

**Eastbourne Borough Council
Planning Committee**

2 December 2008

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) 12 HARDWICK ROAD, EASTBOURNE**
Three storey extension at side to provide one new dwelling adjoining no. 12.
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RECOMMENDATION: Permission be refused.
- 2) 1 WHITTLE DRIVE, EASTBOURNE**
Erection of extension to existing building to provide high bay storage area.
EB/2008/0619(FP), HAMPDEN PARK Page 7
RECOMMENDATION: Permission be granted subject to conditions.
- 3) 101 ST PHILIPS AVENUE, EASTBOURNE**
Outline application for erection of two storey dwelling with access onto Hunloke Avenue.
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RECOMMENDATION: Permission be refused.
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Alterations to roof to provide a roof terrace with glazed balustrading at 4th floor level, together with insertion of a window in the front gable wall..
EB/2008/0648(FP), MEADS Page 21
RECOMMENDATION: Permission be granted subject to conditions.
- 5) LAND WITHIN THE CURTILAGE OF:, 54 SUMMERDOWN ROAD, EASTBOURNE**
Erection of a detached house with access from Compton Drive.
EB/2008/0658(FP), OLD TOWN Page 25
RECOMMENDATION: Permission be granted subject to conditions.

J. F. Collard
Head of Planning
24 November 2008

Planning Committee

2 December 2008

Report of the Planning Manager

Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM/CLG Circulars
11. DoE/ODPM/CLG Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

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2 December 2008

Report of the Planning Manager

List of Planning Applications for Consideration

- 1) 12 HARDWICK ROAD, EASTBOURNE**
Three storey extension at side to provide one new dwelling
adjoining no. 12
EB/2008/0601(FP),MEADS

EXECUTIVE SUMMARY

The proposed development would have an adverse impact on the amenities of nearby residents and the character and appearance of the Area of High Townscape Value.

RECOMMENDATION: Permission be refused.

SITE LOCATION

The application site comprises a semi-detached, four storey, Victorian stuccoed villa located on the east side of Hardwick Road, 50m north of the junction with Blackwater Road, in a designated Area of High Townscape Value.

PLANNING HISTORY

The property was converted to four flats pre 1948, and a Lawful Use Certificate for this was granted in 2000. Planning permission was granted in 2004 for the erection of a single storey dwelling at the rear (with access from Wish Road), and this has been implemented (and sold as a separate dwelling).

CURRENT APPLICATION

The applicant now seeks permission to construct an attached three storey dwelling to the side of the existing building. The proposed dwelling would have a footprint of 4.5m in width, and a depth of 9m at lower ground and first floor levels, increasing to 11m on the ground floor.

The height would be 7.2m to the eaves, rising to 10.1m to the ridge. The dwelling would be rendered to match the existing property under a hipped and pitched of matching artificial slates.

PLANNING POLICY

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT16	-	Protection of areas of high townscape value
HO20	-	Residential amenity

CONSULTATIONS

Ten letters and e-mails of objection have been received as a result of neighbour notifications, and are summarised thus:

- the proposal would completely unbalance the original matching pair, and would be out of keeping
- overdevelopment of the site, and infilling of a gap/space which the existing building should have around it.
- additional pressure on parking, of which there is already a shortfall
- noise, dust and traffic created by building works
- overshadowing, overlooking and loss of privacy and loss of light to adjacent properties
- no need for additional units as the new development at no.4 has been on the market for over a year
- the basement at no.12 has flooded before and the current proposal would put more strain on the present drainage system
- the proposed dwelling would result in the kitchen and bathroom windows of Flat 2 (of no.12), resulting in loss of views, light and natural ventilation

(Letters/e-mails dated 1 September 2008 to 6 October 2008)

The Conservation Officer states that the form and style of the proposal is not in keeping with that of the host building and leads to the unbalancing of the pair, whilst the positioning of the bathroom and shower room would result in the unacceptable need for flues/vents on the front elevation; refusal of the proposal is recommended.

(Memo dated 1 October 2008)

APPRAISAL

The main issues to take into account in determining this application are the impact of the proposal on the character and appearance of the Area of High Townscape Value, and the impact of the amenities of adjacent residents.

The proposed addition would be set back from the front elevation by 1m and would extend to 1m from the boundary with the adjacent two storey dwelling; in addition to this it would be 1m from the rear boundary. It is considered that the extension would be too large and dominant compared to the existing building, and as such, would also result in the unbalancing of the original pair of Victorian dwellings. Whilst the proposal would be rendered and the angle of the main roof and one line of cornicing would be replicated, the design and features of the extension would be at odds with the existing building. The side entrance porch, a classical feature of the period and which is set at upper ground floor level, would be subsumed within the extension, which at best can be described as being contrived. The door and windows to the front elevation are positioned and proportioned badly, and clearly denote floor levels which do not line through with the original building. The rear elevation, which would be visible from Wish Road (at the rear), is completely at odds with the style and proportions of the original building, with roof lights, patio doors and Juliet balconies. The siting and site coverage of the proposed development would result in a bin store for all residents being located adjacent to the front boundary wall, as there would be no other available location; this would result in a large number of bins and recycling containers (for five units of accommodation) in the front garden, which is considered unacceptable in terms of its visual impact. It is concluded that the proposal would be seriously detrimental to the character and appearance of the Area of High Townscape Value.

It is considered that the only residential properties affected are those at 10 Hardwick Road and 14 Wish Road, which are located to the side and rear respectively. The proposed dwelling would be 1m from the boundary with 10 Hardwick Road and would extend 5m beyond its rear building line; as the distance between the two buildings would be 5m, it is not considered that there would be any direct loss of privacy or overshadowing to 10 Hardwick Road, however it would represent an overbearing feature. The main impact would be on the amenities of the residents of 14 Wish Road, who would have a three storey building 1m from their rear boundary, and 6m from their building. This includes two sets of doors behind Juliet balconies, and three windows above, all of which serve habitable rooms.

