

<b>COMMITTEE</b>	<b>PLANNING</b>
<b>DATE</b>	<b>December 2019</b>
<b>SUBJECT</b>	<b>SUMMARY OF Appeal Record Q4 Oct – Nov 2019</b>
<b>REPORT OF</b>	<b>Leigh Palmer Senior Specialist Advisor (Planning)</b>
<b>Ward(s)</b>	ALL
<b>Purpose</b>	This report provides a summary of the appeal decision taken for the survey period
<b>Contact</b>	Leigh Palmer <a href="mailto:Leigh.palmer@eastbourne.gov.uk">Leigh.palmer@eastbourne.gov.uk</a> 01323 415 215
<b>Recommendations</b>	That Members note the content of this report

## **I. Overview**

- I.1 The attached table (**Appendix 1**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority.
- I.2 In summary, in the last 3 months there were:
  - 4 appeal decisions, 1 of which were dismissed and 3 allowed.
  - Within the appeal number above 1 application was made by appellants for an award of costs, which was allowed
  - No Judicial Reviews.
- I.3 Whilst the appeal decisions are individually important it is important to note the potential trend in schemes being allowed that promote the creation of new housing.

## Key to Appeals Reporting

**Method of decision**  
**Appeal method**

All are delegated decisions unless otherwise specified  
All are through written representations unless otherwise specified

**Allowed** A  
**Dismissed** D

Planning Appeals				
Planning Application No	Decision Level	Site	Description of Development	Decision
180933	Delegated	Flat 1, 17 Enys Road, Eastbourne, BN21 2DG	Proposed replacement of 2no sets of timber framed french doors to the front elevation with uPVC french doors	D
<b>Inspectors Reasons</b> <p>7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. It states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.</p> <p>8. The appeal site comprises a ground floor flat within a mid-terraced, three storey building in the Upperton Conservation Area (the UCA). The UCA is characterised by its coherent layout with wide, straight or gently arcing tree lined avenues, open and closed vistas and wide pavements. The appeal property lies within the centre of three terraces, which consist of Nos 1-45 and are buildings of local interest, with Nos. 15 to 27 (odd) being built in 1877 in a classical style with projecting bays, which was a common stylistic conceit designed to give a terrace the appearance of being a single classical country house.</p> <p>9. The terrace as a whole is distinguished by its use of decorative cast-iron features; the end-of-terrace houses have cast-iron porticoes with barley-twist mullions, and French doors open out onto ornate cast-iron balconies (which are also present on the canted bays to the centre and end blocks) and verandas. The sash windows and French doors that are constructed of traditional materials add to the distinctive nature of this terrace. These original features also assist in the terrace retaining its sympathetic design, scale and proportions and they enhance the overall character of the building within the UCA.</p>				

10. The appellant indicates that many of the original windows and French doors within the wider terrace have already been lost having been changed with UPVC replacements and as such they consider the character of the building and area generally has already been eroded in this regard. As such they argue that the replacement of the French doors, the subject of this appeal, will not erode the building or the character of the area further.

11. I noted the presence of UPVC windows and UPVC French doors within a good proportion of the wider terrace. However, no evidence has been provided to me that indicates that the other UPVC windows and French doors installed in the area have the benefit of a planning permission or otherwise. Their presence is not in itself sufficient justification to allow the replacement of the current timber French doors with new doors that, as detailed in the submitted un-numbered drawings, lack the refined proportions and detailing that exist in the current traditionally constructed French doors.

12. Indeed, as highlighted by the Council's Conservation Specialist, the proposed replacement French doors would have a very flat aspect that presents in a significantly different way to the original French doors and I do not disagree with the Council's Conservation Specialist in this regard. To allow the introductions of replacement French doors of this design into the fenestration of the area would be harmful to the setting of the UCA.

13. Whilst UPVC windows and UPVC French doors have been installed in a good proportion of the wider terrace, I noted that the appeal property and several others in the terrace retain wood sash windows and French doors of traditional construction. These retained features of traditional construction make a positive contribution to the building and the UCA overall and further loss of them would not preserve this building of local interest or the wider UCA, which are heritage assets of significance. I have seen no reasoned justification as to why further erosion of this impressive terrace, through the loss of the existing wooden French Doors to Flat 1, should be allowed.

