

App.No: 140370 (HHH)	Decision Due Date: 23 May 2014	Ward: St Anthonys
Officer: Leigh Palmer	Site visit date: 23 May 2014	Type: Householder
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 5 April 2014		
Weekly list Expiry: N/A		
Press Notice(s): N/A		
Over 8/13 week reason: Out of time revisions to proposed scheme have been secured		
Location: 12 Netherfield Avenue		
Proposal: Side, Rear Extension with associated internal alterations to provide enlarged accommodation.		
Applicant: Mr Ian Poorman		
Recommendation: Grant Planning Permission		

Executive Summary:

Members will recall that this application/site was reported to Planning Committee in June 2014 and at that Committee the scheme proposed a rear extension incorporating a basement extension. Members discussed the issues relating to the scheme and outlined severe concerns over the construction of a basement element of the scheme and the potential that this may have upon the structural integrity of the neighbouring property/plot.

Revised drawings have been received deleting the basement element of the extension from the proposal, the scheme now proposes a single storey rear extension.

The footprint of the single storey extension is identical to that as reported to Planning Committee in June 2014

As outlined with the report to Committee in June 2014 there are no substantive objections to the single storey element of the proposal and any impacts that there may be upon the occupiers of the adjacent properties/plots would not be sufficient to substantiate a refusal of planning permission.

Recommendation:

Grant Planning Permission subject to conditions:-

- 1 Time Limit
- 2 Approved Drawings

Members

Please note that for ease of reference the report from the June 2104 agenda is reproduce in full below

Planning Status:

Predominantly residential area

Relevant Planning Policies:

Eastbourne Core Strategy Local Plan Policies 2013

B2: Creating sustainable neighbourhoods

C8: Langney Neighbourhood Policy

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

HO20: Residential Amenity

Site Description:

The application property is a linked (by garage) detached bungalow on the southern side of Netherfield Avenue. The property possesses similar architectural detailing as a number of other properties in the area.

To the front of this range of properties is an area of well maintained informal public open space. To the rear of the plot lies an existing allotment site and The Bishop Bell School. There is no significant change of levels within the rear garden.

The adjoining properties are separated by low boundary fences and they posses a number of extensions and outbuildings.

Relevant Planning History:

680379 Rear Extension Granted 22/08/1968

720334 Front Porch Granted 23/03/1972

Proposed development:

Consent is sought to construct a side, rear and basement extension with associated internal alterations to provide enlarged accommodation.

The scheme proposes the excavation under the footprint of the proposed single storey extension to provide a basement extension with further excavation to provide garden access.

The footprint of the extension is stepped (staggered) along the common boundary with No 14 Netherfield Avenue and off set from the common boundary with No 12 Netherfield Avenue. The proposed extension is capped with a flat roof and incorporates three roof lanterns to provide internal illumination.

The extension extends 4.5m beyond the rear main wall of the property and a total of approximately 12m beyond the rear of the existing side addition of application property. The maximum width of the extension is 9.5m. The height of the extension excluding the roof lanterns is approximately 6m with 3m sited above ground level.

At ground floor level the extension provides space for a utility room, kitchen and living/dining room. At basement level the extension provides accommodation for a family room.

Consultations:

External:

None considered applicable

Neighbour Representations:

Three objections have been received (representing the owners adjacent nearby residents and cover the following points:

- Large amounts of earth will need to be moved
- Heavy plant and machinery will disrupt shared driveway to the front of the plot. May cause damage to driveway and drainage
- Noise and disturbance during construction process
- Increase in space will increase the parking demands on the area.
- Loss of light
- Existing works within the plot has caused localised flooding
- Trees have been cleared from the site
- Outbuilding used for business (office) purposes
- Overshadowing
- Eyesore
- Affect the character of the area
- Affect the wildlife of the area
- Overlooking
- Affect the quality of the adjacent gardens
- May cause subsidence, may require underpinning

Appraisal:

The main issue to take into account in determining this application are the impacts on visual and residential amenity.

