

App.No: 170900 (VCO)	Decision Due Date: 1 January 2018	Ward: Old Town
Officer: Leigh Palmer	Site visit date: Numerous Visits	Type: Variation of Condition
Site Notice(s) Expiry date: Neighbour Con Expiry: 28 November 2017 Press Notice(s):		
Over 8/13 week reason: In time		
Location: 1 Stuart Avenue, Eastbourne		
Proposal: Variation of condition 2 of planning permission granted 06 March 2017 for the proposed erection of a 4 bed detached dwelling house(ref: 170058) to retain the dwelling as built (includes omission of chimney, amendments to windows and doors at ground floor and increased height of ground floor above ground level from 0.15m to 0.25m, proposed rear terrace and new fence to east elevation 2.1m in height)		
Applicant: Mr Philip Head		
Recommendation: Approve the details		

Executive Summary:

This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor in order to allow the neighbours to present their views to planning committee and for Member to discuss the merits of the proposal.

The application proposes to vary condition No2 (approved plans) of planning permission 170058 which will if supported ratify the building that has been built at the site.

The changes from the approved drawings include in no order:

- Not building external chimney breast
- Relocating ground floor lounge patio door and kitchen windows (required given changes to the internal layout)
- Increase in finished floor level of ground floor by 0.1m (resulting from a gradual change of levels across the site).

Assessment:-

In design terms there is no objection to the deletion of the chimney breast and similarly there are no objections in principle to the relocation of the lounge patios door and kitchen window.

Given the modest slope to the existing plot this has resulted in part of the building having a finished ground floor level higher than that previously approved. This increase in height has increased the views to/from this part of the building such that a proportion of the patio door is readily viewable above the height of the existing boundary fence.

In order to mitigate this issue the applicants are proposing to erect a new 2.1m fence along the common boundary; this is considered to mitigate the potential harm caused by direct/perceived overlooking.

Representations:

The Council have investigated the changes to the approved scheme following a direct approach from a neighbour to the scheme.

All of the immediate neighbours have been consulted and one written objection has been received from the occupier of 100 Baldwin Avenue who have commented in the main on the following issues:-

- Object to three floors
- Do not need another house
- More cars and traffic
- Affect privacy of house/garden
- Affect light to garden

Recommendation:

Accept the proposed changes to the building and recommend a condition that the building shall not be occupied until the proposed fence is in situ in accordance with the approved details.

The report for the original proposal is attached below.

PREVIOUS REPORT

App.No: 170058 (PPP)	Decision Due Date: 15 March 2017	Ward: Old Town
Officer: Anna Clare		Type: Planning Permission
Site Notice(s) Expiry date: 12 February 2017 Neighbour Con Expiry: 12 February 2017 Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: 1 Stuart Avenue, Eastbourne		
Proposal: Proposed erection of a 4 bed detached two storey dwelling with vehicular access from Baldwin Avenue on curtilage of 1 Stuart Avenue.		
Applicant: Mr & Mrs Ray Moore		
Recommendation: Grant Planning Permission subject to conditions		

Site Description:

1 Stuart Avenue is situated at the corner of Baldwin and Stuart Avenues.

The property is a detached, two storey, single family dwelling within a generous plot which is typical of the built environment of the immediately surrounding area. The property shares boundaries with 3 Stuart Avenue to the side (east) and Ocklynge Junior School to the rear (north).

There is a fence of approximately 1.8m in height along the boundary shared with no. 3 and a wall and fence combination of approx. 2m in height to the rear and side along Baldwin Avenue. Beyond this in the school playing field, is a copse of Ash trees immediately the other side of the wall.

Relevant Planning History:

130600

Outline Planning Application

Proposed four-bedroom, detached, two-storey dwelling house in part of residential garden, together with vehicular access.

Withdrawn - following concerns regarding the scale of the development, and impact on adjacent trees being raised by the Planning Officer.

150738

Outline Planning Application

Erection of a three-bedroom, detached, two storey dwelling house with vehicular access from Baldwin Avenue.

Approved conditionally

28 October 2015

Proposed development:

The application proposes full planning permission for the erection of a four bed detached dwelling within the rear garden of the property.

The dwelling would have the same footprint as that approved under the outline planning permission (Ref: 150738) however alterations to the roof, consisting of a gable end to the northern elevation and three rooflights to the front elevation roof slope would facilitate a fourth bedroom within the roof.

Consultations:

Specialist Advisor (Arboriculture)

The trees indicated as removed within the site are of such a category that they should not be considered a constraint to development.

The group of Ash in the adjacent school playing field will not be adversely affected by the proposed development but may come into conflict with the proposed dwelling post development. I have noted this for the reason that once the proposed development has been built the owner of the trees will have a legal requirement to negate any legal nuisance caused by the trees such as direct damage to the roof tiles etc. This requirement may have an impact on the owner regarding ongoing maintenance where at present they have no obligation to prune them.

Highways ESCC

As this application is for a single dwelling off an unclassified road Highways need not be formally consulted. It should be noted the new access will need to be carried out under an appropriate licence and appropriate conditions should be included for parking and cycle storage. The new access will need to be located a minimum of 1.5m from the lamp column and pedestrian visibility splays should be provided.

