



## Planning

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**MEMBERS:** Councillor Ungar (Chairman); Councillor Harris (Deputy-Chairman); Councillors Hearn, Jenkins, Liddiard, Miah, Murray and Taylor

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## Agenda

- 1 Minutes of the meeting held on 26 November 2013.** (Pages 1 - 4)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).**

**4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

**5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

**6 3 Park Close. Application ID: 130870 (HHH) / 130871 (CAC)**  
(Pages 5 - 10)

**7 15 Hartfield Road. Application ID: 130786 (PPP)** (Pages 11 - 22)

**8 54 Upper Kings Drive. Application ID: 130856 (HHH)**  
(Pages 23 - 28)

**9 Gordon Lodge - St Annes Road. Application ID: 130329**  
(Pages 29 - 42)

**10 Saffrons View - 11 Meads Road. Application ID: 130520 (PPP)** (Pages 43 - 48)

**11 South Downs National Park Authority Planning Applications. Verbal Report.**

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

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**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

## **Further Information**

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

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Tuesday, 26 November 2013  
at 6.00 pm



## Planning Committee

Present:-

**Members:** Councillor Ungar (Chairman) Councillors Harris (Deputy Chairman), Hearn, Jenkins, Liddiard, Miah, Murdoch (as substitute for Taylor) and Murray

(An apology for absence was reported from Councillor Taylor )

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### 55 Minutes of the meeting held on 29 October 2013.

The minutes of the meeting held on 29 October 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### 56 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

None declared.

### 57 2 - 4 Moy Avenue. Application ID: 130708 (PPP)

**130708 (PPP) - 2-4 Moy Avenue** - Demolition and redevelopment to provide 36 (Class C3) residential units, with associated car parking access and landscaping – **ST ANTHONYS**. Two objections and four general observations had been received. Two further letters of objection were reported at the meeting.

The relevant planning history for the site was detailed within the report.

The observations of the Planning Policy Manager, Housing Strategy, Arboricultural Officer, Cleansing Contracts Manager, Highways Dept, Environment Agency, County Archaeologist, Police and Southern Water were summarised within the report.

**RESOLVED A: (Unanimous)** That subject to formal agreement of a S106 to cover affordable housing and ESCC obligations, and subject to amendment to plan to show separation of at least 1m between existing properties of Moy Avenue and the proposed dwellings and set back in line with existing building line, then Chief Officer be delegated to grant full planning permission for demolition and redevelopment to provide 36 (Class C3) residential units, with associated car parking access and landscaping subject to the following conditions: 1) Time limit 2) In accordance with plans 3) Samples of materials (++) 4) Site Construction and Compound

Management Plan (++) 5) Traffic Management Scheme (++) 6) Demolition statement (++) 7) No burning of any waste during demolition and construction phase 8) Phase II Soil Investigation (as recommended in the submitted Environmental Phase 1 Assessment report) (++) 9) Scheme for surface water drainage (++) 10) Reinstatement of redundant vehicle crossover (//) 11) Boundary treatment (//) 12) Parking areas provision (//) 13) Cycle parking provision (//) 14) Estate roads and Turning space for vehicles (//) 15) Lighting strategy (//) 16) Details of both hard and soft landscape works 17) Hedgehog access to gardens 18) Contamination, if identified during development 19) Vehicle wheel washing equipment 20) Hours of operation 21) All permitted development rights removed (extensions, windows & doors, gates, fences walls, structures, development in rear garden) 22) No contaminated material, and an informative that Applicant/land owner should use best endeavours to keep the existing access from the site to Waterworks Road in a reasonable/tidy order.

**RESOLVED B: (Unanimous)** That in the event that the S.106 is not signed by 4<sup>th</sup> April 2014 that delegated authority be given to the Chief Officer to refuse planning permission, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.

(++ Prior to commencement)  
 (// Prior to occupation)

**58 6 Linkway. Application ID: 130753 (HHH)**

**130753 (HHH) - 6 Linkway** - Part Two Storey and Part Single Storey Extensions at Front and Rear – **RATTON**. Three objections had been received.

The relevant planning history for this site was detailed within the report.

The observations of the Tree Advisor were summarised within the report.

Mrs Holder addressed the committee in objection stating that there would be a loss of light and overshadowing to her property.

Mr Jordan addressed the committee in objection stating that there would be a loss of light and overshadowing.

Mr Brogden addressed the committee in objection stating that there would be a loss of light.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time Limit for Commencement of Development 2) Approved Drawings Planning Permission 3) Materials to match existing 4) no additional windows in flank elevations of extensions.

**59 18 Lottbridge Drive. Application ID: 130707 (ADV)**

**130707 (ADV) - 18 Lottbridge Drive** – New internally illuminated fascia and pylon signs to Seat corporate image – **ST ANTHONYS**. Nine objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the County Archaeologist and Local Highway Manager were summarised within the report.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1-5) Standard advertising conditions 6) Limitation of hours of useage: 08:00 – 20:00 on any day 7) In accordance with plans

**60 5 Wessex Place. Application ID: 130664 (PPP)**

This item was withdrawn.

**61 11 Park Close. Application ID: 130673 (HHH) and 130674 (CA Consent)**

**130673 (HHH) & 130674 (CA Consent) - 11 Park Close** - Proposed two storey rear extension. Demolition of existing garage and erection of replacement garage (REF: 130673) Conservation Area Consent also applied for Demolition of existing garage and erection of replacement garage? (REF: 130674) – **UPPERTON.**

The relevant planning history for the site was detailed within the report.

The observations of the Conservation Officer were summarised within the report.

At their meeting on 8 October 2013, the Conservation Area Advisory Group raised Objections to the mass (height and bulk at first floor level) of the extension and the impact on the space between the pair (no.10).

**RESOLVED: (Unanimous)** That permission granted subject to the following conditions: 1) time for commencement, 2) that the external materials used in the construction of the rear extension match the existing property, 3) that the external materials used in the construction of the garage shall be in accordance with the approved drawings and application form, 4) works carried out in accordance with approved drawings, 5) new surface (driveway) shall match existing in material. Informative; gates identified on drawing 217400.05 Rev A do not form part of this consent.  
**2) REF130674 (Conservation Area Consent):** That permission be granted.

**62 Employment Land Local Plan. Report of Senior Head of Development.**

The committee considered the report of the Senior Head of Development seeking Members' views on the Employment Land Local Plan before its consideration at Cabinet on 11 December 2013.

Members were advised that in May 2012, the Eastbourne Core Strategy Local Plan was subject to Public Examination by a Planning Inspector. The Inspector expressed concerns over the evidence that supported Core Strategy Policy D2: Economy, particularly relating to the employment land supply. In order to address this issue without delaying the adoption of the

Core Strategy, the Inspector recommended that Core Strategy Policy D2: Economy be the subject of an early review, leading to its replacement with an additional Local Plan to deal specifically with the employment land supply. This review would be subject to Public Examination and should be adopted by the end of 2014. The Core Strategy was subsequently adopted in February 2013.

In order to meet this requirement, an Employment Land Local Plan (ELLP) was being produced. The ELLP would guide job growth and economic development in Eastbourne up to 2027 as well as identifying an appropriate supply of land for future employment development, in order to achieve a sustainable economy and make Eastbourne a town where people want to live and work. It specifically related to land and buildings within the B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) Use Classes.

A Proposed Draft ELLP had been produced and this document would be the subject of public consultation as the next stage of progress towards adoption the Local Plan by the end of 2014.

The Cabinet report recommended that the Proposed Draft Employment Land Local Plan be published for consultation with the community and key stakeholders for a 12 week period between 20 December 2013 and 14 March 2014. Planning Committee Members were asked to consider the attached report and any comments would be considered and reported verbally to Cabinet when they meet on 11 December.

**NOTED.**

**63 South Downs National Park Authority Planning Applications.**

None reported.

