

App.No: 160152	Decision Due Date: 3 May 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: several	Type: Householder
Site Notice(s) Expiry date: 24 April 2016		
Neighbour Con Expiry: 24 April 2016		
Press Notice(s): N/A		
Over 8/13 week reason: To meet committee cycle.		
Location: 5 Gilbert Road, Eastbourne		
Proposal: retention of 3m x 4.05 m x 2.75 m brick outbuilding build in rear garden of number 5 Gilbert Road.		
Applicant: Mr Michael Joubert		
Recommendation: Refuse permission and authorise enforcement action		

Executive Summary: This application seeks approval for the retention of a two storey outbuilding that has been constructed in the rear garden of number 5 Gilbert Road without planning permission.

Objections from neighbouring residents have been received and it is considered that - due to its height and bulk - the structure has an adverse impact on the amenity of neighbouring residents and represents an overdevelopment of the site.

It is recommended that planning permission is refused and an enforcement notice served requiring the reduction of the height of the structure to 2.5 metres, which is the maximum height allowed under permitted development rules.

Planning Status: The application site comprises a domestic garden within the curtilage of a single family dwelling.

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
B2. Creating sustainable neighbourhoods
C8. Seaside Neighbourhood Policy
D5. Housing
D9. Natural Environment
D10A. Design

Eastbourne Borough Plan Saved Policies 2007
UHT1. Design of New Development
UHT4. Visual Amenity
UHT7. Landscaping
HO2. Predominantly residential areas
HO20. Residential Amenity

Site Description:

The site comprises a small residential garden located to the rear of number 5 Gilbert Road. It is surrounded by two similar properties with residential gardens on either side. To the rear of the site there is a narrow alleyway and beyond this the rear gardens of the properties situated along Leslie Street.

Relevant Planning History:

There is no relevant planning history. An application for a two storey extension to the rear of the property is the subject of separate consideration under reference 160156 and has been refused planning permission.

Proposed development:

The applicant has erected a dual pitched two storey outbuilding at the rear of the existing garden area, this rises to a maximum height of 4.05 metres, its width is 2.75m and length is 3 metres. It has been constructed from brick and contains two UPVC windows and a UPVC door facing on to the main garden area. At the time of the site visit the building was in use for storage purposes.

Consultations:

Internal: None

External: None

Neighbour Representations:

Objections have been received from three neighbouring residents and cover the following points:

Design

- Structure is oversized in proportion to garden location and has an adverse impact on the setting of surrounding gardens and properties.
- Pitched roof structure is overbearing and unsightly.

Amenity

- Building is overbearing.
- Obstruction of views
- Loss of light and sense of enclosure for properties on Leslie Street.

Other issues

- Building could potentially be used as living accommodation.
- Building significantly larger than that allowed under permitted development rules.

Appraisal:

Principle of development:

The construction of ancillary outbuildings within gardens of single family dwellings is allowed under permitted development rules as long as the legal criteria relating to the location and size are met. In this case the building does not fall under permitted development rules, and requires an assessment under planning control.

In land use terms there is no objection in principle to the construction of outbuildings such as this, as long as they are ancillary to the residential use of the main building.

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

The building has been constructed immediately adjacent to the boundary wall shared with number 4 Gilbert Road and a small alley with the garden of number 15 Leslie Road at the rear. The garden of number 15 Leslie Road is small and the building is a highly prominent feature when viewed from the rear of this property. More broadly the structure, due its height and location, is visible from many surrounding gardens.

Objections have been received on the grounds that the structure would lead to a loss of light for neighbouring residents. Whilst these objections are understandable the habitable rooms of the neighbouring properties in question are otherwise well lit, and the loss of light and overshadowing created by the structure would not in itself constitute a sustainable reason for refusal.

Objections are also raised regarding the sense of enclosure created by the structure. These concerns have greater weight in planning terms as there is a

clear diminution of outlook to the gardens at the rear at Leslie Street. This is created by the large pitched roof that extends considerably and noticeably higher than the surrounding boundary walls that rise to approximately two metres in height. This creates a clear sense of being 'shut in' for the resident directly to the rear at Leslie Street, reducing the amenity of this occupier.

Because of the sense of enclosure described above the relationship between the proposal and the surrounding gardens is considered to be unneighbourly and, were it to be approved, would set an unfortunate precedent that would create considerable harm to residential amenity. The development also includes a window at first floor level, which overlooks the neighbouring garden at 4 Gilbert Road.

