

App.No: 171051	Decision Due Date: 1 November 2017	Ward: Sovereign
Officer: Andrew Huntley	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 4 October 2017 Neighbour Con Expiry: 4 October 2017 Press Notice(s):		
Over 8/13 week reason: Out of time due to referral to committee		
Location: 35 Wallis Avenue, Eastbourne		
Proposal: Proposed development of two, two bedroom flats.		
Applicant: Mr Andrew Mitchell		
Recommendation: Approve		

Executive Summary:

This application is being reported to planning committee at the request of the Ward Councillor.

This proposal follows application 160595 for an end of terrace house, which was approved and application 170531 for two x two bedroom flats, which was refused (within larger extension than that currently proposed).

This application proposes to erect a two storey building containing two x two bedroom flats. The proposal is considered acceptable in principle, the creation of two flats and additional parking are considered acceptable in terms of the bulk and scale of the proposal and that the design will be in keeping with the character of the area. As such it is recommended that the application should be supported given the benefits of the proposal and the lack of any significant or demonstrable harm to warrant the refusal of the application.

Planning Status: Existing two storey semi-detached dwelling house with associated off-street parking.

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

Core Strategy Local Plan 2013 Policies

B1	Spatial Development Strategy and Distribution
B2	Creating Sustainable Neighbourhoods
C13	St Anthony's and Langney Point Neighbourhood Policy
D1	Sustainable Development
D10a	Design

Eastbourne Borough Plan Saved Policies 2007

HO2	Predominantly Residential Areas
HO20	Residential Amenity
NE7	Waste Minimisation Measures in Residential Development
NE16	Development within 250m of Former Landfill Site
UHT1	Design of New Development
UHT4	Visual Amenity
US4	Flood Protection and Surface Water Disposal
US5	Tidal Flood Risk

Site Description:

The site refers to a two-storey semi-detached single family dwelling on the northern side of Wallis Avenue at the junction with Princes Road.

. The property has an existing access from Wallis Avenue and off street parking is provided to the front. There is a new porch to the front of the existing dwelling.

Relevant Planning History:

160595 - Proposed development of end of terrace house. Planning Permission Approved conditionally 02/08/2016.

170531 -Proposed development of two x two bedroom flats. Planning Permission Refused 30/05/2017.

Proposed development:

The erection of an attached two-storey including rear dormer window addition comprising two X two-bedroom flats to the eastern elevation of the existing dwelling.

The existing crossover is proposed to provide one off street parking space for each of the proposed flats. A new crossover is proposed to provide access for the existing dwelling.

Consultations:

Internal:

Specialist Advisor (Planning Policy) – The proposal is to develop two, two bedroom flats within the curtilage of an existing dwelling. The application would create two additional dwellings and is an amended scheme from the previous application for this site (ref:160595). The proposal site falls within the St Anthony's and Langney Point Neighbourhood, as identified in the Core Strategy, adopted 2013. The vision for the St Anthony's and Langney Point Neighbourhood (policy C13 of the Core Strategy) is to enhance the level of sustainability by providing additional affordable housing.

The National Planning Policy Framework (NPPF) supports sustainable residential development and is supported in order to meet local and national housing needs. The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment. The proposal site is within a private residential garden and is not considered to be previously developed land, as defined by the NPPF. However, the Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy) and the application will result in a net gain of two dwellings. The proposal is not liable for a CIL charge.

The total proposed GIA for both dwellings (approximately 63.25m² and 68.48m²) falls below the accepted minimum GIA for a one storey, two bedroom dwelling (70m²) and a two storey, two bedroom dwelling (79m²), as outlined by the DCLG technical housing standards. Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'. Therefore the proposal is contrary to policy B2 of the Core Strategy. However this analysis is based on the assumption that the dwellings are proposed for four people. Policies NE16 (Development within 250m of landfill) and US5 (Tidal Flood Risk) from the Eastbourne Borough Plan are applicable to the proposal. However, these policies were satisfied by the approval of the previous application.

