

App.No: 171283	Decision Due Date: 31 January 2018	Ward: Meads
Officer: Anna Clare	Site visit date: 14 November 2017	Type: Planning Permission
Site Notice(s) Expiry date: 29 November 2017 Neighbour Con Expiry: 29 December 2017 Press Notice(s): 6 November 2017		
Over 8/13 week reason: In time		
Location: 8 Chiswick Place, Eastbourne		
Proposal: To demolish existing single garage, move rear garden boundary within site and erect a 2 storey 2 bed detached dwelling		
Applicant: Mr A Bree		
Recommendation: Refuse planning permission.		

Executive Summary

The proposals are considered to have overcome some of the previous concerns raised during previous applications. The design of the dwelling is considered acceptable in and of itself. However the amendments to the design of the proposal have increased the impacts on the immediately adjacent neighbouring properties.

The size of the dwelling, the height and length within the site is considered unneighbourly and overbearing on No.7 and 8 Chiswick Place. The siting of the proposal is also considered will result in significant impacts on the setting of the conservation area by direct impact on views from Blackwater Road along the rear of the terrace of Chiswick Place.

The siting of the proposal results in a significant loss of rear garden of No.8 Chiswick Place which results in a reduction in the status and setting of that building. The view across the rear of the terrace is considered to form that boundary with the conservation area, the views will mostly be lost given the height and length of the proposed dwelling.

Therefore it is considered that the modest benefits from the provision of one additional residential unit would not outweigh the significant and demonstrable harm caused to the setting of the conservation area or the amenity of surrounding residential properties.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D5: Housing
- D10: Historic Environment
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT15: Protection of Conservation Areas
- HO1: Residential Development Within the Existing Built-up Area
- HO2: Predominantly Residential Areas
- HO7: Redevelopment
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

Site Description:

The site comprises an existing garage and parking space accessed from Blackwater Road located to the rear of 8 Chiswick Place, and includes part of the garden of 8 Chiswick Place. It is located immediately adjacent to number 27 Wish Road which also faces Blackwater Road, an attractive late 19th Century residential building faced in flint and brick with a garden to the rear running parallel with Wish Road.

The site falls within the Town Centre and Seafront Conservation Area, comprising its outer boundary, with 27 Wish Road and the remainder of Blackwater Road to the west falling within a designated area of high townscape value. To the north the site falls within the wider setting of a group of listed buildings at 1-24 Cornfield Terrace (Chiswick Place runs in to Cornfield Terrace following the junction with Blackwater Road). Immediately

opposite the site is St Andrews Church, a building that is designated as a building of local interest within the Eastbourne Townscape Guide and falls within an area of high townscape value.

Relevant Planning History:

161364

To demolish existing single garage, move rear garden boundary within site and erect 2 storey two bedroom detached dwelling

Planning Permission

Refused for the following reasons;

1. Because of the alignment, layout and siting in close proximity to the neighbouring property at 27 Wish Road; the roof pitch of the proposed building and its detailed design the proposal would fail to harmonise with its immediate surroundings.
2. Because of its siting, bulk and mass and location forward of the established building line along Blackwater Road the two storey residential building would harm the character and appearance of the town centre and seafront conservation area and the setting of the group of buildings at 1 to 8 Chiswick Place.
3. Because of the windows being sited in close proximity to neighbouring residential windows and gardens the proposal would result in an unacceptable degree of perceived and actual overlooking. This would fail to protect the amenity of existing and future residents.

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Pre-application discussions were had with the applicant following the previous refusal. The response given was that concerns remained regarding the impact on the conservation area and the blocking of an important vista across the rear elevation of the terrace, however in principle the proposal could be acceptable providing a high quality of material is proposed and the height and width kept to a minimum.

25 July 2017

Proposed development:

The proposal includes the demolition of the existing garage on the site and the construction of a two storey, detached two bed dwelling. The dwelling is proposed 5.6m from the rear elevation of the existing property at No.8 Chiswick Place.

The proposed first floor is within the roof slope with three lead clad domed dormers to the front facing Blackwater Road.

The boundary wall will be replaced with brick wall and flint panels, a single gate for pedestrian access and double gates for vehicular access.

The property is proposed sunken into the site by approximately 0.7m to minimise the height, with the car parking area for one vehicle, level with the road.

The proposal has been amended from that previous refused in 2016, in that the proposal is now two storeys, with the first floor in the roofs pace rather than a true two storey property. The dwelling is proposed to be level with the Blackwater Road elevation of the adjacent No.27 Wish Road, the now more elongated dwelling projects further into the rear garden of No.8 Chiswick Place than was proposed under the previous application.

