

Eastbourne Borough Council

Planning Committee

11 June 2013

Report of the Head of Planning

List of Planning Applications for Consideration

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& Demolition of existing building and erection of a two-storey dwellinghouse. Page 3
 - 2) EB/2013/0103(FP) & EB/2013/0104(CA), UPPERTON**
RECOMMEND - EB/2013/0103(FP): REFUSE
RECOMMEND - EB/2013/0104(CA): APPROVE WITH CONDITIONS
 - 3) THE DRIVE PH, VICTORIA DRIVE, EASTBOURNE**
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 - 4) 15 RAVENSCROFT, EASTBOURNE**
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RECOMMEND: APPROVE WITH CONDITIONS

Leigh Palmer
Manger, Case Management

05 June 2013

Planning Committee

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Report of the Planning Manager

Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

Eastbourne Borough Council

Planning Committee

11 June 2013

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 11 June 2013

Item 1 & 2

App.No.: EB/2013/0103 & EB/2013/0104(CA)	Decision Due Date: 29 April 2013	Ward: Upperton
Officer: Jane Sabin	Site visit date: 9 April 2013	Type: Minor & Conservation Area Consent
Site Notice(s) Expiry date:	15 April 2013	
Neigh. Con Expiry:	14 April 2013	
Weekly list Expiry:	17 April 2013	
Press Notice(s)-:	24 April 2013	
Over 8/13 week reason: First available committee following receipt of a number of objections.		
Location: 51 Upperton Lane		
Proposal: Demolition of existing building and erection of a two-storey dwellinghouse.		
Applicant: Miss H. Dupre, Dupre Properties		
Recommendation: Refuse		

Planning Status:

- Upperton Conservation Area
- Archaeological Notification Area

Relevant Planning Policies:

Saved policies

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT15	-	Protection of conservation areas
HO7	-	Redevelopment
HO20	-	Residential amenity
TR11	-	Car parking

Core Strategy

B1	-	Spatial development
B2	-	Creating sustainable neighbourhoods
C2	-	Upperton neighbourhood policy
D1	-	Sustainable development
D5	-	Housing
D10	-	Historic environment
D10A	-	Design

Site Description:

The site comprises a parking space and a single storey, flat roofed, brick built building located in the former rear garden of 51 Upperton Gardens, facing onto the adopted service road (Upperton Lane) which connects Enys Road to Hartfield Road, and serves properties in both Upperton Gardens and Upperton Road. The building appears to be pre-1948 and is in need of redecoration, whilst the parking space is gated with inappropriate solid timber gates. The site measures 9.1m wide and 11.2m deep.

Relevant Planning History:

App Ref:EB/2001/0644 Description: Change of use of outbuilding from workshop/garage to store/office.

Decision: Approved Date: 11 December 2001

App Ref:EB/2012/0284 Description: Demolish and replace building & EB/2012/0285

Decision: Withdrawn Date: 12 September 2012

Proposed development:

Permission is sought to demolish the existing building and to replace it with a flat roofed two storey dwellinghouse, measuring 9.1m in width, 10.3m deep and 7.3m high. The roof is shown to have a false pitch/mansard across the front 0.9m high, and at the rear the first floor element is reduced back to form a balcony 1.5m deep across the whole width of the building. The roof also shows an escape hatch and solar panels (shown as laying flush to the roof). The materials are stated to be brick and recycled stone for the walls, and timber for the windows (double glazed), doors and roof (with a tiled false pitch/mansard). The windows are annotated as being "sliding" on one side, whilst to the rear all first floor windows are shown as "non see through". Separating the site from the garden of 51 Upperton Gardens behind is a recycled brick wall 3m in height (2.2m measured from the adjoining garden).

The accommodation to be provided comprises a living room, open plan hall/kitchen/dining room, toilet, laundry room and integral garage on the ground floor, and three bedrooms, a bathroom and a utility room on the first floor.

Overall the plans are poorly drawn, and some have the wrong scale on them, but they are sufficiently clear to demonstrate what type of building is intended to occupy the site.

Applicant's Points:

- The existing building has been damaged by creeper and other foliage and some of the walls are an eyesore; it is more practical to rebuild the entire property
- The change from office/storage to residential is in line with Government policy to increase housing
- The purpose of the general design is to blend in with other houses in the conservation area
- The mansard roof is in keeping with the roof on the corner opposite the repair garage
- The windows have been positioned/obscured to preserve the privacy of adjacent properties
- The ground level in Upperton Lane is 75cm lower than the rear garden of 51 Upperton Gardens, so part of the building will be lower than its garden level: in any event the position of the sun appears to allow for sunrise and sunset to continue across as now
- Steps to be environmentally friendly include solar power, grey water, double glazing, insulation and cycle space within the garage
- The new buildings at the other end of the lane are tall; this building will be lower than buildings on the other side of the lane; the building opposite is two storeys high, thus three storeys have not been requested

Consultations:

Planning Policy advises that the proposal would result in an additional residential unit in a sustainable location as identified in Core Strategy Policy B1, and the change from commercial to residential use would be consistent with the NPPF. However the NPPF places strong emphasis on good design, and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is considered that, despite the proposed additional of one residential unit, the quality of design may be an issue that means that this application would not be acceptable.

