

App.No: 151007 (PPP)	Decision Due Date: 29 December 2015	Ward: Ratton
Officer: Sally Simpson	Site visit date: 13 November 2015	Type: Planning Permission
Site Notice(s) Expiry date: 27 November 2015		
Neighbour Con Expiry: 27 November 2015		
Press Notice(s): N/A		
Over 8/13 week reason: Referred to Committee as a result of requests to speak		
Location:	Land within the curtilage of 4 Walnut Tree Walk	
Proposal:	Erection of a detached dwelling with integral garage.	
Applicant:	Mr John Cudd	
Recommendation:	Refuse	

Executive summary:

The proposed development would have an adverse impact on the character and appearance of the Area of High Townscape Value by reason of the loss of an open amenity area, the loss of trees and adverse impact on preserved trees, in addition to its inappropriate siting and design.

Planning Status:

Planned open space in a residential area

Constraints:

Tree Preservation Order 35
Area of High Townscape Value
Willingdon Levels Catchment Area

Relevant Planning Policies:

National Planning Policy Framework 2012

Paragraphs 1-5 (Introduction)
Paragraphs 6-16 (Sustainable Development)
Paragraph 17 (Core Planning Principles)
Paragraphs 56-66 (Design)
Paragraphs 109-125 (Natural Environment/Biodiversity)
Paragraphs 126-141 (Conservation/ Heritage/ANA)

Eastbourne Core Strategy Policies

B1 Spatial Development, Strategy & Distribution
B2 Creating Sustainable Neighbourhoods

C12 Ratton & Willingdon Village Neighbourhood Policy
D5 Housing High Value Neighbourhoods
D10 Historic Environment Area of High Townscape Value
D10a Design

Borough Plan Policies

UHT1 Design
UHT2 Height of buildings
UHT4 Visual Amenity
UHT16 Area of High Townscape Value
US4 Flood Protection and Surface Water
HO6 Infill development
HO20 Residential Amenity
NE28 Environmental amenity
TR11 Car parking

Site Description:

The application site is located at the eastern end of Walnut Tree Walk on the corner with Parkway, close to the junction with Wish Hill, and comprises a triangular area of open space to the east of 4 Walnut Tree Walk. It was fenced following the construction of no.4. and planted with a beech hedge adjacent to the house and supplementary trees (required by planning condition). Further boundary planting has been provided along the north boundary.

Relevant Planning History:

030676

Erection of 2-storey detached dwellinghouse with 4 bedrooms and attached garage. (Amended scheme).

Planning Permission Approved conditionally 16/01/2004

140248

Felling of one ash; felling of one twin-stemmed sycamore.

Tree Works - Tree Preservation Orders

Refused 25/04/2014

Proposed development:

Planning permission is sought to erect a three bedroom detached dwelling with integral garage, arranged over two floors. The design is "based on very traditional Sussex barn features" and includes projecting elements on the north east and south elevations, and would be constructed of brick and plain tiles.

The dwelling would be sited on the west side of the site with a large area of paving to the front, and a vehicular access from Walnut Tree Walk. The development would require the removal of one pine, and five of the trees planted following the development of no.4 (three Holm oaks and two yews); the arboricultural assessment submitted with the application suggests that they could be transplanted, but this is not included on the plans. The plans do indicate the remainder of the site being enclosed by a laurel hedge.

Consultations:

Internal:

Estate Manager - requests that any consent should specifically exclude any consent under restrictive covenants

Specialist Advisor (Arboriculture)

Confirms that the site is covered by a TPO (35) Junction of Walnut Tree Walk and Parkway, protecting three sycamores and three pines (no's 5, 7, 8, 12, 15 & 16). Just outside the site but within an influential distance are no's 14, 18 & 19 which are on land owned by Eastbourne Borough Council.

The proposal indicates the loss of 1 pine, and demonstrates that the dwelling would be located within the Root Protection Area (RPA) of 3 other trees. The application propose to relocate 5 semi-mature trees, including 3 holm oak and 2 yew trees to facilitate the development, however, no location has been identified.

The existing landscaping was planted as a condition to planning application 030676 to provide screening for the development of 4 Walnut Tree Walk in 2003. This screening would require removal to facilitate the development and would not allow sufficient distance between the boundary of No. 4 and the proposed dwelling to provide further screening.

The tree report submitted with the application does not indicate how the materials and machinery will be brought onto site or their location for storage, without having a significant negative impact trees that are to be retained.

It is considered that the change in levels required for the proposed crossover would require excavation of some description within the RPA of sycamore T5, which would then be detrimental to long term retention of the tree. The incursion into the RPA would be far higher than that outlined in the tree survey submitted as part of the application. The concrete road of Walnut Tree Walk is unfavourable to root growth, therefore the RPA should be remodelled to indicate a more realistic area in which the tree roots are likely to be found. This would then show that the proposed driveway and crossover will be well within the RPA of T5 & T6. This issue, together with the required excavation for the crossover, would lead to the loss of T15 and be detrimental to the long term retention of T5 (sycamore) and T6 (ash).

