

App.No: 140901 (HHH)	Decision Due Date: 26 August 2014	Ward: Upperton
Officer: Katherine Gardner	Site visit date: 9 June 2014	Type: Householder
Site Notice(s) Expiry date: 24 July 2014		
Neighbour Con Expiry: 24 July 2014		
Weekly list Expiry: 24 July 2014		
Press Notice(s): N/A		
Over 8/13 week reason: Available Committee Date		
Location: 5 The Courtyard, Wharf Road, Eastbourne		
Proposal: Conversion of part of garage to extend habitable living space.		
Applicant: Mr David Burgess		
Recommendation: Refuse		

Planning Status:

Application in response to enforcement complaint ref. 115065.
Retrospective Application.

Constraints:

Public Sewer
Source Protection Zones

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

C1: Town Centre Neighbourhood Policy

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

UHT1: Design of New Development

HO2: Predominantly Residential Areas

HO20: Residential Amenity

Site Description:

The site is one of 6 terraces within The Courtyard which is a Private Road off Wharf Road. All these terraces are characterised by 2 storey town houses with attached, but not integral, garages at each of the properties. There is a private forecourt providing access to the properties in this private road. When the properties were originally built, a condition was applied that the garages should be "permanently retained for the occupiers of or visitors to the units hereby approved". The property is currently being marketed as a holiday let rather than a permanent residential property.

Relevant Planning History:

990674

Proposed change of use to form six dwellings with garages, together with alterations, part raising of roof and the introduction of dormer windows and roof lights.

Planning Permission

Approved conditionally

27/05/1999

Proposed development:

The applicant is proposing increasing the kitchen/living area through extending the habitable space into the rear of the garage.

There is no change to the footprint of the property as the changes are all internal, however an application was required due to condition 5 applied on the original approval. Therefore, the amendments could not take place under permitted development.

The depth of the garage is reduced (able to fit a smart car) and provides a smaller storage area. Therefore, the garage is lost to any larger cars but provides storage for other non-car modes of transport.

Consultations:Neighbour Representations:

Objections have been received from 6 The Courtyard and cover the following points:

- Condition 5 on the original permission should be upheld.
- ESCC Highways have refused parking permits for residents of The Courtyard on the basis that this condition exists and that The Courtyard is a private road with individual garages.

Appraisal:Principle of development:

There is no objection in principle to extending a dwelling in this residential area, and as mentioned the development would be permitted development if not for the condition applied to the original permission when the houses were first built.

The condition states:

5) The garages shown on the approved drawing shall be provided before the residential units are first occupied and shall be permanently retained for the occupiers of or visitors to the units hereby approved.

Reason: to avoid the obstruction of surrounding streets by waiting vehicles.

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

Residential Amenity is maintained as there is no increase in footprint or installation of windows. The view of the property to neighbouring residents remains unchanged. The use of the extended area has gone from storage/garage to kitchen use, this does cause a change in type of use, however, the garage is terraced to the garage of number 6, therefore increase in smell or noise from the use of this area as habitable space is of minimal concern.

Impacts on highway network or access:

The only concern surrounds the loss of the garage as a usable parking space. The garages are small, arguably unable to accommodate modern cars. The Courtyard does not have space available for cars to park outside their properties and therefore Wharf Road and surrounding areas seem to be used by the residents of The Courtyard for parking vehicles. The reduction in depth of the garage means that the garage is unusable for most vehicles, therefore prompting concern regarding the perceived increase in vehicles parking in surrounding roads due to the inability to use the garage. Surrounding roads in this Town Centre location are already highly populated with waiting traffic.

The site is currently used as a holiday home rather than permanent residential accommodation. However, despite the central location of the site and its proximity to public transport, it is felt that the condition should be upheld as a precedent will be set for other residents of The Courtyard, resulting in a possible large increase in problem parking, for both them and their surrounding neighbours.

Therefore, issues surrounding the loss of car parking are considered to have a significant adverse effect on amenity in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007, and so refusal is recommended.

Design issues and other matters:

Due to the nature of the development there is no concern surrounding the source protection zone or the design of the development as all changes are internal.

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 application should be refused due to the negative impact on parking potential within the area and concern over setting a precedent for similar developments in the area.

Recommendation:

Refuse planning permission for the following reason;

The loss of the garage for the parking of a vehicle would likely result in additional demand for on-street parking and additional congestion on the public highway contrary to saved policy TR11 of the Borough Plan 2007.

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**.