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

The application abuts an existing allotment site to the rear, therefore the proposed development would only affect the properties on either side.

In addition the proposal includes a single storey extension above ground level and in terms of the impact upon neighbouring properties (overshadowing/loss of privacy) it is this relationship/impact that has been assessed.

10 Netherfield Avenue – The proposed extension is offset from the common boundary with this property by 6m and on this common boundary are the adjoining garages. Given this separation and the orientation it is considered that the extension would not result in substantive harm/impact upon the amenities of the occupiers of this property.

14 Netherfield Avenue – It is accepted that given the siting of the extension it would have greater impact upon this property. However given the stepped flank wall/footprint and orientation of the properties there would not be harm to the amenities of this property sufficient to substantiate a refusal of planning permission.

Within the rear elevation of this property is a bedroom and lounge window, whilst both are deemed to be main habitable rooms it is considered that the separation and the orientation is such that there would not be any material harm in terms of loss of light/overshadowing.

It is accepted that the extension runs for a significant length of the common boundary with this property, however given the stepped (staggered) footprint and only single storey above ground level it is considered that there should not material harm to the occupiers of this property.

On both of the common boundaries with the application site the plots are separated by existing low boundary fences. These fences whilst long standing do not provide the privacy screening that is common with residential properties. Given this the proposed flank windows and doors may afford overlooking into adjoining properties/plots; this is considered no more severe than from standing within the existing garden level and as such a refusal based on this issue could not be substantiated.

Design issues:

The height of the extension has an eaves level above that of the original property; this is due to current building standards and ties/consistent with the height of the existing side addition (more recent addition). Notwithstanding the eaves issue the materials used in the external appearance of the property would be consistent with those used in the area.

The extension is located wholly to the rear and as such will not impact upon the character and appearance of the site and surrounding area.

Other matters:

The application proposes a basement construction and further excavations to facilitate access to garden level.

The application does not provide any information on the quantum of soil material to be excavated to secure this development, nor does it stipulate that this spoil would be removed or remain on site.

If to remain on the site there are no level details accompanying the application, and in the absence of this information it is considered that the proposal may give rise to a material loss of amenity to the occupiers of the adjoining properties through direct overlooking and may also give rise to a material increase in surface water run off which in turn may cause an increase in localised flooding.

If the spoil were to be removed from the site then there is likely to be a significant amount of skips and/or 'muck away' vehicles visiting the site. There is no information with the application outlining how these will be accessed/serviced/filled. In the absence of this information it is considered that the location, servicing and frequency of transfer may have a material impact upon the amenities currently enjoyed by the occupiers of the adjacent/adjoining properties.

In addition there is no information supplied with the application providing information that the quality of the external informal amenity space to the front of the properties in this part of Netherfield Avenue will be maintained and not adversely impacted as part of this development project.

It is accepted that these issues would normally be controlled via planning condition however given the unusual nature of this development (basement), the size of the rear garden and the nature and characteristics of the public realm to the front of the site are considered a unique set of circumstances that the site construction method statement is a determinative issue and in the absence of the information it is considered that the proposal may result in an adverse impact upon the amenities of the occupiers of the adjoining occupiers and also upon the character and appearance of the site and surrounding 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 scale, orientation and design of the proposal and the impact on the amenities of the adjoining residents are considered, on balance, to be acceptable, subject to appropriate conditions.

The lack of information relating to spoil removal gives rise to concern sufficient to substantiate a refusal of planning permission.

Recommendation: Refusal Planning Permission

The application fails to satisfactorily demonstrate how the excavated spoil will be disposed off and in the absence of this information it is considered that:-

- if the spoil is left on site may give rise to loss of residential amenity through direct overlooking from raised ground level and may also increase surface water run off causing an increase in localised flooding and,
- if the spoil is removed from the site then there may be conflict with existing access arrangements to the site which may give rise to localised highway and pedestrian safety issues and
- if the spoil is removed from the site then there may be damage to the quality of the public realm to the front of the site which would detract from the character and amenity of the area.