

Committee Report 04 February 2014

App.No: 131058 (HHH)	Decision Due Date: 11 February 2014	Ward: Devonshire
Officer: Katherine Gardner	Site visit date: 19 December 2013	Type: Householder
Site Notice(s) Expiry date: 8 January 2014		
Neighbour Con Expiry: 8 January 2014		
Weekly list Expiry: 8 January 2014		
Press Notice(s): N/A		
Over 8/13 week reason: Bought to Planning Committee within time.		
Location: 19 Sydney Road, Eastbourne		
Proposal: Retrospective application for the installation of decking and guardrails to flat roof at rear, with removal of bedroom window, to be replaced with access door to decking.		
Applicant: Rebecca Smith		
Recommendation: Refuse planning permission.		

Planning Status:

Retrospective Application - application submitted as applicant is currently trying to sell the property.

Sent to Delegated on 15 January 2014 and escalated to committee with recommendation for refusal.

Relevant Planning Policies

National Planning Policy Framework 2012

7. Requiring good design.

Eastbourne Core Strategy Local Plan 2013

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C3 Seaside Neighbourhood Policy

D10A Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas

UHT1: Design of New Development

HO20: Residential Amenity

Site Description:

The application site is a mid-terrace property in the Seaside Neighbourhood area. The property backs on to properties in Longstone Road. Planning permission was granted in 2010 for the erection of a single storey rear extension, decking and guard rails were added to the flat roof of the extension to create a terrace area; and a door installed in place of a window at first floor level to allow access to the terrace. The applicant has stated that the works were carried out in October 2010. There are other properties in the immediately surrounding area which have carried out similar works, for which there is no record of planning permission having been granted.

Relevant Planning History:

EB/2010/0751

Single storey rear extension.

APPROVED CONDITIONALLY

2011-01-14

Proposed development:

The applicant seeks retrospective planning permission for the installation of the decking, guard rails and the replacement of the door with the window.

Consultations:

Internal:

None.

External:

Environment Agency – no comments.

County Archaeologist – no comments.

Neighbour Representations:

None received.

Appraisal:

This development causes concern in terms of overlooking and loss of privacy to the surrounding properties of Sydney Road and Longstone Road. The decking allows a wider angle view to the adjoining terraced properties; causes issues of overlooking and a sense of overlooking to surrounding properties in what is a relatively confined area as the two roads of terraced houses are back to back.

Therefore the negative effect on residential amenity has been identified but it is necessary to assess whether this impact is sufficient to warrant a refusal of the application.

Those opposite in Longstone Road are less affected as there was already a view from the bedroom to these properties regardless of the installation of decking; although it is considered the terrace increases the sense of overlooking here.

There is however concern over the use of the decking as an area for leisure activity. This suggests a possible increase in activity and noise from the rear of terrace. The work for this retrospective application was completed in October 2010 and there have been no complaints or were no responses received to the neighbour consultation for this application.

There are two similar structures opposite the rear of 19 Sydney Road, in Longstone Road, for which there is no record of planning permission or enforcement complaints but which have also been in situ for a number of years.

In planning terms the use of the flat roof in this manner does not in itself require planning permission, but the works the installation of the decking and guardrails facilitating the use of the terrace do require consent.

The site is a terrace within the busy Seaside Neighbourhood which is centrally located within the Town. There is a lack of uniformity to the terraces which means the design of the development is not unacceptable.

However, the negative effects on residential amenity is considered sufficient enough to recommend refusal of this application. Had this application been submitted prior to the works being carried out it is felt that it would be unlikely to be approved.

Human Rights Implications:

Consultation with the community has been undertaken as part of the application process 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.

Conclusion:

This development is deemed unacceptable as residential amenity is negatively affected through increased overlooking, loss of privacy and anticipated increased noise from the use of the decking as an amenity area. These issues are of significant enough concern to promote refusal.

Recommendation: Refuse planning permission for the following reason;

The development consisting of the installation of decking and guard rails to the flat roof facilitating the use of the flat roof as a terrace increases overlooking and a sense of overlooking, resulting in a loss of privacy to surrounding residential properties, contrary to saved policy HO20 of the Borough Plan 2007 and policy B2 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.**