

## Delegated Officer Report - 09/10/2014

<b>App.No:</b> 141168 (HHH)	<b>Decision Due Date:</b> 29 October 2014	<b>Ward:</b> Sovereign
<b>Officer:</b> Sally Simpson	<b>Site visit date:</b> 7 October 2014	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 4 October 2014 <b>Neighbour Con Expiry:</b> 4 October 2014 <b>Weekly list Expiry:</b> 2 October 2014 <b>Press Notice(s):</b> N/a		
<b>Over 8/13 week reason:</b> Within time		
<b>Location:</b> 2 Vancouver Road, Eastbourne		
<b>Proposal:</b> Change of use of public amenity land to private garden within a new boundary wall of 2.29m high of 2 Vancouver Road.		
<b>Applicant:</b> Mr Raymond Keeling		
<b>Recommendation:</b> Refuse		

### Planning Status:

Predominantly residential area

### Eastbourne Core Strategy Policies

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution Sustainable Centre

C14 Sovereign Harbour Neighbourhood Policy

D5 Housing High Value Neighbourhoods

D10 A Design

### Borough Plan Policies

Eastbourne Borough Plan 2001-2011

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT 1 Design of New Development

UHT4 Visual Amenity

### Relevant Planning Policies:

## National Planning Policy Framework 2012

Paragraphs 6, 7, 9, 11, 12, 14, 17, 35, 58, 60, 61, 64

### **Site Description:**

The application site is located in a residential area where there is a mix of housing types across a range of differing plot sizes.

The application site is located on a corner plot fronting Vancouver Road with the side elevation in Anchorage Way. The property is a two storey detached dwelling with integral garage and two off road car parking spaces to the front. To the side of the existing dwelling is a parcel of landscaped land that contributes to the open character of this part of the site.

### **Relevant Planning History:**

None

### **Proposed development:**

The application proposes the incorporation of an area of open space into their private domestic garden and that this would be bounded/enclosed by a 2.29m high brick wall. This wall will use bricks to match those used in the boundary wall in the rear garden.

The proposed new wall would be sited at the back edge of the footpath located on this side of the highway

### **Consultations:**

#### External:

ESCC Highways Officer:- The position of the wall wouldn't reduce the visibility below the level required by the Manual for Streets, (2.4m x 43m) for the junction with Vancouver Road, but only because it is on the outside of the bend. My concern with this is the reduction in visibility for any pedestrian crossing at the dropped kerb, and for their ability to be seen by drivers approaching from the east

#### Neighbour Representations:

A site notice was situated at the site and 17 letters dated 10 September 2014 were sent to neighbouring properties for a deadline for comments by 4 October 2014.

9 letters have been received and the comments are summarised as follows:

- This eyesore will be an eyesore for those who live alongside or opposite
- It will impair natural light into the property (of the applicant)

- Why would you want to look out at a brick wall
- This plan is not in keeping with the open plan design of the estate as it will block off a large area of open land
- It will cause a traffic problem at the exit of Vancouver Road into Anchorage Way for cars and pedestrians as the view to the left will be restricted
- This could set a precedent
- A seven foot six inch wall will block line of sight of vehicles emerging from Vancouver Road.
- It will create a blind spot for persons driving off driveways in Anchorage Way
- Pedestrians will be hidden from approaching vehicles, especially children leaving the play area at the top of Vancouver Road
- The wall could cause damage to cars that park there when they open their doors
- The site is the gateway to Vancouver Rd and Anchorage Way. The whole area is open plan providing a pleasant aspect.
- Such a wall would be excessive and would spoil a pleasant view for everyone
- It will have a detrimental effect on the amenity due to the open character of the area and will ruin the general pattern by enclosing public land.
- It will block the sight line of vehicles leaving Vancouver Road
- A large wall, such as this, could encourage graffiti and anti-social behaviour
- There are no other walls of this height and this would be excessive
- The original bricks are discontinued and a match is very hard to find
- This wall will ruin the area and give a closed in feeling
- It will obscure my view across Anchorage Road
- Impact on residential amenity, over dominance
- This proposal would have an unwanted, dramatic visual impact on the road, especially being so close to the road and it's kerbs
- Loss of already inadequate parking facilities
- The applicant claims that the area reserved for service is not used, even if that were the case, EBC has had the prudence and foresight to make provision for additional requirements in additional or expanded services
- Easement, are you certain that there are no services running along the proposed path of this land,
- Loss of visual landscape, grass and shrubs

## **Appraisal:**

### Principle of development:

There is no objection in principle to people wishing to extend/adapt/alter their properties to meet their changing needs provided that the changes would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of the area and is 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:

The change of use of land must be measured against any public benefits of the proposal, the loss of amenity land and the impact this may have for existing and future residents of the application site and the neighbourhood in general.

