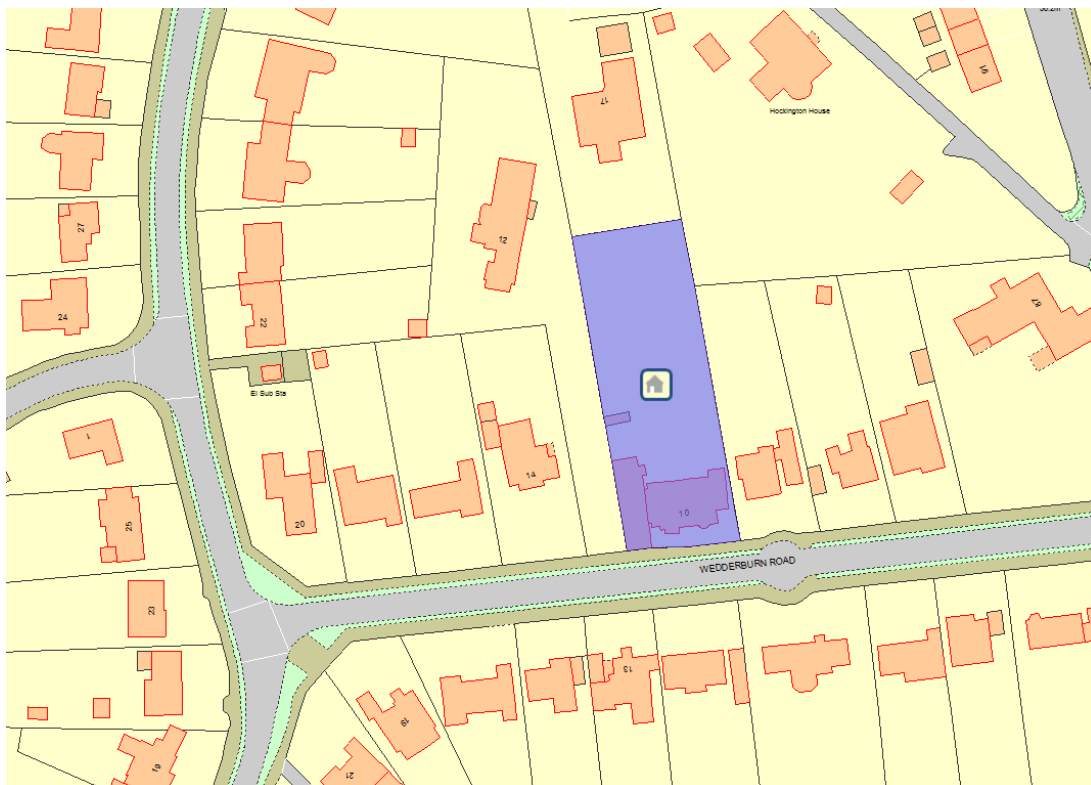


App.No: 181127	Decision Due Date: 25 th April 2019	Ward: Ratton
Officer: James Smith	Site visit date: 12 th February 2019	Type: Planning Permission
Site Notice(s) Expiry date: 10 th April 2019		
Neighbour Con Expiry: 10 th April 2019		
Over 8/13 week reason: To allow for submission of revised drawings.		
Location: Brydes, 10 Wedderburn Road, Eastbourne		
Proposal: Erection of a two-storey 3 bedroom dwelling with off-street car parking and driveway access, situated in the rear garden of 10 Wedderburn Road. (Amended description following receipt of revised plans).		
Applicant: Mr Pankaj Patel		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026



1 Executive Summary

- 1.1 The proposed dwelling would be sympathetic towards the overall character of the surrounding area in visual and spatial terms as there is an established pattern of dwellings set back from the road behind neighbouring buildings.
- 1.2 Adequate separation distances are provided between the proposed dwelling and neighbouring buildings to prevent overlooking between habitable rooms and to mitigate against any intrusive or overbearing impact.
- 1.3 An acceptable quantum of car parking to serve the proposed dwelling, as well as the existing dwelling, can be provided on site.
- 1.4 Suitable measures are in place to prevent the loss or unacceptable level of damage to trees covered by Preservation Orders. The majority of site boundary landscaping would be maintained.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy 2013

