

<b>App.No:</b> 171235	<b>Decision Due Date:</b> 3 December 2017	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 28 November 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 2 November 2017 <b>Neighbour Con Expiry:</b> 28 November 2017 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Committee Cycle		
<b>Location:</b> Carbrooke Lodge, Watts Lane, Eastbourne		
<b>Proposal:</b> Erection of one bedroom single storey detached dwelling, with accommodation within the roof, to the rear of Carbrooke Lodge facing Selwyn Road with new vehicular access from Selwyn Road and off street parking		
<b>Applicant:</b> Ms Ptochopoulos		
<b>Recommendation:</b> Grant planning permission subject to conditions		

### **Executive Summary**

The proposal is for a single storey, with accommodation in the roof, one bed detached dwelling to the rear of Carbrooke Lodge facing Selwyn Road

The proposal would not result in significant harm to the amenities of surrounding residential properties and is considered acceptable subject to conditions in terms of the detailed design, scale and layout. Therefore it is recommended that planning permission is approved.

### **Relevant Planning Policies:**

#### National Planning Policy Framework 2012

- 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

#### Core Strategy Local Plan 2013 Policies

- B1 Spatial development Strategy and Distribution
- C2 Upperton Neighborhood Policy
- D5 Housing
- D10 Archeological Notification Area

#### Eastbourne Borough Plan Saved Policies 2007

- NE14 Source Protection Zone

HO2 Predominantly Residential Areas  
HO20 Residential Amenity  
UHT1 Design of New Development  
UHT4 Visual Amenity

**Site Description:**

Carbrooke Lodge is a detached two storey single dwelling house occupying a corner plot. The property does not really address either frontage in terms of its visual appearance, but has a vehicular and pedestrian access from Watts Lane, which has no pavement on this side of the road.

This eastern side of Watts Lane has a substantial wall all the way to the junction with Carew Road, with Carbrooke Lodge and its two neighbours to the north having access from the road, for the rest of the properties in this stretch of Watts Lane this wall forms the rear boundary wall as they form part of The Quadrant a late 90's early 2000's residential development.

The Watts Lane frontage of the property has a substantial stone and flint wall; with the Selwyn Road frontage having a flint wall with timber close board fence above.

The property is not listed nor is it situated within a conservation area. The Torfield Conservation Area includes those properties between Torfield Road to the south and St Anne's Road to the North up to no.6a Selwyn Road.

**Relevant Planning History:**

100193

Retrospective application for the retention of close boarded timber fence to replace hedging.

Approved conditionally  
02/07/2010

170837

Erection of new 3 bed dwelling to the rear facing Selwyn Road, with 1no. off street parking space.

Withdrawn – To allow necessary notice to be served on the joint owner, and to consider amendments to the scheme that would seek a reduction in the proposed scheme.

**Proposed development:**

The application proposes the erection of a single storey, with accommodation within the roof, one bed dwelling within the rear garden of the property. The dwelling is proposed to face south onto Selwyn Road. A new vehicular access is proposed from Selwyn Road with off street parking proposed for one vehicle. A break in the boundary treatment is proposed to facilitate the new access, with the boundary wall and fence otherwise retained.

The application was originally submitted as a two bed, two storey property with all living accommodation at first floor level, with access onto a terrace on the flat roof of the garage. This was amended following objections to the application, with the kitchen/diner moved to the ground floor with access onto a courtyard garden area.

The total proposed height of the dwelling is 5.5m, but the site is proposed to be lowered to 0.6m below the pavement level, therefore the height from pavement level is 4.9m.

The accommodation in the roof is served only by rooflights, two to the front elevation and three to the rear elevation roof slope.

Courtyard amenity spaces are provided to the side (west) and front adjacent the Selwyn Road boundary, part of this area is kept at the higher ground level with a fence for privacy on the boundary.

**Consultations:**

Specialist Advisor (Arboriculture)

No objection raised. The proposed development will lead to the loss of one semi mature Holm Oak which is of such a size that it should not be considered a constraint to the development.