Whilst the proposed wall may improve privacy for the current resident, it is considered to have an overall negative impact on the neighbourhood amenity in general.

The proposed height of approx 2.29 metres does seem to be excessive and would have a significant impact for neighbours that live opposite and adjacent in particular. As the proposed wall will be erected at the back edge of the footpath that there would be limited opportunity for a planting scheme to be introduced to soften the impact of a solid wall above 2 metres. The height, siting and length of the wall is considered to represent an overpowering development that would dominate the local street scene.

The loss of amenity green space on this estate, that is open plan in nature, is considered to have a detrimental impact and would be contrary to policy UHT1 in that it fails to respect local distinctiveness or harmonise with the appearance and character of the local environment. It is also considered to be an inappropriate development in terms of scale, form and materials.

The proposal fails to comply with policy UHT4 in that the wall will not enhance the surroundings but will erode local distinctiveness and have an effect on an important vista.

Paragraph 9 of the NPPF states that

'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life,'

Paragraph 17 of the NPPF outlines 12 core planning principles for the planning system, which include the following:

- Not simply be about scrutiny, but instead be a creative exercise in finding ways to improve and enhance and improve the places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

A positive improvement, of good quality design, that enhances the area, should be sought for the neighbourhood in general, which this proposal fails to consider.

#### Design issues:

The main reasoning, identified on the application form by the applicant, for erecting this wall is to:

- Increase garden area for growing vegetables
- Reduce traffic noise
- Increase privacy
- Improve flood protection
- Bin storage

Whilst the development would increase privacy for the occupant, the height of the wall would also affect the natural light source through the window on the side elevation for the applicant and any future resident.

Amenity space is an asset that benefits the locality for those that reside and visit and wherever possible should be retained. Policy H020 (Residential Amenity) outlines that proposals should respect residential amenity by not causing an unacceptable impact in terms of loss of light, loss of privacy, loss of outlook, overshadowing, noise or general disturbance. This proposal is contrary to policy H020 in that it does not respect residential amenity in general and that the wall would have a material impact on the open plan character of the neighbourhood which is considered to be a key consideration.

Paragraph 58 of NPPF outlines the need for quality development supported by planning policies and decisions that aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character... reflect the identity of local surroundings and materials,
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and
- Are visually attractive as a result of good architecture and appropriate landscaping

This proposal does not comply with this paragraph, nor does it comply with paragraph 60 that states policies and decisions should not impose architectural styles but to reinforce local distinctiveness.

Paragraph 61 outlines the need for high quality design above visual appearance of the architecture, securing a connection between people and places and the integration of the new development into the environment.

Paragraph 64 concludes by stating that:

'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions'.

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

The application site is not a listed building, nor is it located within a conservation area.

Impacts on trees:

Although there are not any trees located on the strip of amenity land there are established shrubs that the applicant intends to retain within the new boundary wall.

Impacts on highway network or access:

One main concern of building the wall as close to the backedge of the footpath as indicated on the plan submitted, and having a height above 2 metres, is the impact this may have on visibility for vehicles and pedestrians along Anchorage Way, either crossing the road or leaving the junction of Vancouver Road. Although there is a speed hump on Anchorage Way as you approach the junction with Vancouver Road, vehicles leaving Vancouver Road may have to move forward significantly beyond the give way markings to assess the road situation prior to leaving the junction.

Paragraph 35 of the NPPF states:

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...

The response from the County Highways Officer suggests that there would not be any material concerns with vehicle visibility splays but that the proposal may have an impact on pedestrian safety.

**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 extension is recommended for refusal as it is considered to have significant impact in terms of visual and neighbour amenity and therefore does not comply with policies UHT1, UHT4, UHT8, HO20 Saved Policies of the Eastbourne Borough Plan, B1, B2, C14 & D5 of the Eastbourne Core Strategy Local Plan (2013 - 2026) and the guidance outlined within the National Planning Policy Framework (2012).

**Recommendation:** Refusal

**Reasons for refusal:**

- 1) The proposal fails to respect the open plan nature of the estate or the character of the environment and is therefore contrary to saved policy UHT1, UHT4 & HO20 of the Eastbourne Borough Plan (2007) and policy B2 of the Core Strategy Local Plan (2013)
- 2) By nature of its scale, design and siting the proposal would form an overbearing and unneighbourly development which would have a detrimental impact on both visual and neighbour amenity and therefore be contrary to saved policies UHT1, UHT4, HO20 of the Eastbourne Borough Plan (2007) and policies B1, B2, C14 & D5 of the Core Strategy Local Plan (2013)

**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**.