

App.No: 161494	Decision Due Date: 16 February 2018	Ward: Sovereign
Officer: Danielle Durham	Site visit date: 22nd December 2017	Type: Householder
Site Notice(s) Expiry date: NA		
Neighbour Con Expiry: 26 th January 2017		
Press Notice(s): NA		
Over 8/13 week reason: NA		
Location: 1 Somerville Close, Eastbourne		
Proposal: Single storey extension to provide new bedroom and en-suite.		
Applicant: Mr David Helicar		
Recommendation: Approved conditionally		

Executive Summary:

This application is reported to Planning Committee at the discretion of the Senior Specialist Advisor in order to allow all interested parties to be witness to the debate around the issues connected with this case.

The application has been amended following withdrawn scheme (161026) and now proposes a form of development that is consistent with the type and nature of the property whilst maintaining (as far as is practicable in these suburban locations) residential amenity.

Scheme is recommended for approval subject to conditions.

Planning Status:

A residential property within a predominantly residential area.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities

9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Eastbourne Core Strategy Local Plan Policies 2013

C13 St Anthony's & Langney Point Neighbourhood Policy

D5 Housing

Low Value Neighbourhoods

D10a Design

Eastbourne Borough Plan Saved Policies 2007

UHT8 Protection of Amenity Space

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT4 visual amenity

Environment Agency Flood Zones

Flood Zone 2

Tidal Models

Environment Agency Flood Zone

Flood Zone 3

Tidal Models

Environment Agency Flood Defence

Areas Benefiting from Defences

Site Description:

The site consists of a detached bungalow and the end of a close of similarly designed bungalows, 1 Somerville Close is a wider plot than the other bungalows in this close. The front of the bungalows are accessible from a pedestrian footpath to/from Drake Avenue. The front elevations of the bungalows are staggered and 1 Somerville Close is set back the furthest from the footpath. The rear of the properties is accessible by road. Many of the properties in this close have been extended to the rear by conservatories and most have sheds and outhouses in the rear gardens.

Relevant Planning History:

161026

Single storey extension to provide new bedroom and en-suite

Householder

Withdrawn

Proposed development:

There are three elements to this application:-

- Roof extension over the existing garage
- Single storey front extension
- Rear conservatory

Roof replacement to garage

The applicant is seeking planning permission to replace the flat roof of the existing garage with a pitched roof. The proposed pitched roof would increase the height from 2.5m in height to 3m, the pitch of the roof would be approx. 22°.

Single storey extension to the front

The applicant is also seeking to build a single storey extension to the front creating approximately 28m² of new habitable space. The extension will have a maximum depth of 6.7m, a maximum width of 4.7m and extend in advance of the existing front main wall of the property by 1.4m. This extension will provide for an additional ensuite double bedroom.

As part of this element of the scheme the applicants are proposing to extend the pitched roof of the proposed front extension over an existing flat roof side extension.

Conservatory to the rear

The applicant has also proposed a new conservatory attached to the existing living room elevation extending approx. 2.4m from the main dwelling house, 4.14m in width and 2.4m in height.

Consultations:

Internal:

None

External:

Environment Agency- no response

Neighbour Representations:

Objections have been received and cover the following points:

The Occupier 3 Drake Avenue-

- a pitched roof would create a precedent in the neighbourhood
- would lead to over development
- impact the overall look of the neighbourhood.
- No objection to conversion of the garage into extra living space

The Occupier 8 Drake Avenue

- Support for scheme may increase the number of tenants at the property.
- There are current issues where the tenants of number 1 Somerville Close block the rear gates to number 8 Drake Avenue.
- The current tenants are also parking in Drake Avenue. `

- parking would become even worse.
- As for the pitched roof I myself applied for a similar pitched roof and was turned down on the grounds the proposed development would be detrimental to the visual amenities of the locality my application was turned down.'

Officer comments in response:

Application EB/1999/0122 for 8 Drake Avenue was for a first floor extension with a hipped roof that was refused predominantly on the grounds of the loss of spacing between properties on Drakes Avenue causing detrimental impact to the visual amenity of Drakes Avenue.

The properties on both Drakes Avenue and Somerville Close all have pitched roofs with gable ends as such it is considered that the proposed pitched roof is appropriate for the area. The properties on Drakes Avenue and Somerville Close are different in a number of ways including that Drakes Avenue are all two storey dwellings and that Somerville Close is all single storey bungalows. It is also considered that there is unrestricted parking in the close and on the adjoining roads including Cunningham Drive, Drake Avenue and Hood Close. There is adequate parking in the area

The Occupier - 10 Drake Avenue-

- overshadowing,
- overbearing/loss of privacy,
- loss of daylight to habitable rooms,
- risk of setting a precedent.

Stephen Rimmer LLP Solicitors on behalf of the occupier of 10 Drake Avenue

- 1) **Overshadowing**- The additional height of the planned extension will entirely reduce the direct light that our client's garden receives at present and therefore cause a significant loss of enjoyment for him in the future. The loss of light should be a critical factor in any decision made.

Officer's comments in response :

The height of the garage roof would be increased by approximately 0.5m to the highest point, this highest point would be in the centre of the roof and approx. 1.75m from the boundary with the neighbouring property.

The new roof would have a slack pitched roof somewhere in the region of 22°, resulting in an increase in height of 0.5m. The siting of the property and its relationship with the neighbouring plots is such that a refusal of permission based on the loss of residential amenity could not be substantiated.

