

Committee Report 4 February 2014

App.No: 130928 (PPP)	Decision Due Date: 15 January 2014	Ward: Meads
Officer: Jane Sabin	Site visit date: 7 January 2014	Type: Planning Permission
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 19 December 2013		
Weekly list Expiry: 23 December 2013		
Press Notice(s): N/A		
Over 8/13 week reason: Request to speak at Committee		
Location: 39 Silverdale Road, Eastbourne		
Proposal: Retrospective application under section 73a for the provision of a raised platform with fencing in rear garden.		
Applicant: Miss D Plato		
Recommendation: Approve conditionally		

Planning Status:

Area of High Townscape Value
Predominantly residential area

Relevant Planning Policies:

National Planning Policy Framework 2012

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

UHT16: Protection of Areas of High Townscape Value

HO20: Residential amenity

Eastbourne Core Strategy Local Plan 2013

B2: Creating Sustainable Neighbourhoods

D10: Historic Environment

D10A: Design

Site Description:

This large, detached, period property is located on the south side of Silverdale Road, close to and opposite the junction with Grange Road; it occupies an elevated site on ground which slopes significantly at the rear (towards St Johns Road). The building is divided into three large flats. The current application relates to the ground floor flat, which has the sole benefit of the large sloping rear garden, 24m wide and 45m deep, which has been terraced into three levels historically.

Relevant Planning History:

EB/2012/0585 Conversion of potting shed into study
Approved conditionally 11 October 2012

Proposed development:

Permission is sought (partially retrospectively, as construction ceased when the council advised that planning permission was necessary) to create an enclosed flat play area on the middle level of the east side of the garden. The area measures 7.5m wide and 9m deep, constructed within retaining walls to the front and sides, which will be rendered on the sides, and faced with greensand stones removed from the original retaining wall (annotated as "rubble" on the submitted plan) on the front elevation facing the flats. The highest part of the retaining wall is at the front and measures 600mm in height, reducing to ground level at the rear. Above the retaining walls to the front and one side, fencing is proposed with decorative trellising on the top; to the front this would measure 1.8m in height, whilst the west side would be 1m. The east side (closest to the boundary with the rear wall of Silverdale Garages) would be a plain rendered wall 1.2m high, which would return along the rear, effectively acting as a retaining wall for the top level of the garden. The surface of the play area would be finished with artificial grass.

The play area is required to create an all-weather safe environment for a child living at the property, whose mother is disabled and cannot take her son to public areas, such as the beach or park. The play area will be used by the family and visiting friends; there are no proposals to build any structure on it.

Consultations:

Internal:

The Conservation Officer considers that as the works are not visible from the public realm, there are no conservation issues.

Neighbour Representations:

Four objections have been received and cover the following points:

- The plans are not clear and are not to scale; the play area is much bigger than shown on the plans; the plans are full of inaccuracies in scale and detail, with the print unreasonably small
- The application description and the planning statement describe two totally different proposals, which must make the application invalid
- There is another adult living at the address who could take the child to public amenity areas
- It will encourage more children to the property, resulting in an increase in noise all year round, and not just the summer months; the area is a quiet residential one; the size and expense of the proposal obviously means that it is intended to be used by more than just family and a few friends; the noise from the existing garden is already so loud that windows have to be kept shut

- It might be used as a play school or play scheme
- The plans show the play area being screened by shrubs and trees, but this is only from ground level and during the summer months – the flats on the upper floors will have their view of a peaceful garden spoiled by the unsightly grey blocks and astro-turf finish
- The lease states that there should be no buildings erected

One further representation has been received stating that the existing proposal presents no problems, but expressing reservations if the site were to be developed into a nursery in the future.

Appraisal:

The main issues to take into account in determining this application are the impact of the proposal on the character and appearance of the area, and the impact on the amenities of nearby residents.

Character and appearance of the Area of High Townscape Value

As stated by the Conservation Officer, there is no public view of the proposal, and therefore no impact on the character and appearance of the Area of High Townscape Value.

Residential amenity

The development would be 20m from the rear of the building and the upper floor flats. It is considered that the completed development (i.e. with a green surface, render and fences) would not look out of place within a garden setting, and only occupies a relatively small part of the larger garden area. The garden is terraced on three levels, with a degree of hard surfacing and structures, including paths, patios, sheds and a large, red brick (possibly Edwardian) gazebo. The play area takes up a relatively small part of the garden, and the materials proposed are commensurate with a garden environment; I am also mindful that this particular part of the garden was previously laid to concrete crazy paving. It is therefore concluded that the development would not have an adverse impact on the outlook towards the garden from the upper floor flats. The concrete blocks are inappropriate, however, and therefore a condition should be imposed requiring the walls to be rendered before the play area is first brought into use. In terms of noise, it is not considered that the provision of the play area would necessarily increase noise in a domestic garden; most families will invite friends to visit, and it is natural that children will wish to play in a garden, whether there is an all-weather pitch or not. In this respect, it is considered that the objections to noise generated by children are not supportable in this domestic situation.

Other matters

There is no reason to doubt that the plans are accurate. The terms of the lease is not a matter within the remit of planning legislation, and is a private matter between the interested parties. The use of the flat as a nursery would require a specific grant of consent, and therefore cannot be taken into account in determining the current application.

Human Rights Implications:

The impact of the proposal on the amenities of nearby residents is considered to be within acceptable limits in the context of a domestic property.

Conclusion:

The proposed development would not have any harmful effects on the character and appearance of the area or on the amenities of nearby residents, and it therefore complies with the relevant saved policies of the Eastbourne Borough Plan 2007, the Eastbourne Core Strategy Local Plan 2013 and the National Planning Policy Framework.

Recommendation: Approve conditionally

Conditions:

1. Time limit
2. In accordance with drawings
3. That the walls surrounding the platform/play area shall be rendered before the development is first brought into use, and permanently retained as such thereafter.