

**Eastbourne Borough Council**

**Planning Committee**

**5 March 2013**

**Report of the Head of Planning**

**List of Planning Applications for Consideration**

**1) 2-8 UPWICK ROAD, EASTBOURNE**

Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 No. 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road..

EB/2012/0753(FP), OLD TOWN

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**RECOMMEND: APPROVE CONDITIONALLY**

**2) 1 LEWES ROAD, EASTBOURNE**

Erection of a two storey extension to the side to provide two self-contained flats together with conversion of existing maisonette into two self-contained flats.

EB/2012/0819(FP), UPPERTON

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**RECOMMEND: APPROVE CONDITIONALLY**

Leigh Palmer  
Development Manager

21 February 2013

## **Planning Committee**

**5 March 2013**

### **Report of the Planning Manager**

#### **Background Papers**

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the Council offices at 1 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

## Eastbourne Borough Council

### Planning Committee

5 March 2013

### Report of the Planning Manager

### List of Planning Applications for Consideration

#### Committee Report 05/03/13

#### Item 1

<b>App.No.:</b> EB/2012/0753	<b>Decision Due Date:</b> 03/01/12	<b>Ward:</b> Old Town
<b>Officer:</b> Chris Cave	<b>Site visit date:</b> 17/12/12	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 20/12/12 <b>Neigh. Con Expiry:</b> 20/12/12 <b>Weekly list Expiry:</b> 19/12/12 <b>Press Notice(s)- :</b> n/a		
<b>Over 8/13 week reason:</b> The application is over its time limit due to a referral to Planning Committee.		
<b>Location:</b> 2-8 Upwick Road		
<b>Proposal:</b> Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 No. 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road.		
<b>Applicant:</b> Mr H Goacher		
<b>Recommendation:</b> Approve		

#### Reason for referral to Committee:

More than six objections have been received and the previous schemes were reported to Planning Committee. The previous application for this site, was requested to go to Committee by the Chair of the Planning Committee given the contentious nature of the application and therefore this application is to put before Members on the same grounds.

#### Executive Summary:

The proposed development represents a modest change to two of the six units approved under EB/2011/0293. The proposed form and design of the development would be in character with the surroundings and the impact on

visual amenity and neighbouring residential amenity is considered to be acceptable.

**Planning Status:**

Predominantly Residential Area

**Relevant Planning Policies:**

Core Strategy

B1 – Spatial, Development, Strategy and Distribution

B2 – Creating Sustainable Neighbourhoods

C4 – Old Town Neighbourhood Policy

D5 - Housing

Eastbourne Borough Plan:-

- NE27 – Environmental Amenity
- UHT1 – Design of New Development
- UHT2 – Height of Buildings
- UHT4 – Visual Amenity
- UHT8 – Landscaping
- HO1 – Residential Development within the Existing Built-Up Area
- HO2 – Predominantly Residential Areas
- HO6 – Infill Development
- HO8 – Redevelopment of Garage Courts
- HO20 – Residential Amenity
- TR2 – Travel Demands
- TR11 – Car Parking

**Site Description:**

The application site comprises a semi-detached building containing two flats (2 and 4 Upwick Road) and the service road, garages and land at the rear of the building. There are twenty-three garages arranged in two rows and the access is from Upwick Road. The northern part of the site is un-made ground and with grass and shrubs. All four sides of the application are bounded by two-storey detached and semi-detached dwellings in Upwick Road, Longland Road, Dacre Road and Dillingburgh Road (the properties in Upwick Road and Dacre Road divided into flats).

**Planning History:**

App Ref: EB/2011/0193	Description: Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 6 houses, car parking, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front.
Decision: Approved at Appeal App Ref:	Date: 07/03/12 Description:

EB/2010/0176	Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 8 houses, car parking, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front.
Decision: Refuse	Date: 20/05/10
App Ref: EB/2002/0199	Description: Erection of a detached dwellinghouse.
Decision: Refused	Date: 12/12/2002
App Ref: EB/1964/0011	Description: Erection of 43 lock-up concrete garages with access from Upwick Road.
Decision: Granted	Date: 05/02/1964

**Proposed development:**

Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 No. 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road.

The scheme is a re-modification of a previous scheme (EB/2011/0193) refused at Planning Committee but approved by the Planning Inspectorate on the 07/03/12. The difference is that this scheme only proposes the erection of two houses (which are slightly enlarged in terms of width, with a conservatory added on Plot No. 5) and the access road is slightly shorter in width with a kerb added on the western section of the road.