- B1. Spatial Development Strategy and Distribution
- B2. Creating Sustainable Neighbourhoods
- C12. Ratton & Willingdon Village Neighbourhood
- D5. Housing
- D8. Sustainable Travel
- D10a. Design

2.3 Eastbourne Borough Plan (saved policies)

- NE4. Sustainable Drainage Systems
- NE14. Source Protection Zone
- NE18. Noise
- NE28. Environmental Amenity
- UHT1. Design of New Development
- UHT2. Height of Buildings
- UHT4. Visual Amenity
- UHT5. Protecting Walls/Landscape Features
- UHT7. Landscaping
- HO2. Predominantly Residential Areas

HO6. Infill Development
HO20. Residential Amenity
TR11. Car Parking
US4. Flood Protection and Surface Water Disposal

3 Site Description

- 3.1 The site is occupied by a detached two-storey dwelling which is one of the older properties on Wedderburn Road. The rear garden was originally much larger and extended northwards. Over time, the original plot area has been reduced, with parts of it utilised for the Crouch Close development, including the more recently built 17 Crouch Close, which was granted planning permission on 2007.
- 3.2 The dwelling is positioned relatively close to the highway, in contrast to the majority of dwellings on Wedderburn Road which are set further back. A two-storey side/rear flat roof extension has been added alongside the eastern site boundary. This extension does not project a significant distance further back from the rear elevation of the original building. The area to the rear of the building is a landscaped garden with mature boundary trees and hedging. There is a single-storey garage structure to the side of the dwelling which is accessed via a dropped kerb crossover to the front of the property.
- 3.3 Wedderburn Road slopes upwards from the east to the west and, as a result of this, the site level of Wedderburn Road is raised slightly above that of 8 Wedderburn Road (the neighbouring property to the east) and is slightly lower than that of 12 Wedderburn Road (the neighbouring property to the west). The plot occupied by 17 Crouch Close, which backs on to the site on the northern boundary, is raised, with mature trees on a raised bank, supported by a retaining wall, marking the site boundary.
- 3.4 The northern side of Wedderburn Road is characterised by an informal arrangement of dwellings, the majority of which are two-storey detached buildings. The street has a somewhat verdant nature on account of mature landscaping, which is primarily concentrated on and around site boundaries.

4 Relevant Planning History

- 4.1 No relevant planning history for the site.

5 Proposed development

- 5.1 The proposal involves the partitioning of the existing plot and the provision of a new two-storey, three bedroom dwelling within the northern portion. The dwelling would be accessed via a new dropped kerb crossover to the front of 10 Wedderburn Road. The proposed driveway access would require the demolition of the existing single-storey garage buildings on the western side of the site.
- 5.2 Two new car parking spaces would be provided to the front of the proposed dwelling, with a further two spaces provided for the occupants of 10 Wedderburn Road, positioned to the rear of the existing dwelling.

6 Consultations

6.1 Specialist Advisor (Arboriculture):

- 6.1.1 The applicant's tree expert shows that it is technically possible to insert a building within the plot without the need to remove the majority of the trees, most of which are in the 'B' category (BS;5837). It is, however, likely that future occupants may wish to lop, top or prune the trees, particularly those on the western boundary. None of the trees that would be affected are covered by a Tree Preservation Order.
- 6.1.2 No objections, subject to recommended conditions (these are attached in paras 10.12 and 10.13 of this report).

7 Neighbour Representations

- 7.1 Following public consultation (including publicising amended plans); letters of objection from 9 individual addresses have been received. The objections that have been raised are summarised below:-

- Will be considerable upheaval and mess as a result of construction works and traffic;
- Further traffic and congestion will impact on access by emergency and service vehicle;
- Will overlook 17 Crouch Close, despite the levels and limited density trees;
- Loss of privacy and sunlight to neighbouring properties on Wedderburn Road;
- Loss of tranquillity due to parking spaces to rear of site;
- Overdevelopment of the plot;
- Inadequate turning space for cars;
- A 5 metre high cypress tree that provides a privacy barrier and contributes to the leafy nature of the environment would be lost;
- The retaining wall at the end of the site could be disturbed, causing a landslide;
- There may be asbestos in the garage that is to be demolished;
- Would not provide affordable housing;
- Wildlife will be disturbed and destroyed;
- Trees will need to be felled;
- There are already drainage problems in the area and at Eastbourne sewage works;
- Another house is not necessary;
- Will destroy the last piece of unbuilt land surrounding 12 Wedderburn Road;
- The back of the new property will have very low light levels due to the presence of trees and the retaining wall;
- Out of keeping as will be set between two existing bungalows;
- Construction work may damage existing sewage drain on the eastern site boundary;