Highways ESCC - does not wish to comment on specific issues as Walnut Tree Walk is not an adopted highway, but states that there would be no significant issues as a result of additional traffic generated by one additional dwelling.

Specialist Advisor (Conservation)

The siting of the dwelling is considered incongruous when balanced against the valuable contribution the existing open space and mature vegetation makes to the immediate area and its historic association with Ratton and the wider area. The existing open space has already been partly compromised by No 4 Walnut Tree Walk and a road junction; the cumulative harm associated with this, in turn, enhances the overall historic and aesthetic value associated with the identified land.

The majority of Ratton's urban layout was subject to a conscious plan of Art & Craft style, resulting in a formal pattern of development, the linear layout of which addresses Walnut Tree Walk; the siting, design detail, rhythm and harmony provided by the 'spaces'

between the buildings, makes a positive contribution to the character of the immediate area.

In this respect the adopted approach, as stated in the accompanying Design & Access statement, namely; 'the roof construction and format of the building comprises a unit based on very traditional Sussex barn features...' is considered out of character with the appearance of the immediate area. Whilst it is acknowledged that Ratton Farm was located to the south-west of Walnut Tree Walk, the character associated with the historic agricultural complex is mostly contained to that area alone.

In summary, the siting and form of the proposed dwelling would result in harm to the historic and architectural character of the immediate and wider area, which includes an Area of High Townscape Value, and it is recommended that permission is refused.

Neighbour Representations:

24 letters of objection and 1 letter of support have been received and cover the following points:

Highway Safety & Access

- The location of the access to the site is located on the bend of Walnut Tree Walk, close to the entrance adjoining roads of Parkway and Wish Hill. This proximity is a risk from the volume of traffic and the speed at which vehicles access the area, especially as there are no pavements for pedestrians/cyclists.
- Despite the statement indicating that traffic will slow down at this point in the road, in reality this is not the case, despite ORRA placing speed restriction notices on the estate; the level of vehicle activity, although not high, is not a slow as suggested
- The 'established access' in fact is a gate in the fence; there is no driveway and has only occasionally been used for garden maintenance.

Covenant

- The proposal is in breach of a restrictive covenant registered on all properties on Walnut Tree Walk; ORRA (Old Ratton Resident's Association) has the right to enforce restrictive covenants, the title stipulates that the land is to be 'maintained as an open space by the Transferee at his own expense as a lawn properly weeded and mown'.

Amenity

- Ratton estate is a very attractive residential area with an open plan amenity feature between Walnut Tree Walk and Parkway which would be spoilt by this development.
- If approved, the resulting construction work, including infrastructure would destroy the natural beauty of the entrance to this estate.
- The Ratton estate has been carefully designed to incorporate a green and open aspect to the entrance that would be affected by this proposal.
- This proposal would set a precedent for future development on these open areas which would affect the aesthetic value of the estate.
- The Ratton Estate is a private estate maintained by the residents with covenants to preserve the high township value.

- This land is considered as an important amenity for ORRA residents, Ratton Manor residents and the public in general.
- The conclusion that the development gives rise to no adverse effect to the detriment of any neighbour is clearly incorrect. There is a clear effect on 4 Walnut Tree Walk albeit that this is the property of the applicant.
- The proposal has an adverse effect on 3 Walnut Tree Walk

Trees

- Several large trees would be destroyed which contribute to the attractiveness of this neighbourhood and should be preserved.
- The approval granted for 4 Walnut Tree Walk consisted of a condition for tree planting for the open plan area adjacent to this property.
- The statement that there is an expectation of safeguarding the hedgerow is meaningless. An expectation can change at any time, and in any case the expectation does not bind a future owner to maintaining the hedgerow.

Design

- The size of the property seems far too big for the amount of land available.
- It would compromise the layout of the estate.
- The proposed site is not similar in size to neighbours, being an awkward triangular shape which makes the area very constrained.
- The overall design (as from the perspective of No. 3) does not give a wholly satisfactory appearance as is contended and is inappropriate.

Appraisal:

The main issues to take into consideration in determining this application are the loss of the open space/amenity land, the impacts on the preserved trees, the character and appearance of the area and residential amenity, and the contribution to the towns housing stock.

Loss of open space/amenity land:

The application site, together with the adjacent open space (owned and managed by EBC) forms an important feature at the entrance to this part of the Ratton Estate, and makes an enormous contribution to the verdant character and appearance of the area, as it hosts a number of mature and semi-mature trees and is well managed.