The two three bedroom houses are to be located towards the northern section of the site, served by an access road with a kerb located on the western section. The existing access to the garages would be altered, making it wider by using a strip of land that is currently part of the garden space of the flats at 2 and 4 Upwick Road. An entrance door at the side of the flats, which provides access to the first floor would remain with a set of steps leading down to the kerb, which lies on the western section of the proposed access road.

The internal layout of the two proposed detached properties is as follows:

Ground Floor - kitchen, dining room, living room and toilet

First Floor - three bedrooms, bathroom and a shower room

Each of the proposed houses are to have one car parking space.

**Consultations:**

**Highways**

No objections

**Neighbour Representations:**

10 letters of objection have been received and have covered the following points.

- Residential amenity issues covering design, poor outlook, overlooking and loss of privacy.
- Poor highway safety by increase in vehicular traffic.
- The access road is not wide enough near Upwick road to allow emergency vehicles to access the site.
- Noise and disturbance from demolition works

**Appraisal:****Principle of Developing the Site**

The principle of developing the site has accepted by an earlier consent and as such no objections can be raised on this issue.

**Character of surrounding area**

This area of Old Town is a suburban development dating from the 1930s. The buildings in the vicinity are typically semi-detached and detached houses, with pitched and hipped roofs.

This site is enclosed on all sides by residential development and its borders the rear gardens of Upwick Road, Dare Road, Dillingburgh Road and Longland Road properties, therefore the principle of residential development is compatible with the surrounding land use.

**Visual amenity and design**

The proposed residential development would be located behind existing houses. Given that the views into the site are modest it is considered that the proposed development would not adversely affect the visual character and amenity of the wider area.

The massing of the buildings is comparable to the surrounding houses and it is considered that the design of proposed houses would not be out of character with predominant pattern of development in the wider area.

**Neighbouring Residential Amenity**

As outlined above the application site is bounded on all sides by residential rear gardens. These gardens vary in length however that all of the back to back distances exceed T21.5m.

It is considered therefore any issues of overshadowing, privacy and overlooking are negated to an appropriate level by the proposed layout and that a refusal based on this issue when the scheme is acceptable on all other accounts could not be substantiated, even given the slight increase in width of the two detached properties, No.5 and No.6. and the incorporation of a conservatory on house No. 5.

**Human Rights Implications:**

None

**Conclusion:**

The proposed development of the garage site would contribute to meeting targets for the development of new housing within the Borough.

It is considered that the proposed amount of development, due to the form and design of proposed houses, would not result in any material and substantive detrimental impacts upon the site or the surrounding area

The proposed development of two houses on this site would not appear out of character with the general pattern of development in the vicinity.

The scale of the development and the massing and arrangement of the proposed dwellings would not adversely affect the amenity, currently enjoyed by occupants of adjoining dwellings.

**RECOMMEND:** Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

(2) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the surrounding area.

(3) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, reenacting or modifying that Order) no extensions, curtilage buildings or structures, walls or fences of any kind, other than those expressly authorised by this permission, shall be erected within the curtilages to the dwellings hereby permitted.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

(5) Prior to commencement of any works of demolition, site clearance or construction, a scheme of protective fencing in relation to the trees adjoining the site, shown on plan No 10-44-100, shall be submitted and approved by the Local Planning Authority. The protective fencing shall be erected in accordance

with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Reason: In the interest of protecting the natural environment.

(6) Before development commences, details of the facilities to be provided at the site exit for cleaning the wheels of construction vehicles leaving the site, have been submitted to and approved in writing by the local planning authority. The agreed facilities shall be provided before any works of demolition, site clearance or building begin and thereafter used and maintained until completion of construction.

Reason: In the interest of health and safety.

(7) Prior to commencement of development, full details of the access road and turning area shown on plan No 10-44-100 shall be submitted to and approved in writing by the local planning authority. The information to be submitted shall include details of finished surfacing materials, gradient and drainage. The access road shall be provided in accordance with the approved details prior to first occupation of any dwelling on the site.