14. I conclude, therefore, that the development will not preserve or enhance the character or appearance of the UCA or the building of local interest, in conflict with Policies D10 and C2 of the Eastbourne Core Strategy 2013 and saved Policies UHT4, UHT15 and UHT18 of the Eastbourne Borough Plan 2003 which amongst other criteria seek to preserve or enhance heritage assets, including buildings of local interest and conservation areas, and conserve and enhance the public realm.

15. In finding harm in respect of the significance of a heritage asset, paragraph 196 of the National Planning Policy Framework (the Framework) sets out that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, I consider the harm arising from the development would amount to less than substantial. This being the case, in accordance with paragraph 196 of the Framework, it should be weighed against any public benefits of the proposal.

16. I note the environmental benefits of the energy saving characteristics of the UPVC French doors and the fact that they are likely to be weather tight and draft resistant. Furthermore, I noted on site the relatively poor condition of the paintwork to the existing French doors and that UPVC replacements would be easier to maintain and would reduce the level of maintenance required. However, maintenance is essentially a private matter and not a public benefit and, notwithstanding the current condition of the paintwork, I find that the replacement of timber frames with unsympathetic UPVC would have a harmful effect when viewed from the public realm such that no public benefit would arise.

17. I also recognise the appellant considers the harm to the heritage asset has already occurred with other windows and French doors within the terrace having been changed with UPVC replacements. However, for the reasons given above, the existence of unsympathetic development elsewhere does not amount to a justification to allow further similar alterations and the existence of other UPVC frames does not constitute a public benefit in favour of the proposal. Nevertheless, great weight is to be given to these heritage asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Even were I to agree that the level of harm would be at the lower end of 'less than substantial', which I do not, I still afford great weight to that harm.

18. Consequently, I find the public benefits collectively do not outweigh the great weight to which I afford the harm to the designated heritage assets. To that end, the balance of paragraph 196 of the Framework falls against the development.

## **Conclusion**

19. For the reasons given above I conclude that the appeal should be dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
181058	Committee	Spring Mead, 25 Meads Brow	Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking.	A
<p><b>Inspector's Reasons:</b></p> <p>7. The crux of the Council's concerns in regard to this main issue is that the lack of a provision in the scheme for affordable housing would fail to contribute to the creation of mixed and balanced communities. In addition, this main issue has two limbs, the first of which addresses the application of adopted affordable housing policies and the second which looks at the potential contribution of the appeal scheme to housing provision within the Borough.</p> <p>8. Policy D5 of the Council's Core Strategy (2013) identifies that the appeal site lies within a high value neighbourhood where 40% of all new dwellings should be affordable. Supporting text to the policy requires that where there is a question over whether the scheme can achieve affordable housing then a Financial Viability Assessment (FVA) is required at both the pre application stage and on submission of an application. This policy is to be applied in a flexible way on a site by site basis taking into account other planning considerations. A series of options are identified to ensure that some form of affordable accommodation either on or off site or through a commuted sum and with grant support can be provided.</p> <p>9. The Policy is supported by an Affordable Housing Supplementary Planning Document 2017 (SPD) which sets out a stepped approach to the achievement of affordable housing in compliance with the options identified in Policy D5. The appeal scheme does not make provision for any affordable housing or include a financial contribution in line with the options identified above. The FVA submitted with the documentation identifies 2 scenarios covering a policy compliant scheme and one for all market led housing. Neither of these identify a profit although the market led one identifies only a marginal loss.</p> <p>10. It is unclear the extent to which the parties engaged in exploring the options identified in policy. The Council did not provide independent financial evidence to challenge the appellant's FVA and whilst not a requirement of policy would have been a source of important evidence directly relevant to the application of policy to this case. I have had regard to the appendices of the SPD which detail a series of exemplars of FVAs for a typology of housing and flat types. However, whilst these are instructive as a general guide it is incomplete in informing my view of the Council's position on the viability of this site and the leverage which could</p>				

be explored through the various options identified for achieving affordable housing.

11. Although Planning Practice Guidance (PPG) indicates that the weight to be given to viability assessments is a matter for the decision maker it does refer to the need for decision makers to test the assumptions which underpin those assessments. Whilst clearly the scheme does not include affordable housing or a commuted sum to address compliance with Policy D5 either wholly or in part, in the absence of evidence to the contrary I can only conclude that the provision of any affordable housing or combination identified by policy would render the appeal scheme unviable on this site.

*Character and Appearance*

12. Although in outline the appeal scheme includes details of the proposed layout which shows the main building broadly occupying the footprint of the existing dwelling and through floor plans identifies how 17 units could be accommodated within the scheme.

