

App.No: 151369	Decision Due Date: 10 February 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: 5 January 2016	Type: Planning Permission
Site Notice(s) Expiry date: 9 January 2016		
Neighbour Con Expiry: 09 January 2016		
Press Notice(s):		
Over 8/13 week reason: To fit in with committee cycle.		
Location: 4 St James Road, Eastbourne		
Proposal: Change of use from light industrial unit, to single residential unit. Installation of pitched roof to create enlarged habitable living area. New windows to front, rear, side elevations and installation of rooflights. Landscaping works and provision of parking space to front of dwelling.		
Applicant: Mr Jason Burrill		
Recommendation: Refused		

Executive Summary:-

Replacing an un-restricted industrial unit with a residential unit would enhance the area immediately surrounding the site and thereby improving the residential quality of the local area.

However, these benefits are outweighed by the poor size, layout and lack of outlook from the proposed dwelling. As such, the proposed development would result in substandard accommodation which would fail to protect the amenity of future occupiers of the unit. These issues are considered to justify a reason for refusal, on the grounds of substandard accommodation.

Planning Status: The application site comprises a general industrial unit (B2 use) located on St James Street.

Eastbourne Core Strategy Policies

- B1 - Spatial Development Strategy and Distribution
- B2 - Creating Sustainable Neighbourhoods
- C3 - Seaside Neighbourhood Policy
- D5 - Housing - Low Value Neighbourhoods

Borough Plan Policies

- HO2 - Predominantly Residential Areas

HO20 – Residential Amenity
US5 - Tidal Flood Risk
UHT1 – Design of New Development
TR11 – Car Parking

Site Description:

This is an existing light industrial unit located on St James Road, Eastbourne. To the immediate east of the unit is a group of three recently constructed residential buildings which replaced garage space, with a nursing home at the end of the road.

Relevant Planning History:

130130

Replacement of existing flat roof with new pitched roof
Planning Permission Approved conditionally
31/05/2013

151029

Change of use from light industrial unit to single residential unit together with new pitched roof, with 1 obscurely glazed rooflight to east elevation, 2 obscurely glazed rooflights to west elevation and one window in each gable end. Withdrawn November 2013.

Proposed development:

The proposal involves retention of the existing building, constructing a pitched roof to create additional living accommodation, demolishing part of the building to construct a rear yard to create private amenity space, with the installation of various windows on the building some of which will be made from obscure glass.

Consultations:

Neighbour Representations:

28 Neighbouring residents were consulted.

Objections have been received and cover the following points:

- loss of residential amenity (through loss of light created by additional area of roof) for commercial buildings to rear on Seaside Road.
- Concern about proposed location of guttering on boundary of number 6 St James Road, and how such guttering is to be maintained following completion of the development.

Appraisal:

Principle of development:

The industrial unit is not located in a designated employment area and in line with the NPPF, there are no policy reasons to restrict its change of use to residential. As such, the conversion of an industrial unit to residential accommodation is acceptable in principle, subject to an acceptable standard of accommodation being provided as a consequence of the development and there being no adverse impacts on the surrounding area.

Quality of living space

The existing unit is an industrial unit bounded by 6 St James Road to the south and alleyways to the north and west. The proposal involves the demolition to part of the existing building, and the reconstruction of the building to include a pitched roof to create a single residential unit with two floors.

The unit is accessed from a private front courtyard with a single parking space. To the rear, there is a small private courtyard area with a new 1.3 m high wall separating the building from the alleyway beyond. This is created by the partial demolition of the existing building.

Due to the constraints of the site and the need to avoid overlooking of surrounding gardens and properties the windows on the sides, the window on upper floor rear elevation is to be made from obscure glass. This could if necessary be required by condition.

In terms of the total amount of space created, the main living area at ground floor level includes a kitchen and living area totalling 46 Sqm of living space. Upstairs, a loft area is to be created which houses two rooms shown as bedrooms on the plans, although at a maximum of 2.1 metres in height, these rooms would have insufficient head height to be considered to be habitable rooms. Upstairs, to avoid overlooking the roof lights and the rear window would need to be obscure glazed, only the front window at first floor level would be clear glazed.

Overall the unit has been designed as a unit for family occupation, with two storeys, and with two bedrooms upstairs. Within the unit, there is a maximum of 46sqm of gross internal area floorspace, with a further two bedrooms upstairs measuring 6.5 Sqm and 5.2 Sqm respectively – although the room height of these rooms falls between 1.5m and 2.1 m respectively.

