

<b>App.No:</b> 170748	<b>Decision Due Date:</b> 11 August 2017	<b>Ward:</b> Ratton
<b>Officer:</b> Danielle Durham	<b>Site visit date:</b>	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 9 July 2017		
<b>Neighbour Con Expiry:</b> 9 <sup>th</sup> July 2017		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> 36 Wish Hill, Eastbourne		
<b>Proposal:</b> Refurbishment of existing bungalow to consist of proposed new utility and swimming pool extensions, conversion of garage to form annexe bedroom and ensuite along with new parking area for 2no. vehicles.		
<b>Applicant:</b> Mr & Mrs T COLEMAN		
<b>Recommendation:</b> Approve Conditionally		

**Executive Summary:**

This application covers a number of elements including conversion of garage to habitable room; single storey side and rear extensions to facilitate a pool house, pump room and utility room; new parking; new porch; a new boundary wall and an extended patio area. It is considered that the proposed developments are acceptable and would accord with National Advice and Local Policies.

The application has had a number of objections from nearby neighbours their comments are highlighted within the body of the report below.

The proposed extension (s) are considered to be acceptable and appropriate to the host property and the impacts that fall from the proposal are considered to result in insufficient harm to substantiate a reason for refusal.

The scheme is recommended for approval.

**Planning Status:**

Residential property within a predominantly residential area.

**Constraints:**

**Willingdon Levels Catchment Area**

### **Relevant Planning Policies:**

#### National Planning Policy Framework

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

C12 Ratton & Willingdon Village Neighbourhood Policy

D5 Housing

D10a Design

High Value Neighbourhoods

#### Eastbourne Borough Plan Saved Policies 2007

US4 Flood Protection and Surface Water

HO2 Predominantly Residential Areas

### **Site Description:**

The site consists of a bungalow that is set back from Wish Hill accessed via a long driveway. The property sits between Wish Hill and Upper Kings Drive and is not visible from either road due to its location.

The ground level on Wish Hill is generally higher than the land and properties on Upper Kings Drive.

The other properties on Wish Hill are generally semi-detached two storey dwelling houses with long gardens. The properties on Upper Kings Drive are predominantly detached dwellings set back from the road, number 1a Upper Kings Drive is a bungalow that is significantly set back from the road with a driveway that passes a substation that is close to the road. As such the closest property to 36 Wish Hill is 1a Upper Kings Drive at 6m from the boundary.

36 Wish Hill is on a sloping piece of land with a slightly pitched roof reflecting the ground level below. The existing eaves height closest to the properties on Upper Kings Drive is currently 2.3m. The highest part of the roof is approx. 3.75m above ground level.

The design of the bungalow is newer and different to the design of a majority of the properties in this area.

There are currently substantial and well established hedges and trees along both sides of the boundaries with many of the surrounding properties except between this site and 1 Upper Kings Drive, where there is new fencing and little vegetation on either side.

**Relevant Planning History:**

EB/1985/0378

ERECT ATTACHED GARAGE & REMOVE CAR PORT

Approved Unconditional

1985-09-04

EB/1983/0489

CAR PORT AT SIDE

Approved Unconditional

1983-11-21

**Proposed development:**

Parking:

Install two parking spaces on the east elevation of the property; this would be built with concrete. There would also be steps leading down to the front of the property from the hard standing area. To facilitate this a number of non-trees will be removed.

Extended patio:

An extension of the existing patio on the North West side of the property. This would be at a lower ground level than the ground level of the dwelling and the neighbouring properties. There is proposed a new retaining wall in render to match the walls of the bungalow.

Single storey rear extension (utility room):

Single storey mono pitched roof side extension that would be the same height as the existing roof line of the main dwelling. There would be a window on the north elevation and the east elevation.

Porch:

Porch on the south elevation, in the location of the existing porch. The proposed porch is larger and would be glazed/ have full length on all three elevations. The porch would be approx. 3.45m<sup>2</sup> extending 2.2m at the largest point. The roof of the porch would be approx. 4.1m in height and the roof would continue the roof pitch of the main dwelling.

Garage conversion:

An annex-type conversion to the garage to convert it from a garage to habitable rooms, specifically a bedroom, bathroom, and kitchen. The garage will retain the same roofline, height, and external structure, however the

existing window and garage door on the South elevation would be replaced with UPVC French doors and windows.

Side and rear extension:

A single storey extension behind the existing garage and the existing main dwelling, spurring off alongside the rear boundary. This would provide for a new studio, pool house, pump room, and shower room.

The eaves height of the extension to the rear of the garage would match the height of the garage.

The extension to the rear would have a mono pitched roof that at the highest point would be approx. 4.6m this would be at the lowest ground level point nearest the boundary with number 31 Upper Kings Drive. There would be no windows on the rear elevation facing the boundary with number 7 Upper Kings Drive. This is adjacent to a large garden. There is proposed Bi-fold door on the east elevation and the south elevation of the proposed extension. There is also proposed high level windows to serve the East elevation.