13. During the hearing the Council withdrew its objections to the flat roof elements which were included in its second reason for refusal. However, its objection to the design of the scheme were maintained on grounds of its undue dominance in relation to the form, scale and character of the existing housing within the immediate locality.

14. I accept the Council's argument that although at this stage only the layout is to be determined the submission of floorplans and indicative elevational drawings does have a bearing on the conclusions which can be drawn on this matter. This is because it is useful to understand how 17 flats can be accommodated on the site. As I have said, the proposed layout would follow broadly the footprint of the existing building although the three storey elements would be a more dominant feature of this proposal. The parking areas would broadly follow the pattern of hardstanding, access and turning area of the existing property although ten parking bays would be located in what is currently an area of private amenity space at the western edge of the site close to the boundary of properties in Meads Brow. Other areas of private amenity space are located around the proposed building taking advantage of its existing well treed boundaries.

15. Given that the site is secluded from the patterns of development which could influence its design I do not accept the Council's objection that the proposal would be unduly dominant in relation to the form, scale and character of its surroundings. Large detached properties albeit not all developed for flats are common to the local area.

16. Saved Policies UHT 1, 2 and 4 of the Eastbourne Borough Plan 2001-11 require that the design of new development harmonises with the character of its local environment through both form and scale and does not adversely impact on visual amenity. These matters are identified as being important for decision makers in the Government's recently published national

design guidance (2019) which builds on the guidance included in Chapter 12 of the Framework.

17. To conclude on the issue of the impact of the proposals on the character and appearance of the area, I do not consider that they are in conflict with adopted policy and national guidance. The proposed layout broadly conforms with that of the existing building on this site. The submission of outstanding reserved matters could be used to refine the design to overcome concerns on this issue.

*The South Downs National Park*

18. The site's close proximity to the statutory boundary of the South Downs National Park requires special attention. Although the National Park Authority did not object to the application the Council refused the application because of concerns over the potential impact of light spillage from the scheme on the Park's Dark Skies Reserve. Whilst I acknowledge the importance of this matter I conclude that given the site's location, its degree of seclusion and the fact that this application is submitted for outline permission leads me to conclude that this matter would be better addressed through the outstanding reserved matters.

**Other Matters**

19. Interested parties have expressed concerns over several matters including impact on outlook, how the proposals represent an over development of the site, that there are too many flats in the Meads area, the proposed access arrangements are inappropriate and the amount of traffic the scheme would generate would lead to highway safety issues on Beachy Head Road. Other matters raised concerned the existence of covenants, local wildlife, how ground works would prevent a new scheme going ahead and that the proposals would lead to an unacceptable increase to the residents of the 'Brow'.

20. The proposed building would be more dominant than the existing because it would comprise three storeys, a part of which would be closer to the site's western boundary than existing. Furthermore, its proposed height together with the topography means that the property would be clearly seen from properties in Darley Road. However, whilst there would be some loss of outlook from the rear windows of properties in Meads Brow I do not consider that these impacts would be so great given the articulation of the roof and the distance of the property from the boundary. The visual impact of the proposals on properties in Darley Road would be limited.

21. Although the proposed scheme is a larger building than the existing one it would occupy broadly the same footprint. The principle difference is the design of the proposals which would largely comprise three storeys. However, the proposed building would sit well within the site and does not represent an overdevelopment as I have explained above. It would not encroach too close to its boundaries. Although it would sit above the level of Darley Road the extent of set back from this boundary means that it

would not be overbearing. Consideration of reserved matters on appearance and scale would allow an opportunity to influence the final design.

22. I acknowledge the local concerns over the number of flats which have been developed in the Meads area. However, the Council's own assessment of the proposals included in the officer report to Committee accept the principle of 1- and 2-bedroom units at this site largely because of a shortfall of small flats in the Meads area. I have not seen any compelling evidence from other parties as to an oversupply of such units in the area.

23. The proposed access arrangements have been addressed through the submission of an amended plan, but the issues of land ownership lie outside my consideration as they are related to Land Law and not Planning Law. This is also true with reference to the comments made by several parties on the restrictive covenants which could prevent the proposed scheme from going ahead.

24. In respect of traffic generation although the appellant did not provide a trip generation analysis the Highway Authority considered that the proposed scheme could generate an additional 71 daily vehicular trips with 7 trips in the morning and evening peaks respectively. No evidence was presented to me during the hearing which countered these figures. I consider that the roads surrounding the site have the capacity to accommodate what would be a marginal increase in traffic flow in the grand scheme.

