

<b>App.No:</b> 140959 (RMT)	<b>Decision Due Date:</b> 27 September 2014	<b>Ward:</b> Devonshire
<b>Officer:</b> Richard Elder	<b>Site visit date:</b> 16 September 2014	<b>Type:</b> Reserved Matters
<b>Site Notice(s) Expiry date:</b> 2 September 2014		
<b>Neighbour Con Expiry:</b> 2 September 2014		
<b>Weekly list Expiry:</b> n/a		
<b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Extension of time		
<b>Location:</b> Garage Block on South Side of, St James Road, Eastbourne		
<b>Proposal:</b> Application for approval of Reserved Matters (Access, Appearance, Landscaping and Scale) following approval of outline planning permission granted 6 August 2013 (Ref: 120432) for the demolition of existing garages and erection of a terrace of three houses with associated parking.		
<b>Applicant:</b> South East Properties		
<b>Recommendation:</b> Approved conditionally		

**Planning Status:**

**Constraints:**

**Covenants**

Gilbert Estate  
Eastbourne Borough Council  
Trustees of The Chatsworth Settlement

**Relevant Planning Policies**

National Planning Policy Framework

**Eastbourne Core Strategy Local Plan 2006-2027**

B2: Creating Sustainable Neighbourhoods  
D1: Sustainable Development  
C3: Seaside Neighbourhood Policy  
D5: Housing Low Value Neighbourhood

Affordable Housing Implementation Technical Note

## **Eastbourne Borough Plan 2001-2011**

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO1: Residential Development Within the Existing Built-up Area

HO6: Infill Development

HO20: Residential Amenity

### **Site Description:**

The site comprises a courtyard of 18 lock-up garages situated on the south side of St James Road which is a short cul-de-sac. The site backs onto the short rear gardens of 2 storey terraced houses on Cambridge Road. To the west, the site adjoins a single storey office/storage building to the rear of properties facing Seaside and to the east is bounded by Gwent Court, a 3 storey block of sheltered and social housing set back behind a grass forecourt. On the opposite side of St James Road is a low rise warehouse and area of car parking.

### **Relevant Planning History:**

120432

Redevelopment of site including demolition of existing garages and erection of a terrace of three houses with associated parking (outline application – layout only, all other matters reserved) Refused 18/02/2013

A subsequent planning appeal was allowed on 2<sup>nd</sup> September 2013.

### **Proposed development:**

Following grant of outline permission on appeal dated 2<sup>nd</sup> September 2013 for the principle of development and layout, the current application seeks approval of all other reserved matters relating to access, appearance, scale and landscaping.

The proposal involves the provision of 3 x 2 storey houses with pitched tiled roofs and solar panels on the rear roof slope. The houses would measure 9.75 metres deep, 4.9 metres high to the eaves and 8.3 metres to the top of the roof ridge.

The plans have been revised to reduce the height of the roof by 1 metre. The rear first floor bedroom windows to each house are to be obscure glazed to a height of 1.7 metres from the finished floor level to allow a view of the sky above. Flank first floor windows to the end houses would incorporate an obscure glazed bathroom window. Private rear gardens measuring approximately 7 metres long and 5.4 metres wide would be provided for each house.

Access to the site has been addressed on the original outline application where the site would be accessed from the north east corner of the site adjacent to the Gwent Court boundary at the end of the cul-de-sac. Four parking spaces would be provided within the east side of the site. Conditions relating to the formation of the new access, stopping up of the existing access, parking spaces and cycle parking provision are set out on the original outline permission for discharge prior to occupation of the development.

Details of boundary treatment are required to be discharged under condition 5 of the outline permission prior to the commencement of development.

### **Consultations:**

#### Internal:

Planning Policy Manager – No objection.

Aboricultural Officer – No response

#### External:

Highways – No response – none required due to the nature of the application.

#### Neighbour Representations:

3 objections have been received and cover the following points:

- Overlooking and loss of privacy from the first floor rear bedroom windows.
- Rear boundary walls of Cambridge Road gardens to be removed.
- Loss of light and overshadowing.
- Close to flank wall and will make it impossible to maintain this wall.

### **Appraisal:**

#### Principle of development:

The principle of development has been accepted through grant of outline planning permission on appeal dated 2 September 2013.

#### Design and Appearance

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and use appropriate materials (preferably locally sourced). Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

The design of the houses are of a simple traditional style incorporating pitched tiled roofs with casement windows and french doors to the ground floor rear. The houses would be constructed of materials in keeping with the character and appearance of the surrounding area and would be conditioned as such. The immediate surrounding area does not have a particular character or appearance and incorporates a mix of modern and period buildings. Details of the hard landscaping have not been provided but a condition is recommended requiring details of the materials to be used prior to commencement.

As such, it is considered that the design and appearance of the development is acceptable and would not cause harm to the character or appearance of the local area in accordance with Policies UHT1 and UHT4 of the Eastbourne Local Plan and B2 of the Eastbourne Core Strategy.