The meeting closed at 7.28 pm

**Councillor Ungar (Chairman)**



## Delegated Officer Report 7 January 2014

<b>App.No:</b> 130870 (HHH) / 130871 (CAC)	<b>Decision Due Date:</b> 27 December 2013	<b>Ward:</b> Upperton
<b>Officer:</b> Toby Balcikonis	<b>Site visit date:</b> 05/12/2013	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 4 December 2013		
<b>Neigh. Con Expiry:</b> 2 December 2013		
<b>Weekly list Expiry:</b> 11 November 2013		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> The application is within date		
<b>Location:</b>	3 Park Close, Eastbourne	
<b>Proposal:</b>	Single storey rear / side extension to form enlarged kitchen	
<b>Applicant:</b>	Mr Oliver Askaroff	
<b>Recommendation:</b>	Approve with conditions	

### Planning Status:

Detached property  
Park Close Conservation Area

### Eastbourne Core Strategy Policies 2013

C10 - Summerdown & Saffrons Neighbourhood Policy  
D5 - Housing - High Value Neighbourhoods  
D10 - Historic Environment - Conservation Area  
D10A - Design

### Saved Borough Plan Policies 2007

UHT1: Design of New Development  
UHT4: Visual Amenity  
UHT15: Protection of Conservation Areas  
HO20: Residential Amenity

### Site Description:

This detached, two-storey "Tudorbethan" 1920's dwelling is located in the North-eastern corner of the close. A pathway separates the application site from No.2.

## **Relevant Planning History:**

EB/2012/0739

Erection of single storey extension to the side

Withdrawn - 2012-12-04

130381

Single storey extension to the side to form an enlarged kitchen.

Refused – 2013-08-29

## **Proposed development:**

The proposal is to add a side and rear extension to the property. The development will be single storey and extend to approx 1650mm to the side of the property and 1800mm from the existing rear elevation. It will be brick faced to match the existing building, with a small window facing the street elevation to The Park Close.

## **Consultations:**

### Internal:

Ms Clare Dales – Specialist Advisor Conservation

The Conservation Officer has visited the site on numerous recent occasions, and is supportive of the scheme in principal, having been altered since previous schemes were withdrawn and refused on the two previous submissions. It was noted that there will be encroachment in to the intended spacings in between buildings, which will upset the rhythm of the properties, although the reduced scale from previous submissions is far more acceptable.

### NOTES:

- Any rainwater goods (not shown on plans) should be cast metal or other to be approved.
- Specified timber framed windows with leaded lights acceptable – comes to be exterior to pane and not encapsulated. – White UPVc considered inappropriate.
- Recommended that doors be stained timber to match existing fenestration.

Conservation Area Advisory Group: 19/11/2013

- No objections in principal subject to the current reduced scheme, subject to the pitch of the two rear gables being reduced in height and amended to a steeper angle.

### Neighbour Representations:

19 neighbouring properties were consulted as part of the application with no objections received.

### **Appraisal:**

A rear extension in principle is acceptable subject to design and detail. It should be noted however that any rear extension faces Compton Place Road, and is visible from the public realm.

Given the size of the proposed extension, and the detached nature of the property it is not considered that the works will have a significant impact on the amenity of the adjacent residential properties.

The proposed single storey extension will project approximately 1,650mm to the side of the property. Such a scheme is deemed likely to encroach on the intended spacing between the buildings, and that any development to the side of the dwelling will upset the rhythm and spacing between properties (which contributes to the special nature of the Conservation Area), it is considered that the latest submitted scheme addresses the previous concerns, and is sympathetic in bulk in its location, becoming far less visually dominant.

The latest scheme has dispensed with the flat roof design (with concealing sloped roof) and roof lights which were considered unacceptable and out of character with the conservation area and replaced with a tiled sloped roof much more in-keeping with the host property and the locale.

In order to protect the character of the host property alterations were suggested, which included lowering the height of the side and rear roof ridges to below 3.9 metres in order to ensure they do not cover the central timber banding, a feature present on the existing building, improving the appearance from the public realm in Compton Place Road to the rear.

It is noted that this submission does not include detail of rainwater treatments, but they are noted on the plans recommended to approve. Due to the sympathetic nature to the conservation area of the reduced bulk of the proposed side / rear extension the applicant has overcome the concerns of the Conservation Officer, and CAAG and submitted a scheme that can be recommended for approval.

### **Human Rights and Equality & Diversity Implications**

There are considered to be no Human Rights or Equality & Diversity implications as a result of this proposal.

**Conclusion:**

The proposed development is considered to have an acceptable impact on the character and appearance of the building and the spacing between No's 3 and Nos 2 Park Close.

The proposed pitched roof design is visible from Compton Place Road and Park Close and is deemed to be acceptable in terms of design, choice of materials, scale and is in accordance with the relevant policies concerning visual amenity and the special nature of the surrounding Conservation Area. There is considered to be no detrimental impact to the residential amenity of neighbouring properties. It accords to the relevant policies in the Eastbourne Borough Plan 2001-2011, and relevant policies in the Core Strategy and the National Planning Policy Framework.

**Recommendation:**

It is recommended that applications 130870 & 130871(CA) are approved with the following conditions:

**Conditions:**

**1) TIME – Commencement 3 years**

**2) MATERIALS TO MATCH - CA**

**3) IN ACCORDANCE WITH APPROVED PLANS**

- Includes cast rainwater goods
- Rainwater good accessible for future maintenance
- Timber stained windows and doors to match existing

**4) The leaded light windows hereby approved are to be timber framed and stained to match the colour of existing windows with comes (leaded dividers) on the exterior window surface. Any double glazed units should have comes (leaded dividers) in the exterior pane and not encapsulated.**

Reason: To ensure a satisfactory appearance to the development in a conservation area.

**Summary of reasons for decision**

The proposed development is considered to have an acceptable impact on the character and appearance of the building and the spacing between No's 3 and Nos 2 Park Close.

The proposed pitched roof design is visible from Compton Place Road and Park Close and is deemed to be acceptable in terms of design, choice of materials, scale and is in accordance with the relevant policies concerning visual amenity and the special nature of the surrounding Conservation Area. There is considered to be no detrimental impact to the residential amenity of neighbouring properties.

It therefore accords to policies UHT1, UHT4, UHT19 and HO20 in the Eastbourne Borough Plan 2001-2011, and relevant policies in the Core Strategy and the National Planning Policy Framework.

### **Informatives**

#### Details of Materials

All external materials to be used in the development shall conform with the guidelines set out in the Eastbourne Townscape Guide.

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

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## Committee Report 7 January 2013

<b>App.No:</b> 130786 (PPP)	<b>Decision Due Date:</b> 24 December 2013	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 7 November 2013	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 21 November 2013 <b>Neigh. Con Expiry:</b> 21 November 2013 <b>Weekly list Expiry:</b> 1 November 2013 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Brought to first available Planning Committee.		
<b>Location:</b> 15 Hartfield Road, Eastbourne, BN21 2AP.		
<b>Proposal:</b> Erection of 1 No. 3 bed detached chalet bungalow.		
<b>Applicant:</b> The Owner and/or Occupier		
<b>Recommendation:</b> Refuse Planning Permission		

### Executive Summary:

The application proposed the erection of a detached chalet bungalow on land to the rear of 15 Hartfield Road facing onto Eversfield Road. Numerous planning applications for a variety of developments on this site have been refused and dismissed at appeal.

This proposal by virtue of the detailed design, the siting and massing is considered to be inappropriate back-land development, which fails to preserve or enhance the character and appearance of the conservation setting contrary to policies and it is therefore recommended that planning permission is refused.

### Constraints:

Archaeologically Sensitive Area  
multi period settlement

### Conservation Area

Upperton Conservation Area

### Relevant Planning Policies:

### National Planning Policy Framework 2013

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

### Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C2 Upperton Neighbourhood Policy
- D5 Housing High Value Neighbourhoods
- D10 Historic Environment
- D10A Design

### Saved Borough Plan Policies 2007

- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT5 Protecting Walls/Landscape Features
- UHT15 Conservation Area
- UHT16 Protection of Areas of High Townscape Value
- HO2 Predominantly Residential Areas
- Ho20 Residential Amenity
- NE14 Source Protection Zone

### **Site Description:**

The site consists of a plot of land that previously would have formed the rear garden of No.15 Hartfield Road, a substantial detached three storey property subdivided into six flats, situated on the corner of Hartfield and Eversfield Road. The land has since changed ownership and been separated from the main dwelling.

The site lies within the Upperton Conservation Area, directly adjacent to an area of high townscape value.

Hartfield Road is populated by substantial properties, spaced within plots with little or no infill development. The character of this street, and of the Conservation Area, is of buildings with strong street presence, spaced within plots, giving a feeling of openness between established properties. The principal and side elevations are typically revealed and add to the diversity and architectural interest and distinctive character of the Area.

