

Report to: Planning Committee
Date: 19th October 2021
Application No: 210410
Location: 35 Windermere Crescent, Eastbourne
Proposal: Outline application with all matters reserved for the conversion/extension of the existing house to provide 2no. 1-bed and 2no. 2-bed units and erection of new-build block to the rear comprising 2no. 2-bed and 2no. 1-bed units with associated parking, refuse, recycling and bicycle storage and amenity space.

Applicant: Mr Karmali
Ward: St Anthony's

Recommendation: Approve Conditionally

Contact Officer: **Name:** James Smith
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Map Location:



1. **Executive Summary**

- 1.1 The proposal is in outline form with all matters reserved. The principle of the development is considered to be acceptable in that it provides an efficient use of the site that is appropriate for its residential surroundings and would improve the accommodation mix within the surrounding area, thereby responding to housing need in the Borough both in terms of number of dwellings provided and in the provision of small unit sizes for which there is an identified need.
- 1.2 It is considered that the site has the capacity to support the level of development provided in terms of size, accessibility and relationship with neighbouring development. If the scheme is to be approved it does not preclude the need to provide full plans that demonstrate that the development would be acceptable in terms of design, scale, layout, access and landscaping in regards to visual, environmental, highway and residential impact. No development can be carried out unless reserved matters are approved.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 7. Ensuring the vitality of town centres
- 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
- C6 Roselands and Bridgemere Neighbourhood Policy
- D1 Sustainable Development
- D5 Housing
- D8 Sustainable Transport
- D10a Design

2.3 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems
- NE18: Noise
- NE28: Environmental Amenity

UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT7: Landscaping
HO6: Infill Development
HO20: Residential Amenity
TR2: Travel Demands
TR7: Provision for Pedestrians
TR11: Car Parking
US4: Flood Protection and Surface Water Disposal.

3. **Site Description**

- 3.1 The application site is currently occupied by a detached two-storey red brick dwelling which has a hipped roof. A two-storey extension, with marginally higher roof eaves and ridge lines, has been added to the rear of the original building. The site is located at a point on Windermere Crescent where the road bends by approximately 90 degrees and therefore has two street frontages, one to the north-east which includes the frontage of the existing dwelling, and one to the south-west where the pavement is flanked by the approx. 1.8 metre wall/fence that marks the boundary of the rear garden. There is hedging and a collection of trees, which appear to be overgrown garden planting, around the south-western site boundary.
- 3.2 Windermere Crescent is a residential road that is characterised by two-storey dwellings, the majority of which are semi-detached although these are interspersed with occasional detached buildings, particularly at points where the road curves. There is a fairly rigid building line maintained in terms of front and rear elevations and the design of buildings is also largely uniform. Small gaps are maintained between the flank elevations of individual dwellings creating an intimate feel to the built environment. There is sporadic greenery within the street scene although front gardens have been replaced by hard surfaced parking areas in many places.

4. **Relevant Planning History**

- 4.1 **EB/1993/0448** – Two storey extension to provide lounge, study and two bedrooms – Refused 9th November 1993.
- 4.2 **EB/1993/0550** - Part two-part single-storey extension at rear – Approved Conditionally 21st December 1993.
- 4.3 **160975** – Proposed 4 no. one bed self-contained flats with off road parking and a cycle store to the front and private amenity space to the rear on land within the curtilage of 35 Windermere Crescent – Withdrawn 13th October 2010.
- 4.4 **170655** – Outline planning permission for a 3-bedroom detached house – Withdrawn – 25th July 2017.

4.5 **171403** – Outline permission for a two-bedroom bungalow – Approved 5th March 2018.

5. **Proposed Development**

5.1 The application is submitted in outline form with all matters reserved. As such, a limited amount of information has been provided, with the developed area shown on plans being indicative only.

5.2 The proposed development involves the extension and conversion of the existing dwelling in order to accommodate 2 x 1 bed flats and 2 x 2 bed flats and the provision of a new building accommodating a further 2 x 1 bed flats and 2 x 2 bed flats.