Single storey rear extension (utility room):

The applicants are seeking permission for a single storey rear extension to the existing kitchen at the rear of the property to provide a utility room. This would have a mono pitched roof and a single window to the North Elevation. At the highest point it would be 4m in height, 3,7m in width and would extend out approx. 2m from the existing rear elevation.

Other alterations:

The applicants are also seeking permission planning permission for a 2.4m high rendered brick wall with a 1m wide gate for access to the garden.

The applicants are also looking to increase the height of the chimney by 0.8m.

As part of the works the existing walls would be painted in a new render to match the proposed extensions. The roof materials are proposed to match the existing roof.

### **Consultations:**

External:

No comments received.

Neighbour Representations:

7 Objections have been received from local residents commenting in the main on the following issues:

- overdevelopment of the land,
- not in keeping with the surrounding properties,

- the residents have not been at the property and it is potentially being extended for business purposes.
- Too close to the adjoining properties.
- Leaving a small garden is out of keeping with the adjacent properties.
- The pump house will be noisy and this will result in complaints to the environmental health team.
- If approved this will create a precedent.
- There would be little space between 1a Upper Kings Drive and the site the noise in combination with the road would be excessive.
- This would lead to neighbour disputes in the future.
- The bi-fold doors would affect right under the Human Rights Act.
- There is a separate kitchen which may lead to a separate use.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development and making alterations to the building provided it would 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).

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

**Parking area**-The proposed parking area is located to the furthest south westerly point of this property; the car parking area would require the removal of some non-protected trees. The proposed parking spaces would replace the parking that is removed as part of other elements of this proposal and would as such be used to mitigate against issues with parking and impact to the shared driveway.

It will be conditioned that the proposed parking area should have sufficient drainage to allow surface water run of to go to the natural water table to prevent water running down the steps to the front of the dwelling or potentially impacting properties downhill at Upper Dukes Avenue.

**Extended patio**-The extended patio would be at a lower ground level to the neighbouring properties on Wish hill and it would be tucked behind the property. It would have limited outward views due to being at such a lower ground level and as such is considered to have no adverse impact to the residential amenity of the neighbouring properties.

By way of the proposed patio being at a lower ground level there is considered to be no adverse impact by way of overshadowing or loss of light to neighbouring properties.

**Porch**-The proposed porch would be in the same location as the existing, as it will not be a habitable room and that there will not be significant dwell time in this location it leads to the conclusion that the new porch would have a neutral impact to loss of privacy and overlooking.

Due to its location on the front elevation it is considered that there will be no loss of light or overshadowing to neighbours as there are no neighbouring properties in close proximity to the proposed porch.

**Garage conversion**-Overlooking/ loss of privacy

It is considered that the proposed garage conversion would not cause a significant adverse impact by way of overlooking to 36a Wish Hill as the proposed new windows in place of the garage door would be obscured from view partially by the proposed new 2.4m high wall and mature hedging plants. The height of the garage is not proposed to increase; it is also not proposed to increase in size on the front elevation.

The closest property to the garage is number 1a Upper Kings Drive. It is approx. 6m away from the garage; this is the closest element of the proposed works to number 1a. It is separated by a 2m high fence and established trees within the boundary of number 36 Wish Hill. As there is not proposed increase to the size of the existing garage it is considered that there would be no additional overshadowing, loss of outlook or loss of light.

It is considered that garage conversions to habitable spaces can be undertaken under permitted development without the requirement of planning permission.

**Single storey side and rear extension-**

- *Impacts to 1a upper kings drive*

The proposed extensions, pool house and garage conversion are considered to not have a significant adverse impacts to the residential amenity of 1a upper Kings Drive for the following reasons. The plant room and shower room would be at a distance of approx. 15.5m from this neighbouring property, due to the distance and the orientation of the properties there would be no loss of light, or outlook caused by this part of the proposal.

The occupants of nearby properties have objected to the potential noise, it is however noted that an outhouse could be built with similar dimensions for a pool pump under permitted development, in turn the applicants could have also built an outdoor pool with outdoor pump systems that would fall under permitted development not requiring planning permission.

Notwithstanding the proposed pool house would be approx. 12.15m in distance from number 1a Upper Kings Drive. Again due to the distance and the orientation of the properties there would be insignificant loss of light,

overshadowing and loss of outlook. Due to the approx. 2m high boundary fence and established trees the impact would be minimal.

The occupants have raised concerns with the noise that would come from the pool and living space through the bi-fold doors, it is considered that on balance there would be less impact of noise from the pool users than had a pool been built under permitted development rights, outside with no walls to minimise the impact of noise. The noise levels will be conditioned as to protect the neighbours from potential adverse impact from noise of the pool pump.

In regards to privacy, it is considered that as there is a fence and established trees on the boundary alongside this the windows would not be at an angle facing the direction of number 1a. The windows proposed on the side of the garage would face in the direction of number 1 Upper Kings Drive and the windows on the side of the extension for the pool would face the garden of 36 Wish Hill and in the direction of 36a Wish Hill views are obscured by trees and bushes. As such it is considered there would not be significant adverse impact from overlooking.

