

<b>App.No:</b> 150738	<b>Decision Due Date:</b> 12 <sup>th</sup> October 2015	<b>Ward:</b> Old Town
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 30 <sup>th</sup> September 2015	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 14 <sup>th</sup> September 2015 <b>Neighbour Con Expiry:</b> 14 <sup>th</sup> September 2015 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Planning Committee Cycle		
<b>Location:</b> 1 Stuart Avenue, Eastbourne		
<b>Proposal:</b> Erection of a three-bedroom, detached, two storey dwelling house with vehicular access from Baldwin Avenue.		
<b>Applicant:</b> Mr & Mrs Moore		
<b>Recommendation:</b> Approve conditionally		

#### **Executive Summary:**

This application has been referred to Committee from Delegated because the Chair wanted to understand the views of Planning Committee.

It is considered that whilst there will be infill of a large portion of the existing garden of 1 Stuart Avenue in order to create a new dwellinghouse, the proposed scheme would not result in material adverse impact on visual or residential amenity sufficient to justify a refusal, and as such the scheme complies with local and national policies.

#### **Planning Status:**

Application site is a section of rear garden of an existing dwellinghouse in a predominantly residential area falling within an Archaeological Notification Area.

#### **Relevant Planning Policies:**

National Planning Policy Framework 2012

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods  
C5: Ocklynge & Rodmill Neighbourhood Policy  
D1: Sustainable Development  
D10: Historic Environment  
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Area  
HO20: Residential Amenity  
UHT1: Design of New Development  
UHT4: Visual Amenity  
UHT20: Archaeological Sites and Scheduled Monuments

**Site Description:**

Stuart Avenue is located in the northernmost part of Old Town ward. The road links Baldwin Avenue in the west with Cobbald Avenue to the east, ending at the boundary shared with Upperton Ward. Detached dwellinghouses with generous rear gardens typify the built environment of the area.

1 Stuart Avenue occupies the northern corner plot where Baldwin and Stuart Avenues meet. The property shares boundaries with 3 Stuart Avenue to the side (east) and Ocklynge Junior School to the rear (north). The dwellinghouse is set back from both Stuart and Baldwin Avenues and benefits from a large rear garden. The garden is markedly larger than any others in the immediate area.

There is a fence of approximately 1.8m in height along the boundary shared with no. 3 and a wall and fence combination of approx. 2m in height to the rear and side along Baldwin Avenue. Beyond this in the school playing field, is a copse of Ash trees immediately the other side of the wall.

**Relevant Planning History:**

130600

Proposed four-bedroom, detached, two-storey dwelling house in part of residential garden, together with vehicular access  
Withdrawn, 16/10/2013

**Proposed development:**

The applicant seeks outline permission to construct a new dwellinghouse in what is currently the rear garden of no. 1 Stuart Avenue. The matters to be approved as part of this application are: access, landscaping, layout and scale (Appearance reserved). The current scheme replaces a similar previously withdrawn scheme submitted in 2013. The elements of the current proposal are considered to be more appropriate than the previously submitted scheme which was withdrawn (in terms of scale, especially).

The proposed dwellinghouse is to be a two storey detached dwellinghouse with gardens to side and rear and driveway to the front with vehicular access from Baldwin Avenue. Design features of the surrounding area are to be reflected in the design features of this new dwelling, although matters of appearance are reserved at this stage. The ridge height of the proposed dwelling is to be lower than that of nos. 1 and 3 Stuart Avenue at approximately 8.4m in height with an eaves height of 5.4m (1 Stuart Avenue stands at approx. 8.65m with an eaves height of 5.4m). Approximately, the dwellinghouse will stand at 9m wide and 7.8m in depth. The northern section of the house (kitchen and breakfast room at ground floor level and bedroom 2 and bedroom 3 at first floor level) is to be set 1m forward of the southern half of the building. This has partially been the result of an amendment made during the life of the scheme which sought to reduce the effect on the amenity of the occupiers of 3 Stuart Avenue in terms of potential overlooking. There are windows proposed for the front and rear elevations of the dwellinghouse on both the ground and first floors. There are no windows proposed for the side elevations. Principal access to the property will be at the centre of the front elevation, with sliding doors located on the side elevation (south) and sliding doors for the rear elevation servicing the breakfast room (east).

A hardstanding area is to be sited between the dwellinghouse and Baldwin Avenue. Two car parking spaces will be available and the principal elevation of the dwellinghouse is to stand approximately 8m from the front boundary wall (at the closest point). The house will be positioned to the north of the plot (1.5m from the boundary shared with Ocklynge Junior School). The rearmost wall of the house is to be 5.7m from the boundary shared with 3 Stuart Avenue and the side boundary approximately 7.5m from the proposed boundary shared with 1 Stuart Avenue (this will be the rear boundary of 1 Stuart Avenue).