Policy B2 of the Core strategy requires that Development 'protect (s) the residential and environmental amenity of existing and future residents'. Policy HO20 of the Borough Plan (saved policies) requires that new development proposals will be refused unless they can demonstrate that they do not cause unacceptable loss of outlook or loss of privacy by overlooking from habitable rooms. The upper floor of the premises is considered to be potentially capable of future occupation as a habitable room, and overall – because of the sense of enclosure and overlooking it creates - the proposal is considered contrary to the Council's adopted policies on protecting residential amenity.

Design issues:

Whilst a number of other premises in the area to the rear of Gilbert Road and Leslie Street have outbuildings in similar locations, there are no equivalent examples of outbuildings of a similar scale and height to the outbuilding under consideration as part of this application. The other surrounding outbuildings terminate at a similar height to that of the boundary walls. There are no other examples of outbuildings constructed from solid brick as the application premises have, with most of the other surrounding outbuildings visible at the time of the site visit being constructed from timber.

It is considered that the height of the structure, its overall bulk and its relatively close proximity to the main building contributes to a character that is not ancillary or subservient to the main building. The building appears oversized and has the appearance of a scaled down dwelling which lacks its own setting or plot and is highly prominent in views from surrounding gardens.

Policy D10A of the Core Strategy deals with design in Eastbourne. It states that 'design and layout should take account of context, i.e neighbouring buildings as well as the surrounding area. New development can be modern or based on historic forms but must respect, preserve or enhance local character. It is vital that design goes beyond the focus of the individual

development and also takes account of sense of place, safety and security'. It goes on to say that 'Eastbourne's built environment should be of an exemplary standard. It will be protected and enhanced and development will be expected to seek exemplary standards of design and architecture that respects Eastbourne's unique characteristics and ensure that the layout and development contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features'.

Regarding the Borough Plan (saved policies), Policy UHT 1 states that all development will be required to 'a) harmonise with the appearance and character of the local environment, respecting local distinctiveness; b) be appropriate in scale, form, materials, setting, alignment and layout'. In this case for the reasons outlined above the structure is considered to be of a bulk, mass and design that fails to harmonise with its surrounding environment.

Overall, because of its siting, location, bulk and height and proximity to boundary walls it is considered that the development results in harm to the appearance of the main building, and fails to contribute to local distinctiveness and sense of space. It is therefore contrary to Policy D10A of the Core Strategy and Policy UHT1 of the Borough Plan (saved policies).

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

Not applicable

Impacts on trees:

No trees are affected by the development

Impacts on highway network or access:

The proposal does not raise highways issues.

Planning obligations:

Not relevant.

Sustainable development implications:

None relevant

Other matters:

None relevant

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 application is considered unacceptable in amenity and design terms.

Recommendation:

It is recommended that the application is refused and an enforcement notice is authorised requiring the reduction in height of the outbuilding to 2.5 metres, in line with what would otherwise be permitted under permitted development rules. An informative advises the applicant to take immediate steps to reduce the height of the structure to avoid an enforcement notice being served.

Reasons for refusal:

- 1) Because of its bulk, height and siting the proposed development would lead to an unacceptable loss of outlook and result in an unneighbourly and overbearing relationship that gives rise to sense of being 'shut in' for residents of surrounding residential properties. This is contrary to Policy B2 of our Core Strategy 2013, and Policy HO20 of our Borough Plan (saved policies) 2007.
- 2) The window that is located in the side elevation of the proposed outbuilding would lead to an unacceptable perception of overlooking for the resident of the neighbouring property. This is contrary to Policy B2 of our Core Strategy 2013, and Policy HO20 of our Borough Plan (saved policies) 2007.
- 3) Because of its siting, location, bulk and height and proximity to existing boundary walls it is considered that the development fails to contribute to local distinctiveness and sense of space. This is contrary to Policy D10A of the Core Strategy and Policy UHT1 of the Borough Plan (saved policies).

Informatives:

- 1) To avoid an enforcement notice being served you are advised to take immediate steps to reduce the height of the building to 2.5 metres which would bring the building within the parameters of permitted development. Should you proceed on this basis, you are advised that

any future use of the building must remain ancillary to the main residential building at 5 Gilbert Street.

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**.