- Not all neighbours were notified of the development;
- There is already a lot of disturbance caused by building works at 6 Wedderburn Road;
- Would result in loss of value to our property;
- Will negatively impact on outlook from neighbouring dwellings;
- Boundary fencing and security gates will be out of keeping;
- There will be light pollution from outdoor lighting;
- There are no guarantees materials will match existing building as this can be altered later, as was the case with 6 Wedderburn Road;
- The revised plans do not address the fundamental issues;

8 Appraisal

8.1 Principle of development:

8.1.1 The proposal involves the development of garden land. It is noted that, whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 70 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 120 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). As such, there are stringent controls on development of residential gardens and the impact of the proposed development on the established character of the surrounding area is a crucial factor in determining the application.

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

8.2.1 The proposed development would introduce a new residential dwelling within the existing rear garden space as well as car parking areas associated with the existing dwelling and the proposed dwelling. The positioning, orientation and internal layout of the proposed dwelling are important in determining whether it can be accommodated within the site without having harmful impact upon the amenities of neighbouring residents.

8.2.2 Whilst the site would be adjoined, on all sides, by other residential development, it is considered that the proposed degree of separation between the proposed dwelling and existing neighbouring properties would be sufficient to prevent the building from appearing overbearing towards those properties. Approximately 28-30 metres separation would be maintained between the front of the proposed dwelling and the rear of existing properties to the south (8, 10 and 14 Wedderburn Road) whilst approximately 20 metres would be maintained between the western flank elevation and the front of 12 Wedderburn Road and approximately 21 metres between the rear elevation of the proposed dwelling and 17 Crouch Close to the north.

- 8.2.3 The presence of mature boundary trees, as well as additional landscaping and boundary fencing, would also act to screen the development in an effective and sympathetic way. The application is accompanied by an arboricultural report and tree plan which shows the vast majority of these trees as being retained. A condition would be attached to any approval given to secure further site landscaping to be provided around the car parking areas and the site boundaries. This landscaping would augment with the existing landscaping to provide sympathetic screening as well as preserve the verdant nature of the site.
- 8.2.4 The orientation of the proposed dwelling would mean that any windows would not look directly towards habitable room windows serving neighbouring residential dwellings or large expanses of the garden areas of neighbouring properties. The combination of this sympathetic orientation as well as the aforementioned distances maintained between the dwelling and neighbouring properties and the presence of boundary screening and landscaping would prevent the proposed dwelling from allowing for unacceptable intrusive views towards neighbouring properties.
- 8.2.5 It is considered that the increase in localised activity as a result of the development would be minimal due to it being a single, modestly sized dwelling, and that the well spaced nature of the development would ensure that any increase in activity would be absorbed without unacceptable disturbance to neighbouring residents.
- 8.2.6 The proposed scheme would introduce a driveway along the western boundary of the site, as well as hard surfaced car parking areas for use by the occupants of the existing and proposed property. The driveway would run roughly parallel to an existing driveway serving 12 Wedderburn Road. It is not considered that it would be intensively used as it would serve only two properties. The car parking areas would be screened by existing site boundary treatment, as well as additional landscaping to be secured by condition, a requirement necessary also to safeguard the privacy and tranquillity of the remainder of the back garden to the existing house, and the parking areas would not be directly adjacent to boundaries shared with neighbouring properties. It is considered that the combination of the screening offered, which would mitigate against noise and light pollution, the distance between the parking areas and neighbouring properties and the modest amount of parking would be provided, would prevent these parking areas from bringing about undue levels of disturbance of neighbouring residents.
- 8.3 Living conditions for future occupants:
- 8.3.1 The proposed development is a two-storey three bedroom dwelling. The proposed dwelling would provide approximately 116 m² of Gross Internal Area (GIA). This comfortably exceeds the minimum 93 m² GIA required for a dwelling of this scale as per the Technical housing standards – nationally described space standard (2015).
- 8.3.2 All habitable rooms would be well served by windows and roof lights, ensuring that these rooms have access to good levels of natural light and ventilation. A number of rooms are dual aspect, further increasing the effectiveness of natural

light and ventilation. The layout of the building is logical and avoids any unnecessary corridors or awkwardly shaped rooms.