(Memo dated 3 April 2013)

The Highway Authority objects to the proposal, as the plans submitted are not to scale, so the information needed for making a determination is not available. There is no block plan so the building cannot be seen in context with neighbouring buildings. It does not adequately ensure that there is satisfactory parking on site, as the dimensions of the garage cannot be verified as being a minimum of 6m by 3m as required by East Sussex County Council. A minimum of 2 car parking spaces is required, and as the garage cannot be confirmed as a satisfactory space, this would add to the demand for on street parking in this area.

(Memo dated 4 April 2013)

The Conservation Officer states that the service lane is characterised by the presence of a variety of garden walls and fences, and is punctuated by low garages of various dates of build. She considers that the scale of the proposal is out of character with the Conservation Area in general, and the setting of the lane in particular, where structures are subservient to the main house. The detailing, materials and dimensions of this proposal are difficult to ascertain from the uploaded drawings due to discrepancies of scale and lack of information regarding materials. Refusal is recommended.
(Memo dated 8 April 2013)

The Council's Arboricultural Officer confirms that there is no room on the site for any landscaping, although the existing tree does not merit protection through a tree preservation order.
(Memo dated 8 April 2013)

The County Archaeologist considers that there are unlikely to be any archaeological remains found on the site, and so makes no recommendations.
(Letter dated 11 April 2013)

At its meeting on 9 April 2013, the Conservation Area Advisory Group raised no objections to the loss of the existing building, but raised strong objections to the scale, height and design of the proposal, which were considered to be totally out of keeping with the character and appearance of the conservation area. Concern was also expressed that an approval would result in applications for houses along the whole of this narrow lane.

Neighbour Representations:

Objections have been received from 12 interested parties as a result of neighbour notifications and statutory advertisements. The objections are summarised thus:

- Upperton Lane is not a thriving community, as suggested – it is a service road used by residents and businesses; access is required by large delivery vehicles all day, frequently hindered by uncontrolled parking.
- What was once a quiet service road is now a busy short cut for traffic, with no pavement, and is dangerous when pulling out of car parks, let alone for pedestrians; residents have asked several times for it to be made one way
- Garages are rarely used for parking these days
- This is the second attempt to turn a derelict garage into a money spinner, first an office and now housing; the lane is not a suitable place to live
- The plans are poorly drawn and not to scale; the proposal is worse than the previous scheme (for the occupier of the basement flat behind)
- The plans are badly drawn, and it is considered that the construction of the side walls are likely to encroach onto adjoining land (as well as involving the party wall act), and the wall adjoining no 53 would have to be a retaining wall, where no window would be allowed
- The size and proximity of the proposal to the rear boundary will block daylight and sunshine from the buildings behind it, and would result in noise

- It is a gross over development of the site; it fills the whole width of the site and two stories will be out of character with other single storey buildings in the lane; it takes no account of its setting within a conservation area
 - The front of the building abuts the boundary with the lane, clearly unacceptable to have residents stepping out directly into the path of traffic, especially for a family house
 - There is no amenity space for a family house, and the balcony would result in direct overlooking; windows on the side elevation would either be blocked by the adjacent garage (at no.53) or could not be achieved without demolishing the boundary wall between 49 and 51, which is not in the applicants control; the rear wall is so high that all natural light would be blocked from ground floor windows
 - Demolition and rebuilding works will cause major problems in the lane
 - If this is approved, other properties will surely make similar applications, resulting in even more traffic; there are plenty of other places to build housing in Eastbourne
 - There are no other two storey buildings on this side of Upperton Lane and no dwellings at all
 - A tree which is currently blossoming will have to be destroyed
 - What consideration has been given to the nearby telecoms pole, and restrictive covenants?
 - The layout of the building does not take into account the provisions of the Building Regulations, nor would the garage be usable, or the solar panels be set flush to the roof; the bins would cause a hazard if left on the lane on collection day (and they would have to be first taken through the house)
 - The drains from 51 Upperton Gardens pass through the site (under the parking space) and would therefore be underneath the new building
 - The existing building is certainly an eyesore, but a single storey office building would be more appropriate
 - Permission was refused to convert 49 Upperton Lane to a dwelling, and the same ruling should apply here
 - The rear gardens should remain as a service area for the original properties (parking/garages etc)
- (emails & letters dated 4 April to 1 May 2013)

Appraisal:

The main issues to be taken into account in determining this application are the impact of the physical changes on the character and appearance of the conservation area, the principle of the provision of a dwelling on the site, residential amenity and parking.

Demolition

The existing building is a later addition to the original development of Upperton Gardens, and has clearly suffered from a lack of maintenance over a period of years. It is considered that no objection could be made in principle to its loss, whether or not permission is granted for any replacement building. No details have been submitted regarding the treatment of the remaining section of flint walling between 51 and 49 Upperton Gardens, however as this is just under 2m in height, no consent is required for its removal.

Impact on the character and appearance of the conservation area

The submitted drawings are poorly drawn and detailed, nevertheless it is clear what the intended replacement building is meant to achieve in terms of the size, position and design. That is to say a two-storey, flat roofed, brick dwelling house filling the full width of the plot and almost the whole its depth, constructed on the boundary with of the service road (leaving a narrow strip to the rear as an amenity area). It is considered that, in principle, such a development would be totally out of character with the conservation area, and this side of Upperton Lane in particular; generally the rear gardens are characterised by low, single storey developments of garages of various styles and sizes, and most have some degree of setback, in order to allow modern, larger cars the ability to turn more easily onto the narrow lane. The provision of such a large building of the style, proportions and bulk proposed on the boundary with the lane would result in a clumsy, inelegant, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area.