25. During the site visit I was shown Beachy Head Road and representations identified concerns about highway safety for pedestrians given its incomplete footways together with the perceived high speed of traffic. Whilst I acknowledge that this matter is of local concern my principle consideration on highway safety relates to the need to ensure adequate footways close to the site entrance. This has now been addressed through the amended arrangements.

26. Several interested parties raised the issue of the appeal site's ground conditions which they stated could prevent the proposed scheme from actually being built. I was not presented with any evidence on this point and am unable to comment on this matter as this is related more to building construction than to planning matters. Concern was also expressed over the potential for loss of local wildlife through the redevelopment of the site. However, I was not presented with any detailed evidence that this could occur as a direct result of the proposed development.

#### *Planning Balance*

27. As both parties are aware, the Council is unable to demonstrate the supply of housing as required by the Framework which, as per paragraph 11, engages the so-called tilted balance and treatment of the most important policies accordingly.



28. In the case of the appeal scheme, they would provide for 16 new dwellings which, whilst small in the grand scheme, is equally a not insignificant number which would assist in the Council boosting their current under supply. The proposals do not include affordable housing in line with adopted policy D5 of the Eastbourne Core Strategy 2013. However, supporting text to this policy does provide a series of steps including the submission of a FVA to substantiate an applicant's case that a scheme may not be viable. The Council were unable to provide an informed response to this which could have identified alternatives and or a rationale on why the affordable housing or some contribution could or could not have been provided. Whilst alone the lack of this information would not normally warrant an exception to adopted policy, I consider that the provision of 16 additional dwellings which are an appropriate mix would go some way to meet the Council's shortfall in housing supply. This is an important material consideration to which I have given great weight in informing my conclusion on this issue.

29. I have not found harm in respect of either the effect of the proposed development on the character and appearance of the area, the access in terms of pedestrian safety would be acceptable and the reserved matters stage would provide opportunities for further refinement on the matter of the Dark Skies Reserve. Returning to the tilted balance therefore, it seems sufficiently clear to me that the adverse impacts of granting a planning permission, given the lack thereof and having also considered above other matters that have been raised, would be incapable of outweighing the benefits, in this particular case. The appeal scheme would therefore be sustainable development for which the presumption in favour applies.

### **Conditions**

30. I have considered the list of conditions included in the signed statement of common ground. I have imposed a condition specifying the time frames for commencement of the development and for the submission of outstanding reserved matters as required by Sections 91 and 92 of the Town and Country Planning Act 1990, as amended. I have imposed another condition specifying the approved drawings to provide certainty. Conditions are required to ensure that the proposed access arrangements, car parking and turning areas are provided in advance of any dwelling being occupied. This is to ensure highway safety and that sufficient parking is provided to prevent additional parking in adjacent roads.

31. A condition is required for a Construction Method Statement covering arrangements for parking for operatives and visitors, loading and unloading of materials, secure storage, working hours and wheel washing facilities. This is required in the interests of both highway safety and the protection of the local environment during the construction period. A condition on drainage is required to prevent the risk of surface water flooding. This follows the comments received from the Lead Local Flood Authority. In accordance with the aims of sustainable transport a condition is required to ensure that secure and covered cycle parking facilities have been provided to serve occupants.

**Conclusion**

32. For the reasons above and subject to the conditions set out below the appeal is allowed.

**Schedule of Conditions**

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Proposed Block Plan 0260-P01; Proposed Site Plan 0260-P02 Revision C; Indicative Ground Floor Plan 0260-P03; Indicative First Floor Plan 0260-P04; Indicative Second Floor Plan 0260-P05.
- 5) The development hereby approved shall not be occupied until access arrangements have been provided in accordance with the details set out on drawing 0260-P02 Revision C and these arrangements shall be maintained in place thereafter throughout the lifetime of the development.
- 6) The development hereby permitted shall not be occupied until car parking and turning areas have been laid out in accordance with approved plan 0260-P02 Revision C and these areas shall be used for no other purpose other than for the parking and turning of vehicles throughout the lifetime of the development.
- 7) The development shall not be occupied until secure and covered cycle parking facilities have been installed in accordance with details to be first submitted to and approved by the Local Planning Authority.
- 8) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide:
  - i) Parking for vehicles used by site operatives and visitors
  - ii) Arrangements for the loading and unloading of plant and materials
  - iii) Secure storage arrangements for plant, materials and other construction related apparatus during construction phase of the development

iv) Delivery and working hours

v) Wheel washing facilities.