East Sussex County Council Archaeologist

Although the site is situated within an Archaeological Notification Area, the site has been subject to an archaeological evaluation excavation which has defined it to be of low archaeological interest. Therefore I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Neighbour Representations:

Objections have been received and cover the following points:

3 Stuart Avenue

Object to the application on the following grounds;

- Scale, the area is predominantly 3 bed houses.
- Inappropriate mass
- Reduction in outlook and light
- Overlooking stating that overlooking from the side is more psychologically invasive than overlooking from the rear of next door properties.

105 Baldwin Avenue objects to the application on the grounds of the impact of the adjacent trees.

103 Baldwin Avenue objects to the application on the grounds of the impact on highway safety and parking during construction and after.

Appraisal:

Principle of development:

The principle of the erection of the dwelling in this location has already been established by the Planning Permission granted 28 October 2015. The provision of a four bed dwelling in this location, as opposed to the three bed dwelling with the same footprint, is considered acceptable providing the design is appropriate for the area, and would not result in significant impacts on the amenity of surrounding residential properties in accordance with the National Planning Policy Framework 2013, Policies of the Core Strategy Local Plan 2014 and saved policies of the Borough Plan 2007.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The proposed four bed dwelling is on the same footprint as the previously approved three bed dwelling. The windows in the elevations at ground and first floor remain the same. The bedroom in the roof has only roof lights to the front elevation, two to the bedroom and one to the dressing room. Therefore there would be no additional overlooking towards properties of Stuart Avenue.

Objections to the application have been raised by the owner of No.3 Stuart Avenue in relation to overlooking and privacy impacts, however it is considered that the issues of overlooking towards Stuart Avenue properties was dealt with under the original application and the impacts considered acceptable given the shape of the building minimising overlooking directly back towards the properties.

It is not considered that a four bed dwelling, compared with the three bed dwelling already approved would cause more impacts on neighbouring properties to warrant the refusal of the application. There is nothing to suggest that the additional bedroom would necessarily increase occupancy to levels that would be detrimental to the amenity of surrounding properties.

Any impacts on light or overshadowing towards No.3 Stuart Avenue from the change in shape of the proposed roof from a hipped roof to a gable end at the northern elevation would be limited given that the property is to the north. It is not considered that this could be a justifiable reason for refusing the application.

Design issues:

The application proposes the erection of a two storey building with additional living accommodation in the roof facilitated by a gable end to the northern boundary and three roof lights to the front elevation.

There is no objection to the installation of the roof lights, these are fairly normal forms of development on the front elevation roof slopes of properties and would not be considered out of keeping.

The proposed property has a hipped roof to the southern elevation and a gable to the north. Properties in the surrounding area have a mix of roof styles, some are hipped and some double gable ended. It is agreed that there are not properties in the immediately surrounding area with one end hipped the other gabled however this property is to the rear garden of 1 Stuart Avenue addressing Baldwin Avenue, it will be the only property in this section of frontage. Therefore, it is not considered that the roof design would be out of keeping with or detrimental to the existing street scene to warrant the refusal of the application on design grounds.

The gable end to the roof does increase the size of the dwelling and therefore its scale. However the properties in this area are all detached, the size of the dwelling is considered acceptable given the plot size. It is not considered that a reason for refusal based on the scale of the development could be justified.

The proposed materials are;

Roof tiles - Redland Hedgerow Brown

Facing brickwork – Ibstock Cottage mix

Vertical hanging tile – Redland O2 brown

Windows and Doors – Grey UPVC

Driveway – Permeable Tarmac

The materials are considered acceptable given the materials in the surrounding area and context of the proposed dwelling.

Impacts on trees:

The group of Ash with in the adjacent school playing field will not be adversely affected by the proposed development but may come into conflict with the proposed dwelling post development. Once the proposed development has been built the owner of the trees will have a legal requirement to negate any legal nuisance caused by the trees such as direct damage to the roof tiles etc. This requirement may have an impact on the owner regarding ongoing maintenance where at present they have no obligation to prune them.

The close proximity of the proposed development to the neighbouring group of Ash may lead to blocked gutters to the new dwelling unless suitable gutter guards are installed. Given that the change in the roof shape will remove a sloped roof to this elevation of the dwelling, and therefore a gutter, this could be a better situation in terms of impact from the adjacent trees.

Impacts on highway network or access:

The new access is on to an unclassified road and therefore is acceptable in principle.

The new access will need to be located a minimum of 1.5m from the lamp column and pedestrian visibility splays should be provided. The actual creation of the access will require a License from the Highway Authority.

The application stipulates that the driveway will be constructed in permeable tarmac, a condition requiring a permeable surface and/or drainage is recommended to prevent surface water running off onto the pavement/highway.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

For the reasons set out above it is not considered that the proposed increase in scale to a four bedroom property, with the fourth bedroom within the roof with only an alteration to the shape of the roof and the proposed three roof lights on the front elevation, would result in significant impacts on the surrounding residential properties to warrant the refusal of the application.

The bulk and scale of the proposed building, the materials and detailed design are all considered acceptable.

Recommendation: Grant planning permission subject to the following conditions;

- 1. Time for commencement*
- 2. Approved drawings*
- 3. Materials to be as submitted*
- 4. Driveway to be constructed in permeable material*
- 5. No new windows/dormers/roof lights to the roof slopes or south elevation*
- 6. First floor rear windows (bathroom and ensuite) to be obscurely glazed and permanently retained as such*

Informatives;

- 1. Trees and guttering*
- 2. Creation of vehicular access/requirement for a license from ESCC*