

From 01/01/12
To 31/03/12

Appeal Decisions

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Planning Application: EB/2010/0759 **Ward:** RATTON

Site: LAND TO THE REAR OF 18-34 RANGEMORE DRIVE

Officer Recommendation: Approved conditionally

Appeal Decision: Allowed

Costs Awarded to Authority: £0.00

Costs Awarded To Appellant: YES Amount to be set

Proposal Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (outline application).

Decision Summary: Main Points:- Effect on the living conditions of neighbouring residents with reference to visual dominance, privacy, noise and disturbance.

Inspectors Comments:- The alignment of the proposed properties would maintain acceptable separation distances between dwellings and, together with the difference in land levels, could prevent overlooking of the rear gardens to the existing houses in Rangemore Drive.

Access and parking would not impact upon the amenities of the adjoining properties.

The proposal would not have any material impact upon the living conditions of neighbouring residential occupiers of Nos 18-34 Rangemore Drive with reference to visual dominance, privacy, noise and disturbance.

No impact upon the character of the area as the plot sizes would not be out of character with the predominant pattern of development in the surrounding area.

On the Costs claim the Inspector commented that the scheme is identical to the proposal dismissed at appeal on the 15th Nov 2010 and that the sole reason for the appeal being dismissed was the S106 agreement had not been executed. Given that the appeal scheme was identical to the earlier proposal and that now the S106 had been secured it was considered that the subjective judgement on the proposal was determined at the earlier appeal and for the Council to refuse the application for the application on issues that had been determined by the previous Inspector was therefore unreasonable and caused the Appellant to waste unnecessary expense in submitting the current appeal.

Costs were awarded to the appellant

The precise amount of the costs award is yet to be established by the parties involved.

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From 01/01/12
To 31/03/12

Appeal Decisions

Planning Application: EB/2011/0106 **Ward:** OLD TOWN **Site:** LAND ADJACENT TO 6 BAY POND ROAD

Officer Recommendation: No Recommendation

Appeal Decision: Dismissed

Costs Awarded to Authority: £0.00

Costs Awarded To Appellant: 0

Proposal Erection of a two bedroom chalet bungalow

Decision Summary: Main Issues:- the effect of the proposed development upon the living conditions of neighbouring residential occupiers of No 20 Lawns Avenue with reference to overshadowing and dominance and also those of the future occupiers of the dwelling with reference to overlooking and also whether the appeal proposal would preserve or enhance the character or appearance of the Old Town Conservation Area.

Inspectors Comments:- Given that the side garden to No 20 is already, shaded from the south by the dwelling at No 6 Bay Pond Road and by trees, the effect of the appeal proposal would be to overshadow the entire garden of No 20 Lawns Avenue. The new dwelling would also overshadow and dominate the rear elevation to No 20, imposing a high, bulky and blank set of elevation, at close quarters, into its rear outlook.

Given the very short depth of the rear gardens, the first floor windows to the first floor windows to the houses and in particular No 20 would closely and unavoidably overlook the entire private garden area to the appeal dwelling.

For the above reasons it is considered that the proposal would have a detrimental impact upon the amenities of No 20 and also the amenities of the future occupiers of the appeal building.

On the proposed design the bulky roof added to the visual dominance of the roof would be accentuated by the use of the vertical tile hanging to gable ends, this added to the lack of windows in key elevations and accepting that the site once accommodated a building which had long since gone it is considered that the proposed development would not preserve nor enhance the character or appearance of the Conservation Area, and also would have a materially harmful effect upon an important vista contrary to Policy UHT4

Planning Application: EB/2011/0193 **Ward:** OLD TOWN

Site: LAND TO THE REAR OF 2-8 UPWICK ROAD

Officer Recommendation: Approved conditionally

Appeal Decision: Allowed

Costs Awarded to Authority: £0.00

Costs Awarded To Appellant: 0

Proposal Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front

Decision Summary: Main Point:- the effect of the proposal on the character and appearance of the surrounding area, and its effect on the living conditions of occupiers of surrounding properties with specific regard to privacy, outlook and overshadowing.

