

App.No: 140389 (PPP)	Decision Due Date: 29 May 2014	Ward: Meads
Officer: Katherine Gardner	Site visit date: 29 April 2014	Type: Planning Permission
Site Notice(s) Expiry date: N/A Neighbour Con Expiry: 23 April 2014 Weekly list Expiry: 2 April 2014 Press Notice(s):		
Over 8/13 week reason: Escalated to next available committee		
Location: 11 Meads Street, Eastbourne		
Proposal: Proposed erection of first floor balcony at rear together with external staircase and removal of existing pitched roof over rear projection.		
Applicant: Dr H Fridmann		
Recommendation: Approve conditionally		

Executive Summary:

Amended plans submitted following site visit with applicant and agent have reduced the size of the terrace and therefore the impact on neighbouring residential properties. The application went to the Delegated Meeting on 14th May 2014 and was deferred to committee by the Chair due to the level of objection to the proposals. The proposal is considered acceptable in terms of impact on the amenities of surrounding residential properties and in terms of design, preserving the character and appearance of the Meads Conservation Area and therefore it is recommended that planning permission is granted.

Constraints:

Meads Conservation Area
Archaeological Notification Area

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy
B2 Creating Sustainable Neighbourhoods
C11 Meads Neighbourhood Policy
D4 Shopping Meads Street District Shopping Centre
D10 Historic Environment
D10A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

HO20: Residential Amenity

UHT15 Conservation Area

Site Description:

The site is a terraced 3 storey property which has a commercial unit at ground floor level (dentists surgery) and a flat above which is to be occupied by the owner of the dentists surgery. The surrounding properties are of the same layout. The property is situated within the Meads Conservation area and District Shopping Centre. There is a similar structure to that proposed at 13 Meads Street, which appears to have been in situ for some time however there is no record of permission having been granted for these works.

Relevant Planning History:

090109

Proposed change of use of ground floor and basement premises from estate agents (A2) to a dental surgery (D1) (amended description).

Planning Permission

Approved conditionally

03/04/2009

Proposed development:

The applicant wishes to erect a balcony at first floor level at the rear. This will be accessible from the kitchen of the flat, span the width of the projecting rear elevation (and provide access to the rear garden from the flat).

This involves the removal of the current pitched roof over the rear projection and the garden store in order to create space for the external steps.

The bottom of the balcony lies 2.8m high which including the balustrade extends to 4m high. On the North elevation there is a 1.8m high screen proposed along the edge of the balustrade.

The habitable area of the balcony extends 2.8m from the rear elevation and there is a narrow walkway extending a further 2.95m and at 1.1m wide on the boundary with 13 Meads Street, before the step access to the garden leads right to the rear boundary.

The steps, handrail and balustrade are all galvanised metal. The door to replace the window at first floor level to gain access to the balcony is uPVC and there are to be roof deck tiles on the resulting flat roof.

Consultations:

Internal:

Specialist Advisor Design and Conservation – no comments.

Neighbour Representations:

Objections have been received from 9 Meads Street, Ground Floor Flat 9 Meads Street and 16 Milnthorpe Road and cover the following points:

- Endangering wildlife and their habitats

- Impact on protected trees
- Setting a precedence that will create disturbance and rubbish
- Overlooking
- Privacy
- Overshadowing/loss of light
- Visual impediment to the original red brick outline of the property – effect on conservation area.

Appraisal:

Principle of development:

There is no objection in principle to installing a balcony at the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on amenity or the character of the conservation area and would be in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Due to the fact the property and those surrounding are terraces and this is a minor addition, there is not perceived loss of outlook or light. Main concerns surround loss of privacy to 9 Meads Street through creating a first floor view of the property.

Following a meeting onsite the plans were amended to reduce the depth of the balcony to reduce the impact of overlooking to residents at 9 Meads Street. There are flats at first floor level and above, with one flat at the ground floor rear of this property. There is also a screen proposed on the North side to reduce this impact of overlooking/perceived overlooking from the proposed terrace. These amendments have lessened the ability to overlook to an acceptable level.

Concerns surrounding increased noise are under consideration because the amenity space created is to serve a residential flat, whereas the garden which could be used for amenity is currently not in full use as it serves a business. However, the size of the balcony alleviates these concerns as there is unlikely to be an inappropriate number of people creating noise, smell etc in an area this small.

Design issues:

The size of the development and materials used are not unusual or offensive to a plot of this size or the conservation area. Especially as the balcony and access are situated at the rear of the property. Where the balcony is situated is sensitive to the neighbouring properties and is not visually dominant or overbearing on this modest site.

Impact on character and setting of a conservation area:

As the balcony is situated at the rear of the property and is not visible from the public realm the conservation area is not negatively impacted and due to the nature of the development the county archaeologist was not consulted due to the low risk of this development, therefore, the historic environment is protected.

Other matters:

This also accords with the vision of the Meads Neighbourhood Policy in that the historic environment has been protected from inappropriate development. The proposal has no impact on the district shopping area hierarchy.

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:

The proposed development has been designed as such that residential amenity is not significantly affected. The location and development type conserve the historic environment.

This is subject to conditions but the proposal accords with Eastbourne Borough Local Plan (Saved policies, 2007), Eastbourne Core Strategy Local Plan (2007-2027) and the National Planning Policy Framework (2012).

Recommendation:

Approve conditionally

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 229000-03 Rev A submitted on 30 April 2014.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

3. The 1.8m in height privacy screen shown on the approved drawing 229000-03 Rev to the northern edge of the terrace hereby permitted shall be installed prior to the commencement of the use of the terrace and maintained permanently thereafter.

Reason: To protect the amenity of the neighbouring residential properties.

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**.