policies SC1 and EN1 of the Hastings Local Plan – Planning Strategy of 2014 (the HLPPS) and Policies HTC6, DM1 and HN1 of the Hastings Local Plan – Development Management Plan of 2015 (the HLPDMP). That is because the design of the developments would not protect and enhance the local character of the area and would fail to make a positive contribution to the quality of the HTCCA as a designated heritage asset. Given the nature of the harm that I have identified I consider that section 7 (Requiring good design) of the National Planning Policy Framework (the Framework) does not provide support for either of the schemes.
17. Having regard to the provisions of paragraphs 131 to 134 of the Framework, I consider that the harm to the CA that I have identified would be less than substantial. As I have indicated above the recladding of QH would to some degree improve its appearance and that would amount to a public benefit for the HTCCA. However, I consider that that public benefit for HTCCA would not be sufficient to outweigh the harm that would arise from increasing QH's height as proposed.

Effect on the living conditions for the occupiers of the development – Appeal A

18. It is proposed that the extension would accommodate two, two bedroom flats and six, one bedroom flats. Two of the one bedroom flats, one per floor, and both labelled flat 4 on drawing number 5 'Proposed Plans' (hereafter referred to as flats 4a and 4b for ease of reference) would have floor areas of 39 square metres (sq.m). The floor plans for flats 4a and 4b are both shown as having bedrooms being readily capable of accommodating a double bed. On that basis the Council has assessed flats 4a and 4b as being one bedroom, two person (1b2p) dwellings.
19. Policy DM3 of the HLPDMP states that in order to provide comfortable and convenient internal space for the occupiers dwellings they should be designed so as to provide a minimum of 51 sq.m for 1b2p units. The Council therefore contends that flats 4a and 4b would have floor areas that would not be compliant with the requirements of Policy DM3.
20. There is, however, disagreement about whether flats 4a and 4b should be treated as being one bedroom, one person (1b1p) dwellings, as favoured by the appellant or as two person units. Policy DM3 does not specify a minimum floorspace for 1b1p dwellings. However, the Government's 'Technical housing standards – nationally described space standard' of March 2015 (with clarification of March 2016) (the THS) state that at a minimum single storey 1b1p dwellings with bathrooms should provide 39 sq.m of floorspace.

21. I am mindful of the appellant's view that flats 4a and 4b should be treated as 1b1p dwellings. However, I consider that the size of the bedrooms for those flats would mean that they would easily be capable of accommodating double beds and could therefore be used by two people. For land use planning purposes as there would be no means of controlling how many people could occupy flats 4a and 4b I am of the opinion that they should be treated as being capable of being occupied as 1b2p dwellings. As such the provision of 39 sq.m of floorspace would not be compliant with the requirements of either Policy DM3 or the minimum of 50 sq.m stated in the THS, with the floor areas for flats 4a and 4b being significantly less than the minima stated in both the local and national standards. I therefore consider that the floor areas for flats 4a and 4b would be inadequate.
22. For the reasons given above I therefore conclude that part of the development would provide unacceptable living conditions for its occupiers. There would therefore be conflict with Policy DM3 of the HLPDMP and the THS because the development would adversely affect the living conditions for its occupiers because of the inadequacy of its internal space provision.

Supply of employment land in Hastings town centre – Appeals A and B

23. QH benefits from a deemed permission³ for its change of use to 89 flats, further to it being determined by the Council before either of the appealed applications were submitted that prior approval for that change of use was not required⁴. Accordingly irrespective of whether or not planning permission was granted for either scheme A or B there is a genuine prospect that the use of QH would change from a commercial one to housing with the benefit of a deemed permission.
24. I consider the deemed permission, as a fallback position, is a significant material consideration and because of that I conclude that the implementation of either scheme A or B, of themselves, would be unlikely to adversely affect the supply of land for employment development within Hastings town centre. Policy HTC6 of the HLPDMP seeks to ensure the availability of employment land within the 'Priory Quarter' of the town centre. In that regard Policy HTC6 states that the Priory Quarter is allocated for employment development, incorporating other complementary uses including education, retail, leisure and hotels uses, with the indicative gross floorspace for Class B1 uses being 21,700 sq.m. The implementation of the appeal developments might serve to promote the loss of employment land and result in some conflict with Policy HTC6. However, given the existence of the fallback position I consider that in this instance very little weight should be attached to the conflict that there would be with Policy HTC6, insofar as it addresses the supply of employment land. I therefore consider that the conflict with Policy HTC6 would not be grounds for withholding planning permission.

Other Matters

25. The flats in either scheme would be well located in accessibility terms and would make a modest contribution to the supply of housing in the area.

³ Pursuant to Class O of Part 3 of the Second Schedule of The Town and Country Planning (General Permitted Development) (England) Order 2015

⁴ As per the determination of prior approval application HS/PA/16/00354

Those are matters weighing in favour of both schemes. However, I consider those benefits to be outweighed by the harm that I have identified.

26. The Council has drawn attention to the effect the traffic generated by either of the schemes might have for the deposition of nitrogen in the Ashdown Forest Special Area of Conservation (the SAC), as a consequence of vehicular activity generated by either development routing via the roads in or close to the SAC. As the appeals are to be dismissed for other reasons I consider that it is unnecessary for me, for the purposes of Habitats Regulations, to consider whether development would or would not have an impact on the integrity of the SAC.

Conclusions

27. For the reasons given above I conclude that appeals A and B should both be dismissed.

Grahame Gould

INSPECTOR