

<b>App.No:</b> 190116 (PPP)	<b>Decision Due Date:</b> 15 April 2019	<b>Ward:</b> Meads
<b>Officer:</b> Neil Collins	<b>Site visit date:</b> 24 <sup>th</sup> January 2019	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 16 March 2019 <b>Neighbour Con Expiry:</b> 16 March 2019 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> South Cliff Court, 11 South Cliff, Eastbourne		
<b>Proposal:</b> Proposed replacement and alterations to balconies (Resubmission)		
<b>Applicant:</b> Mr J. SMITH		
<b>Recommendation:</b> Approve conditionally		

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## **1 Executive Summary**

- 1.1 This application is brought to the Planning Committee at the discretion of the Senior Specialist Advisor following the level of objection that has been received in response to public notification.
- 1.2 The design and visual impact of the proposed balconies is considered to preserve the character and appearance of the Town Centre and Seafront Conservation Area.
- 1.3 The proposal is not considered to have a significant impact upon the residential amenity of neighbouring occupants when considered alongside the existing arrangement. This application seeks to improve upon the existing arrangement through the inclusion of screening to the balconies to prevent views towards some neighbouring properties, which is currently afforded by the existing arrangement.

## **2 Relevant Planning Policies**

- 2.1 National Planning Policy Framework
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013  
B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C11: Meads Neighbourhood Policy  
D10A: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007  
NE14: Source Protection Zone  
NE28: Environmental Amenity  
UHT1: Design of New Development  
UHT4: Visual Amenity  
HO2: Predominantly Residential Areas  
HO20: Residential Amenity

## **3 Site Description**

- 3.1 The application site is a roughly triangular shaped plot, occupied by a five storey Victorian building fronting South Cliff, which is currently sub-divided into flats. The building adjoins number 10 South Cliff on its eastern side and the site is bounded on its western side by 12 South Cliff and 19 South Cliff Avenue. The northern point of the site adjoins Regency Mews, a two-storey residential development.
- 3.2 The ground level is below the street level of South Cliff, such that the site comprises a lower ground floor. To the north of the site, the topography of the land slopes downward from south to north, with properties in South Cliff Avenue being sited on a gentle slope away from the application site.
- 3.3 The site is located within the Meads Neighbourhood. The site does not comprise

any statutorily listed buildings, but is located within the Town Centre and Seafront Conservation Area, the boundary of which is shared with the western boundary of the site. Land immediately to the west of the site is designated as an area of High Townscape Value.

#### **4 Relevant Planning History**

##### **4.1 EB/1983/0267**

REPL ROOF

Approved Unconditional

1983-07-26

##### **EB/1959/0387**

CONV GRD/FL FLAT INTO 2 S/C FLATS

Refused

1959-09-24

##### **000457**

Retrospective application under Section 73 for replacement UPVC windows to ground floor flat.

Planning Permission

Approved unconditionally

14/12/2000

##### **100753**

Re-development of site with the demolition of existing buildings and the erection of 8 houses in two blocks comprised of two and three-storeys, on-site car parking and refuse storage.

Planning Permission

12/01/2011

##### **100771**

Re-development of site with the demolition of existing buildings and the erection of 8 houses in two blocks comprised of two and three-storeys, on-site car parking and refuse storage.

Planning Permission

23/01/2011

##### **171393**

Proposed replacement of 7no upvc tilt and turn windows to the front elevation with ultimate rose box sash windows.

Planning Permission

Approved conditionally

19/12/2017

##### **181188**

Proposed replacement and alterations to balconies.

Planning Permission

Withdrawn

13/02/2019

950171

Conversion of second and third floors from four bedroom maisonette to two two-bedroom self-contained flats.

Planning Permission

Approved conditionally

19/04/1995

980252

Change of use from guest house to single private dwelling.

Planning Permission

Refused

21/01/1999

990641

Change of use from guest house to single private dwelling.

Planning Permission

Refused

17/06/1999

## **5 Proposed development**

- 5.1 This application proposes the replacement of existing balconies and a stack extension located on the rear elevation of the building from ground floor (one storey above the rear garden level) to the third floor. The proposed balconies would comprise a purpose made steel structure, with two struts supporting the weight of the balconies. Each balcony would comprise steel mesh decks to a depth of 1000mm from the rear elevation and a width of 1890mm (including the supporting struts) and would be enclosed by an open balustrade.
- 5.2 During the course of the application, the applicant has submitted amended plans, which include the provision of screens on the western side of the balconies, to a height of 1700mm above the finished deck surface of the balconies.

## **6 Consultations**

### **6.1 Specialist Advisor (Conservation)**

This application seeks permission for the construction of new rear balconies at this apartment building located at a prominent seafront location in the Town Centre and Seafront Conservation Area. The intention is to replace a degraded, redundant and unsightly service shaft with associated platform balustrading with a functional and unobtrusive structure that offers external access from individual apartments.

- 6.1.2 The new structure has no impact on the front elevation and restricted rear and side views, such that there is no serious or significant concern in terms of any challenge to the integrity, character and appearance of the host conservation area. Indeed, comparable external structures already exist in close proximity.