### **Relevant Planning History:**

An application for planning permission for the erection of a pair of semi-detached three bedroom 2-storey dwellinghouse was refused 9 February 2005 (Ref: EB/2004/0924) for the following reason;



That the proposed development would, by reason of its massing and close proximity to adjoining residential properties, be inharmonious and unneighbourly, respectively, and therefore comprise an over development of the site to the detriment of the visual and residential amenities of the area. As such the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

An application for planning permission for the erection of three two bedroom self contained flats with off street parking at front was refused 27 October 2011 (Ref: EB/2011/0451) for the following reasons;

(1) The proposed development would significantly reduce the established openness between the existing residential properties to the detriment of the distinct character, appearance and historic significance of Upperton Conservation Area and Area of High To wnscape Value contrary to policies UHT1, UHT4, UHT5, UHT15 and UHT16 of the Eastbourne Borough Plan 2001-2011.

(2) The proposed development represents an inappropriate form of backland development that, by reason its massing and close proximity to adjoining residential properties, would be inharmonious and unneighbourly resulting in an over-development of the site to the detriment of the established residential amenities of neighbouring occupiers with particular regard to loss of light and outlook and substandard amenity space for the occupiers of No. 15 Hartfield Road and the future occupiers of the proposed prop erty when compared with surrounding properties. As such, the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

(3) No financial contribution has been received to offset the impact of the development on the Local Sustainable Accessibility Improvements Contributions scheme, and the proposal therefore conflicts with policy TR2 of the Eastbourne Borough Plan 2001-2011.

(4) The elevation plans submitted provide insufficient information to assess the impact of the development on the existing historic wall fronting Eversfield Road.

An application for planning permission for the erection of 2 No. 3 bedroom dwellings with off street parking at front was refused 18 January 2013 (Ref: EB/2012/0679) for the following reasons;

(1) The proposed development would significantly reduce the established openness between the existing residential properties to the detriment of the distinct character, appearance and historic significance of Upperton Conservation Area and Area of High To wnscape Value contrary to policies UHT1, UHT4, UHT5, UHT15 and UHT16 of the Eastbourne Borough Plan 2001-2011.

(2) The proposed development represents an inappropriate form of backland development that, by reason its massing and close proximity to adjoining residential properties, would be inharmonious and unneighbourly resulting in an over-development of the site to the detriment of the established residential amenities of neighbouring occupiers with particular regard to loss of light and outlook and substandard amenity space for the occupiers of No. 15 Hartfield Road and the future occupiers of the proposed property when compared with surrounding properties. As such, the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

The application was dismissed on appeal by Decision Notice dated 6 August 2013.

### **Proposed development:**

The application proposes the erection of a detached 3 bedroomed chalet bungalow on the site facing onto Eversfield Road.

The dwelling is proposed 7m in height, with a double pitched roof linked between; with two bay windows to the front elevation and a further bay and chimney breast to the side (eastern) elevation. In terms of materials the front elevation is proposed to be brick facing at ground floor level and vertical tile hung to the gable ends, with timber sliding sash windows. The design of the proposed chalet bungalow was amended from that which was originally submitted following concerns raised by our Specialist Advisor for Conservation.

The dwelling is proposed 5m from the north-western boundary with No.1 Eversfield Road and 7m from the rear elevation of No.15 Hartfield Road. Parking is proposed to the north-eastern boundary accessed from Eversfield Road via an existing access, and therefore maintaining the existing boundary wall.

### **Applicant's Points**

- This scheme has taken into account all the previous submissions and views given by the Council and successive planning inspectors.
- The bungalow has been very carefully designed so as to address all the concerns previously expressed.
- The bungalow would be single-storey, low key in the streetscape, with a double pitched gabled roof to keep the profile as low as possible, but incorporating attractive features including bay windows, gables and tile hanging to match the adjoining properties, together with attractive materials and detailing.
- The site is located within a sustainable location.
- The amenity space to the 6 flats at 15 Hartfield Road would remain unaffected by the proposals.
- The site is a 'windfall' infill site in the context of the support for additional housing in the Upperton area as set out in the Core Strategy Local Plan.

- The proposal fully retains the existing attractive front boundary wall as a prominent feature.
- The scheme will ensure a low-key, sympathetic and subtle development of this untidy and vacant site, and ensure that this area is full secured for the future in terms of permanent built-form.

## **Consultations:**

### Internal:

*Specialist Advisor – Conservation and Design*

#### Original Comments

The boundary of the Upperton Conservation Area is marked clearly by the visual corridor behind the properties of Hartfield Road, running from St. Anne's Road to the West to Carew Road to the East. It is considered that the proposed chalet bungalow would obscure this important and distinctive vista, and interfere with the retained historic layout of the Davies-Gilbert Estate.

Hartfield Road is populated by substantial properties, spaced within plots with little or no infill development. The character of this street, and of the Conservation Area, is of buildings with strong street presence, spaced within plots, giving a feeling of openness between established properties. The principal and side elevations are typically revealed and add to the diversity and architectural interest and distinctive character of the Area.

It is considered that the proposed development would be detrimental to the character of the Conservation Area. Other than the principal elevation, the proposal has blank facades, which do not enhance or contribute to the streetscape. The proposed materials, including render, upvc windows and doors are not in keeping with the character of the Conservation Area.

The introduction of hard landscaping to create hard standing for cars is atypical of the Conservation Area, where street parking is common, with the pavement and walling separating vehicular and domestic space. Although there is existing access, an opening in the wall and a crossover, the treatment of any parking provision should be carefully considered as part of landscaping scheme.

It is therefore recommended that due to the detrimental effect this development would have to the Conservation Area, for the reasons given above, that the proposal be refused.

#### *Comments following revisions to proposed design;*

The revised design does not address the interruption of intended open skyspace and axial views through the Upperton Gardens Conservation Area.

The addition to East elevation of a feature inglenook chimney breast and feature windows and to the West of a small feature windows, one to be obscure glazed in the ensuite. These are considered to be minimal interventions, which do not

negate the main design being juxtapose to the character of the Conservation Area.

Rear elevation now features traditional tile hanging in lieu of the render. Rear elevation changes to fenestration to more traditional style with smaller French doors and separate window proposed in lieu of sliding folding doors. The amendment to external doors in solid oak, would be more appropriate in white painted timber. The revised scheme details windows to be sliding sash in solid timber. It would be considered more appropriate to be white painted wood. That rainwater goods to be cast iron is a welcome alteration, and would be subject to detail. The proposal that fascias and soffits to be timber is welcomed. It is assumed these will be painted white.

The applicant states that the 'parking space to provide by grass blocks or similar to soften the appearance', would not address the inappropriateness of car parking and hard standing in an area characterised by planted gardens between public and domestic space.

It is therefore recommended that due to the detrimental effect this development would have to the Conservation Area, for the reasons given above, that the proposal be refused.

#### External:

##### *County Archaeologist*

The proposed development is situated within an Archaeological Notification Area defining an area of Prehistoric, Romano-British and Saxon occupation and activity including a nationally important Saxon cemetery site. The site appears to have been a rear garden to 15 Hartfield Road since construction in the late 19<sup>th</sup> Century; earlier maps record it as a field. Although a heritage statement was not submitted as required by the NPPF, the only recent impact detailed in the application is the existing concrete base across the site. The construction of the base may have damaged shallow archaeological deposits, but there is a high potential that more deeply buried remains survive.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works secured by conditions.

#### Neighbour Representations:

2 objections have been received covering the following points;

No.1 Eversfield Road sited adjacent to the application site.

- Development (Bungalow) does not sit well with the streetscape
- Impact on views and vistas
- Bungalow out of keeping with surrounding houses
- Bland flank walls

- Impact on the conservation area
- Overlooking
- Loss of light/overshadowing
- Impact on outlook
- Impact on on-street parking

No.1 Bedford Grove which is sited directly opposite the application site. Object on the grounds of overlooking property and garden area.

### **Appraisal:**

#### Principle of Development

This application follows several previous refusals of planning permission for proposals to develop this land dating back to the 1980's. The latest applications and most relevant are outlined in the Planning History section above.

Policy C2 of the Core Strategy Local Plan 2013 identifies the vision for the Upperton neighbourhood as delivering new housing through redevelopment and conversion of existing properties; and protecting the distinctive character of the neighbourhood, especially in historic areas. The neighbourhood is identified as highly sustainable and capable of accommodation housing growth.

Notwithstanding the demand for new housing and the presumption at the heart of the NPPF in favour of sustainable development, the suitability of developing backland sites must be assessed against all other material planning considerations and a balanced decision made. Paragraph 53 of the NPPF states, Local Planning Authorities should consider the case for setting out policies resist inappropriate development of residential gardens, for example where development would cause harm to residential areas.

Although the site has been separated off from the host building and is understood to be in separate ownership, the historic role of the site has been as curtilage to 15 Hartfield Road.