Consultations:

Specialist Advisor (Planning Policy)

The proposed development is within the Town Centre neighbourhood (policy B2). Policy B1, as mentioned in the Spatial Development Strategy, states that higher residential densities will be supported in sustainable neighbourhoods; the Town Centre is the 4th most sustainable neighbourhood in the borough. Policy C1 is The Town Centre Neighbourhood Policy, which sets out the vision for this area as the following; *"The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan"*. It aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood.

This site would be considered a brownfield site and the strategy states that 'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'.

Redevelopment of brownfield land is also supported by the NPPF.

Policy HO2 of the Eastbourne Borough Plan identifies this location as being predominantly residential. The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 1 dwelling, the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

The proposed development at the site of 8 Chiswick Road is located within a sustainable neighbourhood and would increase residential density in line with policy B1. The development is also located on brownfield land which is considered more sustainable than development of greenfield land and is supported by the NPPF.

For the above reasons this development would be looked on favourably from a planning policy perspective.

Specialist Advisor (Conservation)

Following the previous refusal a revised scheme in its pre-application form was presented to the Conservation Area Advisor Group in August 2017. The Group felt that the revised proposals addressed concerns expressed at a previous meeting and believe that the scale and more modest design as submitted aligns better with the surrounding street scene.

Conservation Area Advisory Committee: At its committee of the 28th November 2017 Members made the following comment...*The Group endorsed the proposals and congratulated the architects on the design, having incorporated all of their previous requests.*

CIL

The proposed development would be CIL liable.

Southern Water

No objection, a formal application for connection to the public sewerage system is required in order to service this development. It is the responsibility of the developer to make suitable provision for the disposal of surface water.

Neighbour Representations:

4 objections have been received and cover the following points;

- Close proximity to No.27 Wish Road
- Loss of Garden to No.8 Chiswick Place
- Overshadowing and loss of light to No.8
- Proposal is too small compared with large buildings surrounding
- Views of back of Chiswick Place properties
- Impact on environment and wildlife.
- Loss of boundary wall
- Proposed construction does not accord with the appearance or historical character of the houses in Chiswick place.
- Overlooking of back gardens
- Impact on parking
- This further density will further deteriorate the historical look of Chiswick Place and the Conservation Area.
- Loss of open space feel of the area
- Overdevelopment of a small garden
- Garage should be removed and garden reinstated

Appraisal:

Principle of development:

On the basis of historical mapping the existing garage has been in situ since the 1920's, and the current boundary / hardstanding has been in situ since at least 2009 on the basis of photographic records. In land use terms there is no policy protecting the existing use.

The NPPF puts great weight on the presumption in favour of sustainable development, however this should not be to the detriment of other material considerations. The NPPF also gives great weight to the conservation of designated heritage assets and seeks a high quality of design in new development.

The previous application was refused for three reasons, this application seeks to overcome those reasons by way of an amended design.

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

This proposal seeks to mitigate any overlooking to surrounding residential properties by only proposing dormers to the front elevation facing Blackwater Road to serve the first floor bedrooms.

An objection has been received to the rooflight in the rear roofslope, in that this could afford overlooking towards the rear gardens of Chiswick Place. This serves a stairwell and could be therefore be removed to overcome this issue.

The neighbouring property to the west, no.27 Wish Road, has some windows in the side elevation however these are further along the elevation facing the garden of No.7 Chiswick Place and therefore the impact on these would be minimal given the existing garage location.

The biggest impacts of the proposal will be on the properties of Chiswick Place. The proposal would reduce the rear garden to No.8 to 5.6m from the rear elevation (not including bay projection). The proposal is for a pitched roof; however given the steep pitch the bulk would be considerable when viewed from the rear of No.8. This will be exacerbated by the fact the No.8 is converted into flats with the lower ground floor below the Road level. Even though the property is proposed sunken it is considered this bulk would be overbearing and unneighbourly given the close proximity and result in a loss of outlook.

There would also be a significant impact on the neighbouring property at No.7 Chiswick Place which is also separated into flats. The garden level of this property is considerably lower than the application site. Although the proposal is to be sunken into the ground the resultant impact is 11.5m in length of development at 2.8m in height to eaves level above the ground level. Given the steep pitch of the roof it is considered that although the dwelling is to the north of the property therefore there are unlikely to be impacts of loss of light or overshadowing the development is still a large bulk projecting the majority of the length of the garden which is considered unneighbourly and overbearing.

There may be an issue of ownership as the dwelling is shown abutting the boundary wall between no.7 and 8 with the roof and guttering overhanging

that wall. I do not know the extent of the ownership of that wall but it appears that the guttering would overhang into No.7's rear garden. This could be controlled by condition if other aspects of the proposal were considered acceptable.