Some young trees and shrubs are to be removed from the west side of the plot close to the boundary to allow for the hard standing and vehicular access.

### **Consultations:**

#### Internal:

Specialist Advisor (Arboriculture) – response dated 2nd October 2015:

The trees indicated as removed within the site are of such a category that they should not be considered a constraint to development.

The group of Ash with in the adjacent school playing field will not be adversely affected by the proposed development but may come into conflict with the proposed dwelling post development. I have noted this for the reason that once the proposed development has been built the owner of the trees will have a legal requirement to negate any legal nuisance caused by the trees such as direct damage to the roof tiles etc. This requirement may

have an impact on the owner regarding ongoing maintenance where at present they have no obligation to prune them.

The close proximity of the proposed development to the neighbouring group of Ash may lead to blocked gutters to the new dwelling unless suitable gutter guards are installed.

External:

County Archaeologist - – response dated 1st September 2015:

The proposed development is situated within an Archaeological Notification Area, defining an area of prehistoric, Roman and Saxon settlement and activity. Recent archaeological investigation in the adjacent school grounds identified large quantities of prehistoric and Saxon finds, indicative of settlement activity. To the south, observations made during early 20th century house building, identified at least two farm complexes and recorded a number of human burials. It is therefore highly likely archaeological remains exist in the garden of 1 Stuart Avenue.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

Conditions recommended.

Highways ESCC - response dated 1st October 2015:

No formal comments. Proposed access provision is considered adequate.

**Neighbour Representations:**

One general observation and two objections have been received. The general observation from 105 Baldwin Avenue stated that:

- Bedroom of 1 Stuart Avenue overlooks new development site
- Garden too small for two storey Baldwin Avenue style house (inc. drive)
- Development too close to trees which are used by local wildlife (woodpeckers) and will damage roots
- Tree roots will do damage to development

One objection is from 103 Baldwin Avenue and covers the following points:

- Building works and associated traffic would have an impact on safety of the children travelling to and from the school
- There are existing parking issues associated with the school at certain points of the day
- There have been near accidents involving children recently

Another objection has been received from 3 Stuart Avenue and covers the following points:

- The proposed development will have no benefit for 3 Stuart Avenue
- Concerns over loss of privacy in the garden
- Fear that the proposed dwelling will result in potential for overlooking
- Loss of view of the South Downs from property
- Negative financial impact on 3 Stuart Avenue, reduced saleability etc.
- Building works would prohibit the full use and enjoyment of the garden
- Loss of sunlight to rear garden
- Concerns over destruction of trees
- Building site would be dangerous to children travelling to and from the school

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

#### 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. As an extension to this, Policy D10 states that all significant heritage assets will be protected and where practicable there is a presumption in favour of protection of all heritage assets from inappropriate change, including both designated and non-designated assets (Archaeological Notification Areas are such an asset). Proposals within Archaeological Notification Areas will be required to demonstrate the direct and indirect effects of development proposals on archaeological sites and their settings as specified in Policy UHT20 of the Eastbourne Local Plan. Planning permission will not be given without adequate assessment of the archaeological implications.

Neighbours at no. 3 Stuart Avenue have objected to the proposal on a number of grounds, some of which cannot directly be taken into consideration due to the fact that they are not material planning considerations. However, some issues were raised regarding amenity, scale of development and a view of the South Downs, all of which have been taken into consideration in the assessment of the scheme.

The occupiers of no. 3 do enjoy a view of the South Downs from a first floor bedroom window, however it is not considered this is a significant view which requires protection as many other properties must be overlooked in order to

enjoy it – it is not uninterrupted. Also, the view of the Downs would not be wholly obscured from this window as a result of the development.

The scale of the proposed dwellinghouse was also objected to, but it is not considered that a house of this scale and position would be out of keeping or have an overbearing relationship with nearby properties as the ridge height is to be lower than that of those nearby and there is ample space between the building and the other detached adjacent properties.

Another concern was that the proposed dwelling would overshadow no. 3 Stuart Avenue. It is likely that there will be some overshadowing to the far end of the garden of no. 3 late in the day and at certain times of the year. However, the proposed dwelling is north west of no. 3 and as such, the loss of light will be minimal and will not affect the dwellinghouse itself or the majority of the rear garden space.

The final concern which can be taken directly into consideration is the potential for overlooking. It must be noted that the garden of no. 3 is currently almost entirely overlooked by nos. 1 and 5 Stuart Avenue and to some extent those further away. As such, the rear facing windows of the proposed dwellinghouse will not overlook any part of the garden of no. 3 that isn't already overlooked. However, to ensure that there would be no loss of privacy, it was requested of the applicant that an alteration to layout of the rear wall be amended. The amendment brought a section of the rear wall closer to the boundary in order to obscure the view from the rear facing first floor window, creating a stepped rear elevation. The other two rear facing windows will be conditioned to be obscure glazed.

