

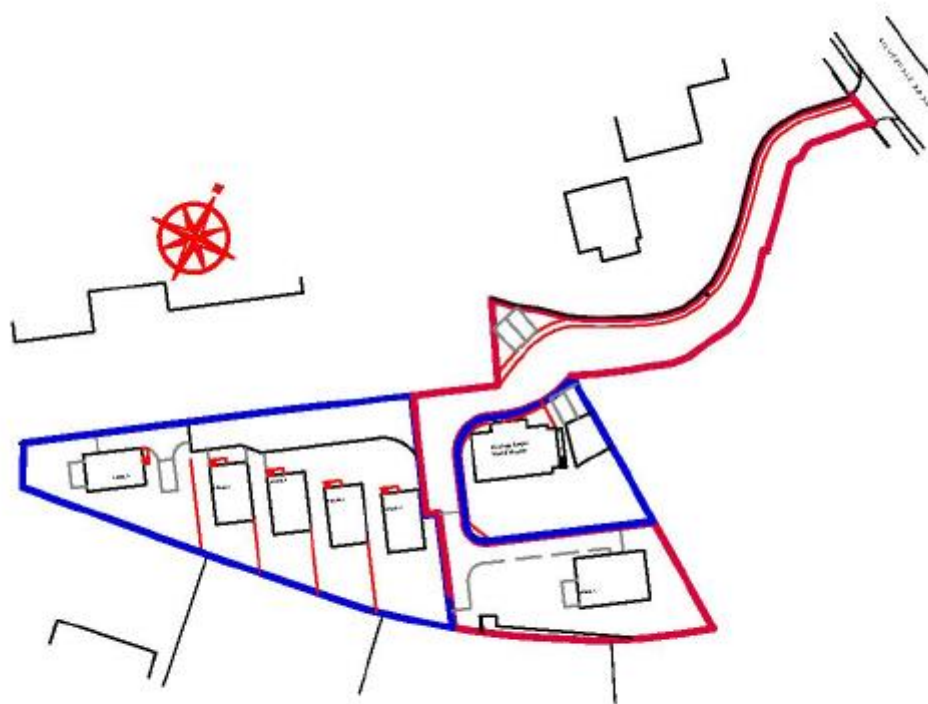
Report to: Planning Committee
Date: 17 October 2022
Application No: 220535
Location: Wood Winton, 63a Silverdale Road, Eastbourne
Proposal: Section 73A retrospective application for the Installation of doors and windows to all elevations to house 1 (following the approval of planning application 190861)

Applicant : Mr Sal Dato
Ward: Meads

Recommendation: Grant permission subject to conditions.

Contact Officer: **Name:** Chloe Timm
Post title: Specialist Advisor - Planning
E-mail: chloe.timm@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 The application seeks permission for retrospective amendments to the fenestration on House 1 within the approved scheme under application 190861. The footprint, scale, massing and orientation of the dwellings would remain as approved.
- 1.2 It is not considered that the proposed windows and doors would generate a harmful impact upon the amenities of neighbouring properties subject to a planning condition for obscure glazing to first floor windows that have the potential to offer invasive views towards neighbours.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C11: Meads Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design

2.3 Eastbourne Borough Plan 2001-2011

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT15: Protection of Conservation Areas
- UHT16: Protection of Areas of High Townscape Value
- UHT18: Buildings of Local Interest
- HO1: Residential Development within the Existing Built-up Area
- HO2: Predominantly Residential Areas
- HO6: Infill Development
- H07: Redevelopment

HO20: Residential Amenity.

3. **Site Description**

- 3.1 The site is broadly triangular in shape and occupies and formerly formed part of the grounds of Robin Hill Cottage although it was annexed some time ago and had become largely overgrown. A residential development of 6x detached dwellings, recently approved under outline application 181206 and reserved matters application 190861, is currently nearing completion.
- 3.2 The site is flanked by neighbouring residential development on all sides, including flats at Fairfield Lodge on lower lying land to the north and flats and dwellings on lining Granville Road and St Johns Road on higher ground to the south. Boundary trees and other vegetation have largely been cleared although a landscaping scheme including planting and fencing is required to be submitted as a condition of planning permission 190861.
- 3.3 Dwellings on St Johns Road that back on to the site are within the Meads Conservation Area whilst all other surrounding properties are within an Area of High Townscape Value. The site itself is not subject to any specific planning designations.

4. **Relevant Planning History**

- 4.1 **180569** - Outline planning permission (all matters reserved) for the erection of seven houses (AMENDED DESCRIPTION FOLLOWING REDUCTION OF UNITS) – Refused 15th January 2019.
- 4.2 **181206** - Outline planning permission (all matters reserved) for the erection of six houses – Refused 27th March 2019 – Allowed on Appeal 27th August 2019.
- 4.3 **190861** - Reserved matters for 6 dwellings approved by outline permission 181206 appeal reference APP/T1410/W/19/3229204 requesting consideration of access, appearance, landscaping, layout and scale – Approved Conditionally 24th June 2020.
- 4.4 **210147** - Section 73A retrospective application for the Installation of 1x door and 1x first storey window on side facing elevations – approved conditionally 27th May 2021.