Inspectors Comments:- Density of the proposal is consistent with the surrounding area, mix of property types is also consistent with the surrounding area, the design, size and massing of the buildings and also the palette of materials used take their cue from surrounding properties. Separation distances are considered appropriate at between 22-26m. Given the above there are no impacts upon the character of the site and surrounding area.

Separation distances are considered sufficient so as not to give rise to any material loss of amenity through direct overlooking. Layout and orientation of the properties would not give rise to any material overshadowing.

From 01/01/12
To 31/03/12

Appeal Decisions

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Planning Application: EB/2011/0229	Ward: DEVONSHIRE	Site: 57 PEVENSEY ROAD
Officer Recommendation: Refused		Appeal Decision: Dismissed
Costs Awarded to Authority:	£0.00	Costs Awarded To Appellant: 0

Proposal Retrospective application for replacement timber windows with double glazed UPVC windows

Decision Summary: Main Issue:- The main issue is whether the replacement windows preserve or enhance the character or appearance of the Town and Seafront Conservation Area.

Inspectors Comments:- The buildings in the area have ground and first floor bay windows; this provides a very strong sense of rhythm and uniformity to the street scene.

Nos 55 and 57 have lost their original windows, No 59 has been retained originals. Elsewhere there is a mixture of original and replacement windows.

Where replacement windows have occurred the thicker plastic frames, the use of tilting opening sections and the loss of fenestration details and glazing bars has fundamentally changed the appearance of many of the buildings in this street. The loss of these features has eroded the character of this part of the Conservation Area.

The harm resulting from the loss of the original windows on an individual property in the street may be less than substantial. However, the incremental and cumulative loss of these original features significantly and adversely affects the conservation area as a whole.

The existence and presence elsewhere in Pevensey Road of replacement windows is not therefore, a justification for permitting unsuitable replacements at No 57.

The scheme proposed the replacement of replacement windows, notwithstanding this they appear bulkier than those that they have replaced. This reinforces the difference between the design of original wooden windows elsewhere in the street and these plastic replacements. These differences are particularly apparent in relation to the ground floor windows. The overall result has been a further erosion of the historic features of the building, this pair of semis and the wider street scene.

Benefits in terms of thermal efficiency and a reduction in energy consumption does not mitigate the harm caused by the proposed window design.

The appeal proposals are harmful to the character of the conservation area, contrary to the saved policies of the Local Plan, which requires development in conservation areas to preserve and enhance the character and appearance of the area, they also fail to comply with the principles and policies of PPS5, which seek the conservation of heritage assets.

Planning Application: EB/2011/0272	Ward: MEADS	Site: 6 GRASSINGTON ROAD
Officer Recommendation: Refused		Appeal Decision: Allowed
Costs Awarded to Authority:	£0.00	Costs Awarded To Appellant: NO

Proposal Erection of a single storey Orangery

Decision Summary: Main Issue

The main issue in this appeal is the effect of the proposed orangery on the living conditions of the occupants of 8 Grassington Road with regard to outlook.

Inspectors comments:-

The height and depth of the proposed extension taking into account the length of the gardens and size of the houses would not seem overly large and would not harm the living conditions of No 8 Grassington with respect to outlook.

From 01/01/12
To 31/03/12

Appeal Decisions

Planning Application: EB/2011/0293 **Ward:** UPPERTON **Site:** OLD TOWN SERVICE STATION 11 HIGH STREET

Officer Recommendation: Refused

Appeal Decision: Allowed

Costs Awarded to Authority: £0.00

Costs Awarded To Appellant: 0

Proposal Display of an externally illuminated fascia sign and an internally illuminated free standing pricing sign.

Decision Summary: Main Points:- The main issues are the effects of the proposal upon visual amenity given the sites location within the Old Town Conservation Area and also effects upon highway safety.

Inspectors Comments:- The signs are seen primarily against the backdrop of the carriageway and given the adjacent listed building is large and complex in its form, the disputed sign does not obscure or diminish it. Consequently the appeal sign would at least preserve the character and appearance of the Conservation Area, nor would affect the setting of the listed building and would not have a materially harmful effect upon visual amenity.

In terms of highway safety it is considered tat the sign does not impact or obscure views of the crossing and given the lack of objection from the Highway Authority there is considered not to be any impacts upon highway safety.