- 8.3.3 The occupants of the proposed dwelling would have access to a suitable amount of landscaped outdoor amenity space whilst a suitable level would also be retained for use by the occupants of the existing building at 10 Wedderburn Road.

8.4 Design issues:

- 8.4.1 Tandem development of residential dwellings is a form of development that is strictly controlled and only allowed in suitable circumstances due to the potential it has to create secluded development that compromises visual and spatial characteristics of the surrounding area.
- 8.4.2 The proposed dwelling would be positioned entirely to the rear of the existing dwelling and would therefore not engage with the surrounding street scene in any significant way. Whilst there is a danger that this would result in the dwelling appearing secluded and divorced from its surroundings, there is an established characteristic in the immediate surrounding area of larger properties being set well back from the street, to the rear of frontage buildings, examples being 12 Wedderburn Road, 17 Crouch Close and 78 Wish Hill. The visible parts of the proposed dwelling would therefore visually amalgamate with other dwellings set back a similar distance from Wedderburn Road and would therefore not appear incongruous. The two-storey height of the proposed dwelling as well as its footprint would also be consistent with the general scale of surrounding residential development, further assisting visual integration.
- 8.4.3 The existing plot is longer and wider than neighbouring plots and, as such, it is considered the additional dwelling could be accommodated without appearing cramped or disrupting the spatial characteristics of the surrounding area. Ample levels of private amenity space would be provided for occupants of the proposed dwelling as well as retained for the occupants of 10 Wedderburn Road.
- 8.4.4 The site is located approximately 70 metres to the west of Willington Conservation Area. Given the distance between the site and the Conservation Area, the level of screening provided and the design attributes of the development set out above, it is not considered that the proposed development would adversely impact upon the character or setting of this Conservation Area.

8.5 Impacts on trees:

- 8.5.1 There are a number of mature trees surrounding the proposed development, some of which are the subject of a Tree Preservation Order. The proposed dwelling is positioned away from site boundaries so as to prevent the need to remove the majority of the boundary trees and also to ensure root protection areas are not disturbed, ensuring the long term health of the trees is secured. Three trees would need to be removed, none of which are considered to possess a level of amenity value that would justify their retention. These trees are as follows:-

- T1 – 4 metre high wild cherry tree on the western site boundary;
- T11 – 5 metre high ash tree towards the northern boundary;
- T16 – 4 metre high flowering cherry directly adjacent to the rear elevation of the existing property.

8.5.2 All other trees would be retained and none of the trees covered by a Tree Protection Order would be affected in any way. It is noted that there are overhanging trees with low branches and hedge plants on the western boundary, where the proposed driveway will pass to the rear of the site. It is therefore anticipated that some cutting back of these trees would be required in order to prevent obstruction of vehicles. The trees that are likely to be affected are a group of cherry laurel as well as a hawthorn and pittosporum. These are not TPO trees and are not considered to possess sufficient amenity value to qualify for this status. In any case, they will be retained and continue to contribute to the character of the surrounding area.

8.5.3 A condition would be attached to any approval given to secure further landscaping works to the rear of the site, particularly around the car parking areas, in order to soften the visual impact of the proposed development as well as enhance the established verdant character and appearance of the surrounding area.

8.6 Impact on highway network:

8.6.1 The proposed development would result in the loss of a garage that provides parking for the existing dwelling at 10 Wedderburn Road. In order to mitigate against this, and to prevent additional on-street car parking pressure, the proposed scheme includes the provision of four car parking spaces, two for the existing property and two for the proposed dwelling. These spaces would be accessed via the new driveway on the western boundary, which would be accessed directly from Wedderburn Road. The amount of car parking spaces provided for each dwelling is considered to be adequate to serve the needs of those properties. However, further details would be required to demonstrate there is adequate space for vehicles to turn on site in order to prevent them reversing onto the road. This will be secured by way of a planning condition.