Specialist Advisor (Planning Policy)

Policy HO2 within the Eastbourne Borough Plan identifies the area of Upperton as being predominantly residential, thus the proposal is consistent with this policy. Within residential areas housing can be achieved through windfall sites, meaning the site had not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is considered a windfall site. The Council relies on windfall sites as part of its Spatial Development Strategy Policy B1, as stated in the Core Strategy, which supports this application.

The Core Strategy states that Upperton is one of Eastbourne's most sustainable neighbourhoods, ranked at number 3. Additionally, Policy B1 of the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods, for Upperton the density supported is 103-131 dwellings per hectare. This application would add to housing numbers in an area where development is favoured and is consequently supported.

In conclusion, the site is a greenfield site, however it is located within the predominantly residential area and the application will result in an additional residential unit in a sustainable neighbourhood, and therefore is supported from a planning policy perspective.

County Archaeologist

The proposed development is within an Archaeological Notification Area defining an area of prehistoric Roman and medieval activity, including settlement and burial areas. Test pit investigation of the development area has clarified little modern impact and a high potential for archaeological remains to survive.

In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

Condition requested for submission of a programme of archaeological works.

### Highways ESCC

The proposed dwelling with access is onto an unclassified Road (Selwyn Road) as such we do not wish to be formally consulted please refer to our standing advice.

### SUDS

SUDS advise that the site is underlain by chalk and therefore infiltration should be explored as a means of surface water disposal. Therefore a drainage scheme is requested by condition.

### **Neighbour Representations:**

Consultation on revised single storey scheme

Planning agent working on behalf of Mulberry Cottage and Grange Cottage, Watts Lane and 11 Laleham Close.

Do not wish to lodge formal objections to the revised proposal.

However request that permitted development rights are removed by condition.

Consultation on original scheme

Occupier and Joint Owner of Carbrooke Lodge objects to the application on the grounds of

- Loss of garden resulting in outside space not in keeping with neighbouring cottages.
- Over development – garden grabbing, loss of open aspect and detracts from the setting of other buildings in the local area.
- Overlooking and loss of privacy – although no windows facing Carbrooke Lodge the close proximity is a gross invasion of privacy, decked area on boundary fence will increase noise and overlooking and is not in keeping with anything within the area.
- Loss of Views – New building will be overbearing, and change amenity of this and neighbouring views.

4 Objections received from surrounding properties;

- Increases the density to an unacceptable level
- No outside space for the new dwelling
- Orientation of existing properties means there are no views from ground floor rooms into the neighbours' ground floor rooms, this has living accommodation on first floor with direct lines of sight into neighbouring properties.
- Roof terrace will impinge upon the privacy of neighbouring gardens and properties opposite and create noise impacts
- Terrace is not in keeping with surrounding properties
- Roof terrace will put users in full view of road users and neighbours
- Impact on highway safety of new access
- Impact on parking in the area.
- Drawings appear to show a reduction in the height of the fence to the garden of Carbrooke Lodge which would lead to overlooking issues.
- Overshadowing and imposing nature to No15 Roman Croft to the eastern boundary

Planning agent working on behalf of Mulberry Cottage and Grange Cottage, Watts Lane and 11 Laleham Close.

Objections raised in response to original consultation;

- Extent of the proposed development
- Overbearing nature of the height
- Dominance of the proposed dwelling
- Impact on amenity of neighbouring residential properties
- Overlooking from first floor living accommodation towards 11 Laleham Close
- Potential for nuisance from the elevated amenity area
- Much of the amenity space is strictly functional

Response to second consultation

- Reduction in height and removal of roof terrace is welcome
- Still concerns regarding overlooking towards 11 Laleham Close, exacerbated by the reduction in height of the fence to the south western boundary.
- Discrepancy's regarding fence height
- Permitted development rights could allow the use of the roof of the garage without requiring planning permission.

### **Appraisal:**

#### Principle of development:

The Five Year Housing Land Supply is a material consideration in determining this application. Currently, Eastbourne is only able to demonstrate a 2.9 year supply of land. This proposal, for 9 additional units, will make a contribution towards increasing the number of year's supply of housing land.

At the heart of the NPPF is the presumption in favour of sustainable development. The site is considered a sustainable location, the Core Strategy states that Upperton is one of Eastbourne's most sustainable neighbourhoods, ranked at number 3.