The Framework definition of previously developed land in Annex 2 excludes land in built-up areas such as private residential gardens and it is therefore no longer presumed that previously developed land is necessarily suitable for housing development, particularly if of high environmental value, nor that the whole of the curtilage should be developed. Indeed, paragraph 53 makes clear that development on residential gardens that causes harm to the local area could be resisted.

Given the proposal results in the net gain of 1 dwelling in accordance with Policy D5 of the Core Strategy Local Plan 2013 the application would require a financial contribution towards affordable housing of £19,179.78.

## Design and Conservation Issues

The application site is situated within the Upperton Conservation Area, the boundary of which runs to the rear of the properties 3-15 Hartfield Road. The adjacent area is classified as an area of high townscape value.

In his decision on the 2012 appeal in relation to the proposed semi-detached dwellings the Inspector stated in paragraph 5 that the openness of the site makes an important contribution to the Upperton Conservation Area, and the appeal site allows an attractive view along the back of the properties and provides a spacious gap between the rear of No.15 and particularly to the side elevation of No.1, which also has a prominent bay window, were clearly designed to be seen, and the proposal would block much of these views.

The Specialist Advisor for Conservation and Design has objected to the proposals given the impact on the street scene. The introduction of a chalet bungalow is completely out of character with the surrounding substantial properties and would interrupt the intended open skyspace and axial views through the conservation area. The design of the dwelling, even following revisions does not address concerns and the introduction of the inglenook chimney breast and feature windows are minimal interventions and do not negate the main design being juxtapose to the character of the area.

Hartfield Road comprises a row of substantial properties each with large gardens. The open view along the back of the gardens provides a distinct character that serves to define the boundary of the conservation area and provides this side of Eversfield Road with a pleasant and spacious appearance.

Policy D10 'Historic Environment' of the Core Strategy Local Plan 2013 states there is a presumption in favour of protection of all heritage assets from inappropriate changes, and development within conservation areas will be permitted if it preserves or enhances the character, setting and appearance of the area; or it does not involve the loss of important features which contribute to the wider area.

Furthermore Policy D10A 'Design' states that design and layout should take account of context, neighbouring buildings as well as the wider area; and design and layout should be appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features.

The design of the proposed dwelling does not relate to the surrounding buildings; whilst the design has been amended to incorporate design features found in properties in the surrounding area, the basic principle of the erection of a chalet bungalow is unacceptable and contrary to the above policies.

It is considered that the proposed chalet bungalow is completely out of character and will appear as an incongruous and inappropriate development on a prominent site, and will therefore fail to preserve or enhance the character and appearance of the area.

The development by virtue of the siting, height and massing will disrupt views into and across the conservation area, and will block the attractive views from the conservation area towards No.1 Eversfield Road; contrary to the above policies.

Previously refused schemes had proposed the demolition of part of the existing boundary wall to Eversfield Road, this application maintains the existing wall and uses the existing access to the site.

#### Impacts on Amenity

The proposed dwelling is sited 5m from the boundary with the adjacent property No.1 Eversfield Road which in turn is just under 2m from the boundary. Although the Owner of this property has objected to the proposal and raised concerns in relation to outlook and loss of light, the separation distance is considered sufficient that the proposed dwelling given the height of 7m, would not cause a significant detrimental impact on the adjacent property in terms of loss of light or outlook to warrant a refusal of the application on this ground. Although undoubtedly they will be able to view the proposed development from the side windows; any impact is reduced given that the proposed building is sited slightly forward of the building line of the adjacent pair of semi-detached properties and the main windows in this elevation are to the bay which would be in line with the rear garden of the proposed property.

In terms of the proposed dwelling, the rear garden of the proposed dwelling would be overlooked by the rear windows of the flats to No.15 and the side windows of No.1 Eversfield Road, and the bay window to the south-eastern elevation would also be overlooked from the rear elevation of 15 Hartfield Road, which would lead to a poor standard of privacy. Core Strategy Policy B2 'Creating sustainable neighbourhoods' states new development will be required to protect the residential and environmental amenity of existing and future residents. This issue of overlooking and lack of privacy was also substantiated by the Inspector in his Decision on the 2012 application appeal.

#### Parking and Highways Impact

The proposed scheme has taken consideration of the previously refused and dismissed at appeal proposal to remove part of the existing wall and create a bigger vehicular access to the centre of the site. This proposal would take advantage of the existing opening for vehicular access. The site also has an existing hard standing. However, off-street parking is not common in the surrounding area and the Inspector in the previously dismissed appeal acknowledged that off street parking would be out of character with the conservation area where it is predominantly on street.

Given the Conservation Officers comments in relation to the hardstanding and the negative impact on the conservation the proposal was amended to propose the parking space to be paved in grass blocks which is designed to minimise visual impacts on the surrounding area. Given the access is existing it is not considered that a refusal of the application on this ground can be substantiated.

**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:**

Although this proposal is considered to go some way to alleviate previous concerns in relation to the development of this site, and has taken into account previous refusals and the most recent Appeal Inspector's report, however the revised scheme is not considered to overcome the two main issues with respect to the development of this site, the impact on the conservation area and the resulting residential amenity of the occupier of the site.

(1) The proposed development would significantly reduce the established openness between the existing residential properties to the detriment of the distinct character, appearance and historic significance of the Upperton Conservation Area and Area of High Townscape Value contrary to Saved Policies UHT1, UHT4, UHT5, UHT15 and UHT16 of the Eastbourne Borough Plan 2007, policies D10 and D10A of the Core Strategy 2013 and sections 7 and 12 of the National Planning Policy Framework 2012.

(2) The proposed development represents an inappropriate and incongruous form of backland development that, by reason of the design would be inharmonious with the surrounding residential properties and would therefore fail to preserve or enhance the character and appearance of the Upperton Conservation Area contrary to saved policy UHT15 of the Eastbourne Borough Plan 2007, Policy D10 of the Core Strategy 2013, and sections 6, 7 and 12 of the National Planning Policy Framework 2012.

(3) The confines of the site would result in a development with substandard levels of amenity specifically resulting from overlooking from neighbouring properties detrimental to the amenity of future occupiers of the proposed property when compared with surrounding properties contrary to saved policy HO20 of the Eastbourne Borough Plan 2007 and Policy B2 of the Core Strategy 2013.



(4) No financial contribution in relation to the Councils Affordable Housing Policy has been received, and the proposal therefore conflicts with policy D5 of the Core Strategy Local Plan 2013.

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

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## Committee Report 7 January 2014

<b>App.No:</b> 130856 (HHH)	<b>Decision Due Date:</b> 25 December 2013	<b>Ward:</b> Ratton
<b>Officer:</b> Katherine Gardner	<b>Site visit date:</b> 15 July 2013 and 9 December 2013	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 21 November 2013		
<b>Neigh. Con Expiry:</b> 21 November 2013		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To align with planning committee dates.		
<b>Location:</b> Tiree, 54 Upper Kings Drive, Eastbourne		
<b>Proposal:</b> Proposed single storey rear extension and two storey side extension to include demolition of existing garage and utility room.		
<b>Applicant:</b> Mr William Clapperton		
<b>Recommendation:</b> Approved conditionally		

**Planning Status:**

Resubmission of application within 12 months.

**Reason for Referral to Committee:**

Request to speak from objector and to align with committee schedule.

**Constraints:**

Willingdon Levels Catchment Area  
Predominantly residential area

**Eastbourne Core Strategy Local Plan (2013)**

C12 Ratton & Willingdon Village Neighbourhood Policy

**Eastbourne Borough Plan (Saved policies, 2007)**

UHT1: Design of New Development

UHT4: Visual Amenity

HO20: Residential Amenity

US4: Flood Protection and Surface Water Disposal

**Site Description:**

The application site is within a primarily residential area and falls within the Willingdon levels catchment area. The property is on the corner of Upper Kings Drive and Hoo Gardens, with 52 Upper Kings Drive on the right and 2 Hoo Gardens directly behind. It is a semi-detached property with the garage joining the garage belonging to number 52. There is small rear patio area with a substantial garden to the South and West elevations (adjacent to both Highways), which are screened by substantial foliage cover on the West side. To the front there is also a large driveway with access from Upper Kings Drive which is a large, quiet residential road.

The exterior at ground floor is white, painted render, with the first floor in red hanging tiles and a plain tiled roof in-keeping with neighbouring properties. There is a small balcony on the front elevation at first floor above the front entrance, serving bedroom 3, and bay windows at ground and first floor levels serving the living room and bedroom 1.

