

<b>App.No:</b> 140559 (PPP)	<b>Decision Due Date:</b> 31 July 2014	<b>Ward:</b> St Anthonys
<b>Officer:</b> Sally Simpson	<b>Site visit date:</b> 29 April 2014	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 15 July 2014		
<b>Neighbour Con Expiry:</b> 15 July 2014		
<b>Weekly list Expiry:</b> 30 June 2014		
<b>Press Notice(s):</b> N/a		
<b>Over 8/13 week reason:</b> Reporting to Planning Committee		
<b>Location:</b> Land adjacent to, 29 Filder Close, Eastbourne		
<b>Proposal:</b> Proposed new end of terrace two storey dwelling to extend the existing terrace, situated in the existing garden adjoining 29 Filder Close and with associated parking.		
<b>Applicant:</b> Mr E Cook		
<b>Recommendation:</b> Refuse		

**Planning Status:** Predominantly residential neighbourhood with some commercial uses and a population of approx. 3,800

**Constraints: Covenants** Trustees of The Chatsworth Settlement

#### **Willington Levels Catchment Area**

Environment Agency Flood Zones  
SFRA Tidal Flood Zone 2  
SFRA Fluvial Flood Zone 3a

#### **Relevant Planning Policies:**

##### **National Planning Policy Framework 2012**

Paragraphs 9, 11, 12, 14, 17, 32, 47, 48, 50, 103, 122

##### **Eastbourne Core Strategy Policy**

Eastbourne Core Strategy Local Plan 2006-2027  
B1 Spatial Development Strategy & Distribution  
B2 Creating Sustainable Neighbourhoods  
D5 Housing Low Value Neighbourhoods  
C6 Roselands & Bridgemere Neighbourhood Policy  
B10a Design

##### **Borough Plan Policies**

Eastbourne Borough Plan 2001-2011

NE16 Dev within 250m of former landfill site  
US4 Flood Protection and Surface Water  
US5 Tidal Flood Risk  
HO2 Predominantly Residential Areas  
UHT1 Design of new development  
UHT4 Visual Amenity

**Site Description:**

The proposed site will be located next to and include the garden area of 29 Filder Close. 29 Filder Close is common with others properties in the locality in that they are set within an open plan estate that were built at a similar period and possess similar architectural/design features. Given this there is a degree of uniformity in the street scene.

**Relevant Planning History:**

EB/1979/0632

Re-siting of screen fence at side. Granted (Five years) 1979-11-06

EB/1973/0638

Erection of 214 houses & 44 bungs with garages, construction estate rds, bridge & footways land N W of Astaire Ave  
Approved Conditional 1974-01-17

EB/1972/0529

Dev of 26.30 acres for res purposes (outline) including, Mortimer Rd, Willard Close, Filder Close, Homewood Close, Horsey Rd, Collier Close.  
Approved Conditional 1972-07-06

**Proposed development:**

The applicant is seeking planning permission to erect a new end of terrace, two storey, two bedroom house with parking space located at the rear of the garden on the existing property at No 29.

**Consultations:**

Internal:

Housing Services Manager was consulted in a memo dated 24 June 2014 and confirmed that there is an affordable housing contribution due and that this will be a commuted sum to the value of £1828.23.

Specialist Advisor (Planning Policy) was consulted in a memo dated 24 June 2014 a response to the consultation gave favourable comments in the terms that this is a windfall site resulting in the net gain of 1 dwelling. The comments included the following observations:

The Council relies on windfall sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan). In line with Policy D5: Housing of the Eastbourne Core Strategy Local Plan (2013) and the requirements of the Affordable Housing Implementation Technical Note, 30% should be affordable.

The proposed unit, in terms of the size and type, confirms to the Council's Strategic Housing Market Assessment

The officer confirms that a commuted sum of £1,828.32 should be secured through a Section 106 or unilateral agreement and concludes that as the site is located in the Willingdon Flood Storage Area, in line with policy US4 of the Eastbourne Borough Plan (2003) a further financial contribution of £301 is required in lieu of the loss of permeable surface which should also be secured through a legal agreement.