The proposal is considered to be in general conformity with policy so, in principle, there is no objection from a planning policy perspective. The impact on residential amenity would need to be considered, as well as any impact on street scene. Furthermore, while the principle of residential development in this location is considered acceptable in policy terms, further consideration may need to be given to the size of the accommodation in relation to the national space standards.

Neighbour Representations:

Objections have been received and cover the following points:

- Overdevelopment of the site.
- Parking and highway problems.
- Out of keeping with the area.
- Loss of light.
- Overdevelopment of the site.
- Design of the existing works to the dwelling out of keeping.
- Did not receive notification of the application.

Appraisal:Introduction:

This application follows application 170531 for the development of 2 x 2 bedroom flats. This application was refused under delegated powers for the following reason.

'The development would have a detrimental effect on the occupiers of the adjoining dwellinghouse, no. 35 Wallis Avenue. There would be an unacceptable reduction in outlook from the rear facing windows and also an imposing, unneighbourly effect caused by the two storey rear projection. Furthermore, the pattern of development in bringing flatted development to this prominent corner is considered inappropriate in design terms. Therefore, the scheme is found to be discordant with Eastbourne Core Strategy Policy D10a and Borough Plan Saved Policies HO20, UHT1 and UHT4'.

This proposal has been altered since the previous refusal (deletion of the first floor rear element of the scheme) in an attempt to overcome the above reason for refusal.

Principle of development:

The National Planning Policy Framework supports sustainable residential development and is supported in order to meet local and national housing needs. The application site is a windfall site as it has not previously been identified in the Local Planning Authority's Strategic Housing Land Availability Assessment. The Local Planning Authority relies on windfall sites as part of its Spatial Development Strategy (policy B1 of the Core Strategy, adopted 2013) and the proposal would result in a net gain of two dwellings. The site falls within the St Anthony's and Langney Point Neighbourhood (policy C13 of the Core Strategy).

The Local Planning Authority accepts that it cannot identify a five year housing land supply and as the proposal is for housing, paragraphs 14 and 49 of the Framework are relevant. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the approval of planning application 160595, the principle of residential development for one new dwelling has been established.

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

Policy HO20 states that subject to other policies and proposals of this Plan new development proposals and extensions to existing buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable:

- a) loss of outlook;
- b) loss of privacy by overlooking from habitable rooms;
- c) overshadowing and/or loss of light;
- d) noise, general disturbance or odour;
- e) loss of character to conservation areas or neighbouring listed buildings.

The proposal within this application has replaced the two storey projection with a single storey projection at the rear, which extends 3m from the main rear elevation. The projection would not result in unacceptable reduction in outlook from the rear facing windows of no. 35 Wallis Avenue or appear visually overbearing.

The inclusion of a dormer window to the rear elevation may increase the perception of overlooking; however these are common features within suburban residential settings and would not give rise to any material increase from the overlooking that would be available from the first floor windows.

However, there would be a limited impact on the surrounding residential properties. The proposed building is to attach to the side of the existing semi-detached property. The rear gardens are already somewhat overlooked by existing properties on Wallis Avenue and those of Princess Road to the north. Having main habitable rooms on the first floor does have the potential to have a greater impact on neighbouring privacy due to the nature of the use of the rooms. The floor plans show that on the first floor there would be a kitchen and a bedroom at the rear. While there may be a small increase in overlooking from the kitchen, it is not considered that this would be detrimental to the amenity of neighbouring properties.

The proposal for two flats would result in greater comings and goings from the application site than the approved application for a single dwelling. However, this increase would be limited and would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Design issues:

Policy UHT1 requires that new development harmonises with the appearance and character of the local environment is appropriate in scale and form, and

that it makes the most effective use of the site with the highest density appropriate to the locality.

