

**Report to:** Planning Committee  
**Date:** 25<sup>th</sup> May 2021  
**Application No:** 210147  
**Location:** Wood Winton, 63a Silverdale Road, Eastbourne  
**Proposal:** Section 73A retrospective application for the Installation of 1x door and 1x first storey window on side facing elevations

**Applicant :** Mr Sal Dato  
**Ward:** Meads  
**Deadlines:** **Decision Due Date:** 15<sup>th</sup> April 2021  
**Neighbour Con. Expiry:** 20<sup>th</sup> March 2021

**Recommendation:** Approve subject to conditions.

**Contact Officer:** **Name:** James Smith  
**Post title:** Specialist Advisor - Planning  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)  
**Telephone number:** 01323 410000

---

**Map Location:**



## 1. **Executive Summary**

- 1.1 The application seeks amendments to the fenestrations on units 2-6. The footprint, scale, mass and orientation of the dwellings would remain as approved under application 190861.
- 1.2 It is not considered that the proposed windows and doors would generate a harmful impact upon the amenities of neighbouring properties provided a planning condition is attached to secure obscure glazing to first floor windows that have the potential to offer invasive views and that this condition is adhered to.

## 2. **Relevant Planning Policies**

### 2.1 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 Local Plan 2006-2027

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C11: Meads Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design

### 2.3 Eastbourne Core Strategy Local Plan 2001-2011:

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT15: Protection of Conservation Areas
- UHT16: Protection of Areas of High Townscape Value
- UHT18: Buildings of Local Interest
- HO1: Residential Development within the Existing Built-up Area
- HO2: Predominantly Residential Areas

HO6: Infill Development

H07: Redevelopment

HO20: Residential Amenity

### 3. **Site Description**

- 3.1 The site is broadly triangular in shape and occupies and formerly formed part of the grounds of Robin Hill Cottage although it was annexed some time ago and had become largely overgrown. A residential development of 6x detached dwellings, recently approved under outline application 181206 and reserved matters application 190861, is currently nearing completion.
- 3.2 The site is flanked by neighbouring residential development on all sides, including flats at Fairfield Lodge on lower lying land to the north and flats and dwellings on lining Granville Road and St Johns Road on higher ground to the south. Boundary trees and other vegetation have largely been cleared although a landscaping scheme including planting and fencing is required to be submitted as a condition of planning permission 190861.
- 3.3 Dwellings on St Johns Road that back on to the site are within the Meads Conservation Area whilst all other surrounding properties are within an Area of High Townscape Value. The site itself is not subject to any specific planning designations.

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

- 4.1 180569 - Outline planning permission (all matters reserved) for the erection of seven houses (AMENDED DESCRIPTION FOLLOWING REDUCTION OF UNITS) – Refused 15<sup>th</sup> January 2019.
- 4.2 181206 - Outline planning permission (all matters reserved) for the erection of six houses – Refused 27<sup>th</sup> March 2019 – Allowed on Appeal 27<sup>th</sup> August 2019.
- 4.3 190861 - Reserved matters for 6 dwellings approved by outline permission 181206 appeal reference APP/T1410/W/19/3229204 requesting consideration of access, appearance, landscaping, layout and scale – Approved Conditionally 24<sup>th</sup> June 2020.

### 5. **Proposed Development**

- 5.1 The application seeks regularise an inconsistency between the plans approved under application 190861 and the configuration of the fenestrations at units 2 to 6 in their built for, these being as follows:-
- 5.2 Each dwelling has had a ground floor side door added, this being to the western elevation on units 2 – 5 inclusive and on the southern elevation of unit 6.
- 5.3 A first floor window serving an en-suite bathroom has been added to the eastern elevation if units 3-5 inclusive and the southern elevation of unit 6.
- 5.4 A first floor secondary bedroom window has been added to the eastern elevation of units 3-5 inclusive.

## 6. Consultations

6.1 No consultation requests issued or required.

## 7. Neighbour Representations

7.1 1 letter of objection has been submitted on behalf of residents of Kesselville Court:

- Additions are unnecessary;
- The side facing door at unit 6 serves a kitchen and will expose users of gardens at Kesselville Court to noise and odour pollution;
- The south facing first floor window at unit 6 will directly overlook gardens at Kesselville Court;
- The submitted floor and elevation plans for unit 6 are incorrect.