#### Scale and Bulk

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to be appropriate in scale and form. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

The height of the proposed roof structure of the terrace has been reduced by 1 metre in height to be more in keeping with the roof heights of surrounding buildings. The overall scale of the 3 houses would be similar to that of surrounding buildings and the Planning Inspector in his report considered that the indicative drawings of the houses at outline stage appeared to be appropriate for the site and locality and the proposed separation distance would be sufficient to prevent an overbearing appearance.

As such, it is considered that the scale and bulk of the proposed development is acceptable and would not cause harm to the character or appearance of the local area in accordance with Policies UHT1 and UHT4 of the Eastbourne Local Plan.

#### Impact of proposed development on surrounding residential amenity

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Objections have been received relating to overlooking, loss of privacy, loss of light and demolition of the existing garages which form part of the boundary to the site and boundaries to adjoining properties.

With regard to loss of light and overshadowing to the rear of properties facing Seaside, between the site and the rear boundary of these properties is a single storey office/storage building with pitched roof at no.4 St James Road and a 0.9 metre wide path between the end of the proposed terrace and the east flank wall of no.4 St James Road. It is considered that the height and bulk of no.4 St James Road and the distance between the western end of the proposed terrace and the rear gardens would not result in any significant loss of light to these properties.

Concerning the boundary treatment, the garages have been mostly removed retaining some of the walls to the rear of Cambridge Road properties and adjacent to no.4 St James Road for reasons of safety and security. The applicants have been advised that any works to the boundary treatment must be dealt with by discharge of condition 5 of the original outline permission prior to the commencement of development by way of submission of details of the design, materials, heights, positioning and a timetable for the completion of the boundary treatment. The applicants have agreed the type of boundary treatment with some of the neighbouring occupiers but have been advised by Officers to submit the details with a discharge of condition application prior to the total demolition of the garages.

Turning now to the issue of overlooking, the Planning Inspector in his decision report in granting permission for the outline application acknowledged that the separation distance of 13.14 metres between the rear of the proposed houses and the rear of houses facing Cambridge Road was less than ideal and less than that in many modern developments but not dissimilar to back to back separation distances in this part of Eastbourne.

However, paragraph 11 of the inspectors report states that given the densely developed nature of the area, the likely separation distances would not be unacceptable and the precise form of fenestration is for future consideration. The inspector's report goes on to note that any overlooking at the rear could be overcome by careful detailing and the appellants offered windows with a cill level of 1.7m high as a possibility to address privacy issues on this tight site. As such, the inspector considered that the proposed layout was acceptable and issues relating to privacy can be dealt with in reserved matters. The applicants have since revised their original proposal introducing obscure glazing to a height of 1.7 metres from the finished floor level to all of the first floor rear bedrooms. A condition is recommended, therefore, that the obscure glazing is in place prior to occupation of the houses, permanently retained and the side opening casements to the windows to be permanently fixed shut allowing the top ventilator to open only.

As such, it is considered that subject to conditions, the proposal would not result in any significant adverse impact on surrounding residential amenity and would accord with Policy HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

**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:**

It is considered that the design and appearance of the proposed houses is acceptable and the scale and bulk is appropriate for the area and would not have an overbearing appearance on surrounding occupiers.

It is considered that subject to conditions, the proposed houses would not result in any significant overlooking or loss of privacy to surrounding properties and would not result in any significant loss of sunlight or daylight to surrounding properties. As such, it is considered that the proposal would not adversely harm surrounding residential amenity.

As such, it is considered that subject to conditions, the proposed development would not cause harm to the local area and would accord with local and national planning policy.

**Recommendation:**

Approve conditionally

**Conditions:**

1. The proposed development shall be carried out in strict accordance with the following plans and documents:

1428/01 Rev D – Proposed site location and layout plan received 16 October 2014

1428/02 Rev E – Proposed plans and elevations received 30 October 2014

Block plan received 14 July 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development shall commence until samples or precise manufacturers details of all the materials to be used on the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To secure a satisfactory standard of development.

3. Notwithstanding the approved details, the development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of trees and planting plans, species specification and samples of hard landscaping materials.

Reason: In the interests of visual appearance and integrating the development into its surroundings.

4. The finished surface to the driveways, hardstandings, paths and gardens shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the cartilage of the property. No loose surface material shall be used within 2 metres of the edge of the public highway.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

5. Prior to occupation of the proposed house hereby permitted, the first floor rear windows to the rear elevation serving bedrooms and shall be obscure glazed to a height of 1.7 metres above finished internal floor level and permanently retained as such. The side casement windows shall be non-opening, fixed shut and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties.

6. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), gate, fence, walls or any other means of enclosure than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties, and the character of the area and for this reason would wish to control any future development.

10. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble.

Reason: To prevent pollution of the water environment.

11. No bonfires or burning of waste materials shall take place anywhere on the site at any time.

Reason: In the interest of maintaining the character and amenity of the area.

### **Informatives**

#### Reiteration of Conditions of Previous Applications

The conditions attached to the grant of outline consent EB/2012/0636 (OL) are re-iterated and unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with to ensure the validity of the planning permission.

#### Details of Materials

All external materials to be used in the development shall conform with the guidelines set out in the Eastbourne Townscape Guide.