Planning Application: EB/2011/0352 **Ward:** DEVONSHIRE **Site:** 32 - 34 ESHTON ROAD

Officer Recommendation: Refused

Appeal Decision: Dismissed

Costs Awarded to Authority: £0.00

Costs Awarded To Appellant: 0

Proposal To vary condition No 3 of Planning Permission EB/2000/0234 (at 32-34 Eshton Road) in order to allow an increase the number of children attending the Day Nursery from 48 to 56 at any one time.

Decision Summary: Main Issue:- Effect of the appeal proposal upon highway safety and convenience

Inspector Comments:- Neither the houses nor many businesses including Tots Nursery have any off street parking spaces, so that parking demands is focused on the roadway. The demands for the on street parking would be either end of the working day and there may be pressure to park/wait in the carriageway, blocking the traffic, such practices would add to the congestion and may lead to highway safety issues.

The increase in the number of Children would place greater pressure on parking and given the likely increase in highway safety issues as result of this increase parking pressure the scheme is considered to have a material impact on highway safety and residential amenity.

The scheme would generate employment both directly and allowing mothers to work, however the weight to be given to the benefits of this would be cancelled by the harm identified to the highway conditions and the local residential area.

From 01/01/12
To 31/03/12

Appeal Decisions

Planning Application: EB/2011/0471 **Ward:** OLD TOWN **Site:** 42 SUMMERDOWN ROAD
Officer Recommendation: Refused **Appeal Decision:** Allowed
Costs Awarded to Authority: £0.00 **Costs Awarded To Appellant:** 0

Proposal Proposed conversion of roof including erection of dormer window facing Old Camp Road and the insertion of rooflight windows to all other elevations

Decision Summary: Main Points:- Effect of the development on the character and appearance of the area.

Inspectors Comments:- Because of the distances involved between the dwelling and the adjacent properties, together with the natural screening afforded by the presence of the mature trees on and around the site, the development would not give rise to any unacceptable conditions of over looking or loss of privacy to the neighbouring dwellings.

The development would have very little impact on the character or appearance of the area, as the development has been thoughtfully designed. Other dormers exist in the street. The development would not impact in the streetscene nor affect the character of the wider area.

Planning Application: EB/2011/0474 **Ward:** SOVEREIGN **Site:** 32 DRAKE AVENUE
Officer Recommendation: Refused **Appeal Decision:** Dismissed
Costs Awarded to Authority: £0.00 **Costs Awarded To Appellant:** 0

Proposal Two storey side extension

Decision Summary: Main Points:- Effect of the development on the character and appearance of the area.

Inspectors Comments:- Within this part of the estate the houses are generally set well back from their side boundaries where there is a return frontage to the adjoining road. The proposed extension would infill the existing gap to an unacceptable degree by introducing a bulky, two storey form of development into an exposed and prominent position that would be out of character with the area and materially harmful to the appearance of the street scene. The extension would be perceived as an incongruous and visually awkward feature in this part of this position eroding the level of spaciousness of the layout to the estate from which an important part of its character.

Design would also unbalance this pair of semi detached dwellings, extension would not be subservient and would be disproportionate to the host property.

Scheme is considered to be contrary to Policy UHT1 which states that development should harmonise with the appearance and character of the local environment.

From 01/01/12
To 31/03/12

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Planning Application: EB/2011/0475	Ward: LANGNEY	Site: 16 CHILHAM CLOSE
Officer Recommendation: Refused		Appeal Decision: Dismissed
Costs Awarded to Authority:	£0.00	Costs Awarded To Appellant: 0
Proposal	Ground and first floor rear extension	
Decision	Main Points:- Effect of the proposal on the living conditions of the occupiers of No 14 with particular reference to	
Summary:	visual intrusion and loss of outlook.	

Inspectors Comments:- The ground floor element of the proposal is considered to be acceptable. Given the height and bulk of the proposal and its orientation the proposal would give rise to some limited overshadowing, the conservatory roof at No 14 has obscure glassing and as such the overshadowing should not result in material harm to the occupants of this property. The 45 degree rule in respect of the bedroom window at No 14 is not breached and as such there would not be any material loss of light or overshadowing. However their proposal would profoundly affect the outlook from this window and would appear visually intrusive and create an unacceptable sense of enclosure for the occupants of this bedroom.