5. **Proposed Development**

- 5.1 The application seeks regularise an inconsistency between the plans approved under application 190861 and the configuration of the fenestrations to House 1 in their built form, these being as follows:-
- 5.2 An additional four windows to the north west elevation, two at ground floor level for the study and living room area, and two at first floor level for bedrooms 1 and 4.
- 5.3 An additional four windows and one door to the south east elevation, to provide additional access from the garden to the living area and window to the dining area at ground floor level, windows to bedrooms 2 and 3 and second window to the bathroom at first floor level.

5.4 The proposal includes alterations to the layout of the fenestration to the north east and south west elevations, however the number of doors and windows remains the same.

6. **Consultations**

6.1 Specialist Advisor (Conservation)

6.1.1 No objection received.

7. **Neighbour Representations**

7.1 Meads Community Association

7.1.1 The MCA wishes to object to this retrospective planning application for additional windows and doors in variance to the original design of house no. 1 as submitted and approved on 24th June 2020.

7.1.2 This retrospective application is the second occasion when planning consent has been submitted after changes to the original plans have been incorporated into the build. You will recall that at an early stage of building it was noticed that additional windows and doors were being added into houses 2-5 which were not on the original plans. This was notified to EBC planning and the developer subsequently submitted a retrospective planning application some weeks after when most of the new doors and windows were in place.

7.1.3 This latest application for house no.1 is for a large increase in the number of windows and doors that have already been incorporated into the development without planning consent. I attach a copy of the original plans as passed in June 2020 for this property and the plan now submitted and built. You can see that there is a huge difference as the attached photos show.

7.1.4 We object as this continued non-observance of planning procedures allows for developers to attempt to bypass the planning process by way of retrospective applications. It is clear from the photos attached that there is not any obscured glass in the windows and doors. The effect of more windows and doors on this development means increased overlooking, the loss of privacy and amenity to the neighbouring properties surrounding this site. It is also clear that a number of the conditions attached to the development of this site are being ignored.

7.1.5 Therefore, we request that retrospective planning consent is refused.

7.2 Four letters of objection have been submitted and cover the following points:

- The windows and doors should remain as originally approved;
- Additional windows are intrusive and impact on the privacy of neighbouring properties;
- Three different colours have been used; and
- Poor design and finish to the building.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 The overall principle of the development has been established following the approval of applications 181206 and 190861.
- 8.1.2 The permission for the development included a condition withdrawing rights for any alterations or extensions to be made to the dwellings that would otherwise be allowed under householder permitted development rights. As such, the alterations that have been made to the dwellings require planning permission in their own right. Section 73A of the Town & Country Planning Act 1990 (as amended) states that 'on an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.'
- 8.1.3 As such, the application will be assessed in the context of the impact of the new windows and openings upon environmental, residential and visual amenity, using the content of saved policies NE28, HO20 and UHT1 of the Eastbourne Borough Plan as the main reference.

8.2 Impact upon character of the surrounding area:

- 8.2.1 It is considered that the additional windows and doors have not altered the overall character of the development and represent a cosmetic change in the appearance of the dwelling. It is therefore considered that there has not been any adverse impact upon the appearance of the development or the character of the wider surrounding area.

8.3 Loss upon residential amenity

- 8.3.1 The north-west elevation faces towards the adjacent property of Wood Winton and the south-east elevation towards the flats of Avonmore on Granville Road.
- 8.3.2 It is not considered the additional windows and door at ground floor level allow for intrusive views to the surrounding occupiers and as such no amendments have been requested to the ground floor level during the application.
- 8.3.3 The additional windows at first floor level however, whilst there is currently some limited screening between the application site and the properties adjacent, the additional windows are considered to provide a sense of being overlooked.
- 8.3.4 The additional windows at first floor level service the four bedrooms and are secondary windows to each bedroom. Due to being secondary windows and not the main source of natural light to the bedrooms the application has been amended to have these windows obscurely glazed to reduce the impact on the surrounding occupiers.

8.4 Design

8.4.1 The fenestration onsite has been installed using different frame colours, the plans have been amended to include that all frames will be white, those that have been installed in a different colour will be painted white to match, for continuity in the appearance of the fenestration.

9. **Human Rights Implications**

9.1 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.

10. **Recommendation**

10.1 Approve subject to the conditions listed below. A time limit condition will not be applied as the works have already been completed.

10.2 **Approved Plans:** The development, hereby permitted, shall be carried out in accordance with the following approved plans:-

- 95113/504/A - Minor Alterations to House 1 Floor Plans and Elevations as Built

Reason: For the avoidance of doubt and in the interests of proper planning.

10.3 **Obscure Glazing (Windows):** The first-floor windows installed to the south eastern and north western elevations of House 1 that serve bedrooms 1, 2, 3 and 4 shall be obscure glazed fixed shut below a height of 1.7m above finished internal floor level and retained as such for the lifetime of the development.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with saved policy HO20 of the Eastbourne Borough Plan.

10.4 **Frame Colour:** Prior to first occupation all doors and windows shall be painted to match those approved under planning application 190861.

Reason: To ensure the development has a satisfactory appearance in the interest of continuity of fenestration.

11. **Appeal**

11.1 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.

12. **Background Papers**

12.1 None.