In accordance with paragraph 49 of the NPPF the presumption is in favour of supporting the application unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

Additionally, Policy B1 of the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods, for Upperton the density supported is 103-131 dwellings per hectare. This application would add to housing numbers in an area where development is favoured and is consequently supported.

Therefore the proposed development is acceptable in principle providing the scheme would not result in significant detrimental impacts on the amenity of existing residential properties, the standard of accommodation was acceptable for future occupiers, and the design of the proposed dwelling was in keeping with the context of the area as set out by the Eastbourne Core Strategy Local Plan 2013 and saved policies of the Eastbourne Borough Plan 2007.

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

The dwelling is proposed to the rear of Carbrooke Lodge facing south onto Selwyn Road. The proposed dwelling has been reduced in scale following advice that a two storey dwelling was unsupportable given the impacts on the adjacent residential properties, specifically Carbrooke Lodge itself and no.15 Roman Croft.

Carbrooke Lodge itself sits to the west of the site, the distance between the property itself and the new dwelling would be 12m elevation to elevation, with Carbrooke Lodge retaining 8.5m of rear garden. The design of the proposal is such that the ground floor will be lower than the garden level of Carbrooke Lodge with no windows in the gable end. Therefore there is no concern regarding overlooking between the properties.

Given the size of the proposed property there will be limited visibility over the boundary fence and no significant impacts in terms of light/outlook from the rear of Carbrooke Lodge.

The property to the north, Mulberry Cottage is set on higher ground level than Carbrooke Lodge. The height of the revised scheme is proposed only marginally above the height of the existing boundary wall. Therefore there will be very limited impacts on the amenity of this neighbouring property. The rooflights in the rear roof slope are below the height of the wall, and therefore would not provide views into the rear garden of this property.

Carbrooke Lodge also has an existing side garden, however this part is sloped and I agree with the occupier of the property that this part of the site is unusable in its current form as a 'garden' area. The rear part of the garden is in two sections with a patio to the rear of the property and a raised lawned area beyond. It is considered that on balance the amount of retained rear garden is acceptable and the loss of this space is not considered detrimental or harmful to the setting of the building.

To the east the site shares a boundary with the more recent development of Roman Croft. Given the reduction in height of the proposal the dwelling will be marginally higher than the existing boundary fence and as such will have limited impact. There will be no additional overlooking as no windows are proposed in the gable end. The sense of enclosure will also be minimal given the pitched roof and as this is set just less than 1m from the boundary.

No1 and 11 Laleham Close are situated to the south of the site on the opposite side of Selwyn Road. Both of these front onto Selwyn Road, however No.1 has a large hedge which blocks much of the view from pavement level of the ground floor of this property. No.11 has a ground floor extension to the front with a window serving living accommodation. It is considered that the view from these properties would change given the dwelling would be opposite. The perception of overlooking may increase as currently these properties do not face other properties. However given the amendment to the design omitting the true first floor which is now only served by rooflights and the distance between the properties of 22m the proposal would not result in significant impacts on this opposite property.

37 Selwyn Road is to the south of the site, the property faces east and therefore the side abutting Selwyn Road has no windows. There would be angled views between the new

dwelling and the front elevation of this property. It is not considered there would be any significant impacts on this property given the orientation and separation distances.

Impact of proposed development on amenity of future occupiers:

The proposal is for a 1 bed, 2 person occupancy dwelling over two floors, with a total internal floorspace of 59m<sup>2</sup>. The kitchen/dining and living room are proposed on the ground floor, with one double bedroom at first floor with bathroom.

The Nationally Described Space Standards recommend the minimum internal floorspace of a 1bed 2 over 2 storeys person occupancy dwelling as 58m<sup>2</sup>. The bedroom is within the roof space, served only by rooflights to either roof slope, however overall the quality of the proposed accommodation is considered good.

The application originally proposed a garage to the side, however this has been removed from the scheme in favour of additional amenity space. Two court yard amenity areas are proposed and an upper terraced garden to the front of the plot. The amount of amenity space is considered acceptable for the size of the dwelling.