The scheme proposes a pitched roof over the new extension and also a new pitched roof over the existing side extension. The proposed pitched roof over

the existing side extension would be at a height of approx. 3.75m this would be approximately 3.45m from the boundary with 10 Drake Avenue.

It is considered alongside this that under permitted development side extensions can be built to a maximum height of four meters. Officers have evaluated the evidence supplied by the objector/their representatives and have acknowledged that the light impacts to the rear of the subject property is impacted by existing site features such as neighbouring trees and an existing structure within their garden.

2) loss of light to habitable rooms- The higher structure of the planned extension will also impact on the amount of light entering our clients living room, which looks outward to the garden and therefore faces the planned extension. Presently, our client is able to enjoy his living room with light entering through the window most of the day. If the planned extension received permission, he and all future owners of the property) will lose this enjoyment permanently.

Officer's comments in response :

The increase in height of the roof of the garage will be an additional 0.5m, the additional height to the side extension would also be increased by 1m pitch of both roofs will be approx. 22. ° .

The neighbours property is separated from the proposed extension by approximately 4.5m using the tests described in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice'. it is clear that from the midpoint up the facing windows of the property that the 25 degree angle would not be breached.

3)Overbearing/ Loss of privacy- On the document marked elevation plan, the north elevation diagram demonstrates that both windows will look directly over and into both our clients garden and, given the immediate proximity (less than 5 meters) his property. Our client understands that the lower of the two windows will be obscure glazed, however this will still cause a direct feeling of being overlooked, whilst the view from the, higher, Velux window will be of his garden, living room upstairs shower room and rear bedroom. It is clear that the Velux window will cause overlooking and a loss of privacy.

Officers comment in response:

The lower window on the side elevation would be set back from the boundary and would wholly be obscured by the 2m fence separating the properties. The proposed roof pitch is approximately 22. degrees as such the Velux window would be angled to have a view skywards and as such it is considered not to have any material direct overlooking and loss of privacy to the occupiers of the neighbouring plots/properties and habitable rooms.

4) Risk of setting a precedent-There are a number of flat roof extensions in the vicinity of the planned extension and our clients property. There is a risk that planning permission given for structurally higher, pitched roofs could result in a precedent being set which would affect the entire neighbourhood and a negative effect on the amenity of the property and the neighbouring properties.

Officers comments:

It is noted that there are significant rights available under permitted development rights which would allow for pitched roof extensions to be built without the requirement of planning permission. In conjunction with this all applications are assessed under their own merits and this extension would not create a precedent in the area.

**Appraisal:
extension to the side/ front and alterations to the roof:**

Principle of development:

There is no objection in principle to home owners wishing to adapt and alter their properties to meet their changing family needs and requirements.

Any proposed extension/alterations to the building should be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The main issue to consider when assessing this application is the impact of the proposal on the character of this residential area, and how the development impacts upon the visual amenity of the area and residential amenity.

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

Residential amenity

Given the size, design, appearance of the proposed extension/ adaptations and the orientation of this property in relation to its neighbours is such that that there would not be any material loss of residential amenity by way of direct overlooking or sunlight loss. This is due in part to the location of the flank windows, height of the retained boundary walls and location of roof windows and existing hedge tree screen.

Officers are mindful of the fall-back position in terms of the extent to which homeowners can extend/adapt/alter their dwellings without the need for planning permission (permitted development rights). It is considered that significant elements of this proposal could be built without planning

permission and any refusal of planning permission should have regard to this issue.

The withdrawn application had the extension to the front and side of the property going right up to the common boundary with the properties on Drakes Way, this application has been set back from this common boundary by approx. 1.25m and in doing so reduces the impact upon the occupiers of the adjoining properties to an acceptable level.

In summary it is considered that there is not a significant adverse impact to the residential amenity of neighbouring properties, by way of the proposed development, sufficient to warrant refusal.

Design

This street is formed by small detached bungalows and that this single storey extension and the pitched roof to the garage reflects the character of the other properties in this area. In this regard the proposed extensions maintain the local distinctiveness of the area.

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

This property is neither in nor near a conservation area and as such will not cause an adverse impact on a conservation area. This building is not listed and as such the proposals will not have an impact on a listed building.

Impacts on trees:

The proposed front extension to the front elevation would be in close proximity (approx. 1.3m) to the neighbouring trees these trees are not of a local importance requiring protection.

Impacts on highway network or access:

There is a significant amount of unrestricted parking in this area on Somerville close and nearby Cunningham Drive. It is considered the increase in bedrooms and occupants would be sufficiently accommodated by the unrestricted parking on Cunningham Drive and Somerville close along with the garage.

Appraisal conservatory:

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

The proposed conservatory is to replace an existing conservatory and as such is considered to have a neutral impact on overlooking, overshadowing, and loss of privacy.

Design issues:

The conservatory is considered to be designed appropriately in terms of size material and bulk.

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

The property is not a listed building or in a conservation area and as such would not have an adverse impact to either.

Impacts on trees:

The proposed conservatory would fall within the footprint of the existing conservatory and as such would not have an adverse impact on trees.

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 the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

Recommendation:

Approve conditionally

Conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 22nd December 2016:

- Drawing Number 94222/004/A- proposed elevations
- Drawing Number 94222/003/A – Proposed floor plans
- Drawing Number 94222/005/A- Proposed roof plans
- Drawing Number 94222/LP/A- Proposed Site Location Plan

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

3) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding

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**.