Development shall be carried out in accordance with the approved details.

9) No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Planning Application No	Authority	Site	Description of Development	Decision
181058	Committee	Spring Mead, 25 Meads Brow	Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking.	A

**Inspectors Reasons:**

4. Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the process. I shall aim to address each strand of the applicant's case in turn.

5. The Council did delay on several occasions in responding to the applicant's requests for information but in some cases there was good reason. For example, its delay in responding to the applicants request for a SoCG was justifiable until a hearing date had been agreed by the Planning Inspectorate. Although the receipt of a completed SoCG well in advance of the hearing would have been convenient it is difficult to see how any party has been prejudiced by the delays. Although the Council's appeal statement was submitted late I do not consider that the applicant has been prejudiced by this. The applicant has not offered up any information to substantiate how the Council's late submission of its case had inconvenienced them and what additional costs were incurred as a result.

6. In respect of the FVA I consider that the Council should have completed an independent financial analysis. This was clearly its original intention and reflected the comments of the Housing Policy Officer but due to constraints on the District Valuer's (DV) time

this was not possible within the prescribed time frame for consideration of the application. It is unclear what informed the Council's decision made at an internal officer meeting that because a hierarchical assessment had not been included in the application then its own FVA or critique was not required. Completion of the FVA would have allowed a thorough examination of the alternatives identified in paragraph 4.6 of the SPD. Different decisions seem to have been reached on this matter during the consideration of the application. I consider that this represents unreasonable behaviour by the Council given that this is a central issue to this application. In my opinion it has led to unnecessary costs by the appellant in addressing this reason at the Hearing.

7. In respect of the Council's withdrawal of its objection during the hearing to the flat sections of the roof design I consider that it was unreasonable behaviour to withdraw this part of the reason at such a late date. In my opinion this would have led to some unnecessary expenditure by the appellant in addressing this part of the reason in documentation and at the hearing.

8. Regarding the other issues re scale and appearance although these are reserved matters I consider that some consideration had to be given to them at this stage of the application process given the applicant's submission of floor plans and an indicative elevation. The Committee which imposed this additional reason for refusal was entitled to do so in the absence of officer advice on this matter. The Council's statement is supported by reference to its saved policies. I find therefore that the Council did not behave unreasonably regarding this matter.

9. In the absence of clear policy support it was unreasonable to include the Dark Skies Reserve as a reason for refusal. The Council describes its approach as 'precautionary'. However, given the size of the scheme, its distance from the National Park and the outline basis of the application I consider that this was unreasonable behaviour and has resulted in the appellant incurring unnecessary expenditure in addressing this reason.

10. Finally, on the issue of access this is a matter of judgement and I consider that the Committee was entitled to reach its own judgement. This was subsequently resolved through revised plans to the satisfaction of the main parties after the decision had been made and included in the SoCG. I do not consider that the Committee had been misled by the officer's report on this topic as the applicant states. Accordingly, I do not consider that this amounts to unreasonable behaviour.

### **Conclusions**

11. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense of the type I have identified above and as described by the Guidance has been demonstrated in respect of the issues of the consideration of the FVA for affordable housing, the roof design and the Dark Skies Reserve.

**Costs Order**

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Eastbourne Borough Council shall pay to Turnbull Land Ltd, the costs of the appeal proceedings described in paragraph 11 and above.

13. The applicant is now invited to submit to Eastbourne Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the note on how to apply for a detailed assessment by the Senior Courts Costs office is enclosed.

Planning Application No	Authority	Site	Description of Development	Decision
190132	Delegated	131 Southern Road	Proposed erection of a 3 bed semi-detached dwelling	A

**Reasons**

The appeal site is located in a residential area of two-storey, brick and tile dwellings. The area is characterised by terraced and semi-detached houses, some of which have generous gaps and green-spaces to the front and side which enhance a feeling of general openness.

The host dwelling, No 131 Southern Road, is a staggered end of terrace dwelling that is located on an unusually large plot, with side and rear gardens that are adjacent No 105 Southern Road and in front of 129 Southern Road. A tarmac pathway runs between No 131 and No 129 which leads to the flats and houses behind which enclose the path on all sides.

The large garden space to the side of No 131, which is currently uncultivated, would be used for the proposed development of a semi-detached, 3-bedroom property in matching materials to the host dwelling.

