

<b>App.No:</b> 141389 (PPP)	<b>Decision Due Date:</b> 6 January 2015	<b>Ward:</b> Old Town
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 6 December 2014		
<b>Neighbour Con Expiry:</b> 6 December 2014		
<b>Weekly list Expiry:</b> 5 December 2014		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b>	34 Dillingburgh Road	
<b>Proposal:</b> Erection of a detached 2 bedroom bungalow with garage within the rear curtilage of the application site, accessed from Dacre Road.		
<b>Applicant:</b> Mr A Bennett		
<b>Recommendation:</b> Refuse		

### **Executive summary**

The proposed development, because of its size, design, height, siting and proximity to the boundary with Dacre Road, would not relate well to the existing building or the general pattern of development in the surrounding area and would therefore represent an overdevelopment of the site, resulting in an intrusive and alien feature in the streetscene, which would be detrimental to the visual amenities of the area.

### **Planning Status:**

Residential area  
Source Protection Zones 3

### **Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT5: Protecting Walls/Landscape Features  
HO2: Predominantly Residential Areas  
HO6: Infill Development  
HO20: Residential Amenity  
TR2: Travel Demands  
TR11: Car Parking

**Site Description:**

This semi-detached two-storey dwelling is located on the northern corner of the junction of Dillingburgh Road and Dacre Road, and backs onto a service road which serves properties in Dillingburgh Road and Victoria Drive.

The property was constructed around 1927, and is typical of its era; it forms part of a very regular layout of pairs of dwellings in straight rows with long rear gardens. Permission was granted in 1960 for the use of the property as two non self-contained units, subject to a condition that the arrangement would enure for the benefit of the applicant only, and the dwelling would be returned to single occupation. The applicant applied for the self containment of the units in 1970, the property has remained as two flats since that time.

A fence has been erected close to the rear wall of the existing dwelling so that most of the rear garden is unusable and has been left in an overgrown condition.

**Relevant Planning History:**

EB/1988/0447 Erection of a detached bungalow, with garage.  
Dismissed - 10/03/1989

030699 Erect a single-storey two-bedroom dwelling.  
Withdrawn 22/06/2003

030759 Erect a part two-storey, part single-storey split level two bedroom dwelling with integral garage.  
Refused 09/10/2003

070507 Erection of single-storey extension at side to form one self-contained flat.  
Refused 03/10/2007

130500 Erection of two storey, two bedroomed detached property with garage and access from Dacre Road.  
Dismissed 30/4/14

A common reason for all the above refusals and the two appeal decisions is the adverse impact on the character and appearance of the area (in respect of the two storey dwellings loss of amenity is included). The Inspector for the last appeal opined that *"the dwelling would therefore represent a cramped, intrusive and harmful addition to what is a distinctive low density area composed of a regular layout of long linear plots"* and concluded that *"while the proposed dwelling and garage would reflect the design of*

*dwellings in the area, the proposed development would be harmfully at odds with its character and appearance, and the well-established building pattern of the area in particular”.*

**Proposed development:**

It is proposed to divide the rear garden to form a plot measuring 19m in width and 12m in depth, and to construct a bungalow with an attached garage both accessed from Dacre Road. The dwelling would measure 9m wide and 6.2m deep, under a pitched roof 5m high to the ridge. It would be located to the rear of the garden, adjacent to the service road, so that the garage would also form the boundary wall, and there would be gap of 2m from the boundary with Dacre Road (reducing to 1.2m by the bay on the front elevation); this would leave a side garden of 6.5m adjoining the existing dwelling, and a rear garden of 4m where it joins the rear garden of 36 Dillingburgh Road.

The design of the proposed dwelling is unremarkable, but exhibits features common to the area, such as a front bay and tile hung gable. The floor area is small at 49 m<sup>2</sup>, which is comparable to the ground floor area of nearby dwellings, but does result in small room sizes, for example the main bedroom measures 2.7m by 3.3m. The garage is of an adequate size for one car with space for a further car on the drive.

