

<b>App.No:</b> 150046 (PPP)	<b>Decision Due Date:</b> 16 March 2015	<b>Ward:</b> Meads
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 31 March 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 21 March 2015		
<b>Neighbour Con Expiry:</b> 21 March 2015		
<b>Weekly list Expiry:</b> 21 March 2015		
<b>Press Notice(s):</b> 21 March 2015		
<b>Over 8/13 week reason:</b> Request to address Committee/number of objections received.		
<b>Location:</b> Southdown House, 2 Silverdale Road		
<b>Proposal:</b> Three storey extension to the east side to provide three two-bedroom flats.		
<b>Applicant:</b> Westgate Developments (Sussex) Ltd		
<b>Recommendation:</b> Refuse		

**Executive summary:**

The proposed development would be detrimental to the character and appearance of the Area of High Townscape Value and the amenities of existing residents in terms of loss of outlook, by reason of its design, scale, mass and siting. As such the proposal conflicts with policies in the Eastbourne Borough Plan (saved polices 2007), the Eastbourne Core Strategy 2013 and the National Planning Policy Framework.

**Planning Status:**

Tree Preservation Order 144  
Area of High Townscape Value  
Residential area

**Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C11: Meads Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D10: Historic Environment

D10A: Design

## Eastbourne Borough Plan Saved Policies 2007

NE28: Environmental Amenity

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT16: Protection of Areas of High Townscape Value

HO1: Residential Development Within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO7: Redevelopment

HO8: Redevelopment of Garage Courts

HO20: Residential Amenity

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking

### **Site Description:**

This late 1960's six storey block of flats is located on the north west corner of Silverdale Road, at the junction with Compton Street; it lies immediately adjacent to the Town Centre and Seafront Conservation Area, and within an Area of High Townscape Value. The site backs onto a large open area known as Jevington Gardens, which is private (not open to the public) although residents adjoining the site have rights of access. The area generally is characterised by large Victorian and Edwardian villas of significant architectural merit, although this end of Silverdale Road has been somewhat diminished by the intrusion of several inappropriate modern (1960-1970's) developments, including the application site. Nevertheless, it remains a very popular residential area with an attractive ambience.

The block has a largely symmetrical form, broadly rectangular in shape, with a shallower wing on each end, terminating in balconies; it has a very horizontal emphasis to its design, typical of many large flatted buildings of this era. The application site tapers to its eastern end where it meets the junction with Compton Street and the entrance to Jevington Gardens to the rear, so that the eastern end of the building is prominent on the corner and allows views to the open space beyond.

### **Relevant Planning History:**

110810

Extension of existing block of flats to provide four additional units comprising two ground floor flats and two penthouse flats including alterations to the existing elevations together with the provision of additional parking

Approved conditionally 16 March 2012

130676

Reconstruction of existing garage block and erection of two floors above to provide four 2 bedroom flats.

Withdrawn 10 January 2014

140628

Alterations to existing garage block to form new pitched roof to replace flat roof and formation of two 2 bedroom flats within roof space - resubmission of application 130676.

Refused 30 July 2015 – currently awaiting the outcome of an appeal to the Secretary of State

**Proposed development:**

Permission is sought to construct a three storey extension on the east elevation of the building to provide three additional flats, each with two bedrooms together with a separate entrance from the rear car park. The footprint of the extension is staggered to wrap around the corner of the building and to fit in with the angled boundary of the site. The footprint of the extension equates to 86m<sup>2</sup>, and has a maximum width of 7.5m and a maximum depth of 11m, under a flat parapet roof 18m high. Although the extension lines up with the rear elevation, it finishes 1.2m forward of the front building line.

Although not indicated on the site layout plan, the proposal would result in the loss on one lime tree (T9 of Tree Preservation Order 144). An arboricultural report submitted with the application suggests that the lime should be replaced with two small ornamental trees, and that the other preserved trees would not be affected by the development. The Planning Statement accompanying the application identifies that no trees would be lost and that no additional planting is proposed.

**Consultations:**

Internal:

Specialist Advisor (Arboriculture) – comments to be reported verbally.

**Highway Authority (ESCC)** notes that the proposal, plus the partially unimplemented scheme and the appeal scheme would result in an under provision of parking spaces for the total number of flats on the site, as follows:

Current situation:

17 flats, 13 garages (allocated parking space), 4 unallocated. Parking demand=**22 spaces**.

There are 18 spaces on site so the likely demand is 4 more than the spaces available on site.

Proposal: 20 flats, 13 garages (allocated parking space), 7 unallocated. Parking demand=**26 spaces**.