Other aspects of the design are considered to be inappropriate, such as windows in the flank walls right on the boundary with adjoining properties, solar panels on a flat roof facing south which would have to be angled up to something in the order of 35° for optimum efficiency, the windows and front door opening directly onto the lane, no adequate storage for refuse adjacent to the public highway, and an integral garage apparently too small for almost any car (an up and over door would overhang the highway when open).

The Council's saved and approved policies emphasise the importance of design and the impact it has on its surroundings. The National Planning Policy Framework places strong emphasis on good design, and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It requires development to harmonise with the character of the area and to respect local distinctiveness, and goes on to state that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It sets out the need to identify and assess the particular significance of, and consider the impact of, a proposal on a heritage asset and states that great weight should be given to conserving heritage assets: the more important the asset, the greater the weight should be. It is considered that the proposed development fails on design grounds and the impact it would have on the character and appearance of the conservation area.

The principle of providing a dwelling on the site

Whilst the site could be argued to be in a sustainable location in view of its location close to the town centre, it is nevertheless a backland location in the garden of a substantial dwelling with access onto a busy service lane. Should consent be given for this proposal, it would make it very difficult for the Council to refuse similar applications along the whole length of Upperton Lane, and would result in undesirable piecemeal development. Permission was refused for the conversion of a small office building at 49 Upperton Lane to a dwelling in 2004, and an application to convert/rebuild to a dwelling at 39 Upperton Lane was refused at your meeting on 21 May 2013.

It is considered that the rear gardens of the Upperton Gardens properties are too small to successfully accommodate dwellings with sufficient amenity and of an acceptable design; the outlook onto the rear of commercial premises, the narrowness of the lane and the absence of a pavement, together with its use as a service road accommodating both domestic and large commercial vehicles dictates that residential development is unsuitable for this location and would result in a substandard form of accommodation. This would not accord with local and national policies.

Residential amenity

The height and design of the proposed building combined with its proximity to the rear boundary with the flats adjacent to the site would result in an adverse impact on the outlook from the rear windows and garden of the flats, particularly those on the lower floors; even those on the upper floors would look out onto an array of solar panels in relatively close proximity (10m). Notwithstanding the high brick wall proposed on the rear boundary, the first floor windows and full width balcony would directly overlook adjacent residents to a wholly unacceptable degree (two of the windows would serve bathrooms, but the other would serve the master bedroom); the balcony would be just a little over 1m from the boundary.

Parking

Whilst the proposal includes an integral garage, it appears to scale off at approximately 3m in depth, which would restrict its use severely. It is considered that parking is likely to be an issue in this location, where there is no available on street parking in the lane at all, and the surrounding streets are heavily parked. A three bedroom house is more than likely to create a demand for parking. As stated above, if permission were to be granted for this and similar developments, issues surrounding parking for a whole street of dwellings would create a problem for existing and proposed residents and highway safety. Again, this demonstrates that residential development in a narrow service lane which is used by commercial traffic is impractical and unsuitable.

Human Rights Implications:

The proposed development would have an adverse impact on the amenities of adjoining residents in terms of direct overlooking, loss of privacy and outlook.

Conclusion:

It is considered that residential development of the site would be an undesirable form of backland development, inappropriate to a narrow service lane serving commercial premises. The design is ill conceived and contrived, and an overdevelopment of a restricted site, resulting in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area, and would also be detrimental to the amenities of adjoining residents by way of loss of privacy and outlook.

Recommendation:

(A) REFUSE planning permission for the following reason:

The proposed development would result in an undesirable form of backland development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area and would be detrimental to the amenities of adjoining residential occupiers through loss of privacy and outlook. As such, it would conflict with policies UHT1, UHT4, UHT15 and HO20 of the Eastbourne Borough Plan 2001-2011, policies B2, C2, D1, D10 and D10A of the Eastbourne Core Strategy Local Plan, and the National Planning Policy Framework.

Informatives:

INFORMATIVE

For the avoidance of doubt, the plans hereby refused are:

p.20 Proposed (Block Plan), p.30 Proposed (Elevations), p.31 Proposed (Elevations), p.31 Proposed (Elevations), p.32 Proposed (Elevations), p.33 Aerial View (proposed) and p.34 Proposed (floor plans) received on 1 March 2013.

SUMMARY OF REASONS FOR DECISION

In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission do not appear capable of resolution.

(B) GRANT conservation area consent, subject to the following conditions:

(1) That the development and works hereby permitted shall be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

(2) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

(3) No site clearance, demolition or other works shall be commenced until details of the finished surface of the site has been submitted to and approved in writing by the local planning authority. No material from the demolition works shall be left or stored on the site. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the conservation area.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:
The removal of the existing buildings would have no adverse impact on the character and appearance of the conservation area or the amenities of nearby residents.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**

Committee Report: 11 June 2013

Item 3

Application No: EB/2013/0118	Decision Due Date: 30.03.2013	Ward: St Anthony's
Officer: Mehdi Rezaie	Site visit date: 08.04.2013	Type: Other
Site Notice(s) Expiry date: N/A		
Neigh. Con Expiry: 17.04.2013		
Weekly list Expiry:		
Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure.		
Location: The Drive Pub, 153 Victoria Drive, East Sussex, BN20 8NH.		
Proposal: Re-grading of parking area and re-design of parking layout.		
Applicant: Rowe Property Investments LLP.		
Recommendation: Approve, subject to conditions.		

