

Committee Report 7 January 2013

App.No: 130786 (PPP)	Decision Due Date: 24 December 2013	Ward: Upperton
Officer: Anna Clare	Site visit date: 7 November 2013	Type: Planning Permission
Site Notice(s) Expiry date: 21 November 2013 Neigh. Con Expiry: 21 November 2013 Weekly list Expiry: 1 November 2013 Press Notice(s): N/A		
Over 8/13 week reason: Brought to first available Planning Committee.		
Location: 15 Hartfield Road, Eastbourne, BN21 2AP.		
Proposal: Erection of 1 No. 3 bed detached chalet bungalow.		
Applicant: The Owner and/or Occupier		
Recommendation: 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 19th 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.**