Design issues and impact on character and setting of a listed building or conservation area:

The design of the proposal has been amended significantly since the previous refusal adopting a totally different design approach which simply in terms of the design of the building relates better to the surrounding development. The rendered elevation would be in keeping with Chiswick Place properties, and would mostly be hidden behind the new boundary wall regardless. The use of a matching roof tile to surrounding properties and the smaller domed dormers would result in a development which is subservient in size to the neighbouring properties. The previous design concept was pastiche with busy elevations trying to mimic the neighbouring No.27 Wish Hill.

In and of itself the design of the property is attractive, simplistic and would not detract from the street scene in its design terms.

The concept of the design is to keep the height of the roof low to reduce the impact on the view across the rear of the properties of Chiswick Place. This terrace forms the boundary of the conservation area. The boundary wall is proposed to be replaced with brick and flint panel to reflect the wall detail adjacent. There is no objection to this. However the height of the proposal above the wall is still significant. This proposal also projects further into the garden of No.8 Chiswick Place than previously proposed.

For the reasons discussed previously the subdivision of the rear plot of 8 Chiswick Place is historic and the existing garage a longstanding lawful use. However the reconstruction of the boundary wall and further diminishment of the garden area (the boundary is to be moved further towards that property) would result in a reduction in the status and setting of that building and is unacceptable in conservation terms. The position of the dwelling means it would obscure views across the rear of the property which provide a distinctive vista from Blackwater Road and which serves to define the boundary of the conservation area.

Policy D10 of the Core Strategy 2013 requires all significant heritage assets to be protected and enhanced including conservation areas. Policy D10A requires exemplary standards of design and architecture that respects Eastbourne's unique characteristics, ensuring that development contributes to local distinctiveness and sense of place, appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features. Policy UHT1 of the Borough Plan requires that development harmonises with the appearance and character of the local environment, Policy UHT2 requires that development takes account of its effect on the skyline and long distance views. Policy UHT4 requires that

proposals with an unacceptable detrimental impact on visual amenity (including the effect on important vistas) must be restricted. The proposed development is considered unacceptable in design terms due its siting, mass and scale and due to its adverse impact on the streetscape setting and townscape vistas within the the town centre and seafront conservation area.

Impacts on trees:

It is noted that there are a number of shrubs and small trees in the surrounding area including a number located in close proximity to the application site. I do not regard these as significant in terms of the character of the conservation area or the biodiversity of the area and are not a constraint on the development of this site. There is no evidence that the site comprises a significant wildlife habitat or contains protected species.

Impacts on highway network or access:

The application proposes off street parking for one vehicle utilising the existing drop curb from Blackwater Road. The ground level will be reduced to sink the dwelling into the site but the car parking will be level with the pavement. Further detail regarding the construction and surface water drainage could be controlled by condition if the application was considered acceptable.

The one off street parking is considered to be sufficient for a dwelling of this size in this location in close proximity to the Town Centre, its amenities and public transport.

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:

It is considered that some elements of the previous reasons for refusal have been overcome by this application. There is no objection to the design of the proposed dwelling however the impacts on the conservation area, the loss of the open vista and views of the rear of the terrace is considered harmful to the setting of the conservation area. The resultant impacts from the elongation of the proposed dwelling to resist projecting forward of the front elevation of No.27 Wish Road is that the development has greater impact on the amenity of No.7 and 8 Chiswick Place. The development along the majority of the boundary is considered overbearing and unneighbourly on No.7 given the height, and much of the garden of No.8 would be lost with the rear elevation faced with a significant wall and roof pitch.

Therefore it is not considered that in its current form the proposal can be supported and it is recommended that planning permission is refused for the following reasons;

1. Because of its siting, bulk and mass the development would result in harm to the character and appearance of the Town Centre and Seafront Conservation Area and the setting of the group of buildings at 1 to 8 Chiswick Place by way of impact on the vista and views into the Conservation Area from Blackwater Road. This is contrary to paragraphs 53-68 of the NPPF, paragraph 7 policy D10 and D10A of our Core Strategy (Adopted 2013) and policy UHT1, UHT4 and UHT15 of our Borough Plan (saved policies) 2007.
2. By virtue of the height and length of the property the proposal would result in an unneighbourly and overbearing form of development on No.7 Chiswick Place, and by virtue of the close proximity to the rear elevation of No.8 would be overbearing and unneighbourly resulting in a loss of outlook from the rear elevation of this property. This would fail to protect the amenity of existing and future residents and is contrary to paragraph 17 of the NPPF, policy B2 of our Core Strategy (adopted 2013) and policy H020 of our Borough Plan (Saved Policies) adopted 2007.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.