The Specialist Advisor concluded that the proposed development will assist in meeting the meets the housing delivery target, confirming to the Roselands & Bridgemere Policy (C6 of the Core Strategy) and is considered to be sustainable development

Specialist Advisor (Arboriculture) was consulted in a memo dated 24 June. An emailed response received 17 July stated:

'further to my site visit I noted one Acer in the front garden of the site which has limited landscape value and shouldn't be considered as a constraint to development. No tree report was provided by the applicant therefore no root protection area was given to ensure retention of the tree during development. As the tree has not been given consideration by the applicant I can only presume should the development be approved it will lead to the loss of this tree in order to facilitate the development.'

#### External:

Highways ESCC was consulted in a memo dated 25 June. An emailed response was received and the observations and recommendations are as follows:

'A 2 bed property should be provided with one car parking space and 1 long term (covered and secure) cycle space. The proposal provides 1 car space but does not mention cycle parking. A condition is suggested below to secure cycle parking.

It is noted that there are concerns regarding loss of on street parking as the result of another dropped kerb being installed. Although this is true a dropped kerb for a property in an unclassified road can be installed without planning consent being required. Also the loss of one parking space would not result in a severe impact on the highway network and therefore cannot be refused as the development is in accordance with the NPPF.'

The highways officer goes onto to suggest conditions for the decision, should the proposal be approved, relating to the provision of cycle parking, together with highway standards for the new access/ off-road parking

#### Neighbour Representations:

35 letters dated 24 June 2014 were sent to neighbouring properties with a deadline for comments by 15 July 2014. 17 letters of objections have been received and can be summarised under the following headings:

### Design

- The proposal is not in line with the current layout of other terraces on the Close.
- Shape of garden on No.29 is small and triangular and new gardens for both properties would be small
- The new house will look 'squashed in'
- The plot is just not big enough to have a house and a garden of any use
- The proposed house is in advance of the building line and not in keeping with all the other 2 bedroom houses in the Close
- Is this plot large enough for a family dwelling?
- The proposed property will 'jut' out and look odd in comparison
- The extension to the front is not in keeping with the local design of the Houses and would stand out like a 'sore thumb'

### Character & Impact

- The proposal will have detrimental impact on the overall appearance of Filder Close
- The whole look of the close, unchanged for 40 years , will be spoiled
- Character of the Close consists of a row of three terraced houses, the proposal will make this side four.
- Will alter the character of the open plan nature of the estate.
- The view from the rear bedrooms of adjacent properties will be marred by the additional fencing and off-road parking space.
- There is the potential for noise from a vehicle parked so close to houses, especially at night
- The property would result in the top floor windows causing a lack of privacy to houses directly opposite
- The dwelling will result in the loss of an open space and will completely change the character of the area.
- The proposed house will be very close to the boundary fencing which was already granted permission to be moved out in 1979.

### Access & Parking

- Visibility when leaving the off-road parking space would be obscured by fencing causing a danger to pedestrians and other road users.
- The addition of a new parking space at the bottom of the garden will mean even less parking space in an already congested area
- Emergency services will have problems accessing houses in Filder Close
- Parking is already an issue in Mortimer Road (a no-through road) with only one entrance and one exit
- Parking overcrowding especially at evenings and weekends
- Filder Close has no access for vehicles
- Highway safety and parking will be compromised in this very heavily over parked no through road
- The proposed off road parking is not in keeping with other properties on the Bridgemere Estate
- Would there be enough space to park a vehicle on this proposed space
- Safety in the road for children and pedestrians needs to be considered as this proposal will result in a blind spot.
- The proposed parking space appears insufficient and would protrude beyond the boundary line of the fence and be too close to the pavement edge
- There is insufficient turning space to exit the parking area and turn right

### Impact on Environment

- The Bridgemere Estate has always been an area with lots of green space making the estate a very attractive and pleasant place to live
- The proposal will result in the loss of a tree in the residents' garden which will have an impact on the environment and the wildlife which it is a habitat for.

### Flooding

- The water table in this area is very fragile – a new dwelling and parking space reduces the available land to absorb surface water from rainfall.
- Increased risk of flooding
- Question the ability of the drains coping with the extra water running off
- The pathway at the back of the terrace, leading to the garage block, forms a right angle at the end of the garden of No. 33, run-off from the parking space could accumulate and flow into the garden.
- An additional property will have an effect on the drains in the area and the capacity of them

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development provided it would:-

- be designed to a high standard,
- respect the established character of the area,
- would not have an adverse effect on the amenity,
- would make a positive contribution to the Councils housing delivery targets and
- would be in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework 2012.