Planning Application: EB/2011/0493	Ward: SOVEREIGN	Site: 1 AYLESBURY AVENUE
Officer Recommendation: Refused		Appeal Decision: Allowed
Costs Awarded to Authority:	£0.00	Costs Awarded To Appellant: NO
Proposal	Erection of a fence (900mm high decreasing to 400mm high) on top of an original boundary wall.	
Decision	Main Issue	
Summary:		

The main issue is the effect of the proposed fence on the character and appearance of the area.

Inspectors comments:-

The new fence has been added to enclose part of the front garden to the side of No 1. The front elevation of the house is still visible from the surrounding street scene and the low wall remains the predominant feature when looking along Aylesbury Avenue. At its highest point the new fence is less than that of the existing fence along the Ramsey Way boundary and it drops in height as it turns the corner into Aylesbury Avenue.

In this context the fence blends in with the existing fence on Ramsey way and appears to be a continuation of it.

Its gradual reduction in height reinforces this effect and reduces its impact on the wider street scene. The visual relationship with the boundary treatments along Aylesbury Avenue is less pronounced and the new fence is barely noticeable from longer views further down the street. Once the new fence has become weathered in appearance its visibility will be further reduced.

In conclusion the fence is not harmful to the character and appearance of the area and complies with Saved policies UHT1 and HUT4 of Eastbourne Borough Plan, which seek to protect visual amenity and ensure that development respects its setting.

The Inspector acknowledged that boundary treatments are highly visible features and can appear intrusive in the street scene, however each application should be judged on its individual merits and in this case there are no material reasons to withhold consent.

From 01/01/12
To 31/03/12

Appeal Decisions

Planning Application: EB/2011/0502 **Ward:** ST. ANTHONYS **Site:** 7 ST ANTHONYS AVENUE

Officer Recommendation: Refused

Appeal Decision: Dismissed

Costs Awarded to Authority:

£0.00

Costs Awarded To Appellant: NO

Proposal First floor extension to rear (minor material amendment to planning application EB/2011/0014)

Decision Main Issue:-

Summary:

The Main issue in this appeal is the effect on the living conditions of occupiers of 9 St Anthony's Avenue with respect to light and outlook.

Inspectors Comments:-

Due to the proximity of the appeal property to No 9, the size and mass of the proposal, including the proposed dormer, and the relatively modest size of the garden to the rear of No 9, the proposal would be an overbearing and intrusive form of development being visible from close quarters from both the windows of the rear elevation and the rear garden of No 9. As such it would harm the living conditions of the occupiers of No 9 with regard to outlook. This would be contrary to Policy HO20 of the Eastbourne Borough Plan 2001 -2011 (Local Plan) which seeks to prevent development which leads to unacceptable loss of outlook for residents. In addition the proposal would result in a significant loss of sunlight entering the rear elevation windows of No 9. For this reason the proposal would cause unacceptable harm to the living conditions of occupiers of No 9 with regard to sunlight. This would be contrary to Local Plan Policy HO20 which seeks to prevent development that would lead to unacceptable loss of light for residents.

Planning Application: EB/2011/0605 **Ward:** ST. ANTHONYS **Site:** 127 QUEENS CRESCENT

Officer Recommendation: Refused

Appeal Decision: Dismissed

Costs Awarded to Authority:

£0.00

Costs Awarded To Appellant: NO

Proposal Proposed raised decking to the rear and alteration of a rear window to a patio door.

Decision Main Issue

Summary:

The main issue is whether the development would give rise to unacceptable conditions of overlooking and loss of privacy to adjoining properties.

Inspectors Comments:-

The decked area would be about 2.9m deep with a staircase leading down into the garden. From this position, and bearing in mind the of the decking above the garden, the development would constitute an elevated platform from which unrestricted views of the adjoining garden would be possible at close quarters. When in use recreationally, the degree of overlooking that would be possible would give rise to the potential for a substantial loss of privacy to the rear gardens of the adjoining dwellings.

Due to the high degree of direct overlooking the proposal would be contrary to Saved Policy HO20 of the Eastbourne Borough Local Plan.