The design of the proposal would appear as an extended dwellinghouse. While Wallis Avenue is characterised by terraces of four properties, which provides a sense of uniformity, a terrace of three would not be so much out of keeping that it would warrant the refusal of planning permission. Furthermore, a dwelling has been approved on the end of the terrace of four properties on the other side of the road to the application site.

The side projection is visually subordinate to the main bulk of the development and is acceptable in design terms, as is the single storey flat roofed rear projection.

The proposed rear dormer is rather large and bulky and would not appear a minor incident in the roof. However, the dormers visual impact would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole.

Overall, the proposal is similar to the dwelling previously approved on the application site and is sufficiently in accordance with saved Policy UHT1 of the Eastbourne Borough Plan.

Amenity of future occupiers

The Governments Nationally Described Space Standards provide minimum sizes for dwellings.

The Ground Floor has a gross internal area of 63m² with bedrooms measuring 12.5m² and 7.5m². The first floor flat has a gross internal area of 68m² with the bedrooms measuring 13.4m² and 23m².

Therefore, the ground floor flat is a 2 bedroomed, 3 person unit of accommodation over a single storey and the upper flat over 2 floors is a 2 bedroomed, 4 person unit.

The described standard for the ground floor flat is 61m² with 2m² for storage. The minimum bedroom sizes stipulated are 11.5m² for a double bedroom and 7.5m² for a single. The described standard for the first floor flat is 79m², with the same bedroom size and storage requirements. As such, the ground floor flat is in accordance with the Nationally Described Space Standards, while the first floor flat is 11m² short.

Due to not having a 5 year land supply, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, it is considered that the first floor flat still provides for a reasonable standard of accommodation and

that the slight shortcomings with regard to the space standards do not significantly and demonstrably outweigh the benefits of the proposal.

Impacts on highway network or access:

Policy TR11 states that development proposals must comply with approved maximum car parking standards. Permitted parking provision will reflect local public transport, cycle and pedestrian accessibility, and economic conditions and other local circumstances, including, environmental impact and traffic conditions, and availability of public parking elsewhere and take account of operational needs and local parking strategies.

The existing dropped kerb will be extended (away from the junction) in order to provide additional off street parking, which would result in one car parking space for the existing dwelling and one each for the proposed flats. It is not considered that the addition of two flats in this location, given the level of off street parking, would have significant impacts on the demand for on street parking to warrant refusing the application.

Policy TR6 seeks to secure adequate facilities for cyclists. The plans submitted do not show the provision of secure and covered cycle parking. However, there is room within the application site for this to be provided and a suitably worded condition could be attached to an approval to ensure satisfactory cycle parking is provided for the future residents.

Given the above it is considered that the parking provision is suitable for the additional dwellings created in this sustainable location with good public transport links to the town centre. The development will not result in severe harm to the surrounding highway network and as such there is no reason to restrict this additional development on highway or parking grounds.

Therefore, the proposal is in accordance with policies TR6 and TR11 of the Eastbourne Borough Plan.

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:

The site is a sustainable location close to the Town Centre amenities and local public transport links. Eastbourne are unable to show a five year supply of deliverable housing sites. In the absence of such paragraph 14 of the framework indicates that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against

the policies of the NPPF as a whole. It is not considered that the change to form two flats over the single dwelling previously approved, or the proposal in terms of the size, design, bulk, or impact on surrounding residential properties scale of the proposed additional storeys would result in significant and demonstrable harm to outweigh the benefits of the proposal.

Recommendation: Grant planning permission subject to the following conditions and informatives;

Conditions:

1. Time for commencement
2. Approved drawings
3. Matching materials
4. Parking areas to be provided prior to occupation
5. Parking areas to be constructed in a permeable material or provision made for surface water run off within the site.
6. Cycle parking to be provided to both flats prior to occupation
7. The proposed flats shall have an independent connection to the public sewer.
8. Details of boundary treatments to be agreed and provided prior to occupation.

Informatives:

Highways

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.