

App.No: 160483	Decision Due Date: 12 July 2016	Ward: Upperton
Officer: Danielle Durham	Site visit date: 12 June 2016	Type: Planning Permission
Site Notice(s) Expiry date: 9 June 2016		
Neighbour Con Expiry: 9 June 2016		
Press Notice(s): 17 May 2016		
Over 8/13 week reason: due to referral to Planning Committee		
Location: Flat 2, 32 Saffrons Road, Eastbourne		
Proposal: Erect Yurt in rear garden		
Applicant: Mrs Burt		
Recommendation: Refused		

Executive Summary:

This application has been referred to Planning Committee from the chair at delegated given the unusual nature of the proposal and to allow Planning Committee to debate the issues/impacts of this proposal specifically the unusual nature of the proposal.

The proposed application site relates to part of a garden of a property that has been subdivided in to flats.

The location of the development is considered to have a negative effect on residential amenity of nearby occupiers and is out of character with the conservation area in which it stands. Therefore it is recommended for refusal.

Relevant Planning Policies:

National Planning Policy Framework

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- C10 Summerdown & Saffrons Neighbourhood Policy
- D5 Housing
- D10 Historic Environment
- D10a Design
- Conservation Area

Eastbourne Borough Plan Saved Policies 2007

UHT15 Conservation Area

HO2 Predominantly Residential Areas

NE14 Source Protection Zone

HO20 Residential amenity

UHT4 Visual amenity

Site Description:

The site consists of a 3 storey building located within the Saffrons Conservation Area. The property has been converted into self-contained flats, with each flat having access to an individual part of the rear garden.

The garden allocated to flat 2 (application property) is accessed by the garage furthest away from the dwellings. There is a long pathway that extends the length of the garden giving access to a section of the garden furthest away from the application block. The North East boundary is a brick wall that is approximately 1.7m in height.

There has been previous planning application for a summer house which is situated along the south west garden division. There is also a small shed in the South East Corner of the divided garden area of which planning permission has not been sought.

Relevant Planning History:

080418

Erection of summer house in rear garden.

Planning Permission

Approved unconditionally

26/08/2008

Proposed development:

The applicant is seeking planning permission to build an outbuilding structure within their allocated garden.

The application proposes that this outbuilding will be formed by a 'Yurt' structure. Definition (*A traditional yurt (from the Turkic languages) or (Mongolian) is a portable, round tent covered with skins or felt and used as a dwelling by nomads in the steppes of Central Asia*).

The Yurt would be constructed using traditional and authentic construction techniques (timber internal structure and material covering), and would measure approximately 2.6m in total height (1.7m to the eaves) with a stainless steel Flue rising to 2.85m and 5.40m in width/diameter.

The Yurt is proposed to be 0.65m away from the rear boundary shared with the properties in Arlington Road and 0.9m from the side boundary with No 34 Saffrons Road.

The applicant has submitted a supporting statement within which they make the following comments:

- The applicants live in a first floor 4 bedroom flat
- If related to a dwelling house and not a flat then it would be permitted development
- All others in the block of flats support the proposal
- Located in a secluded garden that has high walls and fencing and is used solely by the applicant
- The structure is non-permanent and will be taken away if applicants move house
- Space is required so family can enjoy garden and will also be used for study, reflection, yoga practice, drawing and painting
- Space will be used only for incidental residential purposes and not be used for any commercial or long stay family accommodation at any time
- Applicants are complimentary health practitioners and teachers for art shiatsu and T'ai Chi and have their business space away from their home at the Well Being Centre Hankham, The Natural Fitness Centre and Cuckmere Haven.
- Local support from local neighbours
- Like most families there will be family parties and BBQ,s where the garden will be used
- Solid fuel burner is required so the garden can be enjoyed in the winter months and to keep the structure/covering aired and dry.

Consultations:

Internal:

Specialist Advisor (Conservation) Given location to the rear of the property there is likely be a neutral impact upon the character of the conservations area.

Neighbour Representations:

14 consultation letters were sent out and the following representations were received:

Five letters of support was generated by the applicants was received.