5.3 Although parking and other ancillary features are included within the application description they would not be approved at this stage as the design, layout, scale, access arrangements and landscaping of the development are reserved matters.

6. **Consultations**

6.1 None required for an application of this nature.

7. **Neighbour Representations**

7.1 11 letters of objection have been received from neighbouring residents. A summary of the material planning matters raised is provided below:

7.1.1 Direct Overlooking of neighbouring properties.

7.1.2 Would remove drainage capacity on the site and result in increased flood risk elsewhere.

7.1.3 Would be out of character with the street.

7.1.4 Would result in increased traffic and parking pressure.

7.1.5 Flats not in keeping with surrounding development.

7.1.6 Would be a breach of a covenant.

7.1.7 Overdevelopment of the site.

7.1.8 Insufficient detail has been provided.

7.1.9 Would result in a loss of visibility on the road.

7.1.10 Southern water have stated on a previous application that there are no public sewers to serve the development.

7.1.11 Previous applications were withdrawn due to public objections.

7.1.12 Would result in overshadowing impact.

7.1.13 Works have begun on the existing building.

7.1.14 Developing the existing house seems reasonable but not providing a new block.

- 7.1.15 Owners of 37 and 36a Windermere Crescent were not notified of the development.
- 7.1.16 Will result in noise nuisance during construction and after completion.
- 7.1.17 Will result in reduced outlook.
- 7.1.18 Will result in loss of trees and damage to infrastructure.

7.2 Officer Comment:

- 7.2.1 The majority of points raised are addressed in the main body of the report. Covenants are not a material planning consideration, but the grant of planning permission does not override them, and they would need to be addressed, if required, through the legal process. Foul sewerage connection would be confirmed at the building regulations stage, there is an existing connection serving the current dwelling. Our consultation records show that letters were sent to 36a and 37 Windermere Crescent on 12th July 2021. This is the same date that all others were sent out and there do not appear to be any other neighbours that did not receive letters. The application was also advertised by site notice.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 The application has been submitted in outline form with all matters reserved. As such, approval is sought only for the principle of the development and should be assessed on this basis. If approved, then further details of the design, scale, layout, access arrangements and landscaping of the development would need to be provided and the development could not be carried out unless these matters were to be approved.
- 8.1.2 Para. 74 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.3 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43-year supply of housing land. The site is not allocated or identified in the Strategic Housing and Employment Land Availability Assessment (SHELAA). The site is therefore regarded as a windfall site that would boost housing delivery, contributing a net gain of 7 x residential units.
- 8.1.4 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land,

permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development.

8.1.5 Para. 125 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Para. 130 c) states that, whilst preserving the established character of area is important, this should not be at the cost of preventing or discouraging appropriate innovation or change (such as increased densities).

8.1.6 Development Plan policies will be applied where they are in alignment with the NPPF. Important considerations for an application of this nature include safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 119), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 130) and ensuring development does not compromise highway safety (para. 110). An assessment of the significance of any such impacts will be made in the main body of this report and will inform the recommendation made.

8.2 Design:

8.2.1 Although the application has been submitted in outline form with all matters reserved, an indicative floor plan has been provided which shows the building footprint. The footprint aligns with the established front and rear elevation building line maintained across neighbouring properties is considered to represent the maximum realistic footprint for the proposed development when taking into account separation distances from neighbouring properties and the established pattern of development in the surrounding area.

8.2.2 The footprint of the building shown on the indicative plans is approx. 95 m². Based on the nationally described space standards, the dwelling mix proposed would need to be distributed over three storeys in order to comply with minimum Gross Internal Area (GIA) requirements. It is considered that this could be achieved by providing the second floor within the roof space and that this would be possible without requiring the building to be of greater height than neighbouring residential development. A condition can be used to set height parameters for the eaves and ridge height of any development brought forward as a means to ensure that any new building would integrate with the roofscape of the existing street scene. It is also considered that dormers of a sympathetic design and scale could be incorporated within the front roof slope of any

building provided. Whilst there are no dwellings in the immediate surrounding area with front dormers there is a prevalence of front bay windows with projecting gable end roofing formed over them and it is considered that the impact on the roof form of this feature is similar to that which a dormer would have.