The fence around the application site has not diminished its value to the visual amenities of the area. The beech hedge and supplementary planting secured as a result of granting the construction of 4 Walnut Tree Walk has worked well and serve their purpose of reinforcing the open, leafy aspect of this planned space and forms part of the distinct character associated with the Area of High Townscape Value. The proposed development, by introducing a large dwelling, a significant amount of hard surfacing and an inappropriate large dense hedge, along with the immediate (and likely future) loss of trees, would result in the loss of the open space and would be seriously detrimental to the character and appearance of the area. Although the adjoining Council owned land would remain open, the proposal would diminish this important and substantial open aspect to a very significant degree, which is considered to be unacceptable. As such, the proposal conflicts with policies UHT1, UHT4 and UHT16, B2, D10 and D10a.

Impact on trees:

The Council's Specialist Advisor in arboriculture has identified shortcomings in the information provided with the application, which leads to the conclusion that the dwelling could not be constructed without the immediate loss of six trees, and most likely the loss of more as a result of incursion into the root protection areas of other trees, and nor could the drive be constructed with a cellular confinement system without first digging down into the root plate of the trees, thereby destroying the roots it is designed to protect.

Whilst it is acknowledged that the five trees planted to comply with a planning condition have not yet reached maturity, this is not an acceptable reason to fell them. There is no space on the site to transplant them (as suggested in the submitted tree report), and nor is this shown on the submitted plans or referred to in the Design and Access Statement. Further to this, any dwelling constructed on the site in the manner proposed would result in a house heavily shaded by trees in very close proximity, and therefore the trees would be under constant pressure to either fell or frequently reduce them to inappropriate levels, resulting in an adverse impact on their natural form and the contribution they make to the character and appearance of the area.

It has not been demonstrated how the dwelling could be constructed – taking into account the excavations required for foundations, the siting of scaffolding, the storage of materials and equipment – without an adverse impact on the trees. It is therefore considered that the proposal conflicts with policies UHT4, NE28 and B2.

Character and appearance of the area:

The site makes a valuable contribution to the interpretation of Ratton's historic and architectural character and appearance, and is rightly included as part of an Area of High Townscape Value.

The Ratton Estate is a planned development aesthetically dominated by the Arts & Crafts style, demonstrated through the quality of both the buildings and the public realm, found in the width of the streets, generous grass verges, mature vegetation, large plots and rhythm and harmony found in the siting, mass and scale of the built form. The proposed development would severely compromise the identified character by reason of its incongruous siting within a planned open space and its impact on loss of green space and trees, its inappropriate design of a hybrid Sussex barn/chalet bungalow more suited to a volume housebuilder, and its cramped relationship with no.4 and the small triangular plot on which it would sit. Local planning authorities are required to have regard to the effect of proposals on the significance of non-designated heritage assets (paragraph 135 of the NPPF). In this context, it is considered that the proposal would fail to accord with adopted policies and therefore due weight should be accorded to the conflict with policies UHT1, UHT4, UHT16, D10 and D10a.

Residential amenity:

The siting of the proposed dwelling and the distances between surrounding properties does not raise any concerns in respect of loss of privacy or outlook, or of overshadowing.

Contribution to housing stock:

Whilst acknowledging the requirement both nationally and locally to provide additional housing, and that the National Planning Policy Framework (NPPF) requires housing proposals to be considered in the context of the presumption in favour of sustainable development, paragraph 12 of the NPPF also advises that proposals that conflict with the

development plan should be refused unless material considerations indicate otherwise. It is considered that there are no overriding considerations that would warrant the provision of one dwelling given the conflict with development plan policies, including policy HO6.

Impacts on highway network or access:

Many of the objections received focus on highway safety. Notwithstanding the location of the application site on a bend in the road, visibility is nevertheless considered adequate across the wide verges, particularly given the relatively low speeds on this quiet residential street. In this respect the comments of the Highway Authority are considered to be reflective of the situation.

Other matters:

The proposal would fall into the category of requiring a Community Infrastructure Levy contribution. However the applicant has certified that the proposal would be a self-build scheme, and is therefore exempt.

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 proposed development would have an adverse impact on the character and appearance of the Area of High Townscape Value by reason of the loss of an open amenity area, the loss of trees and adverse impact on preserved trees, in addition to its inappropriate siting and design. It therefore conflicts with adopted policies and the provisions of the National Planning Policy Framework.

Recommendation: Refuse, for the following reason

The proposed development would have an adverse impact on the character and appearance of the Area of High Townscape Value by reason of the loss of an open amenity area, the loss of trees and adverse impact on preserved trees, in addition to its inappropriate siting and design. It therefore conflicts with policies B2, C12, D10 and D10a of the Eastbourne Core Strategy Local Plan 2013, policies UHT1, UHT4, UHT16, HO6 and NE28 of the Eastbourne Borough Plan Saved Policies 2007, and paragraphs 56 and 60 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**.