A sufficient gap between Nos 131, 129 and 105 would be maintained due to the relatively large plot size, the pathway between the buildings and the open mews-type courtyard to the rear of the host dwelling. The retained views to the street would reduce the bulk of the building and preserve a sense of separation common to the wider area. The sympathetic design style and visual appearance would uphold the existing balance and symmetry of the surrounding area and therefore, would negate the impact on the prevailing street scene. As such the distinctive character and appearance of the area would be retained.

Accordingly, the proposed development aligns with Policies HO6, UHT1 and UHT4 of the Eastbourne Borough Council Plan, 2007 (EBP) and Policy D10a of the Eastbourne Borough Council Core Strategy Local Plan, 2013 (ECSLP) which aim, amongst other

things, to ensure that development causes no significant harm to residential or visual amenity, makes the most effective use of the site, and is appropriate and sympathetic to its setting. For similar reasons the proposal accords with Paragraph 127 of the National Planning Policy Framework, (the Framework) which seeks to be sympathetic to the local character of an area and to maintain a strong sense of place.

### *Living Conditions*

The proposal would include rear elevation windows and doors as well as a modest garden space that would be overlooked by Nos 105 and 129. However, the separation of the proposal from these dwellings would be at a distance not uncommon in this residential location, and indeed would be similar to the existing host dwelling. Further, privacy would be provided by the use of boundary treatments that would accord with the No 131.

As such, the proposal aligns with Policies HO6 and HO20 of the EBC and Policy B2 of the ECSLP which aim to respect residential amenity and Paragraph 127 of the Framework which identifies that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

### **Other Matters**

I acknowledge the concerns raised by interested parties in respect of parking provision. However, Southern Road is a residential area with no obvious parking restrictions. I noted some on-street parking opportunities at the time of my morning site visit. The availability of on-street parking may well rise and fall during the course of the day, but I have limited evidence before me to support this either way. Further the impact of one additional dwelling, in this respect, is likely to be limited.

### **Conditions**

I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; in addition to the standard time condition and for certainty, a condition requiring that the development is carried out in accordance with the approved plans

In order to protect the appearance of the area I have also imposed a condition requiring the external materials used in the construction to match those of the existing building, and a condition that restricts future extensions or alterations to prevent over development of the area. To reduce the risk of flood I have set a condition related to surface water disposal and a related assessment. Finally, conditions for landscaping associated with the dwelling as well as cycle, refuse and recycling storage facilities to ensure adequate provision in accordance with standards.

The Council's suggested condition 7 related to the provision of a Construction Management Plan has been removed as it would be onerous and unreasonable in respect of a single dwelling of this scale.

**Conclusion**

For the reasons given above and having regard to the development plan when read as a whole, the appeal is allowed.

**Annexe A - Conditions**

- a) The development hereby permitted shall begin not later than three years from the date of this decision.
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 2018-81-20 (Location Plan), Drawing No 2018-81-17 (Proposed Side Elevation), Drawing No 2018-81-16 (Proposed Front and Rear Elevations), Drawing No 2018-81-15 (Proposed Roof Plan), Drawing No 2018-81-14 (Proposed ground and first floor Plans), Drawing No 2018-81-18 (proposed refuse and cycle store plans), Drawing No 2018-81-10 (Existing site layout plan), Drawing No 2018-81-13 (Existing side elevations) and Drawing No 2018-81-19 (Existing and proposed block plans).
- c) The external finishes of the dwelling, hereby permitted, shall match in material, colour, style, bonding and texture to those used in the external surfaces of number 131 Southern Road.
- d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations or other operations shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
- e) No above ground build shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the Local Planning Authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.
- f) Following completion of the works a statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil

Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the SUDS scheme approved under condition e) has been fully implemented shall be submitted to the Local Planning Authority.

g) Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: a) a scaled plan showing all hard and soft landscaping; b) details of all hard surfaces; c) all boundary treatments; d) a schedule detailing sizes, species and numbers of all proposed trees/plants e) sufficient specification to ensure successful establishment and survival of new planting. Any new tree that is removed, becomes severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

h) Prior to first occupation of the development, hereby approved, the secure and covered cycle parking shall be provided within the site in accordance with the approved plans. Thereafter the facilities shall be retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

i) Prior to first occupation of the development, hereby approved, refuse and recycling storage facilities shall be provided in accordance with the approved plans. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.