Planning Status:

- Predominantly Mixed Use Area

Relevant Planning Policies:

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy NE4 from the Eastbourne Borough Plan 2007
- Policy NE13 from the Eastbourne Borough Plan 2007
- Policy TR11 from the Eastbourne Borough Plan 2007
- Policy D1 from the Eastbourne Core Strategy Local Plan 2007-2027
- National Planning Policy Framework 2012.

Site Description:

Access to and from the site leads off Victoria Drive (east elevation) where there are two separate entry/exit points. The existing hard surface area amounts to approximately 540m² with the provision for 11 parking spaces.

Relevant Planning History:

- Application for Full Planning Permission (EB/2013/0191) to remove and reconstruct a boundary wall with the provision for hard landscaping, parking and bollards, application withdrawn.
- Application for Full Planning Permission (EB/2013/0167) conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flat, application withdrawn.
- Application for Full Planning Permission (EB/2013/0139) exterior alterations and modifications, approved conditionally on 08.05.2013.
- Application for Full Planning Permission (EB/2013/0119) demolition of conservatory and infilling side elevation at ground floor level, approved conditionally on 08.05.2013.
- Application for Full Planning Permission (EB/2013/0027) Installation of ATM to front elevation together with extension of roof overhang, approved conditionally on 03.04.2013.

Proposed development:

The applicant seeks planning permission to re-grade the existing parking area and to re-design its layout; the applicant also seeks permission to remodel the existing ramp access to the main entrance.

The applicant proposes to reconfigure the existing layout by extending the existing hard surface areas by approximately 100m² to the south of their site but reduced surfaced area to the north.

Applicant's Points:

The Applicant has submitted newly revised drawings and information which address previous concerns of 'vehicular turning points' and 'drainage'.

Consultations:

- Consultation was carried out in the form of a site notice on 27.03.2013, expiring on 17.04.2013.
- Building Control Manager was consulted on 25.03.2013, no comments received.

- Local Highway Manager was consulted on 25.03.2013, comments received on 13.04.2013 from Mr. C. John who raised concerns. Following on from receipt of amended plans '12-0106/PL12 Rev G' received on 16.05.2013 showing the removal of PS01, Mr. John has replaced the above comments (HT401) to recommend that any consent shall include the following attached condition:-

1. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

Neighbour Representations:

No further comments received.

Appraisal:

The newly amended parking and manoeuvring layout received on 16.05.2013 has made provisions for additional space for the turning of vehicles by removing a section of grassland within the site. The newly revised plans also remove one parking area which was considered to hamper the turning capabilities of vehicles. Additionally, increased safety measures have been provided on the exit route in the form of 'Recessed Traffic Flow Plates' that also help reduce road safety concerns. In keeping with the revised recommendations from the Highway Officer, it is considered that the modified layout would now create a safer, clearer and more convenient route for turning, in accordance with 'Policy UHT1' (b), (d) on 'New Development' and 'Policy TR11' on 'Car Parking' from the 'Eastbourne Core Strategy Local Plan 2007-2027'.

The newly revised plans received on 16.05.2013 also address previous concerns over excess water run-off into nearby drains given the re-surfacing of the tarmac areas. The applicant has provided details of drainage and surface water mitigation scheme that comprises of 'ACO Roadside Drain Class D400' placed within the confines of their site. This mitigation method is deemed acceptable and in accordance with 'Policy NE4' on 'Sustainable Drainage Systems'; 'Policy NE13' on 'Pollution Mitigation Measures' from the 'Eastbourne Core Strategy Local Plan 2007-2027' and 'Policy D1' on 'Sustainable forms of Development' from the 'Eastbourne Core Strategy Local Plan 2007-2027'.

Human Rights Implications:

The newly revised parking layout has addressed road safety concerns from a previous submission, and now satisfies essential requirements to minimise road safety.

Conclusion:

The proposed redesign of the parking layout now allows for the turning and manouvering of vehicles without compramisng road safety. The proposed re-grading and re-surfacing of the tarmac area's now incorporate a surface water mitigation scheme in the form of additional drains and its impact on existing infastructure is now reduced. All elements of the proposed scheme now ackknowledge and accord with the Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

Recommend: Permission be granted approval subject to the following conditions:

1. Details – Development timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Details – Drainage

Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority. ++

Reason: In the interests of highway safety

3. Details – Material details

The development hereby permitted shall be constructed entirely of the materials details and description of which are stated from the revised 'Proposed Site Plan' received on 16.05.2013.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

4. Details – Compliance with all submitted plan

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the revised 'Proposed Site Plan' received on 16.05.2013.

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

INFORMATIVES:

Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance.

You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions (2).