***Single storey side and rear extension-***

- *Impacts to 1 Upper Kings Drive*

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The proposed extensions, pool house and garage conversion are considered to not have a significant adverse impacts to the residential amenity of 1 Upper Kings Drive for the following reasons.

The rear garden of number 1 Upper Kings Drive is approx. 27m long from the rear elevation of the property to the boundary, this plus the distance from the proposed windows on the side elevation of the garage would be approx. 35.5m and from the windows on the proposed garage conversion and 31m from the bi-fold doors on the pool. It is also considered that there is existing windows on the site that currently have windows facing in the direction of number 1 Upper Kings Drive. It is considered that although this property is at higher ground level, the proposed extension is only single storey, in addition at a distance of 31m overlooking would not be significant and would not warrant refusal. It is also considered that a single storey side extension with clear glazed windows or doors could be built to the side elevation of this property under permitted development not requiring planning permission. It is also considered that the high level windows would not provide any overlooking as it is above head height of the occupants.

Due to the significant distance and orientation of the properties the proposed extension would not cause a significant adverse impact by way of loss of light or over-shadowing.

As discussed above in regards to noise impacts, the applicants could build an outside pool with outside pool pumps and filters under permitted

development with no planning control. There would be conditions put in place to prevent any excessive adverse impact by way of noise from the plant room.

### ***Single storey side and rear extension-***

- Impacts 3 Upper Kings Drive

The proposed extensions, pool house and garage conversion are considered to not have a significant adverse impacts to the residential amenity of 3 upper Kings Drive for the following reasons.

The closest element of the proposed works to number 3 Upper Kings Drive is the pump house, this is the smallest element in height at approx. 2.7m in height. This would be approx. 10.5m in distance between the pump house Number 3. This element is unlikely to have a significant impact to light to the windows at the rear of number 3 as it is set back from the boundary and it would be at a similar height to what would be permitted development for an outhouse. There would be no overlooking from the pump house and the pump house would obscure views from the bi-fold windows of the pool house and garage conversion, mitigating against a significant adverse impact of overlooking.

The taller element of the pool house would be 12m away from the rear of number 3, although this is proposed to be approx. 4.5m in height, due to the orientation of the properties there would be no significant loss of light to the rear of number 3 caused by the proposed extension.

Other alterations:

The proposed brick wall is considered to not cause a loss of light or overshadowing to neighbouring properties. Due to the location within the land of this property and the relationship with number 36 Wish Hill it will reduce any adverse impact of overlooking from the proposed windows to be added as part of the garage conversion.

The proposed increase to height of the chimney is considered due to its nature to have no adverse impact on privacy and due to its location and size it would not cause a and significant adverse impact to outlook, or light to neighbouring properties.

It is also noted that an outside pool could be built in the same location or closer to the boundary that the proposed under permitted development. An indoor pool would mitigate against the having noise levels the same as an outside pool. It is also considered that there could be an out building built within 2m of a boundary that would be 2.5m in height built under permitted development rights that would have more significant impacts to overshadowing, loss of light and loss of privacy.

Design issues:

The property is a 1960's style building and is the only single storey property of this style or design along either Wish Hill or Upper Kings Drive; as such the design of the property and the proposed extensions cannot be directly compared to the surrounding properties. It is also considered that as the property is individual in design that any decision for this site would not create a precedent for this area, in addition all applications are considered on their individual merit.

The proposed extensions and developments have been designed to be in keeping with the 1960's style of the building and uses a similar design and scale to the existing dwelling and as such is considered to be in keeping with the host building.

The property is set back from both Wish Hill and Upper Kings Drive the property is not easily visible from the public highway and as such is considered to not adversely impact the overall street scene.

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

The property is not a listed building nor in a conservation area, as such the proposed developments would not cause a significant adverse impact to either listed building or conservation area.

Impacts on trees:

There are a number of trees within the boundary of the site that would be removed as part of the proposed development. It is considered that the trees to be removed are not of high quality and are not considered to be an impediment to development.

Impacts on highway network or access:

Due to the location of the property being set back from the main road of Wish Hill and that the proposal provides for two parking spaces in replacement of the lost parking spaces in the garage, it is considered that there would be no significant adverse impact on the public highway network.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process with the impacts outlined within the body of this report.

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.

Excessive noise from the pool house and users. Over development of the land.

**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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

This applies unless details on the approved plans indicate otherwise.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

3) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 5th June 2017:

- Drawing Number 1714/04 B- Proposed floor plan
- Drawing Number 1714/05 B- Proposed elevations
- Drawing Number 1714/01 A- Site location
- Drawing Number 1714/07 A- Proposed Block Plan

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

4) The driveway hereby approved must use permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

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

5) The developments approved as part of this application hereby approved shall be used for purposes ancillary to the enjoyment of 36 Wish Hill, Eastbourne, BN20 9EY and shall be used for no other purpose in perpetuity.

Reason: To protect the residential amenity of nearby occupiers

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies HO20 Residential Amenity.

7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy HO20.

8) prior to its installation details of the pond pump equipment shall be submitted including running/operational decibel levels. The details as submitted shall be agreed in writing and be retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy HO20 Residential Amenity.

**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**.