**Relevant Planning History:**

130377

Loft conversion with installation of dormer window at rear, a two storey rear extension, in-fill extension between the garage and the dwelling with removal of side gate, removal of the balcony on the front elevation and installation of a front porch and revised fenestration to the front elevation.

Withdrawn

07/08/2013

**Proposed development:**

There are a number of elements to this proposal.

Firstly, a single storey extension to the rear. This is 2.80m in height, 2.60m in depth and 3.90m in width. It is glazed on all sides with a patio door on the resulting East elevation and white painted render at the base to match existing. This will form an enlarged kitchen/breakfast area attached to the dining room.

Secondly, a two storey extension to the East side (adjacent to no. 52), involving the demolition of the existing garage and outbuildings. The extension is 7.60m in depth x 3.20m width with the height staying in line with the existing roof and of the same style.

A garage and utility room will be rebuilt on the ground floor creating a gap of 0.8m between the new garage and utility room and the garage of number 52, effectively removing the 'link-detached' element and creating a detached dwelling. There is to be a window installed on the East elevation to serve the garage and side access to the utility room.

At the first floor the side extension will create enlarged bedrooms throughout, by virtue of internal alterations and the third bedroom will gain a dressing room. There are to be 2 first floor windows installed on the East elevation which will serve bedroom 3, these will be obscure glazed. The french doors on the first floor front elevation are to be relocated above the resulting garage and a small window installed in their original location to serve bedroom 2. The balcony is to be extended to reach the East elevation.

On the rear elevation there will be one obscure glazed window at first floor to serve the dressing room and a window installed at the ground floor to serve the utility room.

The extension is to be constructed in white render and tile hanging to match existing with uPVC windows and doors throughout.

### **Consultations:**

#### Planning Policy

A flood storage contribution is not to be required for relatively small rear extensions to existing dwellings, such as 54 Upper Kings Drive. The reason for this is that the owner could legitimately pave over the entire back garden and make it impermeable without requiring permission and without making a flood storage contribution.

#### Neighbour Representations

11 objections have been received and cover the following points:

#### Material planning considerations:

- Over-development of a small plot
- External appearance/not in keeping with design of houses in Upper Kings Drive
- Loss of light for neighbouring properties
- Overshadowing
- Parking
- Diminished security from separating the 2 properties
- Proximity to side boundary of number 2 Hoo Gardens
- Setting a precedent for other developments which will cause loss of

the roads character. Loss of symmetry of numbers 52 and 54.

- Surface water increase/lack of natural drainage which may cause flooding in future

Non-material considerations:

- Damage to garage at number 52 and having to redesign it
- Noise and dirt from development
- Dominate view from 52 Upper Kings Drive
- Disruption to the community
- Damage to properties and vehicles

## **Appraisal:**

In determining the application the main material planning considerations, which have been assessed include: overdevelopment of the site, impact on character of the area, residential amenity (overshadowing, loss of light and privacy) and Willingdon Flood Levels Catchment area.

### Over-development (UHT1)

The rear of the plot is a small area for development, however only a single storey extension is proposed here with a flat roof and the proposed dimensions mean it could be constructed within the parameters for permitted development. The height increase from the second storey side extension does not cause concern in this respect. The design of the proposal makes effective use of the site and is not inappropriate in scale, alignment or layout.

### Character of the area (UHT4)

The extension of the site does not significantly impact the character of the area in terms of materials. It will be in keeping with the application site and its neighbour. There is symmetry between numbers 52 and 54 and there are a number of pairings of properties in the area which are all of different styles. For this reason, it is not felt that the addition of a second storey changes the character of the area as a whole sufficiently to consider refusing the proposal. The general external appearance is still in keeping with the site and its neighbour.

### Overshadowing, loss of light and privacy (HO20)

The living room at number 2 Hoo Gardens is situated at a higher level than the application site and faces a secondary living room window. It is not felt that a single storey rear extension has a significant impact on overshadowing or loss of light. In terms of privacy, the distance from the boundary has decreased - however, the view from the ground floor windows will be largely unchanged from

those existing, especially considering that 52 Upper Kings Drive is on a lower ground level to 2 Hoo Gardens. The ground floor level of the 2-storey extension continues to be shielded by the garage at no. 52, and therefore has no impact on no. 52.

At first floor level, windows on the flank elevation facing no. 52 will be obscure glazed and off-set, in relation to the existing windows on the neighbouring flank. The distance between the flank elevations is retained at 4.8m at first floor level, which is considered to be acceptable without obstructing light to the two existing flank windows. On this basis, the privacy and light-levels of occupants at no. 52 are not considered to be compromised.

#### Willingdon Levels Catchment Area

Planning Policy were consulted in relation to the site being within Willingdon Levels Catchment Area and confirmed no flood storage contribution is required for a development of this size. The size and continued single household use of the development causes no concern over flood risk and the applicant has detailed areas for surface water disposal on the plans, therefore also complying with policy US4.

#### Non-material considerations:

These are largely civil matters and are not planning considerations. However, the impact on the party wall with number 52 has been considered and will be controlled through an informative.

**Human Rights Implications:** None

#### **Conclusion:**

The materials used are in keeping with the site and its neighbour. The area contains a number of different styles of property and although it is one of which creates a symmetry between 52 and 54 Upper Kings Drive, the extension does not detract from character of the area. The extensions and extended balcony do not overshadow habitable rooms of neighbouring properties or cause loss of light, outlook or privacy to these rooms.

The design of the proposal makes effective use of the site and is not inappropriate in scale, alignment or layout. Overdevelopment of the rear of the plot is not a concern as it could be constructed under permitted development.

The vision for the Ratton and Willingdon Village Neighbourhood is maintained and there are no concerns over increased flood risk.

Subject to conditions, the proposal accords with the Eastbourne Borough Local Plan (Saved policies, 2007), Eastbourne Core Strategy Local Plan (2007-2027) and the National Planning Policy Framework (2012).

**Recommendation: Approved conditionally**

**Conditions:**

- Time limit
- In accordance with drawings

**Informative**

- Party wall with no. 52 to be made good

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



## Committee Report 7 January 2014

<b>App.No.:</b> 130329	<b>Decision Due Date:</b> 05 September 2013	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 15 September 2013	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 07 August 2013 <b>Neigh. Con Expiry:</b> 07 August 13 <b>Weekly list Expiry:</b> 07 August 13 <b>Press Notice(s) Expiry:</b> N/A		
<b>Over 8/13 week reason:</b> Negotiations over Design and Conservation issues.		
<b>Location:</b> 25 St Anne's Road, Eastbourne, BN21 2DJ.		
Construction of a three storey extension at rear and conversion of the existing building to provide 11 no. residential flats together with landscaping, waste and cycle storage, including the removal of the existing rear external escape gantry and single storey lower ground side addition.		
<b>Applicant:</b> Twin Training International Ltd		
<b>Recommendation:</b> Grant planning permission.		

### Executive Summary:

The application concerns the change of use of the building from a language school Use Class D1, to 11 self contained residential flats Use Class C3; facilitated by the erection of a three storey rear extension, and a single storey ground floor timber enclosed bin and bike store.

The proposal is considered acceptable in principle and accords with the relevant saved policies of the Borough Plan 2007 and policies of the Core Strategy 2013. On balance the proposal is considered acceptable in terms of impacts on the amenity of surrounding residential occupiers, and the design bulk and scale is considered acceptable and will preserve the character and appearance of the Upperton Conservation Area.

## **Planning Status**

- Area of High Townscape Value
- Upperton Conservation Area

## **Relevant Planning Policies**

### Eastbourne Core Strategy Local Plan 2013

B2 Creating Sustainable Neighbourhoods

C2 Upperton Neighbourhood Policy

D5 Housing

D10 Historic Environment

D10A Design

### Eastbourne Borough Plan (Saved Policies 2007)

UHT1 Design of New Development

UHT4 Visual Amenity

UHT7 Landscaping

UHT15 Protection of Conservation Areas

UHT16 Protection of Areas of High Townscape Value

HO9 Conversions and Change of Use

HO20 Residential Amenity

TR6 Facilities for cyclists

TR11 Car parking

TO10 Language Schools

### National Planning Policy 2012

Section 7: Requiring good design

Section 12: Conservation and enhancing the history environment

## **Site Description:**

The site lies within the Upperton Conservation Area which is comprised of elegant terraces, semi-detached and detached housing set around leafy squares. The area was designed post 1859 after the first large-scale plans were drawn up for the Devonshire Estate to the south.