Summary of recommendations:

The proposed scheme by virtue of its design, siting, material use would not impact on drainage or road safety. Subject to conditions, the proposal accords with Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

Committee Report: 11 June 2013

Item 4

Application No: EB/2013/0177	Decision Due Date: 25.05.2013	Ward: Meads
Officer: Mehdi Rezaie	Site visit date: 16.05.2013	Type: Householder
Site Notice(s) Expiry date: 12.05.2013 and 31.05.2013		
Neigh. Con Expiry: 12.05.2013 and 31.05.2013		
Weekly list Expiry:		
Press Notice(s): N/A		
Over 8/13 week reason: Referral to committee following consultation		
Location: 15 Ravens Croft, Eastbourne, BN20 7HX.		
Proposal: First floor front/side extension.		
Applicant: Mrs. H. Wagstaff.		
Agent: Mr. G. Stanbridge (Philip Cooke Associates).		
Recommendation: Approve, subject to conditions.		

Planning Status:

- Predominantly Residential Area.
- Meads Conservation Area.

Relevant Planning Policies:

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy UHT2 from the Eastbourne Borough Plan 2007
- Policy UHT4 from the Eastbourne Borough Plan 2007
- Policy UHT8 from the Eastbourne Borough Plan 2007

- Policy UHT15 from the Eastbourne Borough Plan 2007
- Policy TR11 from the Eastbourne Borough Plan 2007
- Policy H020 from the Eastbourne Borough Plan 2007
- Policy C11 from the Eastbourne Core Strategy Local Plan 2013
- Policy D1 from the Eastbourne Core Strategy Local Plan 2013
- Policy D10 from the Eastbourne Core Strategy Local Plan 2013
- National Planning Policy Framework 2012

Site Description:

The applicant's site lies within a predominantly residential area, and within the 'Meads Conservation Area'. Properties in this cul-de-sac comprise of a mixture of dwelling houses and self-contained flats, two and three storeys in height.

The applicant's property is an end terrace and of a 'gable end' roof design. The overall area of the applicant's site covers an amount no greater than 95m², to include a front, side and rear amenity area that amount to 48m².

Relevant Planning History:

- Application for Full Planning Permission (EB/1968/0226) for three additional windows on the end elevation, approved unconditionally on 10.05.1968.
- Application for Full Planning Permission (EB/1970/0284) for 4'9 boundary wall, approved unconditionally on 11.06.1970.
- Application for Full Planning Permission (EB/1980/0360) to demolish attached garage and erect single storey side and rear extension, refused on 01.07.1980.
- Application for Full Planning Permission (EB/1980/0518) to demolish attached garage and erect single storey side and rear extension, withdrawn on 13.19.1980.
- Application for Full Planning Permission (EB/1980/0741) for detached double garage at front, refused on 27.01.1981.
- Application for Full Planning Permission (EB/1981/0664) for single storey extension and alterations to attached garage, approved conditionally on 09.02.1982.

- Application for Full Planning Permission (EB/1983/0397) for car port over two spaces at the front, refused on 27.09.1983.
- Application for Full Planning Permission (EB/1987/0759) for conservatory at rear, approved unconditionally on 03.02.1988.
- Application for Full Planning Permission (EB/1989/0145) for detached double garage at front, refused on 19.04.1989.
- Application for Full Planning Permission (EB/1989/0300) for detached single domestic garage at the front, approved conditionally on 06.07.1989.
- Application for Full Planning Permission (EB/1990/0128) for erection of a front porch, approved unconditionally on 25.04.1990.

Pre-application Enquiry:

Pre-application discussions held on 27.02.2013 with Miss. K. Quint (specialist advisor for Eastbourne Borough Council). Having been shown the plans, it was confirmed the privacy of the properties opposite will not be compromised by the extension, the proposed extension retains a suitable relationship with adjoining properties and the scale of the extension is likely to have minimal impact on the surrounding properties.

Proposed development:

The applicant seeks planning permission to erect a first floor front/side extension (north/east facing) onto their existing flat roofed garage, windows to the upper floor on the front and side elevations (north/east facing) and a balcony to the rear (south facing).

Applicant's Points:

A Design and Access Statements has been submitted with this application, reference has been made to; size, use, layout, scale, landscaping, appearance and access.

Consultations:

- Neighbour notification letters were sent out on 19.04.2013 to nearby properties, which include; 13, 14, 16, 17 Ravens Croft to expire on 10.05.2013.
- Neighbour notification letters for re-consultation on revised drawings were sent out on 17.05.2013 to; 13, 14, 16, 17 Ravens Croft to expire on 31.05.2013.
- A site notification was placed nearby; this 'Notice of Application for Planning Permission' was carried out on 19.04.2013, which expired on 10.05.2013.

- A second site notice was placed on site; this 'Notice of Application for Planning Permission' was carried out on 17.05.2013, which expired on 31.05.2013.

Statutory Consultee:

- Letter for statutory consultee sent to Meads Community Association on 17.04.2013 to make observations and comments before 10.05.2013.
- Letter for statutory consultee sent to Historic Buildings Advisor on 17.04.2013 to make observations and comments before 10.05.2013.

