

App.No: 150496 (HHH)	Decision Due Date: 27 June 2015	Ward: St Anthonys
Officer: Toby Balcikonis	Site visit date: 15 May 2015	Type: Householder
Site Notice(s) Expiry date: 7 June 2015		
Neighbour Con Expiry: 7 June 2015		
Press Notice(s): N/A		
Over 8/13 week reason: The application is within date		
Location: 34 Marlow Avenue, Eastbourne		
Proposal: Erection of garden store at rear		
Applicant: Mr A Miah		
Recommendation: Approve with conditions		

Executive Summary:-

This application has been referred to Planning Committee given the level of neighbour concerns.

Planning permission is sought for the erection of an outbuilding at the bottom of the garden at No 34 Marlow Avenue. The applicant states that this building will be used for purposes incidental to the enjoyment of the main dwelling house. The application has outlined that half the building will be used as a garden store and the other half is to be used as a general utility room.

The focus of concern from the neighbours relates to the assumption that the use of the outbuilding would not be incidental; there is no evidence within the application to suggest an independent use of the space created by the proposal.

The design, size and appearance of the structure is considered to be common with many in the area and is acceptable.

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C6: Roselands & Bridgemere Neighbourhood Policy

C13: St Anthony's & Langney Point Neighbourhood Policy
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

HO20: Residential Amenity

Site Description:

The application property is a two storey semi-detached single private dwelling, adjoined to 36 Marlow Avenue. Other shared boundaries include the South Western flank boundary shared with 32 Marlow Avenue, and nos. 26 & 28 Kinfauns Avenue to the rear.

Toward the rear boundary of the neighbouring property at number 32, the neighbour has recently constructed a brick built summer house, given permission under application reference 140764.

At the time of visiting, the applicant was mid-way through construction of the proposed garden store and had reached up to eaves height of the brick built structure.

Relevant Planning History:

EB/1986/0142 ERECTION OF FRONT PORCH Approved Unconditional 1986-04-29

100650 Erection of a single storey extension at rear. Householder Approved conditionally 10/12/2010

140062 Lawful development certificate (proposed) for the erection of a garden shed to the rear. LD Certificate (proposed) – Approved 26/03/2014

140764 – 32 Marlow Avenue Erection of summerhouse incorporating shed in the rear garden. Householder - Approved conditionally - 28/07/2014

Proposed development:

The applicant seeks permission for the erection of a brick built structure stated to be for use as a garden store.

The resulting development would be located at a distance of a metre from the rear and side property boundaries and would measure approximately 5.45 metres in width, and be approximately 6 metres in depth.

The new structure would have pitched roof sloping from front to back with a ridge height of approximately 3.65 metres and an eaves height of approximately 2.32 metres.

The external facing materials red brick for the walls, tiles for the roof and UPVC windows and doors located in the front elevation only.

Consultations:

Neighbour Representations:

4 letters of consultation have been sent to the surrounding neighbouring properties sharing a boundary with the application property to the rear and sides. 2 no. general observations have been received and 1 no. letter of support covering the following points:

OBSERVATIONS:

- The submitted drawings do not show a plan layout of the interior construction.
 - Agent confirmed single room layout
- Would appreciate confirmation that the structure is not for habitable use.
 - Proposed Garden Store
- Looks more of a detached bungalow than garden store due to nature of construction.
 - Appearance will be appraised later in the report
- Boundary fence removed, and is requested to be replaced.
 - Not a planning concern, but agent confirms that the rear boundary fence and adjoining side fence shared with number 32 will be replaced and erected to a height of no more than 2 metres.

SUPPORT:

- Happy with the proposal.
- Would be happy to plant hedge to encourage wildlife.

Appraisal:

Principle of development:

The erection of a brick built structure with pitched roof located at the end of the back garden has already been established in principal by the construction of a similarly sized and positioned development at the neighbouring property (32 Marlow Avenue) under application reference 140764.

Therefore, the proposed structure would be acceptable in principal so long as it did not have an unacceptable impact on the amenities of the surrounding residential properties.

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

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

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

It is considered that there would be no significant detrimental impact by way of loss of light, overshadowing or loss of outlook as a result of the construction of the outbuilding, and therefore it is considered to accord with the aforementioned planning policies.

A condition is imposed controlling the the use of the new building would be incidental and ancillary to the main property.

Design issues:

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 D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout.

It is considered that the size, scale and form of the proposed outbuilding would be appropriate for the area and would be comparable to the neighbouring summerhouse and storage shed permitted at the adjoining neighbouring property(s).

The location of the proposed development is not readily visible from the public realm and would not have an unacceptable detrimental impact on visual amenity and would therefore accord with Policy UHT4 of the Eastbourne Borough Plan (2007) Saved Policies.

The proposed external finishes including red brick for the walls, tile for the roof and UPVC windows and doors is considered appropriate for its setting.

Impacts on trees:

There are no trees located within the application site itself, although there are some conifer type trees located along the rear boundary of 28 Kinfauns Road.

There is no concern as to long-term retention and health of the aforementioned trees and are not worthy of a tree preservation order .

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 resulting development would be of a size, scale, design and be constructed with facing materials in-keeping with the location. Furthermore there would be no unacceptable impact to the amenities of the surrounding residential properties as a result of the proposed structure which accords to planning policy.

Recommendation:

It is recommended that the application be approved subject to the following conditions:

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

DWG. NO.: 1 - Proposed Ground Floor Plan (Rec'd 01/05/2015)

DWG. NO.: 2 Rev. A - Proposed Front & Side Elevations (Rec'd 14/05/2015)

DWG. NO.: 3 Rev. A - Proposed Rear Elevation (Rec'd 14/05/2015)

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

3. The development hereby permitted shall not be occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling known as 34 Marlow Avenue, and shall not be let or sold separately.

Reason: To ensure that the use of the premises remains that of an incidental outbuilding

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**.