There would be 21 spaces on site so the likely demand is 5 more than the spaces available on site. As the likely overspill would be 1 more than the current situation this would not create a 'severe' impact on the public highway, which is the ultimate test on transport matters as part of the planning application process.

Proposed scheme + 2 'Penthouse' flats already consented: 22 flats, 13 garages (allocated parking spaces), 9 unallocated. Parking demand=**28 spaces**.

The likely demand in this case would be 7 higher than the capacity on site and therefore the likely overspill would be 3 cars. This would have more of an impact, although still not a severe one on the operation of the highway network. Having said that if there is a way to control this consent not being implemented (i.e. legal agreement), if the current proposal is granted consent, then then it is recommend this is done as it would limit the impact on the highway.

Proposed scheme + 2 'Penthouse' flats already consented + 2 flats scheme currently being appealed: 24 flats, 8 garages (allocated parking space), 16 unallocated. Parking demand=**25 spaces**.

There would be 21 spaces on site more of which would be unallocated (car ports rather than garages) meaning the overall demand is lower (25 spaces) even though there are more flats on site. The difference between this scenario and the current situation is 4 spaces so would not make the situation any worse.

However the shortfall is small, and the applicant may be prepared to give up to prevent the partially implemented scheme. The National Planning Policy Framework directs local authorities that an application can only be refused on transport grounds where the impact would be severe. On this basis, there are no objections to the scheme.

**Specialist Advisor (Planning Policy)** confirms that the proposal would not attract any contributions towards affordable housing or the Community Infrastructure Levy.

**Specialist Advisor (Conservation)** notes that architecturally, Meads is a collection of mostly late 19<sup>th</sup> century houses of a substantial size with generous gardens. In contrast, there is a variation of architectural detail found in Silverdale Road, part of which is an Area of High Townscape Value and as such less formal, as a result of modern intervention including blocks of flats including Southdown House. However despite the variety of built form, the inherent pattern of development reflects that of the wider conservation area, as a result of generous open spaces between buildings and the subservient nature of ancillary structures, such as garages, resulting in a rhythm that contributes to the character of the immediate and wider area. In context, Southdown House is a six storey block of flats, brick with horizontal concrete bands / string courses, defining each floor; in contrast dark brick at ground floor is articulated with vertical concrete columns, representative of pilotis, a typical mid C20th design feature. The overall mass of the principal elevation is recessed off centre and at the corners through the introduction of glazed balconies, the footprint of which project past the built line to the front and sides.

The siting of the extension is to the south-east corner of the principal building, addressing the junction of Silverdale Road and Compton Street, a prominent location in terms of views from the seafront which is at a higher level due to the topography of the land. The scale at three storeys high is almost equal to the eaves line of the adjacent residential villa and those addressing Jevington Gardens, glimpsed views of which are provided by the characteristic open spaces between the built form which are representative of the area. In terms of mass, this is alleviated with the use of horizontal concrete bands and fenestration, however little articulation has been provided within the fabric, in terms of recesses to reduce the overall mass. In summary the siting, scale and mass of the extension, reduces glimpsed views of the interior of the urban block which in turn erodes the character associated with open spaces and mature vegetation within and between the existing buildings. The design, although reflective of the principal building, is limited when considering the prominent location of the building; in addition, the juxtaposition of the principal building and proposed extension is awkward as it interrupts the corner balconies associated with the principal building, which provides relief to the existing mass and is reflective of the host buildings design.

In summary the siting, scale, mass and design of the proposed extension are considered to detract from the overall character and appearance of the immediate and wider area, and refusal is recommended.

#### External:

#### Neighbour Representations:

Nine objections have been received and cover the following points:

- Increase in on street parking, resulting in additional hazards to pedestrians on a dangerous corner; lack of residents permits for area makes this worse
- Overdevelopment of the site resulting in cramped accommodation and poor outlook; loss of light; loss of privacy; not enough on site parking
- Too much on an already congested site; not enough recreational space; the land should be planted with flowers and shrubs
- Strong objection to an addition to an ugly building; the architecture would not be in keeping
- Develops beyond the building line; intrusive
- Not enough space for it to be built; would be an eyesore
- Repeat applications; no decision should be made until the outcome of the appeal is known
- Impact on trees
- Would block views to the sea

#### **Appraisal:**

##### Principle of development:

The main issues to take into account in determining this application are the impact on visual and residential amenity, with particular regard to its location within an Area of High Townscape Value, and the impact on the preserved trees.

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

Although the extension has been designed with all windows to the front and rear, the windows on the rear elevation above ground level would have an outlook directly over the garden of 30 Compton Street, due to the angle of the boundary between the two buildings and their proximity to it. Whilst all the buildings backing onto Jevington Gardens are subject to a degree of overlooking, it is no worse than many residential streets; the direct overlooking from the windows serving kitchens and bedrooms located on the rear elevation of the proposed development would be within a few metres of the boundary, with the garden of 30 Compton Street between the new flats and the communal gardens beyond. It is considered that this degree of overlooking is unacceptable and would be detrimental to residential amenity.