- 6.1.3 No reference is made in the documentation to the treatment of the balconies, so

clarification on that would be helpful. My suggestion is that an understated black finish might work well.

6.1.4 No objection is required.

## **7 Neighbour Representations**

7.1 12 Objections have been received from neighbouring residents and are based upon the following material planning considerations and cover the following points:

- Overlooking and loss of privacy for neighbouring occupants;
- Noise disturbance; and
- Visual appearance and the impact upon the character of the conservation area

## **8 Appraisal**

8.1 Principle of development:

There is no principle conflict with adopted policy, which would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the conservation area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework (2018), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.

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

Existing dwellings in the vicinity of the site are located in very close proximity. Due to the orientation of buildings, there is a degree of sensitivity regarding habitable room windows in the area, many of which are currently overlooked by neighbouring windows. In the case of the application site, existing windows and balconies on the rear elevation provide an established outlook to the rear of the building. This provides unimpeded views from all raised floors directly overlooking neighbouring property in South Cliff Avenue and, to a degree, back towards 12 and 13 South Cliff.

8.2.1 It is understood that the balconies are in a poor physical condition and are in need of repair. Therefore, scaffolding has been erected at the site to facilitate interim measures regarding the safety of residents and neighbours. It is pertinent to note that repair of the existing balconies would not require the grant of planning permission, provided there was no material change in their appearance. Therefore, use of the balconies could continue without the requirement for the grant of planning permission from the Council.

8.2.2 The proposal would involve the demolition of a 'stack' extension, which was added after the existing balconies and occupies just over half of the area of the 0.8m x 2m balconies. Removal of the stack extension, per se, which would result in exposing the former area of the balconies, would not be resisted on either design or amenity grounds.

- 8.2.3 The proposed balconies would extend the existing balconies, including the stack extension, by a further depth of a 200mm. The balconies would be 2m in width, which would match the existing balconies, but would increase the useable balcony area from 0.8m x 0.8m to 1m x 2m. As a result, the level of overlooking would remain relatively unaltered from the existing arrangement, given that the additional width and depth of the proposed balconies would not provide any significantly different vantage point from which neighbouring habitable room windows would be overlooked.
- 8.2.4 The small additional depth of the proposed balconies would lead to a marginally different view back towards the adjacent property to the west, number 12 South Cliff, but this is not considered to be significant in the context of view that is afforded by the existing balconies. The agent has submitted amended plans to improve upon the existing level of overlooking westward from the balconies, which would comprise glazed screens to a height of 1700mm above the finished balcony deck level. A condition of planning permission is recommended to ensure that the screening is installed prior to first use of the balconies.
- 8.2.5 The increased area of the proposed balconies would allow use by more individuals, at any one time, and would likely lead to greater use. However, the 1m x 2m area would be a moderate area, likely only to be used by a few individuals at any one time. Use of the balconies is likely to be commensurate with use of the existing garden areas in the vicinity, which already establishes a degree of activity to the rear of buildings in South Cliff and South Cliff Avenue. It is not considered that their normal use would lead to significant noise disturbance.
- 8.2.6 Taking the above considerations into account, it is considered that the proposal would not have any significant impact upon the amenity of neighbouring occupants.
- 8.3 Design and Heritage considerations:  
The application site lies within the Town Centre and Seafront Conservation Area, directly adjacent to its border. The proposed balconies would comprise a purpose made steel structure, powder coated black to match the existing balcony balustrade. The structure would include supporting struts, which would run from top to bottom, but the resulting form is considered to be simple and lightweight in appearance. The building is not widely appreciated within public views, on being visible in glancing views from South Cliff Avenue. The design is considered to be sensitive to the host building and is considered to preserve the character and appearance of the Town Centre and Seafront Conservation Area, taking into account that the existing stack extension does not make a positive contribution to conservation area character.

## **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 Grant planning permission subject to the following conditions:

10.2 Conditions:

- 1) 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).
- 2) The proposed development shall be carried out in strict accordance with the following plans:  
290700 01– Location Plan  
290700 02 Rev A – Block Plan  
290700 07 Rev C– Site Plan (Lower Ground Floor) Proposed  
290700 08 Rev C – Typical Floor Plan - Flat 3 (First Floor) Proposed  
290700 09 Rev C – Rear (NW) Elevation - Proposed  
290700 10 Rev B – Side (SW) Elevation - Proposed  
290700 12 Rev C – Part Plan (First Floor, Flat 3) - Proposed  
290700 13 Rev C – Part Elevation - Proposed  
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.
- 3) Details and or samples of the glazing to be used in all privacy screens (shown on the drawings and controlled by condition No 4 below) shall be submitted to and approved in writing by the Local Planning Authority and the details shall be installed at the site in the locations shown on the plans hereby approved prior to the first beneficial use of the balconies.  
Reason: In the interest of the amenity of neighbouring occupants.
- 4) Notwithstanding the details hereby approved all of the balconies shown to be extended shall not be occupied/used until a privacy screen 1.2m in height is erected along the front facing elevation (not side elevations which are controlled by condition No 3 above).  
Reason: In the interest of the amenity of the neighbouring properties and to reduce the perception of direct overlooking.

## **11 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.