An objection from a local resident had been received stating that :

- The yurt would be large and highly visible from the back of the house and garden.
- This in addition to the existing 2 outbuildings would cause overcrowding

- It would not be aesthetically in keeping with the architectural heritage of the saffron conservation area.
- The chimney would have an adverse impact on the view from 31 Arlington Road
- The chimney would cause smoke to be blown into the garden of especially as the prevailing wind is from the west.

Appraisal:

Principle

This property falls within a conservation area and as the property contains flats it does not benefit from Permitted development rights.

There is no objection in principle to people wishing to change/adapt and alter their properties/plots to meet their changing family needs subject to the siting, mass, scale and design of the proposal not adversely impacting upon the occupiers of neighbouring plots/properties nor impacting upon the character of the site and surrounding area.

Residential amenity

It is accepted that the proposed height of the yurt itself is only 0.9m taller than the brick wall surrounding the garden. However due to the substantial width and bulk along with proximity to neighbouring properties it is considered that the development would result in an unneighbourly and overly dominant structure that would impact upon the outlook from 31 and 33 Arlington Road as well as other garden users of this block at 32 Saffron Road.

The applicant state that the new structure will be used for purposes incidental to the enjoyment of their property (general family use and hobby art studio) whilst this is noted officers are concerned over the potential increase in activity that this structure may facilitate especially given the proposed installation of a log burner/flue with the potential for other services.

Any increase in activity over and above pure ancillary domestic use would be likely to result in a material loss of residential amenity to the occupiers of nearby residential properties.

Visual amenity

As the Yurt is proposed to be in the rear garden it will not be visible to the public from Saffrons road. However, due to its form of construction, its appearance, its bulk and scale it would cause a degree of loss of character to the wider character of the Saffrons Conservation Area as it would be visible from occupants on 28-34 Saffrons Road and Numbers 27 to 37 Arlington Road and would stand out sitting between the red bricked houses and red bricked walls.

It is considered that the introduction of this feature in this location would go some way to eroding local distinctiveness and character.

Design

The Yurt is proposed to be made with a covering of Poly Cotton Canvas over an ash frame, there are no examples of this material being used in any other building or outhouse near to the application site and in this regard it is considered to be an alien feature in the local townscape. The impact of this alien feature is compounded by the proposed size/bulk of the proposed building.

The proposed yurt is not considered appropriate and sympathetic in terms of size scale and mass and density as this section of garden proposed to be used is relatively small. At the widest point of the separated garden it is 10.4m in width South West to North East and the diameter of the yurt is 5.4m.

Other issues

The supporting statement outlines how the structure is intended to be used however officers remain concerned over a number of issues as outlined below.

Although the accompanying documents state that the wood burner has a dust free de-ashing system and they comment that if Authorised Fuels are used there will not be smoke emitted and it would comply with air quality legislation, however there is no guarantee that these fuels will always be used. If other materials are used then these may give rise to loss of residential amenity by way of dust and smells.

In addition officers remain of the view that due to the size of the yurt it would be possible for it to be used as a business/commercial space providing classes, renting out as a business space and also has the potential to be used as residential accommodation for family members or B&B.

It is accepted that that any non-incidentual use would require planning permission and that a condition limiting the commercial activity could be imposed upon any approval however officers are concerned given the location of the application plot it would be very difficult to readily monitor compliance with any such conditions.

Conclusion

In conclusion there is no objection in principle to an outbuilding in the garden. However due to the design, size, bulk, location, impact on neighbours by way of noise, smoke and other associated disturbances along with the adverse impact to the conservation area, have a significant cumulative adverse impact on the neighbouring properties and the area.

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.

Recommendation: Refuse

The appearance, size, bulk, location of the proposed structure and its potential use is likely to have an adverse impact on neighbours by way of noise, smoke and other associated disturbances along with the adverse impact to the conservation area, have a significant cumulative adverse impact on the neighbouring properties and the area. It is considered therefore to be contrary to Policies HO20 Residential Amenity, UHT1 Design of New Development, UHT4 Visual Amenity, UHT15 Protection of Conservation Areas of the Eastbourne Local Plan and D10 Historic Environment , D10A Design of the Eastbourne Core Strategy Local Plan.

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**.