Statutory Consultee Response:

- Letter received from Ms. C. Dales (Historic Buildings Advisor) on 30.04.2013 in relation to the initial drawings submitted, stating:

"The proposal is to construct an extension to roof height. The property is end of terrace in a 1970s development. The property is within an 'open grounds' style of landscaping, typical of the era, which allows full view of all elevations from the public realm, notably from Ravens Croft, and South Cliff.

The proposal is to build over the existing garage space, to increase accommodation. The proposal specifies that the materials – hanging tiles, roof tiles and brickwork will match existing. This is welcomed, as the proposal will not detract from the terrace or setting generally, which is little altered. If it becomes difficult to source matching materials, alternatives should be subject to approval. The fenestration is noted as 'upvc to match existing'. It is recommended that the profile be approved. Any flues or pipes which are necessary should be sensitively sited, and concealed where possible.

It is recommended that the application be approved."

Additional comments received from Ms. C. Dales (Historic Buildings Advisor) on 28.05.2013 in relation to revised drawings submitted on 22.05.2013, stating:

"It is recommended that the application be approved, subject to details."

- Conservation Area Advisory Group meeting held on 14.05.2013. The Group raised objections to the proposal, in relation to the initial drawings submitted, stating:

'It would have a detrimental impact on the surrounding conservation area. Given that the building was placed in a prominent position, the character and architectural purity of the area would be compromised by the proposed scale and mass of the extension.'

Summary of Neighbour Representations:

16 letters of objections were received, the following objections, which are considered to be material planning considerations, are summarised as follows:

Privacy and overlooking

- The proposed development will result in the windows on the front elevation of the proposed first floor addition to overlook the windows of the adjacent flat (13 and 14 Ravens Court).

Overdevelopment of the site

- The proposed development will result in an overdevelopment of the site, lack of garden space.

Building scale, mass

- The proposed development by reason of massing shall be detrimental to the character and appearance of the host dwelling.

Parking

- The proposed development will result in lack of parking space and place further pressure to on0street parking.

Design

- The layout and position of the proposed development is not in keeping with the row of terraces, which holds local distinctiveness.
- The proposed development is unattractive and would upset the balance and conformity of the current setting and the staggered effect of building lines;
- Loss of distinctive character and style;
- The sun-tubes would not reflect the character of the area;

In addition, the following concerns were raised, but are not material planning considerations, and in some instances not applicable on this application:

- Block views of English Channel;
- Loss of open space or spatial amenity (shared amenity area);
- Contrary to the original master plan of the area;
- Proposals to sub-divide the property into two dwellings;
- Previously refused planning applications: EB/2007/0467 and EB/2007/0558;

2 letters of support were received, the following endorsements, which are considered to be material planning considerations, are summarised as follows:

- Previously approved planning applications: EB/2005/0618 and EB/2011/0010 hold substance to the proposed scheme;
- The proposed development blends in well to its surroundings;
- The proposed development takes up no further garden space or green space, nor does it encroach on the landscape environment;
- The proposed plans are in sympathy with the character of the area and conform to the design of present properties situated in Ravens Croft;

Appraisal:

Building Height

The applicant's proposal is to build upwards from their existing garage, the existing height measures in at 5.7m, the proposal is to increase this to 14.4m taking into consideration the vary roofshapes. By comparison, the proposed addition demonstrates a 'step down' of 1.4m beneath the ridge height of the original roof. The height on the proposed scheme appears subservient to its parent building and therefore portrayed as an extension to the existing, in no way an over dominant addition. The proposed scheme therefore falls in keeping with saved 'Policy UHT2' on '*Height of Buildings*' from the Adopted '*Eastbourne Borough Plan 2007*'.

Amount

The applicant's proposal shall make no enlargement to the existing footprint of their garage, on which they plan to extend from. The existing footprint covers an area amounting to 10.7m², in comparison; the main dwelling occupies a floor space amounting to 28.4m² (excluding the garage area). The cubic volume of the existing garage remains at 912m³, the proposal shall introduce a further storey at 1008m³ to include a roof amounting of 326m³. The addition is considered a modest proportion when compared to the existing dwelling that measures in at 4090m³ and roof space which amounts to 1988m³, overall floor space shall remain unaffected at 48m². The proposed scheme is therefore considered appropriate in its form, bulk and mass, in keeping with saved 'Policy UHT1' (b) on '*Design of New Development*' from the *Eastbourne Borough Plan 2007*'.

Scale

The proposed addition has a projected depth of 16.8m and width of 12m, considerably less than the original dwelling which has a projected depth of 23.9 and width of 15.7m. The proposed scheme has therefore demonstrated a 'step back' from the end flanking wall of the original dwelling (south facing) by 7m.

The proposed scheme is considered a modestly scaled addition and shall in no way create any overbearing or overshadowing impact, the general principles associated to its scale are considered appropriate in its setting, and the scheme therefore complies with saved 'Policy UHT1' (b) on '*Design of New Development*' from the '*Eastbourne Borough Plan 2007*'.