Under the Nationally defined space standards for new residential dwellings the minimum space standard for a two bedroom, three person unit is 70 Sqm. In this case the unit measures 57.7 Sqm, with the main bedrooms also

failing the recommended size of 11.5 Sqm and 7.5 Sqm respectively and being of very low head height.

There is only one window with a clear and somewhat open aspect, this is the front ground floor window which looks out on to a private forecourt 5 metres deep, shared with a parking space, with the road beyond. The window to the rear would look into a private courtyard which is 1.3 metres deep, the close proximity of the rear fence means that there would be minimal light and outlook through this window.

Policy B2 of the Core strategy requires the Council to protect the residential and environmental amenity of existing and future residents. On balance it is considered that the limited outlook from the property at ground floor level, with the small room proportions and substandard head height in the upstairs bedrooms mean that proposed development is not considered to meet the objective of this policy. As such it is recommended for refusal on the grounds of substandard living space.

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

The pitched roof that is to be constructed on the top of the building was previously approved in 2013 in association with the existing industrial use of the building. This was prior to the construction of the residential units at 6-10 St James Road.

In amenity terms the key issues are whether the proposed development would result in overlooking or a material loss of light to surrounding residential properties. In respect of number 6 St James Road, any loss of light created by the construction of a pitched roof would not result in a significant change to the existing light levels within this garden. The roof windows would lead to a perception of overlooking of this garden, but could be conditioned to be obscure glazed and fixed shut.

The additional bulk of the roof would be visible from the rear yard and internal areas of the commercial building at 135 Seaside. This building is in commercial use, and occupier of this building has objected to the application on these grounds, raising concerns that the roof would result in the loss of light to this property. Given that the premises in question are in commercial and not residential use, it is not considered that the loss of light to this property would be material.

At present the unit has windows that look directly out in to the garden of number 6 St James Road. These are shown as being blocked out as part of the application and this could be required by condition. As the windows shown on the plans at roof level and on the side elevations, and are to be made from obscure glazing, there would be no overlooking of surrounding gardens from the proposed unit. Were the application to be otherwise

acceptable, this could be required by condition, and would improve the overall relationship between the two properties.

The replacement of an industrial use with a residential use as proposed would otherwise be considered acceptable in planning terms, and would result in improvements to the amenity of surrounding occupiers. There would be a decrease in common issues typically associated with industrial properties, such as noise, vehicular deliveries and waste left on the highway.

Design issues:

The existing building is in a transition area between industrial/commercial uses and residential uses. The proposed dwelling would have a pitched roof, windows in the front and rear of the building, and landscaping features as shown on the proposed plans.

Its appearance is considered acceptable in view of its surroundings.

Impact on character and setting of a listed building or conservation area:

Not relevant

Impacts on trees:

Not relevant

Impacts on highway network or access:

One parking space is provided, which will help prevent the development from having an adverse impact on pressure for additional on street parking. The application is acceptable in highways terms.

Sustainable development implications:

This is a brownfield site with a town centre location, it is otherwise considered appropriate for conversion to residential use.

Other matters:

The owner of the adjoining building at number 6 St James Road raises concerns about guttering being constructed along the party wall immediately adjacent to the boundary. This guttering could only be maintained by accessing the garden area of the adjoining property. If the guttering in question does in fact fall within the neighbouring garden area, it would be a civil matter between the parties concerned as to whether the guttering could be erected. The ongoing maintenance of any guttering would be a civil matter between the parties. These are not material planning considerations, and do not constitute grounds to refuse this planning permission.

Any potential increase in the cost of electricity and heating for surrounding commercial occupiers resulting from the increased bulk of development is not a material planning consideration.

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:

It is considered that, by replacing an industrial unit with a residential unit the proposed development would enhance the area immediately surrounding the site and thereby improving the residential quality of the local area.

However, these benefits are outweighed by the poor size, layout and lack of outlook from the proposed dwelling. As such, the proposed development would result in substandard accommodation which would fail to protect the amenity of future occupiers of the unit. These issues are considered to justify a reason for refusal, on the grounds of substandard accommodation.

Recommendation:

The application is recommended for refusal on the grounds of substandard residential accommodation.

Reason for refusal:

1. Because of its size, internal layout and poor outlook the proposed residential dwelling is considered to provide substandard living accommodation that would not protect the residential amenity of future residents. This is contrary to policy B2 of the Core Strategy Local Plan 2013.

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**.