Therefore it is considered that the proposed dwelling would provide a good standard of accommodation for future occupiers.

Design issues:

The area immediately surrounding the site has a mixed character. Carbrooke Lodge, Mulberry Cottage and Grange Cottage to the north of the site are detached properties in larger plots with historic value. No.35 and 37 Watts Lane are Buildings of Local Interest due to their historic nature/character. None of these buildings address the street scene. Laleham Close is a more modern development, as are the larger blocks of Selwyn Road and the Roman Croft development to the east. Although the properties are of varying character the palette of materials are broadly similar with red brick facing elevations, patches of flint in buildings/walls and dark brown/red roof tiles.

The dwelling is proposed single storey with rooms in the roof, at lower level to the pavement of Selwyn Road, so that the first floor is essentially level with the ground floor of Carbrooke Lodge. Only the roofslope to the front will be read in street scene terms and the ridge height will be significantly lower than both Carbrooke Lodge and 15 Roman Croft to the East. The design is such to minimise the appearance of the dwelling, to create subtlety and so as to not be overly dominating visually on the existing properties.

The dwelling is proposed be brick with tiled roof, which is generally in keeping with other development in the area. The specific colour and texture can be secured by condition.

The design of the proposal in and of itself is considered acceptable and would not detract from the visual appearance of the street scene or surrounding area given the distinct lack of street scheme in this area.

Impacts on highway network or access:

Given the curvature of the proposed access the width of such is approximately 8m which is well above the minimum required for a single access.

ESCC Highways minor application guidance sets out acceptable visibility splays for new access' onto unclassified roads. It is considered that the proposed access provides visibility splays both left and right of the centre point of the access in excess of those required for a road with a speed limit of 20 miles an hour (distance required 22m). The new access is close to the junction with Watts Lane and therefore it is considered that the speed of vehicles would be limited.

The driveway is on a slope however the gradient is considered acceptable and within the maximum gradients set out in the above guidance of 11% (approx. 8%) this can also be controlled by condition.

The provision of a one bed dwelling with one off street parking space is considered acceptable in principle. It is acknowledged that there is limited on street parking as the northern side of Selwyn Road is double yellow lined preventing car parking. However it is not considered that the additional dwelling would result in significant increased demands for on street parking, or severe impacts on the highway network to warrant the refusal of the application.

Other Matters:

The proposed development would be CIL liable, the necessary information forms at this stage have been provided.

It is acknowledged that to facilitate this development and to obtain the ridge height proposed there will be extensive ground works/excavations; there are no objections in principle to this and a construction method statement has been requested by condition.

**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:**

Following amendments to the scale of the proposal the one bedroom dwelling with bedroom in the roofspace is considered acceptable in principle. The height and siting of the proposed dwelling is such that the development would not result in significant impacts on the surrounding residential properties. The detailed design, bulk and scale are considered acceptable given the context of the site and the property would result in a good standard of accommodation for future occupiers.

**Recommendation:** grant planning permission subject to the following conditions;

**Conditions:**

1. Time for commencement
2. Approved drawings
3. The internal layout of the property shall be as the approved drawings unless agreed in writing by the Local Planning Authority.
4. Materials to be as specified unless agreed in writing and samples provided of brick and roof tiles.



5. The fence to the Selwyn Road boundary shall be erected prior to occupation and shall match, material, style and height of the existing fence to Carbrooke Lodge.
6. Prior to commencement of development a programme of Archaeological works to be submitted
7. Removal of permitted development rights for new windows/doors in any elevation and extensions/windows/doors/rooflights in any roofslope.
8. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.
9. Construction of access prior to occupation
10. Construction of parking prior to occupation
11. Development shall not commence until a Construction Traffic Management Plan has been submitted and agreed, this shall include details of the removal and disposal of all spoil from the site.
12. Before any work, including demolition commences on site a Method Statement shall be submitted in relation to the removal of spoil and the retaining walls.
13. Submission of sustainable urban drainage scheme prior to construction
14. Submission of statement following implementation of SUDS scheme.
15. No works of construction outside of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.
16. Ridge height/Finished floor level condition

**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**.