Subsequently, it is considered that the points in the objection have been attended to and with the minor amendment, the proposed scheme is considered to be appropriate in this location. The proposed dwellinghouse is unlikely to have a significant impact on any surrounding properties in terms of amenity. However, the superseded scheme did raise some concerns with regards to overlooking from the first floor bedroom window (rear). As a result, the applicant submitted an amended plan which sought to reduce potential for overlooking from the rear first floor bedroom window. The rear wall of the southern section of the house was pushed back 1m towards the rear boundary (east) of the plot. In so doing, the view from this rear facing window will be obscured and it is likely that the rear elevation of 3 Stuart Avenue will not be visible from this window, however, before the amendment, it is likely that privacy may have been compromised to some extent. In addition, it will be conditioned that the other two rear facing windows at first floor level will be obscure glazed (both of these windows are to service bathrooms). Additionally, permitted development rights for the insertion of windows and doors to the side elevation (facing 1 Stuart Avenue) will be removed by way of a condition attached to any consent granted.

Design issues:

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. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Policy B1 of the Eastbourne Core Strategy provides the spatial vision and strategic objectives which seek to ensure that future growth in Eastbourne is delivered at an appropriate level and in a sustainable manner and Policy B2 seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

The appearance of the proposed dwellinghouse is a reserved matter and cannot be fully assessed at this stage. However, the siting, scale and mass of the proposed dwelling are considered to be appropriate in this location. The area is typified by two storey detached dwellings of a similar scale to the proposed and as such, the development will harmonise in its location.

The position of the proposed dwellinghouse, both set back from Baldwin Avenue (the road from which it is to be accessed) and some distance from the boundaries shared with no. 1 and no. 3 Stuart Avenue. This spacing is characteristic of the area. The existing pauses in the built environment which, although reduced following development, will help to retain the established character of the area. In addition, the building is to stand at a height which will be slightly lower than the neighbouring properties. As such it will not dominate the street scene or have an overbearing relationship with adjacent properties.

The wall and hardstanding to the front of the property are elements which are commonly seen on Baldwin and Stuart Avenues and in the surrounding area. As such, this element of the proposal is considered appropriate.

#### Impacts on trees:

Some small trees are to be removed from the west side of the plot as part of the development. However, these trees are not considered to greatly contribute to the character and appearance of the area and as such, their removal is unlikely to be very impactful. In addition, following consultation with the Specialist Advisor for Arboriculture, it is considered that the trees are not worthy of protecting by a TPO.

The new dwellinghouse is to be positioned close to the boundary shared with Ocklynge Junior School. As a result, the copse of Ash trees in the school playing field may have an impact on the dwellinghouse with regards to leaf litter and any other nuisance which may be caused by the trees in the future. However, it is not considered that this should prohibit development. Neither should the removal of the small trees from the application site, as advised by the Arboriculturalist.

Impacts on highway network or access:

The submitted details of the proposed vehicular access and available parking spaces are considered appropriate and have met the requirements set by East Sussex County Council.

Other matters:

County Archaeology has returned with a request for conditions to be attached to any permission granted in order to preserve the archaeological remains which may exist at the site. This is in-line with the NPPF.

**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:**

Subsequent to the minor amendment regarding the rear facing first floor bedroom window, it is considered that the proposed scheme works in-line with the aforementioned policies and is appropriate in its setting (notwithstanding the reserved matters regarding the appearance of the development which are to be approved later). The creation of this proposed dwelling is appropriate in terms of scale, layout, landscaping and access and is therefore recommended for approval.

**Recommendation:**

Approve conditionally

**Conditions:**

1. Time for commencement
2. Reserved matters
3. Approved Drawings
4. Removal of pd rights for windows, doors, dormers and rooflights.
5. The two rear facing first floor windows serving the bathroom and en suite bathroom shall not be glazed otherwise than with obscured glass.
6. No development shall take place until the developer has secured the implementation of a programme of archaeological work.
7. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed.

**Informatives:**

- 1) The proximity of the proposed development to the neighbouring group of Ash trees in the adjacent playing field may lead to blocked gutters to the new dwelling unless suitable gutter guards are installed. Once



the proposed development has been completed the owner of the trees will have a legal requirement to negate any legal nuisance caused by the trees such as direct damage to the roof tiles etc. This requirement may have an impact on the owner regarding ongoing maintenance where at present they have no obligation to prune them.

- 2) Please apply to ESCC for a licence to install a vehicle crossover.