**Consultations:**

External:

Highway Authority - no response.

Environment Agency - no objection.

Neighbour Representations:

Eleven objections and one representation of support have been received and cover the following points:

- good use of the site and a bungalow is appropriate
- increase in vehicles and reduction of on street parking spaces which is needed due to the zebra crossing due to be constructed shortly in Victoria Drive
- will impede access to the service road and reduce visibility for drivers and pedestrians
- adverse effect on the character of the neighbourhood; the gardens are of a decent size but not large enough to be subdivided for development without harm to the established pattern of development
- the property has already been divided into two units and this would be a gross overdevelopment
- this is the 5<sup>th</sup> application to develop, all have been refused, and appeals dismissed
- overbearing impact on current outlook and amenity; loss of privacy
- no privacy for the occupiers of the new dwelling as they will be heavily overlooked
- could set a precedent
- the reasons for the previous refusals are still valid
- the development would be intrusive and contrary to local plan policies

**Appraisal:**

Principle of development:

Local plan policies and national guidance support the provision of sustainable development and housing. However these same policies and guidance also require that development should not result in harm to the natural, built and historic environment;

further, that good design is indivisible from good planning. Whilst gardens are no longer classed as brownfield land, there is no presumption against appropriate development, except where it would cause harm to the local area.

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

This part of Old Town is characterised by an attractive uniformity created by the straightness of the roads, the predominantly two-storey buildings on generous plot sizes, regular building lines and consistent spacing between dwellings. This has been breached relatively rarely, and should not be used as a precedent to justify an incongruous and obtrusive form of development.

Contrary to the prevailing pattern of development in the locality, the proposed detached dwelling and garage would be isolated within the streetscape of Dacre Road, which between Dillingburgh Road and Victoria Drive, has no other dwellings directly fronting it. As a result, the proposed development would appear as highly intrusive and harmfully out of character with the established pattern of development in the vicinity. Furthermore, the rear garden of the proposed dwelling would be very limited in depth, with only 4m between the rear elevation and the boundary with No. 36. Such a constrained plot depth would be harmfully at odds with the well-established character of this residential area and its building layout in particular. No.34 has already been extended at ground and first floor levels. The construction of a further residential unit within the curtilage of the original plot would intensify the use of the site and reduce the planned spacious development of this part of the town.

The dwelling would therefore represent a cramped, intrusive and harmful addition to what is a distinctive low density area composed of a regular layout of long linear plots. Whilst there may be some limited benefit from the provision of one additional dwelling, it would not outweigh the harm to the character and appearance of the area, and as such it would not represent a sustainable development as described in paragraph 7 of the National Planning Policy Framework.

As a single storey dwelling with no rooms in the roof, there would be no issues of overlooking or loss of privacy to nearby residential properties.

Design issues:

The design of the dwelling is, of itself, not innovative or outstanding and does not justify making an exception to the Council's approved policies based on its sustainable location or building techniques (identified in the application as Code level 4).

Impacts on trees:

There are no trees remaining on the site.

Impacts on highway network or access:

The concerns of local residents are acknowledged, however the provision of one modest dwelling with on-site parking removing only one on-street parking space would not constitute a defensible reason for refusal.

**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 current proposal, because of its size, design, height, siting and proximity to the boundary with Dacre Road, would not relate well to the existing building or the general pattern of development in the surrounding area and would therefore represent an overdevelopment of the site and would be an intrusive and alien feature in the streetscene.

**Recommendation:** Refuse for the following reason:

That the proposed development would, by reason of its size, siting and design, result in an incongruous and intrusive feature in the streetscene which would be out of keeping with, and detrimental to the character and appearance of the area. As such the proposal would conflict with policies HO6, UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011, policies B1, B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraphs 7 and 56 of the National Planning Policy Framework.

**Informatives**

This decision has been based on the plans submitted with the application on 3 November 2014, numbered 94262/010, 94262/020 and 94262/040.

**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**.