- 8.2.3 Windermere Crescent has a robust building line, with dwellings being set back from the road and typically having low walled lawn or parking areas to the front. Typically, small gaps are maintained between the side elevations of neighbouring dwellings, with front and rear elevations being aligned. The site is currently noteworthy in that it represents a rare area of openness within what is a relatively densely developed and intimate built environment. It is therefore considered that a building occupying a footprint similar to that shown on the indicative plans and of similar height to surrounding development could integrate effectively with the established street scene. The small gaps maintained either side of the building would also be consistent with the spatial characteristics of the existing street.
- 8.2.4 The proposed development would allow for the removal of the existing boundary fence and wall which flanks Windermere Crescent. This feature is somewhat incongruous when seen in context with the overall character of the street, in which street frontages are generally either open or marked by low walls/hedging or fencing. It is considered that the proposed development, if appropriately designed, would facilitate the removal of this unsympathetic and disruptive feature and allow for a built form that engages more proactively with the surrounding community.
- 8.2.5 The proposed development would generate additional parking demand. The indicative plans suggest that this can be addressed through the provision of bay parking which would flank Windermere Crescent and be accessed via a dropped kerb crossover. There is an existing dropped kerb providing access to the dilapidated garage to the rear of the site and this could be extended to serve parking associated with the proposed development. It should be noted that the dropped kerb could be extended, and a parking area formed under permitted development rights.
- 8.2.6 The indicative layout shows that there is capacity for at least 4 parking spaces to be provided, with additional room to spare. It is considered that the form of parking required would be consistent with the street scene, where a number of properties have replaced front garden space with hard surfaced parking areas. The indicative layout also suggests there would be space available to provide landscaping to soften the impact of the parking area and maintain a degree of greenery within the street scene.
- 8.2.7 The indicative layout shows a modestly sized extension to the eastern elevation of the existing dwelling that would align with the established building line on Windermere Crescent. This extension would increase the footprint of the building to approx. 130 m² at

ground floor level and 125 m² at first floor. It is considered that this would provide sufficient space to accommodate the proposed mix of units whilst preserving the integrity of the established building line.

- 8.2.8 It is therefore considered that there are reasonable design solutions available to provide the amount of development proposed without having a harmful impact upon the character and appearance of the surrounding street scene. It is considered the proposal represents a suitable intensification option, noting the identification of redevelopment of existing units at higher density for apartments in figures 65 and 66 of the National Design Code Part 2 and the content of para. 149 which states 'successful places generally contain a mixed community and mix of uses creating variety and activity. The degree will vary within different area types, but opportunities need to be sought in all circumstances to make efficient use of land, promote a mix of uses that meet local needs and create vitality through activity in compact development.'

8.3 Use

- 8.3.1 Para. 8 b) of the NPPF, which defines the social objective forming one of the three 'pillars' of sustainable development states a need to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Para. 165 of the National Model Design Code (part 2) echoes this, stating that 'there are a wide variety of housing types and achieving the right mix is another component (along with tenure) of helping to create diverse, equitable and resilient communities where people are able to access the homes they want or need.'
- 8.3.2 The site is located within a residential area where the current mix of unit sizes dominated by 3 and 4 bed dwellings, although there are purpose-built flats nearby on Roselands and Seaside as well as flats over shops on Seaside. It is considered the use of infill development to deliver a mix of smaller units is consistent with the national planning policy aims and objectives stated above and would integrate with, strengthen and diversify the surrounding community.

