

App.No: 141524 (HHH)	Decision Due Date: 4 February 2015	Ward: Meads
Officer: Sally Simpson	Site visit date: N/a	Type: Householder
Site Notice(s) Expiry date: 1 January 2015 Neighbour Con Expiry: 1 January 2015 Weekly list Expiry: 5 January 2015 Press Notice(s): N/a		
Over 8/13 week reason: Within time		
Location: 10 Blackwater Road, Eastbourne		
Proposal: Retrospective application under section 73a for the retention of an escape staircase and walkway at rear.		
Applicant: Mr & Mrs Thurston		
Recommendation: Refuse Planning Permission and Authorise Enforcement Action requiring the removal/adaption of the structure.		

Executive Summary

Application proposes the retention of the external fire-escape and terrace area. The host property retains a number of historical architectural features and is located within an area of High Townscape Value.

The fire-escape structure affords direct views into the neighbouring plots/properties such that there is a material loss of amenity through direct overlooking. In addition it is considered that the ground floor terrace is considered to be a discordant feature and thereby damaging to the character and appearance of the host property in particular and the wider area in general.

Application is recommend for refusal with authorisation sought to pursue enforcement action.

Planning Status: Residential

Constraints: Area of High Townscape Value

Convenants: Trustees of The Chatsworth Settlement

Source Protection Zones: 2

Relevant Planning Policies:

National Planning Policy Framework 2012

Paragraphs 7-14, 56 – 65, 125, 126, 131, 150-152, 169 & 186-190

Eastbourne Core Strategy Policies

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution Sustainable Centre

C1 Town Centre Neighbourhood Policy

D5 Housing Low Value Neighbourhoods

D10 Historic Environment Area of High Townscape Value

Borough Plan Policies

Eastbourne Borough Plan 2001-2011

UHT4 Visual Amenity

UHT16 Area of High Townscape Value

HO20 Residential Amenity

NE14 Source Protection Zone

Site Description:

The application site consists of a four-storey semi-detached single private dwelling with rooms in the roof. The property is located on the north side of Blackwater Road, opposite Devonshire Park Tennis Centre in an area of High Townscape Value.

The dwelling is set within a block of 7 properties, which all have a frontage of similar character, together with front boundary walls that form an important and valued architectural asset which contributes significantly to the street scene.

Relevant Planning History:

140788

Creation of a driveway for one car and crossover from public highway to access driveway, with associated drainage. Widening the opening in the existing boundary wall, replacing the existing dilapidated pillars with replica pillars.

Householder Refused 31/07/2014

Proposed development:

The applicant is seeking retrospective planning consent, following an enforcement complaint (ref: Service Request 116267), for the retention of a fire escape staircase and walkway, giving access to the rear garden.

Consultations:Neighbour Representations:

43 letters dated 10 December were sent to neighbouring properties.

No letters of objection have been received following the statutory consultation period.

However, the owners of the application site have also sent out a proforma letter to their neighbours (the total number of letters delivered is not known) and as a result 11 letters supporting the retention of the escape stairway and platform/walkway, including one from the original complainant, have been received.

The original complainant is now supporting the proposal as the applicants have confirmed in writing that they do not intend to use the platform for sitting out either now or in the future.

Appraisal:

The main issue to consider in determining this application is the impact of the fire escape and platform on the visual and neighbourhood amenity.

As the property is in an area of high townscape value the contribution of this development to this area in general will also be considered.

10 Blackwater Road is a single private dwelling, housing a family with children in the main house and extended family of grandparents living at the lower ground floor level.

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

There is a change of levels from the front to the rear of the plot, this has resulted in the ground floor on the front elevation being at street level but at the rear of the building the ground floor is one storey above garden level.

The proposed fire escape cascades from the upper floor to a larger platform area at the ground floor level. From this platform area access stairs to the garden level are centrally located. This stairway is to allow direct access to the garden for the family.

The escape stairway with their turning platforms at first floor and second floor levels, extend from the rear elevation by 1.17m and across by 2.03m, creating a floor space of 1.63m². In comparison the platform at ground floor level extends from the rear elevation by 1.57m and across by 5.56m, creating a floor space of 7.98m². It is my opinion that this would be sufficient floorspace for a bistro style table and chairs to be used on what would become a balcony rather than a means of escape.

Whilst there is no issue with having a satisfactory means of escape in a single private dwelling, it is the ground floor platform/walkway that is excessive in terms of scale and its overbearing nature on the host dwelling and the loss of privacy that may affect existing and future residents in this property, particularly at the lower ground floor level of the site, and the immediate neighbourhood.

The platform affords direct views into the neighbouring plots/properties resulting in a material loss of residential amenity. It is accepted that in relation to the public consultation on this application no objections were received however in terms of maintaining the ongoing amenities of residents in the area it is considered that this assessment should be given significant weight in the assessment of this application.

The applicants have confirmed that they have no intentions of using this area as an outside amenity area, however this would be difficult to enforce going forward.

In addition the platform area, given its location and size creates a shadow to the lower ground floor windows, this degree of overshadowing is considered to create an inhospitable living environment for the occupiers/users of these rooms.

This stairway and platform fails to comply with policies in the Eastbourne Borough Plan and Eastbourne Core Strategy Local Plan in that it does not harmonise with the appearance and character of the local environment and the scale is inappropriate, it has a negative effect on the visual amenity, as it causes unacceptable loss of privacy as there is overlooking from the platform which also is considered to cause loss of light/overshadowing to the rooms in the lower ground floor.

Impact on character of the Area of High Townscape Value:

The proposal is located in a highly prominent location and is visible from a number of public vantage points. It is considered that whilst the wider area including flats hotels and commercial properties does have fire escapes however this proposal does include the large terrace at ground floor level, this is considered to be out of scale and character with the host property and as such would be contrary to the wider character of the area.

Although this particular area of Blackwater Road does not fall within a conservation area and protected by statute, it is recognised by the Council as being within an area of High Townscape Value. Properties are recognised in this particular section as they retain their original design, character and symmetry.

Despite the stairway and platforms being located on the rear of the dwelling, they can be seen from certain vantage points and for this reason it is considered that the means of escape materially affect the character of the building and have a detrimental impact for neighbours in terms of privacy and overlooking and have a negative impact on this area of high townscape value.

Guidance in the Townscape Guide (GuidelineE4) confirms that when changes are proposed consideration should be given to scale, proportion, harmony and rhythm. The platform and stairway are considered to affect the architectural integrity of the building as the platform at ground floor level is too dominant visually and is unsympathetic to the host dwelling.

The stairway and platform fail to comply with development plan policies as it does not complement, preserve or enhance this area of High Townscape Value.

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.

Recommendation:

Refuse Planning Permission and Authorise Enforcement Action to secure removal/adaption of the ground floor platform terrace area and also the installation of a 'Juliet' balcony to cover the existing doors.

Reason for Refusal

The proposed walkway, at ground floor level, by reason of its scale, massing and position, would adversely affect the amenity enjoyed by neighbouring residential occupiers by being overbearing in appearance, outlook and privacy and reduces light to the lower ground floor of No. 10 Blackwater Road. The proposal is contrary to policies B1, C1, D5 & D10 of the Eastbourne Local Core Strategy (2026), UHT4, UHT16, HO20 of the Eastbourne Borough Plan (Saved Policies 2007), the guidance outlined in the National Planning Policy Framework (2012) and Supplementary Planning Guidance – Areas of High Townscape Value

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.