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

It is accepted that the building line is maintained with the attached neighbour notwithstanding this given the orientation of this terrace and the small/narrow plots there is the potential for some degree of overshadowing of the rear garden of No 29. In addition the two storey front addition is also likely to result in a degree of sunlight impact upon the occupiers of the adjacent dwelling at No 29.

#### Design issues:

Although the design of the proposed dwelling is similar in size, in that it is a two bedroom dwelling, the layout is contrary to the rest of the terrace in that it extends beyond the existing building line at the front elevation by approximately 2 metres. The proposal, therefore, conflicts with policy UHT1 of the Eastbourne Borough Plan (Saved Policies) in that the new dwelling does not harmonise with the appearance of the local area.

The proposed development is considered to be inappropriate in terms of scale and bulk for a plot of this size on the end of an existing terrace. The existing garden would be divided up in such a way as to offer no improvement or benefit to the visual amenity of the occupiers of both properties and would not reflect local distinctiveness. Indeed part of the existing garden would be used to create a new off-road parking space reducing the garden even more. It is also contrary to policy UHT4 in that it would have a negative

impact on the visual amenity as it would erode the distinctiveness of the open plan nature and general layout of the existing estate.

It is accepted that the existing plots are relatively modest however it is considered that the proposed private amenity space would not be provided in a useable configuration and as such would adversely impact upon the living conditions of the new occupiers of this dwelling.

Impact on character and setting of a listed building or conservation area:

Although the proposal is not within a Conservation area, the character of the existing estate is open plan in nature and as such is characterised by space in and around the dwellings. It is considered that the introduction of this property would result in a discordant feature that would not reflect the scale/form and design of properties in the locality.

It is therefore contrary to policies UHT4 of the Eastbourne Borough Plan and C6 10A of the Eastbourne Core Strategy Local Plan

Impacts on trees:

It is considered that there would be a minimal impact in terms of any loss of trees on the site as there are no trees of significant value to the site.

Impacts on highway network or access:

Although the proposed development has made provision for an off-road parking space, there has been no indication that any cycle parking will be provided as a sustainable means of transport and would be a requirement for any new dwelling. The creation of a new off road parking space to facilitate the development is in isolation acceptable, however it does further erode the available amenity space for the users of No 29.

Other matters:

Although the proposed new dwelling is considered to be a windfall development and would assist in meeting housing demands within this neighbourhood the nature of the design, and scale for this particular site is considered to be inappropriate and would not enhance the visual amenity of the existing area.

**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 would result in an undesirable form of windfall development, which would by reason of its scale, siting and design, result in a cramped and intrusive form of development that would fail to preserve or enhance the character of the open plan nature of the estate. As such, it would conflict with the policies UHT1, UHT4, HO2, HO20 and D10, D5 & B2 of the Eastbourne Borough Plan 2001-2011, the Core Strategy and paragraphs 6, 7 & 12 the National Planning Policy Framework 2012.

## **Recommendation: Refuse**

The proposed extension is recommended for refusal for the following reasons:

1. By reason of the siting and layout of the development, the proposal fails to respect the character and appearance of the surrounding residential area, and conflicts with the pattern and building line of existing development within Filder Close, affecting the open plan character of the existing neighbourhood.
2. The design and position of the dwelling would result in an inappropriate and unneighbourly form of development that would be likely to have a negative impact upon the amenities enjoyed by the occupiers of No29 Filder Close by reason of loss of light and overbearing relationship.
3. The proposed private amenity space proposed is considered not to be in a usable configuration and as such is likely to result in a poor living environment for the likely occupiers of this new dwelling.

As outlined within the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal does not accord with policy UHT1, UHT4, HO2, HO20 of the Eastbourne Borough Plan (Saved policies, 2007), B1, B2, D5 & C6 D10A of the Eastbourne Core Strategy Local Plan and on this basis has been refused.

### **Appeal:**

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**.