8.4 Impact upon the amenities of neighbouring residents

- 8.4.1 There is an existing part single, part two-storey extension to the rear of the original dwelling which was approved under EB/1993/0550. The set back of the two-storey element from the southern boundary is considered to delineate the minimum separation any two-storey structure should maintain between the southern boundary, shared with 33 Windermere Crescent, this being approximately 4 metres. The indicative layout plans show the proposed new build flats would align with the existing two-storey extension and a gap would be maintained between the elevation wall and the southern boundary as a means to soften impact.
- 8.4.2 Although the proposed block of flats would close off an existing visual gap and, therefore, restrict outlook to the north from the

gardens of 33 and 31 Windermere Crescent, these gardens would retain good levels of outlook to the south and west. Therefore, with a suitable setback maintained from the southern boundary, it is considered the proposed block of flats could be accommodated on site without creating an unacceptably oppressive environment to the rear of 33 and 31 Windermere Crescent, subject to details of an appropriate design that effectively soften the impact of the rear elevation being submitted at the reserved matters stage.

- 8.4.3 It is considered that a two-storey block of flats could be accommodated in the position shown on the indicative plans without causing undue levels of overshadowing towards neighbouring properties to the south. It is considered that the impact upon provision of natural light to windows would No. 33 would be no different to that caused by the existing two-storey rear extension. Furthermore, overshadowing towards immediate neighbouring properties would be minimal due to the positioning of the extension to the north-west of primary windows and gardens at 31 and 33 Windermere Crescent and the alignment with the front and rear elevations of No. 37. Notwithstanding this, a condition will be used to require the submission of a daylight/sunlight survey as part of any reserved matters application, in order to demonstrate neighbouring properties will have appropriate access to natural light.
- 8.4.4 It is noted that there are two small first floor windows and a ground floor kitchen door on the side (eastern) elevation of 37 Windermere Crescent which would face directly towards the flank elevation of the block of flats if built in the position shown. These openings are not considered to provide a primary function in allowing natural light into No. 37 and the relationship between the two buildings would be no different to that repeated across dwellings with a similar window arrangement on Windermere Crescent, where small gaps are maintained between side elevations.
- 8.4.5 It is considered that any windows above ground floor level in the rear elevation of the proposed block of flats would introduce unacceptably intrusive and invasive views towards large portions of the rear gardens of No. 31 and 33. Due to this, any approval would be on the condition that the final design of the building as submitted with any reserved matters application would omit windows on the rear elevation that are above single-storey height or restrict these to high level windows or windows with integrated baffles to limit the angle and field of outlook. It is considered that either of the options listed above could be applied without compromising the living conditions and specifically allowing for sufficient natural light permeation and natural ventilation.
- 8.4.6 It is therefore considered that the amount of development described could be accommodated within the site without resulting in unacceptable adverse impact upon the amenities of neighbouring residents, provided the design, scale and layout of the building as submitted as part of any reserved matters application is sympathetic.

8.5 Highways and parking

- 8.5.1 The existing dwelling at 35 Windermere Crescent has dropped kerb access to a dilapidated structure that may have provided garage parking to the rear of the site at some point but is not in usable condition at present. The level parking demand generated by the existing dwelling is 2 spaces based on ESCC parking demand guidance.
- 8.5.2 The indicative layout plan shows the provision of 4 x car parking bays accessible from Windermere Crescent on the north-western boundary. Measurements confirm that, if parking spaces were not provided in this location, they would be sufficient space to ensure they could be provided in accordance with ESCC standard dimensions. Parking bays in this location would be consistent with parking arrangements on Windermere Crescent as a whole. Provided obstructions avoided around the site boundary visibility towards and from the parking bays would be sufficient to minimise highway safety risk as a result of the use of the bays.
- 8.5.3 Interrogation of the ESCC car ownership parking demand tool indicates that the proposed development would generate demand for 5.69 car parking spaces. It should be noted that the parking demand tool uses aggregated data for car ownership across wards (with data for St Anthony's ward being used in this instance). As such, demand in specific areas within wards can be lower or higher based on accessibility to public transport and shops and services.
- 8.5.4 In this instance, the site is considered to be in a sustainable location, with the Seaside (Seaford Road to Channel View Road) Local Shopping Area approximately 170 metres walking distance to the south-east, Roselands Recreation Ground approximately 100 metres to the south, the Princes Park Health Centre and Archery Recreation Ground being within approximately 400 and 300 metres respectively and bus stops serving major routes within approx. 170 metres walking distance on Seaside. As such, it is considered future occupants would be subject to a reduced dependency on the use of private motor vehicles and, therefore, a reduced parking provision could be supported.
- 8.5.5 Notwithstanding the above, the indicative site layout shows additional space available that would allow for more parking bays to be provided. There is also capacity for the provision of secure and covered cycle parking that would encourage the use of this more sustainable mode of transport. It is noted that the extension of dropped kerb would result in the loss of on-street parking capacity but it is considered that this would not have an unacceptable impact on parking pressure, with the majority of neighbouring dwellings having access to off street parking for one or more vehicles.
- 8.5.6 Due to the proposed development comprising small units, which would therefore be occupied by small households, and the low level of anticipated car ownership and parking demand generated by the