The formal building lines of the houses are softened by the informality of the landscaped gardens. The application site is known as Gordon Lodge and is located on the southwestern side of St Annes Road. The building is a prominent double gable fronted brick built, detached, 4 storey Victorian structure originally built for residential use; however is currently used as a educational facility by Twin Language School.

### **Relevant Planning History:**

EB/1972/0084 Approval granted to demolish and replace the building with 12 flats, parking and 4 garages.

EB/1974/0083 change of use from residential to educational use (Class D1) was granted in 1974.

### **Proposed development:**

The proposal is to convert the existing language school to 11 self contained flats with the construction of a 3 storey rear extension, installation of screened bin stores to principal street elevation and internal alterations.

The rear extension is proposed to project 4.2m in length to the north-west with a separation distance of 3.5m from the boundary with the adjacent property No.23 St Anne's Road to a total height of 6.3m to eaves level; given that the lower ground floor level is sunken below the existing ground level the extension will appear at 5m in height to eaves level to the west.

To the north-east, the extension is proposed to project 7m in length from the existing building, separated from the eastern boundary by just over 7m. The extension is proposed 8m in total height to eaves level, 6.4m above ground level to the east.

A bike and bin enclosed store is proposed within the front garden area to the north-western boundary measuring 8m in length, 3.7m in width and 2.3m in height to be constructed with horizontal open joined cedar boarding.

### **Applicant's Points:**

- Twin confirm their commitment to remaining and expanding their business in Eastbourne, and are actively searching for new premises; this proposal will assist in facilitating their move to larger and more modern premises whereby the envisaged growth of the business can be realised.
- The existing building is to be converted back to its original residential use and extended to 11 no. one and two bed flats. The existing building is in a poor condition and is to be renovated and repaired.
- The development is within a sustainable town/built-up area location and optimises the use of the site.
- The site is within a residential area and the change of use to residential is appropriate.

- This provides three levels of accommodation with external massing of a two storey extension and minimising its impact on the surroundings.
- Neighbour amenity, daylight, shading, and outlook will not be detrimentally affected by the development and will be improved by the removal of activities associated with educational
- A new store is proposed along the northwest side of the site. It is low level, set back behind the building line, clad in timber with planting to the front to minimise its visual impact along the street.
- It was identified during the design phase and the pre-planning consultation with planning that the significance of the building and site lies in the external character of the building within the wider setting of its grounds with its mature trees, with important contributions from the established planting, and the brick boundary walls. This is most significant when viewed from the St Annes Street frontage.
- The location of the rear extension was purposefully located to the rear of the building to avoid any impact on the frontage and public realm. It should be noted that the principle of the rear extension in conservation and design terms was agreed with planning during the pre-planning consultation stage.
- The proposed rear extension is only marginally visible from St Annes Road obliquely and in very specific locations. This is shown on the following montages showing the outline of the rear extension overlaid onto existing street photographs. It is not visible from the rear or side due to the arrangement of trees and the rear service road.
- The tree report submitted demonstrates that the proposals will allow the scheme to retain all the trees with the exception of one tree which is a standing dead specimen.

(Design and Access Statement, received 17 July 2013 and response to Consultee comments received 04 October 2013)

### **Consultations:**

#### Conservation Officer:

It is considered that the large scale of the rear extension (visible from the public realm), would encroach upon the plan form, vistas and architectural balance to the rear views and open vistas, punctuated by mature trees.

It is recommended that the proposal be refused in its current form, although there is no objection in principle to conversion to flats, with no/minor alteration to roofscape. It is considered that the scale and bulk to the rear would encroach on intended plan form of the estate, would encroach on long views, the open skyscape to the estate.

Of further concern is the loss of mature trees within the plot. The Conservation Area is characterised by the planting of trees to the Park area, and specimen trees and shrubs to rear garden spaces. It is understood that construction and the final construction would lead to the loss of these trees, which would be regrettable.

Any revised scheme for conversion to flats in a reduced form should be subject to approval of materials etc, and any flues, pipework vents or exists be placed sensitively and away from view where possible.

Borough Arboriculturalist:

Two trees T5 and T11 of the applicant's tree report ref. no.PJC/3023/12 are within the site boundary and provide significant landscape value and conservation benefits and their retention should be considered essential these trees are now subject to Tree Preservation Order 163.

If the development is to be approved it will lead to the loss of T5 contrary to the applicant's tree report ref. no.PJC/3023/12 which indicates the tree is to be retained, with at least 3.8 metres of a 9.8 metre root protection area being excavated for the foundation of the extension.

The applicant's tree report ref. no.PJC/3023/12 report also indicates two specimens in the highway which are owned by East Sussex County Council adjacent to the property worthy of retention and I would value both these trees to be of good quality and be in such a condition to make a significant contribution for at least 40 years which will provide softening and screening in relation to the street view outside of the site and their retention should be considered essential.

The applicant's tree report ref. no.PJC/3023/12 identifies a root protection area on T5 and specifies that using an air spade to dig the excavation for the foundation to the extension and pruning roots correctly will minimise the damage to the tree during excavation in an attempt to try and ensure this tree is retained.

It should be noted that the only reliable way to ensure the trees retention is to preserve the Root Protection Area completely. As root growth is very likely to be within the area designated for excavation, if it is intended to undertake demolition or construction within a root protection area, precautions have to be taken to maintain the health and condition of the root system, in particular

- Prevent physical damage (Severing)
- Make provision for water and oxygen to reach the roots

- Allow for future growth of the root system

Given the close proximity of the proposed building to the Lime tree with the depth of foundations required, there is no method of protecting any roots in this vicinity during excavation, no provision for water or oxygen and no allowance for future growth. Measures such as hand digging and air spading for the foundations, in a chalk environment are not feasible.

The crown of the tree overhangs the proposed extension site and if this application is approved it would be necessary to reduce the lateral branches on one side of the crown to accommodate the scaffolding and the new extension. Quite clearly this coupled with the excavation works within a root protection zone cannot be considered best practice.

The applicant indicates tree T8 of the applicant's tree survey, ref. no.PJC/3023/12 will be removed due to its condition and all other trees on and adjacent to the site are to be retained and protected during construction.

### **Neighbour Representations:**

Objections to the proposal have been received from 4 neighbouring properties including the Dental practice to the south of the site, the two adjacent residential properties 27 and 27A St Anne's Road, and 29B St Anne's Road.

No.27 St Anne's Road is directly adjacent to the north of the site and have raised specific concerns in relation to the close proximity of the bin and bicycle storage to their property and the impacts on outlook, impacts on highway safety and parking, loss of light and privacy and amenity and the over development of the site.

No.27a St Anne's Road have objected to the application on the grounds of the size and dominating effect of the extension, beyond the existing building line, overlooking, lack of parking provision and the impact of the bin store adjacent to No.27.

The Dental practice to the south of the site have also objected to the application on the grounds of impacts on sunlight to the rear courtyard of the property, impacts on privacy, and impacts on the preservation of the conservation area.

29B St Anne's Road object to the proposal on the basis of the implications on on-street parking.

Following amendments to the scheme to reduce the height of the rear extension to the north-west boundary No.27 and 27a have reiterated their initial objections and stated the revisions do not go far enough to alleviate previous concerns.

## **Appraisal:**

### Policy Considerations

The application site is located within the Upperton neighbourhood as identified in the Eastbourne Core Strategy Local Plan (2006-2027). Upperton has been identified as one of the more sustainable neighbourhoods in the Borough. It is also located within the Upperton Conservation Area and is within the predominantly residential area.

The vision for the 'Upperton' neighbourhood as set out in the Core Strategy is that 'Upperton will continue to be a popular, safe and sustainable neighbourhood and make a significant contribution to the delivery of housing in the town, whilst also expanding allotment provision and providing access to Eastbourne Park on the periphery of the neighbourhood'.

In addition, Core Strategy Policy C2: Upperton Neighbourhood Policy states that the vision for Upperton will be promoted by a number of measures, including: Delivering new housing through redevelopment and conversion of existing properties; Increasing the provision of affordable housing; and Protecting the distinctive character of the neighbourhood, especially in historic areas.

The site has not been identified in the Strategic Housing Land Availability Assessment (SHLAA) and therefore the site would be classified as a windfall development. The Council is required to maximise the provision of housing on all suitable 'windfall' sites across the Borough to meet the Council's local housing target up to 2027. This proposal would help to meet the housing target for Upperton neighbourhood of 399 new units and subsequently the housing target for Eastbourne up to 2027 of 5,022 new units, as identified in Core Strategy Policy B1: Spatial Development Strategy and Distribution. It would also help to increase delivery in one of the most sustainable neighbourhoods in the town.