Reason: In the interest of highway safety

### **SUMMARY OF REASONS FOR DECISION**

The proposed development is considered acceptable for the following reasons: It does not adversely impact on the character of the area, visual amenity, residential amenity, highway safety and is acceptable in terms of design, siting and layout and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

**Committee Report 5<sup>th</sup> March 2013**

**Item 2**

<b>App.No.:</b> EB/2012/0819	<b>Decision Due Date:</b> 15.02.13	<b>Ward:</b> Upperton
<b>Officer:</b> Katherine Quint	<b>Site visit date:</b> 14.01.13	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 08.02.13 <b>Neigh. Con Expiry:</b> 09.02.13 <b>Weekly list Expiry:</b> 09.02.13 <b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> Within date		
<b>Location:</b> 1 Lewes Road		
<b>Proposal:</b> Erection of a two storey extension to the side to provide two self-contained flats together with conversion of existing maisonette into two self-contained flats		
<b>Applicant:</b> Mr C Murphy		
<b>Recommendation:</b> Approve, subject to conditions		

**Planning Status:**

- Predominantly residential area

**Relevant Planning Policies:**

Eastbourne Borough Plan:

- UHT1 - Design of development
- UHT2 - Height of buildings
- UHT4 - Visual amenity
- UHT7 - Landscaping
- HO1 - Residential development within existing built-up area
- HO2 - Predominantly residential areas
- HO7 - Redevelopment
- HO20 - Residential amenity
- TR11 - Car parking

Eastbourne Core Strategy Local Plan:

- Policy B1 - Spatial Development Strategy and Distribution
- Policy B2 - Creating Sustainable Neighbourhoods
- Policy C2 - Upperton Neighbourhood Policy

**Site Description:**

The application site comprises a maisonette within a 3-storey semi-detached house, which faces onto Lewes Road (close to the junction with Bedfordwell Road).

- The rear of the site backs onto the rear gardens of 2-3 Gorringe Road, and is visible from the street on Gorringe Road.
- The building sits lower than street level and is accessed by steep steps to the front. To the side is an enclosed garden, again lower than street level – a separate rear garden has been divided from the side garden by fencing (which is proposed to be re-aligned). The rear garden is enclosed by a low fencing and a wall, and shares the brick wall boundary with no. 2.
- The distance from the existing flank elevation to the eastern boundary is 13m, and the side garden covered an area of approximately 275sqm.

**Relevant Planning History:**

No relevant history

**Proposed development:**

The applicant seeks permission to erect a two-storey side extension to create 2 flats, as well as converting the existing maisonette to 2 additional flats.

- The new flats will measure 45m<sup>2</sup> - 58m<sup>2</sup> in floorspace, and each unit is self-contained.
- The extension increases the width of the building by 8.8m, but does not extend beyond the existing front and rear elevations. At its closest point, the extension will be 3.6m from the eastern boundary with Berrydale Court, which is lined with trees and bushes (within the site boundary).
- The ground level of the new section is slightly higher than the existing dwelling, but still lower than street level. The eaves will be in-line with the existing first floor, and the new ridge line will sit 2m below the existing roofline.
- Access to the new flats (within the extension) will be to the rear via a communal entrance hall.

**Applicant's Points:**

The garden to the side of no. 1 Lewes Road is underused, overgrown and not well maintained. The proposed development makes good use of this space without causing detrimental impact to neighbouring occupants.

**Consultations:**

Representations were sought from Highways, the Cleansing contracts team, Trees and Downland Team and Planning Policy, and the following comments were received:

**Highways (29.01.13):**

Due to the location, a vehicle access cannot safely be provided as there is insufficient land available to the applicant to provide the necessary visibility splays. On this basis the application does not provide any off street parking.

Using the ESCC, Parking Guidelines the existing use on the site would create a demand for 2 parking spaces with the proposal likely to create a demand for 4 spaces. This additional demand is therefore 2 additional vehicles.

The highway network in the area has waiting restrictions in place to prevent parking in areas where a safety hazard would be caused and it is located on a relatively well served bus route. The proposal is therefore acceptable as the highway impact will not be severe and a refusal in this case could not be justified.

I recommend that any consent shall include a condition relating to cycle parking being implemented prior to occupation of the site.

### **Neighbour Representations:**

Consultation was carried out by letter to 52 neighbouring residents, including flats within Berrydale Court, Gorringe Road, Buckingham Heights, 26 Bedfordwell Road and 3 Lewes Road, and a site notice was displayed nearby.