OFFICER COMMENT: The error on the originally submitted plans has been noted and amended plans showing the correct arrangement to unit 6 have now been provided.

7.2 1 letter of support received:

## 8. Appraisal

### 8.1 Principle of Development

8.1.1 The overall principle of the development has been established following the approval of applications 181206 and 190861.

8.1.2 The permission for the development included a condition withdrawing rights for any alterations or extensions to be made to the dwellings that would otherwise be allowed under householder permitted development rights. As such, the alterations that have been made to the dwellings require planning permission in their own right. Section 73A of the Town & Country Planning Act 1990 (as amended) states that 'on an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.'

8.1.3 As such, the application will be assessed in the context of the impact of the new windows and openings upon environmental, residential and visual amenity, using the content of saved policies NE28, HO20 and UHT1 of the Eastbourne Borough Plan as the main reference.

### 8.2 Impact upon Character of Surrounding Area

8.2.1 It is considered that the additional windows and doors have not altered the overall character of the development and represent a minor cosmetic change in the appearance of each dwelling. It is therefore considered that there has not been any adverse impact upon the appearance of the development or the character of the wider surrounding area.

### 8.3 Loss upon Residential Amenity

- 8.3.1 The side facing first floor windows installed in units 3-5 would face towards the flank elevation of the neighbouring property to the east, which in each case contains only windows serving the hallway and landing and none which serve any primary habitable area. Any views towards neighbouring dwellings/flats to the south of site would be obstructed by the other properties within the development. It is therefore considered that their presence will not allow for invasive views towards neighbouring properties.
- 8.3.2 The first floor en-suite window at unit 6 faces south, looking directly towards garden areas serving the occupants of flats at Kesselville Court. This window would allow for intrusive views towards those properties and, therefore, a condition requiring this window to be obscure glazed and fixed shut other than where 1.7 metres above finished floor level at all times will be attached to any approval given. This would safeguard the privacy of neighbouring residents.
- 8.3.3 It is not considered that the external doors added to the side elevation allow for intrusive views although the door at unit 6 is overlooked by the gardens at Kesselville Court and, as such, a condition will be used to require it is obscurely glazed in the interest of preserving the privacy of future occupants. Unlike the those serving units 2-5, the door at unit 6 would serve a kitchen. Objections relating to the potential for noise and air pollution have been noted but. Given the kitchen is also served by front facing windows, the distance maintained between neighbouring property and the fact that the kitchen would be subject to domestic use only it is not considered that the presence of the door would result in unacceptable impact upon environmental or residential amenities.
- 8.3.4 It is considered that the additional windows allow for better access to natural light and ventilation within each dwelling whilst the side door allows access to the rear garden without using the large glazed doors on the rear elevation. It is therefore considered that they have enhanced living conditions for future occupants of the development.

### 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. A time limit condition will not be applied as the works have already been completed.

10.2 **Approved Plans** - The development, hereby permitted, shall be carried out in accordance with the following approved plans:-

- 95113/BP – Block Plan;
- 95113/101/ Rev A - Minor Alterations To Houses 3, 4 & 5 Floor Plans;
- 95113/102 Rev A - Minor Alterations To Houses 3, 4 & 5;
- 95113/103 - Minor Alterations to Houses 6 Ground Floor Plan & Elevations.

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

10.3 **Obscure Glazing (Windows)** - The first floor en-suite windows installed in the southern elevation of unit 6 and the eastern elevations of units 2-5 shall at all times be obscure glazed and fixed shut other than parts which are a minimum of 1.7 metres above the finished floor level of the room that they serve.

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

10.4 **Obscure Glazing (Doors)** - Any glazing installed in the south facing external door at unit 6 shall be obscure glazed other than where a minimum of 1.7 metres above the finished floor level of the room that it serves.

Reason: In order to safeguard the amenities of occupants of the development in accordance with saved policy HO20 of the Eastbourne Borough Plan.

11. **Appeal**

11.1 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.

12. **Background Papers**

12.1 None.