The Core Strategy Local Plan requires all residential development to contribute towards affordable housing where there is a net gain of 1 or more residential unit. The actual contribution depends on the neighbourhood in which the development is located.

The application site is located within the 'High Value Area' for affordable housing, as identified in Core Strategy Policy D5: Housing, which means that the affordable housing requirement is 40%. As the proposal would result in a net gain in 11 residential units, the requirement would be 4.4 units.

The provision of affordable housing has been carefully considered by our Strategic Housing Team; in this instance given the constraints of the site it has been justified that a financial contribution instead of on-site delivery will be acceptable. The sum calculated is £18,482.28, which is consistent with the calculation methodology outlined in the Affordable Housing Implementation Technical Note.

Twin require a larger more modern premises to operate from whilst they do not currently have another site to move to they have stipulated their commitment to the town and are looking at alternative sites.

#### Conservation and Design

The NPPF requires development to conserve heritage assets in a manner appropriate to their significance and that when assessing development great weight should be given to the conservation of the asset.

The Upperton Conservation Area Appraisal states; 'No. 25 is a substantial detached double gable-fronted building with pitched clay tiled roofs, terracotta ridge crestings, simple timber bargeboards and tall red brick chimney stacks. Retaining much of its original form, materials and features including the hung tiles with blue tile lozenge motifs to the gables, six-over-one pane timber sliding sash windows to the upper floors and stained glass quarry glazed window, the building presents a strong facade to the streetscape. Flint boundary walls with red brick plinths, copings and square-profile piers enhance its setting.'

The proposed works are for the majority to the rear of the building, the rear extension will be marginally visible from public viewpoints, and from the street scene. The store to the side of the building will be visible from St Anne's Road however the bulk and scale and the choice of materials are considered to minimise any visual impact on the appearance of the host building.

Core Strategy Policy D10 and the saved Local Plan Policy UHT15 both require development to conserve or enhance the character of heritage assets.

Whilst the character of the conservation area comprises elegant terraces, semi-detached and detached housing set around leafy squares, No.25 St Anne's Road is situated on the edge of the conservation area, with some



more recent additions to the street scene to the north-east of the site. Whilst No.25 is a substantial corner property which has been converted into flats, the adjacent properties to the north-east are smaller detached single family dwellings which are less in keeping with the surrounding original properties.

Therefore on balance it is considered that whilst the extension is substantial, the works are sited to the rear of the property and therefore given the context of the site will not result in significant impacts on views into and out of the conservation area or on the character of the streetscene to warrant a refusal of the application.

In terms of design, the proposed extension draws most of the design features from the existing building. The extension projects from the rear, three storey's in height with the roof pitches matching the existing with further accommodation within the roofscape. To the north-west the roof is sloped at a greater angle to minimise the impact on the neighbouring property. Given the difference in sizes of the existing rear gable this is not considered to unbalance the appearance of the roof slopes from the rear elevation.

Whilst the extension is large, projecting part 4.5m part 7m, the height is more modest and the detailed design matches the existing host building. Therefore the extension appears subordinate and is considered acceptable in terms of visual amenity and impact on the host building.

### Parking

With regard to parking, there is currently no provision for parking onsite; and it is proposed that no new spaces will be created as a result of the development.

Whilst there is scope to provide parking to the front of the building and/or to the rear of the site, where there is an existing vehicular rear access onto Hartfield Road, both were carefully considered but the harm caused was considered to outweigh the benefit of providing parking in this location.

If parking was provided to the front of the property this would result in the loss of the wall, and attractive mature garden area for the provision of a hardstanding which was considered unacceptable in terms of impact on the visual appearance of the host building and the wider conservation area.

Parking was considered to the rear of the site, but again the impact on the garden area and the resulting hardstanding was considered detrimental; and

the access to the rear is unkempt and may be considered unsuitable for use by a number of vehicles.

The site is located within close proximity of the town centre, cycle storage is provided and public transport is available within easy walking distance. The change of use is not considered to significantly increase the amount of visitors by car or for the demand for on-street parking. Whilst car ownership may not be considered normal for students using the building, the building is staffed which creates a demand for on-street parking.

Whilst objections by local residents have been raised on highways grounds, County Council Highways have been consulted and raised no objections to the above proposals.

### Trees and Landscaping

The site and surrounding area are characterised by open mature gardens and mature trees which add significantly to the visual appearance of the conservation area and the loss of trees worthy of retention would be regrettable. The two trees within the site that offer significant landscape value as identified by the Borough Arboriculturalist are subject to a Tree Preservation Order, their retention is considered essential.

The Borough Arboriculturalist states that contrary to the applicant's tree report tree T5 which is a mature Lime situated on the boundary of the site with No.23 St Anne's Road, is unlikely to survive the construction program given the rear extension is proposed within the root protection area. The applicant has expressed their intention to retain the tree, and have employed an Arboricultural Consultancy to ensure the retention of the trees on site. During the pre-application process a different Arboriculturalist for the Council comments on the proposals and accepted that the tree could be protected by the use of mitigation methods such as ground and roof protection, use of an airspace with root pruning carried out by an arboriculturalist.

The design of the proposed extension is such to take account of the large crown to this tree, there are windows proposed in this elevation, however the main windows serving the habitable space of the flats on this side of the development are to the rear of the building, and will therefore be unaffected by the growth of this tree in terms of light and outlook; a concern would be that pressure to prune the tree would be mounted by residents if the tree affected light to the proposed units.

### Impact upon adjoining properties

Due to the scale, height and siting of the proposed rear extension it is considered that the development will have a detrimental impact on the general character of the Conservation Area.

The impact on properties to the west is considered negligible. With regard to direct overlooking upon properties to the south and north of the application site, the extension would have more windows than the existing property.

The fenestration pattern of the proposed extension is considered to be poorly designed and would appear incongruous.

In summary, the impact upon adjoining properties is deemed to be unacceptable and contrary to guidance as contained within The Eastbourne Core Strategy.

#### Neighbour Amenity

The existing building is separated from the boundary with No.23 by approximately 7m, therefore the proposed extension will have limited impact on this neighbouring property and no objections have been received from residents.

An objection has been received from the property to the south-east which fronts onto Hartfield Road, the property is currently in use as a dental surgery. The objection is raised on the grounds of impacts on privacy in terms of overlooking, and the loss of light through overshadowing. The proposed extension is set back from the boundary and given the height is lower than the existing building it is not considered that the concern in relation to overshadowing is substantiated. In terms of privacy there are additional windows to the rear, and kitchen windows in the side elevation of the proposed extension. Any overlooking from the side windows is likely to be limited by the substantial trees on this boundary, and the angle of the site would result in limited overlooking from the rear.

No.27 and 27a adjacent to the application site to the north have raised objections to the application on the basis of over development, the size of the extension and the impact on light, outlook and the over bearing impact on the adjacent property.

The proposed extension is set back 3.5m from the boundary with this adjoining property. Whilst the extension is large in terms of projection the height is relatively modest at 5m in height to eaves level. Following concerns raised by the neighbouring occupants, the design of the extension has been

amended; the pitch of the roof slope to this elevation has been decreased to minimise impact on the occupiers of the neighbouring property.

No.25 St Anne's Road to the front appears as a two storey, detached single family dwelling. To the rear the property has a sloping roof with rooflights, down to ground floor level. Therefore the property has a number of windows in the side elevation which assumingly some serve habitable rooms. There will undoubtedly be some impact on this property from the rear three storey extension, however it is considered that given the set back from the boundary and the height of the proposed extension the development will not result in significant harm in terms of amenity to warrant the refusal of the application. Similarly with the proposed bin and cycle store this is proposed marginally higher than the existing fence between the properties and therefore it is not considered this will result in significantly detrimental impacts. Concern was raised over smells and noise from the bin and cycle store. The store is covered which will minimise impacts.

Windows in this elevation facing the neighbouring property No.27 other than the stairwell windows are proposed to be obscurely glazed which will be secured by condition. It is also possible to restrict the opening of these windows to only the top of the proposed sash windows to prevent overlooking and minimise impact on privacy.

### **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:**

The conversion of the building will facilitate the development of eleven flats, within a sustainable location; the proposal makes a contribution to the much needed delivery of housing in the Borough; and a contribution to affordable housing will be made in lieu of an on site delivery.

The design of the proposed extension and the alterations to the building are considered acceptable in terms of design and the works are considered to preserve the character and appearance of this part of the conservation area. It is considered, that whilst the Borough Arboriculturalist has raised concerns over the impact on the health of the tree T5 to the eastern boundary, the

concerns can be overcome by condition requiring further information to be submitted which show the protection of this tree during the construction period.

