

<b>App.No:</b> 160677	<b>Decision Due Date:</b> 13 August 2016	<b>Ward:</b> St Anthony's
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 25 July 2016	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> N/A		
<b>Neighbour Con Expiry:</b> 20 July 2016		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To bring to planning committee		
<b>Location:</b> 65 Moy Avenue, Eastbourne		
<b>Proposal:</b> To erect raised decking 1.1m above ground level projecting 3m from the rear of the existing ground floor rear extension.		
<b>Applicant:</b> Natalie Edwards		
<b>Recommendation:</b> Refuse Planning Permission		

**Executive Summary:**

This application was deferred from August Planning Committee in order to allow the applicant to address Committee.

This application has been referred to planning committee by the Chair in order to allow the Members of Planning Committee discuss the merits and issues surrounding the application.

The application proposes a raised decking/terrace area 1.1m above ground level 3m in depth to the rear of an existing ground floor extension part 3m part 5m in length.

The height of the decking at 1.1m above the ground level projecting 3m in depth is considered large and whilst impact in terms of overlooking/privacy to adjacent properties can be mitigated by way of the proposed privacy screen, the bulk of the screening required 2.9m above ground level for 3m is considered cumulatively (the existing extension and the proposed terrace) an unneighbourly form of development which would have a significant impact on the outlook enjoyed by the neighbouring property No.67 Moy Avenue.

Therefore it is recommended that planning permission is refused for reasons set out in the report.

## **Relevant Planning Policies:**

National Planning Policy Framework 2012

7. Requiring Good Design

Core Strategy Local Plan 2013 Policies

B2 Creating Sustainable Neighbourhoods

D10 A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of new development

HO20 Residential Amenity

## **Site Description:**

The site refers to a semi-detached, two storey single family dwelling on the western side of Moy Avenue.

The property has an existing ground floor single storey rear extension granted planning permission in 2012 with steps down to the garden level which is approximately 1.1m below the floor level of the extension.

## **Relevant Planning History:**

120428

Erection of a single storey extension and raised decking to the rear  
Extension 3.7m in depth, decking a further 3m at 1m above ground level adjacent to the boundary.

Refused – Dismissed at Appeal

03/08/2012

120581

Single storey rear extension

3m in depth on the boundary with No.67, extending to 5m, 2m set back from the boundary, 4.6m in height. This application did not include a decking area but instead had two sets of steps leading from the extension down to garden level.

Approved conditionally

23/10/2012

## **Proposed development:**

The application proposes the erection of a raised terrace area, 1.1m above the garden level, projecting 3m from the rear of the existing extension, set back 2.3m from the boundary with No.67 Moy Avenue, with a 1.8m high (above the level of the decking) privacy screen to either end of the proposed decking area.

## **Consultations:**

63 Moy Avenue have written in support of the proposal.

67 Moy Avenue have objected to the proposal on the grounds of loss of privacy, overlooking and looking down from the decking and loss of light and overshadowing from the screening.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the erection of decking to create a rear terrace providing there would be no significant impact on the amenity of the adjacent properties by way of overlooking or privacy impacts or overshadowing/overbearing impacts from the proposed screening, and the design was appropriate given the setting.

#### Impact of proposed development on amenity of adjoining property No.67 Moy Avenue:

The impact on privacy to this neighbouring property can be mitigated by the positioning of the privacy screen proposed as part of the application. The screen 1.8m in height would restrict overlooking from the terrace toward either neighbouring property.

However the privacy screen itself raises some concerns in relation to the impact on the neighbouring properties outlook and weather the height and visual appearance of the screening would be overbearing on the neighbouring property.

The existing extension to the application property already has an impact in terms of outlook and overshadowing to both the rear elevation of the attached dwelling and the garden level which is lower than the floor level of the property.

There is an existing 2m high fence between the two properties. The applicant submits that for the majority of the day the screening would have little additional impact on that created by the existing fence in terms of overshadowing.

The greatest concern is the cumulative impact of the extension at 5m in total length and a further 3m of privacy screen, albeit set back from the boundary. This results in a bulk of development which is considered overbearing and detrimental to the outlook from the adjacent property's rear elevation and garden level contrary to Policy B2 of the Core Strategy Local Plan which requires new development to protect the residential amenity of existing and future residents and Saved Policy HO20 which states that proposals will be refused unless they demonstrate that they do not cause unacceptable loss of outlook.

#### Impact of proposed development on amenity of adjoining property No.63 Moy Avenue:

The occupiers of No.63 have written in support of the application. This property has a slightly raised garden adjacent to this boundary and is therefore less impacted by the height of the proposed fence. Given the orientation of the properties the privacy screen would also have less impact on this property in terms of loss of light or overshadowing.

#### Design issues:

The existing extension is rendered matching the rear elevation of the property. The application proposes the erection of a timber privacy screen, however the applicant has confirmed that they would consider a different material if considered appropriate.

It is considered however that any material that blocks overlooking and is a solid structure will have a detrimental impact in terms of the cumulative impact of development along the boundary visible to the neighbouring properties. It is considered that the visual bulk and scale of development will not make a positive contribution to the property and that the scale and massing are not appropriate or sympathetic to the setting or relationship with adjoining properties contrary to policy D10a of the Core Strategy Local Plan 2013.

#### Other matters

The council strives to act in a positive and proactive way to seek resolutions rather than opting to refuse applications. The applicant has been advised during the course of the application that the decking should be lowered in height from ground level and reduced in length therefore reducing the bulk of the privacy screening needed and therefore the impact on the adjoining property. However this advice has not been followed the application has not been amended to alleviate officers concerns.

#### **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:**

Whilst the impact on privacy to neighbouring properties can be mitigated by way of a privacy screen, the privacy screen itself is considered unacceptable. The cumulative effect of the privacy screen together with the existing extension results in a bulk of development that would be overbearing to and detrimentally affect the amenity of occupiers the neighbouring property No.67 Moy Avenue.

The applicant has confirmed that they would consider a height and material to privacy screen to the Council's consideration. However, the reduction in

height of the screen would result in unacceptable impacts in terms of loss of privacy.

**Recommendation:**

To refuse planning permission for the following reason;

1. The cumulative effect of the privacy screen together with the existing extension results in a bulk of development that would be overbearing to and detrimentally affect the amenity of occupiers the neighbouring property No.67 Moy Avenue contrary to Policy B2 of the Core Strategy Local Plan and Saved Policy H020 of the Borough Plan 2007.
2. By virtue of the visual bulk and scale of development the proposed terrace will not make a positive contribution to the property and the scale and massing, when considered cumulatively with the existing extension, are not appropriate or sympathetic to the setting or relationship to adjoining properties contrary to policy D10a 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**.