Character and Appearance,

The proposed addition displays a design from which its roofshape, roofslope, and eaves height, that mimic features found on the existing dwelling. The scheme is sited in a prominent position, all elevations are exposed and made visible from several vantage points, and the proposed addition compliments the architectural detailing and integrity of the existing build by way of symmetry, grasping the fundamental principles on good design. In context, the scheme blends in well with the row of terraces by way of retaining the 'staggered line'. It is therefore considered, that the appearance of this building shall be preserved, the character of the conservation area enhanced and visual amenity safeguarded. The proposed scheme therefore compliments saved 'Policy UHT1' on '*Design of New Development*'; saved 'Policy UHT4' on '*Visual Amenity*', saved 'Policy UHT15' on '*Protection of Conservation Areas*' and 'Policy H020' on '*Residential Amenity*' from the Adopted '*Eastbourne Borough Plan 2007*'. The proposed scheme further adheres to 'Policy C11' on the '*Meads Neighbourhood Policy*' and with 'Policy D1' on '*Sustainable Design*' from the '*Eastbourne Core Strategy Local Plan 2013*' and in line with design principles from '*Eastbourne Borough Councils Supplementary Planning Document 2013*' on '*Sustainable Building Design*' and from '*Eastbourne Borough Councils Supplementary Planning Guidance 2013*' on '*Eastbourne Townscape Guide*'.

Windows on the front elevation (north facing) portray the same length, width and height to those found on the original build. The two windows formed on the side elevation (east facing) also fall in alignment to existing windows and are fenestrated accordingly, to include weatherboard panelling as retention of existing decorative feature. The balcony to the rear elevation (south facing) has been fenestrated in line to the existing, a 'step in' has been shown which distinguishes the original from the new, linear lines match accordingly. The proposed balcony creates a distinguished facade in keeping with the character of the streetscene, a 'uniform' effect that falls in harmony given its setting. The proposed scheme therefore compliments saved 'Policy UHT1' on '*Design of New Development*'; saved 'Policy UHT4' on '*Visual Amenity*', saved 'Policy UHT15' on '*Protection of Conservation Areas*' and saved 'Policy H020' on '*Residential Amenity*' from the Adopted '*Eastbourne Borough Plan 2007*'. The proposed scheme further adheres to 'Policy C11' on the '*Meads Neighbourhood Policy*' and with 'Policy D1' on '*Sustainable Design*' from the '*Eastbourne Core Strategy Local Plan 2013*' and in line with design principles from '*Eastbourne Borough Councils Supplementary Planning Document 2013*' on '*Sustainable Building Design*' and from '*Eastbourne Borough Councils Supplementary Planning Guidance 2013*' on '*Eastbourne Townscape Guide*'.

Materials

The Description of the proposed materials and finishes have been specified as; Walls '*facing brickwork to match the existing*'; Detailing '*timber frame and weather boarding with tile hangings to match the existing*'; Roof '*plain tiles to match the existing*'; Windows '*Double glazed PVCu units to match the existing*'. Additional information has been provided on the Design and Access Statement under the heading '*Appearance*' which address the applicants choice on materials and finishes. It has therefore been considered that the proposed choice of materials and finishes would in fact complement the existing materials and finishes of the host building. The proposed scheme and its choice on materials have been utilised sympathetically and in keeping to its surroundings, on this basis, the scheme preserves and enhances the character and appearance of this conservation area. The proposed scheme therefore conforms to saved 'Policy UHT1' (b) on '*Design of New Development*' and with saved 'Policy UHT4' (c) on '*Visual Amenity*', saved 'Policy UHT15' on '*Protection of Conservation Areas*' and 'Policy H020' on '*Residential Amenity*' (e) from the Adopted '*Eastbourne Borough Plan 2007*'. The proposed scheme further adheres to 'Policy C11' on the '*Meads Neighbourhood Policy*' and with 'Policy D1' on '*Sustainable Design*' from the '*Eastbourne Core Strategy Local Plan 2013*' and in line with design principles from '*Eastbourne Borough Councils Supplementary Planning Document 2013*' on '*Sustainable Building Design*'..

Access

Vehicular access to the site shall remain unaltered; the provisions in place include a driveway and garage capable of accommodating two vehicle parking spaces. The proposed plans include a layout to introduce a further two more bedrooms to create a five bedroom house. Notwithstanding this, there is to be no increase in the number of householder occupants and the scheme therefore satisfies the essential requirements and guidance found from 'East Sussex County Council' on '*Guidance for Parking at New Residential Development*'. The proposed scheme adheres to the approved car parking standards and in line with saved 'Policy TR11' on '*Car Parking*' from the Adopted '*Eastbourne Borough Plan 2007*'.

Movement

Inclusive access to the site and any space around the building shall again remain unaltered; the proposed scheme is to build on the footprint of the existing and development to be kept within the curtilage of their own site and set away from the boundary wall by 0.25m, which includes all bargeboards, the outside corners of rain gutters and drop-outlets. The external site plan and internal floor plan are free-flowing and allows 'ease of movement'. The proposed scheme compliments design principles from '*Eastbourne Borough Councils Supplementary Planning Document 2013*' on '*Sustainable Building Design*'.

Amenity Space

The applicant's site measures in at 95m², from which the private amenity areas have been calculated as 48m². The existing and proposed floor space of the dwelling are to remain unaltered at 47m², comparative to the private amenity space which is shown to retain 50% of the overall site and this considered plentiful, satisfying the assessment criteria of the 'two-thirds, one-third' rule. The proposed scheme therefore conforms to saved 'Policy UHT1' on '*Design of New Development*' and with saved 'Policy H020' on '*Residential Amenity*' from the Adopted '*Eastbourne Borough Plan 2007*'.