8.6.2 The existing dropped kerb crossover would be relocated slightly to the west in order to serve the proposed driveway. It is noted that there is a lamppost to the front of 10 Wedderburn Road. However, the block plan shows that the proposed crossover would be positioned further than the minimum 1.5 metres distance away from the lamppost, as required by ESCC Highways. A condition would be attached to any approval given requiring the existing access to be closed off once the new access is provided in order to ensure access is suitably controlled and to preserve on street car parking capacity. The general positioning of the new access is proposed new access is similar to the existing, with a good level of visibility provided in both directions along the road. It is therefore considered that the proposed new access would not represent an unacceptable hazard to motorists or pedestrians.

8.6.3 The formation of the new access would require a licence from ESCC Highways to be granted, any planning approval would be on the condition that this licence

is granted prior to the commencement of any works.

9 Human Rights Implications

- 9.1 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.

10 Recommendation

- 10.1 Approve, subject to the conditions listed below:
- 10.2 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

- 10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Site Location Plan – Drawing No. 4d;
Proposed Block Plan – Drawing No. 3f;
Proposed Elevations – Drawing No. 2c;
Proposed Floor Plans – Drawing No. 1c;
Tree Retention & Protection Plan – 1776-02;

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuilding, extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of future occupants and/or result in the loss of garden space and for this reason would wish to control any future development to comply with policy HO20 of the Eastbourne Borough Plan.

- 10.5 The external finishes of the development hereby permitted shall match the descriptions provided on drawing No. 2c.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 10.6 The first floor windows on the side (east and west) elevations of the dwelling hereby approved shall be obscurely glazed and fixed permanently shut other than where over 1.7 metres above finished floor level.

Reason: In order to safeguard the amenities of neighbouring residents, in accordance with saved policy HO20 of the Eastbourne Borough Plan.

- 10.7 The dwelling hereby approved shall not be occupied until the access and car parking arrangements have been laid out in accordance with details to be submitted to and approved by the local Planning Authority. This shall include 2 car parking spaces on each site and include sufficient turning space to allow vehicles to enter and leave the site in forward gear. Thereafter, the parking turning spaces and access shall be maintained in place throughout the lifetime of the development.

Reason: In order to reduce parking pressure on the surrounding street network and to enable vehicles to enter and leave the site in a forward gear in the interest of highway safety.

- 10.8 The hard standing areas hereby approved shall be surfaced in porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard standing to a permeable or porous area or suitable soakaway within the curtilage of the property.

Reason: To prevent the discharge of surface water on to the highway and neighbouring properties.

- 10.9 Prior to occupation of the approved dwelling, full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) proposed finished levels or contours;
- (ii) site boundary treatment;
- (iii) hard surfacing materials;
- (iv) soft landscaping plans;
- (v) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (vi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (vii) implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any

variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 10.10 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-

1. The anticipated number, frequency and types of vehicles used during construction;
2. The method of access and egress and routing of vehicles during construction;
3. The parking of vehicles by site operatives and visitors;
4. The loading and unloading of plant, materials and waste;
5. The method of disposal of any hazardous waste encountered during the demolition and construction works;
6. The storage of plant and materials used in construction of the development;
7. The erection and maintenance of security hoarding;
8. The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
9. Details of public engagement both prior to and during construction works;

Reason: In the interests of highway safety and the amenities of the area.

- 10.11 The dwelling hereby approved shall not be occupied unless and until confirmation has been received that confirms suitable drainage facilities for surface water and foul sewage have been provided in accordance with Building Regulations

Reason: To prevent the discharge of surface water on to the highway and neighbouring properties.

- 10.12 The Arboricultural Method Statement (section 4 of the Arboricultural Report) and associated tree protection plan (ref 1776-02) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

- 10.13 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

- 10.14 Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining properties by way of localised flooding in accordance with saved policy US4 of the Eastbourne Borough Plan.

11 **Informatives**

- 11.1 The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
- 11.2 A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 019) or www.southernwater.co.uk . Please read our New Connections Services Charging Arrangements document, which has now been published and is available to read at <https://beta.southernwater.co.uk/infrastructure-charges>

12 **Appeal**

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