development, it is not considered that it would result in an unacceptable increase in traffic on Windermere Crescent and the surrounding highway network.

8.6 Living conditions for future occupants

- 8.6.1 Any reserved matters application submitted would need to show that the living conditions provided for future occupants of the development would be of an appropriate standard. As set out in section 8.2, the indicative plans show that a development providing Gross Internal Area (GIA) that complies with the national space standards could be achieved on site. It is also considered that sufficient natural light and ventilation could be provided to each residential unit without compromising the amenities of neighbouring residents.
- 8.6.2 Based on the indicative plans provided, a modest amount of amenity space (approx. 55 m²) would be available for use by the occupants of the proposed new build flats with a larger space (approx. 115 m²) being available for occupants of the converted dwelling. It is considered that this level of amenity space is acceptable for the occupants of the small units proposed. It is considered that nearby public amenity space at Roselands Recreation Ground and Archery Recreation Ground would provide easily accessible additional amenity space.

8.7 Sustainability

- 8.7.1 The site is considered to be located in a sustainable area and it is likely that future occupants would utilise local shops and services, contributing directly to the local economy.
- 8.7.2 The conversion of the existing building at 35 Windermere Crescent as a means to provide additional residential units is considered to represent an efficient reuse of an existing structure, thereby minimising the energy use associated with the proposed development.
- 8.7.3 A condition would be used to ensure that each car parking space provided is equipped with an operation electric vehicle car charging point in order to encourage the use of more sustainable private transport.
- 8.7.4 The site is located in flood zone 1 and, as such, is not identified as being at significant risk of tidal or fluvial flooding. Whilst surface water flood risk mapping shows nearby areas to the south and east of the site are subject to medium to high risk of pluvial flooding, the site itself is shown as being at very low risk. Nevertheless, the intensification of development on the site would increase impermeable area and it is important that surface water drainage is managed within the site and does not flow towards areas where there are existing drainage issues. Any reserved matters application would therefore be expected to include a suitable surface water drainage strategy which follows sustainable drainage principles.

8.8 Landscaping

8.8.1 The proposed development involves building on existing garden land and it is important that suitable landscaping is incorporated into the scheme to contribute towards urban greenery in the street scene and to provide habitat value. Landscaping is a reserved matter and any application for approval of details submitted must include full details of a planting programme as well as any existing trees to be retained. It is noted that some garden trees would need to be removed in order to facilitate development of the rear of the site but it is not considered that any trees affected possess significant amenity value nor are they regarded as high quality specimens.

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 It is recommended that outline planning permission is granted, subject to conditions relating to the following.

10.2 Reserved Matters to be submitted within 3 years.

10.3 Development to commence within 5 years or within 2 years of approval of reserved matters, whichever is the sooner.

10.4 Approved plans (not including indicative details).

10.5 Ridge and eaves height of new building/extension not to exceed existing ridge and eaves heights.

10.6 Electric Vehicle Charging points to be provided.

10.7 Sustainable drainage scheme to be submitted with reserved matters application.

10.8 Daylight/sunlight survey to be submitted with reserved matters application.

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.