The proposed development would extend 1.2m beyond the front building line of Southdown House, and would require the blocking up of existing windows on the side elevation, as well as extending 0.5m beyond the open sides of the existing balconies and first and second floor levels (2.6m forward of the living room windows). It is considered that this would have an adverse impact on the amenities of the occupiers of these flats, who would have enjoyed light and outlook from the corner balconies.

#### Design issues:

Whilst the design of the block is firmly rooted in the 1960's, it nevertheless has a degree of articulation and detail providing some interest to what could otherwise be a bland exterior. The footprint and outline of the building is symmetrical (although the fenestration is not) with both ends recessed and further lightened with balconies on the corners. The addition of a three storey extension on the most prominent end of the building, projecting forward of both the corner and the front building line would sit awkwardly on the edge of the site and disrupt the rhythm of the elevation; as such it would detract from the overall design, scale and massing of Southdown House.

#### Impact on character and setting of the Area of High Townscape Value:

Although the design of the existing building is out of character with the predominant architecture of Silverdale Road, it has a largely symmetrical layout and form, is set back from the boundary from the highway and the side boundaries. In this respect, it sits comfortably with the general pattern of development typical of the immediate and wider area. The addition of a three storey wing on the most visible corner of the building, which sits forward of the building line, interrupting the end balconies, bringing the footprint to within 800-1000mm of the side boundary and thereby blocking views into the gardens beyond, would present a bland side elevation close to a busy and prominent corner (the junction with Compton Street), which would be visible from the seafront. The juxtaposition with the adjacent Edwardian villa in Compton Street, with a similar eaves height to the extension and at an angle of 45<sup>0</sup> only 6m away, would add to the cramped appearance resulting from the development.

This awkward relationship with the host building and its environs would result in a development which would be severely detrimental to the visual amenities of the area and the character and appearance of the designated Area of High Townscape Value.

#### Impacts on trees:

To be confirmed by the Specialist Adviser (Arboriculture). It is not considered that a case has been made for the loss of the preserved tree; there are also concerns that the root protection areas are shown to be smaller than they may be.

#### Impacts on highway network or access:

Notwithstanding the shortfall in parking, it is not considered that the impact on the highway network would be so severe that a refusal could be sustained. The 21 parking spaces are considered to be adequate by the agent, and no more are being considered, because (it is stated) the flats now proposed are to replace those previously approved at penthouse level (see "Other matters" below). The previous scheme which is currently the subject of a planning appeal proposed two flats above the reconstructed garage block, and involved the provision of a cycle store (effectively one garage space). If all the schemes are implemented, there would be 24 flats on the site with a maximum of 21 parking spaces and no cycle spaces. There are many converted flats in the area with no parking, and it appears to function adequately given the proximity of the seafront and bus routes, and a level walk into the town centre.

#### Other matters:

The agent states that the 2012 permission for the addition of four flats (two within the service areas on the ground floor and two within an extension on the roof) has only been partially implemented, and that if consent is granted for the current application, it is

envisaged that the roof extension for the penthouse flats would not be completed as it is not currently financially viable. This issue could only be controlled by the completion of a section 106 agreement, which has not been offered. The partially implemented permission remains extant, which means that it could be completed at any time in the future.

The agent also considers that the impact of the extension is limited and should be balanced against the benefit of providing three additional residential units and perhaps measured against the decision not to fully implement the 2012 permission.

**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:**

Notwithstanding the addition of three units of accommodation to the towns housing stock, it is considered that the proposal represents a cramped form of development, which would be detrimental to visual and residential amenity, and would therefore not comply with the Council's adopted policies or the provisions of the NPPF.

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

The proposal represents an overdevelopment of the site, resulting in an extension with a cramped and awkward relationship with the host building and the boundaries of the site, and a detrimental impact on the outlook of the occupiers of the existing block. The extension, by reason of its scale, siting and design, would result in an intrusive feature that would fail to preserve or enhance the character and appearance of the designated Area of High Townscape Value. The proposal would also adversely impact the preserved trees on the boundary with Silverdale Road, both through the loss of one tree, the construction process, and future/ongoing pressure for severe pruning. As such the proposal conflicts with policies B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and policies HO20, UHT1, UHT4 and UHT16 of the Eastbourne Borough Plan 2003 (Saved Policies) and the paragraphs 56, 60, 131 and 135 of the National Planning Policy Framework.

**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**.