Privacy

Windows on the front elevation (north facing) are sited at a distance of 20.7m away from the windows of the closest property (14 Ravens Croft). The same windows on the front elevation (north facing) are sited at a distance of 25m away from the windows of the second closest property (13 Ravens Croft). The distance to both these properties is considered appropriate insofar to not warrant the need for 'obscure glazing'. It is therefore considered that the proposal reaches a safe distance to not create cause for concern with regards to overlooking, and the amenities of nearby properties to remain unaffected. The proposed scheme falls in accordance with saved 'Policy H020' (b) on '*Residential Amenity*' from the Adopted '*Eastbourne Borough Plan 2007*'.

Revised scheme

The initial drawings submitted 'Proposed Plans and Elevations' DWG No: 4971-04 Revision A' received on 28.03.2013 have been revised to 'DWG No: 4971-03 Revision B' and 'Dwg No: 4971-04 Revision B' on 22.05.2013. The amended scheme has removed the sun-tubes from its roof, an area that was a cause for concern by many residents and also the Conservation Area Committee who felt it affected the aesthetic quality of the roof, hence affecting the character of the conservation area. The sun-tubes formed part of a bathroom and landing area which do not form part of was is classified as 'habitable rooms' and therefore its removal was welcomed. Additional changes include the introduction of a balcony inset on the end elevation (north facing) which improved on the aesthetic quality of this facade, by removing windows that spoil the appearance and flow adjoining balconies.

Loss of open space

The open feel of the area shall remain unaffected, the site and surrounding area retain many 'open pockets' of land and grass verges that make this conservation area unique. On the side of the site (east facing) a grass bank remains exposed to create this 'open feel', amounting to 375m², this considered a far greater amount than that held by the terrace property on the adjacent side which amounts to 103m², in terms of 'master planning' for the area, the existing layout and plot alignment fall somewhat unbalanced in its present state. Notwithstanding this, the proposed scheme shall in no way result in the loss of important areas of public amenity space as development is being carried out within the curtilage of the applicants own site and not on shared land, therefore in keeping with saved 'Policy UHT8' on '*Protection of Amenity Space*' from the Adopted '*Eastbourne Borough Plan 2007*'.

Previously refused schemes

Several complainants have made reference to two previously refused planning applications in the area; 10 Ravens Croft (Planning Reference: EB/2006/0668) and 14 Ravens Croft (Planning Reference: EB/2007/0558), expecting a benchmark from their decision to be implemented. It needs to be noted that all planning applications are judged on its own individual merits, notwithstanding this, it needs to be noted that these submissions were both for 'the erection of new dwelling houses', therefore a complete different set of assessment criteria's and planning issues were raised. Both schemes were subsequently refused as they showed a high level of unsympathetic and inconsistent form of development being proposed from the existing, and in open areas of land.

Planning Precedent

Supporting comments have made reference to one previously approved planning application in the area; 22 Ravens Croft (Planning Reference: EB/2005/0618). This property forms the end terrace on the opposite side of this application site; proposal to 'demolish the existing extension and the erection of an attached dwelling with parking space at the rear' was approved conditionally by the Council on 02.11.2005. The scheme was considered far larger in scale, bulk, mass then the one presently put before the Council and sited on the same row of houses.

Supporting comments have made reference to a further planning application which was approved in the area; 14 Ravens Croft (Planning Reference: EB/2011/0010). This property forms the dwelling directly adjacent to the applicant's site, proposal for the 'Installation of a balcony as well as other external alterations' was approved conditionally on 04.03.2011.

Human Rights Implications:

The proposed first floor addition shall create no detrimental impact on the amenities of adjacent residents. The proposed scheme shall in no way create any overbearing, overshadowing or overlooking form of development. The character and appearance of the conservation area shall remain unaffected, as the proposal complies with relevant saved policies from the Borough Plan.

Conclusion:

The proposed scheme by virtue of its design, scale, amount, massing, height and use of materials fall appropriate to its surroundings and would not fall detrimental to the visual amenity of the existing building or to the conservation area it is set in. Subject to conditions, the proposal accords with Eastbourne Core Strategy Local Plan (2012), saved policies from the Eastbourne Borough Plan (2007) and the National Planning Policy Framework (2012).

Recommend: Permission be granted approval subject to the following conditions:

1. Details – Development timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Details – Material details

The development hereby permitted shall be constructed entirely of the materials details and description of which are stated on the '*Application Form*' received on 27.02.2013 and 'Plans and Elevations' received on 22.05.2013 labelled 'DWG No: 4971-03 Revision B' and 'Dwg No: 4971-04 Revision B'.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

3. Details – Compliance with revised drawings

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the 'Proposed Plans and Elevations' received on 22.05.2013 labelled 'DWG No: 4971-03 Revision B' and 'Dwg No: 4971-04 Revision B'.

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.

Summary of recommendations:

The proposed development would be acceptable on its planning merits, as it would be compatible with the scale and character of the existing dwelling and would not adversely affect the amenities of neighbouring properties and is in accordance with the Eastbourne Core Strategy Local Plan (2012); saved policies from the Eastbourne Borough Plan (2007) and the National Planning Policy Framework (2012). Having regard to the material considerations and all other matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission, subject to conditions.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.