4 objections were received primarily raising concerns over proximity to neighbouring flats, noise levels and car parking, as summarised below:

- The proximity of the 2-storey extension to Berrydale Court will reduce the light to bathrooms and bedrooms of neighbouring flats. It will also impact on privacy to these rooms and the garden space along the boundary.
- Increase in noise from two additional households, and concern over history of noise from neighbouring tenants
- Car parking issues – the development will exacerbate the on-street parking problem, and impact on parking for residents along Gorringe Road and at Berrydale Court

### **Appraisal:**

The key considerations in determining the application relate to: light available to neighbouring occupants, potential loss of privacy, the scale of the two-storey development, the size of the units, parking and highways, and the construction methodology, as detailed below.

- **Light**

Taking into consideration the orientation of the site, the shadow from the two-storey extension will move across the site at no. 1 Lewes Road for the majority of the day, creeping onto the end of the rear garden at no. 2 Gorringe Road, and Berrydale Court at the end of the day. By virtue of the sizeable leyandii screen along the eastern boundary, there will be no change in light levels to neighbouring occupants, or additional loss of light to rooms close to the eastern boundary of the site.

- **Privacy**

The new windows of the front and rear elevations will continue to be in line with existing front and rear elevations. Although the number of windows across the rear elevation will increase, will be no closer in distance to the rear elevations of houses on Gorringe Road. On this basis the impact will not differ from existing arrangements, and privacy levels are not considered to be compromised.

The flank elevation facing Berrydale Court has no new openings, and the neighbouring garden benefits from the screening along the eastern

boundary of 1 Lewes Road. Therefore there will be no loss of privacy for the occupants of Berrydale Court.

- **Scale of development**

In relation to the host building and the plot, the scale of extension is considered to be relatively large. However, by virtue of the screening to the front and eastern edge of the site, the extension will be partially concealed to the front (which is significantly lower than street level) and largely concealed to the side (which faces the flank elevation of Berrydale Court).

In relation to the properties on Gorringle Road, the extension will be visible, but will be at a distance of 30m from the rear elevation of neighbouring properties.

The height of the extension will be 2m lower than the existing ridge-height, which is considered a suitable to ensure the extension remains subordinate to the host building.

An existing fence is being realigned to accommodate the extension, and the site retains a 3.6m distance at the extension's closest point to the boundary.

To conclude, the scale of the development is appropriate to the plot size, and its relationship with neighbouring dwellings.

- **Floorspace of units**

The development comprises 2 new one-bed flats measuring 53m<sup>2</sup> and 58m<sup>2</sup>, and the conversion of the existing maisonette to 2 one-bed flats measuring 45m – each unit is self-contained. The units are considered to be a suitable size, and are not dissimilar to one-bed flats recently approved in the local area. The proposal responds to the need for smaller, market-rent units close to the town centre.

- **Parking and Highways**

The site does not have space to accommodate parking directly on-site, or to allocate street parking. However, as outlined by Highways, the site is located close to the town centre and has good access to bus and local services. In accordance with the NPPF there are no transport or highways grounds to restrict granting of permission.

- **Construction**

Although this element does not form a material planning consideration, by reason of the narrow, steps being the only front access to the site, and restricted access to the rear, I recommend a condition being added requiring the applicant to submit a construction method statement prior to work commencing on-site.

- In conclusion, the proposal is considered to have a detrimental impact on the privacy, light levels and amenity space of neighbouring occupants. The scale of the development is appropriate to the plot size, and its relationship with neighbouring dwellings. It is located within a sustainable neighbourhood, by virtue of the transport links available, and its proximity to the town centre, and on this basis there are no outstanding parking or highways issues. There is however a requirement for cycle parking to be provided prior to occupation. The development is recommended for approval, subject to conditions relating to retention of screening, waste removal methodology, construction methodology and cycle parking.

**Human Rights, and Equality and Diversity Implications:**

No issues outstanding

**Conclusion:**

The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. The proposal, by virtue of the screening along the boundary, does not impact detrimentally on the privacy of neighbouring occupants. The design of properties harmonizes well with the host building and is considered to provide a suitable standard of living space. Subject to conditions relating to retention of screening and cycle parking, the proposal accords with the relevant borough plan policies: Eastbourne Borough Plan (Saved policies, 2007), the Core Strategy (2012) and the National Planning Policy Framework (2012).

**RECOMMEND:** Permission be granted subject to the following conditions:

**Conditions:**

- Time limit
- Details of waste removal during the construction process
- Details of the construction methodology
- Retention of boundary screening – protection of retained trees
- Implementation of cycle parking
- In accordance with plans

**Appeal:** Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.