Careful consideration has been given to the impact of the proposed works on the amenity of surrounding residents and occupiers. On balance given the context of the site the works are considered acceptable and will not result in significant detrimental impacts to warrant the refusal of the application on this basis. Therefore it is recommended that planning permission be granted subject to conditions.

**RECOMMEND:** Grant planning permission.

Conditions:

- 1) Time limit
- 2) In accordance with approved plans
- 3) The materials used in the construction of the rear extension shall match the host building.
- 4) Submission of materials used in construction of bike and bin store.
- 5) Implementation of a programme of archaeological work
- 6) Archaeological site investigation and post investigation assessment
- 7) Submission of a method statement outlining the protection of the mature Lime (Identified as T5 in the Arboricultural Impact Assessment dated 15 October 2012) during the construction process.
- 8) Protection of existing trees – provision of fencing.
- 9) no flues, pipes etc shall be installed on the front elevation.
- 10) Hours of building operations.

Informative

Pre-commencement conditions.

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## Committee Report 7 January 2014

<b>App.No:</b> 130520 (PPP)	<b>Decision Due Date:</b> 5 December 2013	<b>Ward:</b> Meads
<b>Officer:</b> Richard Elder	<b>Site visit date:</b> 26 November 2013	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> N/A		
<b>Neigh. Con Expiry:</b> 30 October 2013		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To align with Planning Committee schedule		
<b>Location:</b> Saffrons View, 11 Meads Road, Eastbourne		
<b>Proposal:</b> Retrospective application for the conversion of basement into 2 no. studio flats (previous approval was for 1no. flat) through re-orientation of internal space.		
<b>Applicant:</b> Mrs Anne Waterman		
<b>Recommendation:</b> Approve conditionally		

### Planning Status:

Predominantly residential area

### Relevant Planning Policies:

Eastbourne Core Strategy Policies

B1 Spatial Development Strategy

B2 Creating Sustainable Neighbourhoods

C1 Town Centre Neighbourhood Policy

C11 Meads Neighbourhood Policy

D5 Housing

Borough Plan Saved Policies

HO20 Residential Amenity

HO9 Conversions and Change of Use

HO2 Predominantly Residential Areas

UHT1 Design of New Development

## UHT4 Visual Amenity

### **Site Description:**

The application site comprises a large 3 storey detached Victorian building currently in use as flats and bedsits located on the south east side of Meads Road at the junction with Grassington Road and Furness Road.

There are double-gates on the boundary facing Meads Road, although there is not a dropped kerb to provide authorised vehicular access at this point and a vehicular access to a double garage from Furness Road. There is currently enough capacity to park 5 cars within the curtilage and 2 in the garage.

### **Relevant Planning History:**

EB/1950/0087

REINSTATEMENT AND CONV INTO FLAT AND MAIS WITH GARAGE

Approved Unconditional

1950-02-23

EB/1951/0180

GARAGE

Approved Unconditional

1951-06-07

EB/1959/0413

ALTS TO MAIS TO FORM 2 UNITS NOT S/C

Approved Conditional

1959-09-10

EB/1980/0711

CONV OF 1ST AND 2ND FL MAIS INTO 1X1BED & 1X2BED S/C FLATS AND 2 PARKING SPACES AT REAR

Approved Unconditional

1980-12-16

EB/1989/0627

ROOF EXTN TO PROV ADDL BED (FLAT 2)

Approved Unconditional

1989-11-30

EB/2010/0343

Creation of one bedroom flat in basement and provision of additional parking space.

2010-08-18



EB/2010/0699

Use of basement as a separate self-contained flat, including excavation to provide a lightwell, and provision of vehicular access from Meads Road and additional on-site parking (amended description)

APPROVED CONDITIONALLY

2010-12-21

EB/2011/0422

Formation of a one bedroom basement flat below existing ground floor flat, involving excavation of garden on the Furness Road frontage and demolition of existing garages.

Approved Conditionally

2012-01-19

EB/2012/0254

Retrospective application under section 73a for the conversion of the ground floor flat into two one-bedroom flats and two bedsitting room flats.

APPROVED

2012-06-28

**Proposed development:**

The application seeks retrospective permission for the conversion of part of the basement to 2 studio flats, formation of a lightwell, PVCu windows and associated minor external alterations. The flats are accessed via steps to the north side of the building down to a basement patio area.

The retaining walls to the lightwell are rendered and painted white. The steps and patio area have been paved with what appears to be riven paving slabs and the entire works appear to be complete.

**Consultations:**

Highways Dept. – No objections received

Neighbour Representations:

One objection has been received and covers the following points:

- Overlooking and loss of privacy from window to side facing the rear garden of flat 2 Saffrons Gate.
- Overdevelopment.
- Increased parking in an already crowded area.

## **Appraisal:**

### Design & Layout

Policy H09 of the Eastbourne Local Plan states that the change of use of non-residential premises to residential will be permitted subject to the proposed development being well designed and provides an acceptable standard of accommodation and provision of satisfactory access from the public highway.

Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The principle of the use has been accepted under application EB/2010/0699 granted permission in December 2010 for a 1 bedroom flat. A site visit to the premises revealed that the flat to the east side of the building gains natural light from the fully glazed front entrance door and an obscure glazed window to the east side which faces onto the neighbours side path. This window has been covered by a fence panel on the neighbours side of Flat 2, Saffron's View and allows minimal levels of natural light through to the living area. The kitchen and bathrooms do not benefit from any windows and natural light. Due to the modest size of this studio flat, it is considered that the fully glazed front entrance door provides just about enough natural light into the living area to provide an acceptable standard of accommodation. The flat has been fitted out to a high standard and all considered, provides an acceptable standard of habitable accommodation. A condition is recommended that the obscure glass is permanently retained in the side window facing Flat 2 Saffron's View to avoid any overlooking or loss of privacy.

The flat to the west side benefits from windows to the north and west elevations as well as from the glazed front entrance door. The flat is smaller in area than the other but has been fitted out to a high standard incorporating an open plan kitchen, living, sleeping area and separate shower room.

Both flats benefit from a basement patio area directly outside accessed from the parking area to the north side of the building where table and chairs have been provided.

Due to the nature of the retrospective proposal involving the conversion of part of the basement, it is considered that the provision of the 2 studio flats would not result in any adverse impact on surrounding residential amenity subject to a condition requiring obscure glazing within the side window to be retained permanently.

As such, it is considered that the conversion of the basement is acceptable and provides an acceptable standard of affordable residential accommodation in accordance with Policies H09 and HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

### Affordable Housing

Policy D5 seeks to deliver housing within the sustainable centres and sustainable neighbourhoods and must take appropriate account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings. All development will be required to contribute towards affordable housing where there is a resultant net gain of 1 or more residential units (C3 Use Class).

The proposal would involve a net gain of 2 residential units within a high value neighbourhood which would trigger a requirement of a commuted financial contribution towards affordable housing of £1030.42. The applicant has agreed to the payment of this contribution which shall be secured via a unilateral undertaking prior to the issue of a decision notice. As such, the proposal would meet the requirements of Policy D5 of the Eastbourne Core Strategy.

### Highway Considerations

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

Given the site's location within an area of high public transport availability, it is considered that the provision of off-street or allocated parking spaces is not necessary in this instance. East Sussex Highways have been consulted and raise no objection to the proposal. As such, the proposal would accord with Policy TR11 of the Eastbourne Local Plan and the ESCC parking standards.

### **Human Rights Implications:**

It is considered that the proposal would not have any adverse impact on the amenities of nearby residents, nor have any negative impact on human rights, equality and diversity.

### **Conclusion:**

As such, it is considered that the conversion of the basement is acceptable and provides an acceptable standard of affordable residential accommodation in accordance with Policy H09 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy. The applicant has agreed to the payment of a £1030.42 contribution which shall be secured via a unilateral undertaking prior to the issue of a decision notice. Given the sites location within an area of high public transport availability, it is considered that the provision of off-street or allocated parking spaces is not necessary in this instance and East Sussex Highways raise no objection.

**Recommendation:** Approve subject to conditions and a unilateral undertaking to secure a financial contribution of £1030.42 towards affordable housing.

**Conditions:**

1. Drawing numbers – Proposed floor plan - DD/11meads/01, Site location plan.
2. Blocking up of window facing Flat 2, Saffrons Gate (++)

**Informatives**

1. Pre-commencement conditions

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