Whilst it is acknowledged that 14 Wish Road was constructed to the rear of an already substantial building, the living room was orientated in line with the gap at the side of the original building and with the benefit of the deepest part of the garden. It is considered that the proposal would result in an unacceptable degree of overlooking, overshadowing and loss of sunlight.

Other objections on the grounds of inadequate parking are noted, however this is not considered to be a reason for refusal in this town centre location.

HUMAN RIGHTS IMPLICATIONS

It is considered that the development would have an adverse impact on the amenities of adjacent residents.

RECOMMEND: Permission be refused for the following reason:

That the proposed development, by reason of its height, scale and design, would have an overbearing impact and would result in overshadowing (to 14 Wish Road), overlooking and loss of privacy and outlook of adjoining residential properties and an overdevelopment of a restricted site, and therefore would be seriously detrimental to the character and appearance of the Area of High Townscape Value and the amenities of nearby residents. As such, the proposal conflicts with policies UHT1, UHT4, UHT16 and HO20 of the Eastbourne Borough Plan 2001-2011.

2) 1 WHITTLE DRIVE, EASTBOURNE
Erection of extension to existing building to provide high bay storage area
EB/2008/0619(FP), HAMPDEN PARK

EXECUTIVE SUMMARY

The proposed expansion of Gardners Books, on balance, is considered an acceptable development. The development would extend beyond the designated industrial area and onto open land, but it would be set within the Built-up Area boundaries on the Borough Plan proposals map. The size and design of the proposed extension has been modified, and it is considered that the impact at this prominent location on main route into the town would not have a significant harm on the visual amenities of the area.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

Gardners Books is located off Willingdon Drove, near the roundabout with the A22 Golden Jubilee road. The site lies within a Flood Zone 3a. It is on an industrial

PLANNING HISTORY

A large number of applications have been made in the past to either enlarge or alter the premises including the existing high bay storage area adjacent the frontage onto Willingdon Drove. The most recent applications have been:

EB/2008/0377 – Retrospective application for provision of hardstanding to rear of building including an area for helicopter landing and take-off (Granted – subject to unilateral legal agreement).

EB/2008/0087 – Erection of a single-storey extension to pallet store (Granted – subject to a unilateral legal agreement).

EB/2008/0086 – Erection of extension to existing building to provide high bay storage area (Withdrawn).

EB/2006/0799 & EB/2007/0775 – Erection of a building for a temporary period of twelve months, to be used for book storage (Granted and time period extended for retention of part of temporary building).

EB/2004/0206 – Extension to existing pallet store (Granted).

CURRENT APPLICATION

Planning permission is sought to enlarge the existing high bay storage area by way of an extension measuring 44 metres in length (fronting Willingdon Drove) and between 43 metres (adjoining the existing high bay) and 36 metres (closest to the roundabout) in width. The height of the proposed high bay storage will be 15.5, the same height as the existing high bay building. The extension would be clad with profiled metal sheeting. Imitation windows would be installed to the north-east elevation facing the Shinewater Roundabout. The position of the extension would require the existing surface water ditch to be diverted requiring Environment Agency approval.

The "Design and Access Statement", submitted with the application, states, in part, that:

"The application site is situated on an industrial estate, comprising light industrial and warehousing storage. The proposed building will be attached to the main building and will only be accessed from the existing highbay store. The use of imitation windows on the North East elevation give the appearance of offices and break up the façade to a visually pleasing elevation."

"The buildings are of an industrial appearance and will be in keeping with the main building."

"The existing site is well screened from the Highfield Link by trees and shrubs sited on land between the site boundary and the highway, additional screening is proposed on the North East side facing Shinewater roundabout and the North West side fronting Willingdon Drove. The new planting will be in the form of mature trees. The redirected stream will have translocated planting."

"The building will be clad in plastic coated metal sheeting to match that of the main building."

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity

UHT7	Landscaping
NE4	Sustainable Drainage Systems
NE22	Wildlife Habitats
NE28	Environmental Amenity
BI2	Designated Industrial Areas
B1	Design Criteria
TR6	Facilities for Cyclists
TR11	Car Parking
US4	Flood protection and Surface Water Disposal
US5	Tidal Flood Risk

CONSULTATIONS

Occupiers of business and residential properties in the surrounding area were notified in writing. Site notices were also displayed and notice placed in the local newspaper. One reply has been received.

The Economic Development Officer positively supports this case; the development would be a significant investment in the town and the company is one of the largest book wholesalers in the country. The company has good links for career progression with the local college, though more contacts with the local community should be encouraged. Approval is vital to the continued expansion of the company. (Memo dated 1 October 2008).

The County Archaeologist does not believe that any archaeological remains are likely to be affected by these proposals (Letter dated 6 October 2008).

The Highway Authority does not object – large parking capacity exists on site which would not be affected by the development; increase in employees not considered significant; a more robust Travel Plan needs to be produced which needs to be effective prior to the extension being brought in to occupation/use.

The Planning Policy Manager confirms that the site is within the Willingdon Levels Catchment Area, and the proposal should make adequate provision for floodplain protection. A flood storage contribution of £4,133 is required. The proposed extension would be on land outside the designated industrial area and should be recommended for refusal. (Memo dated 9 October 2008).

Environment Agency: Does not object to the proposed application. Recommends conditions in respect of minimum floor the extension; scheme for provision and implementation of compensatory floodplain storage and surface water drainage; watercourse diversion to be constructed in accordance with plans and a timetable approved by Local Planning Authority in consultation with the Environment Agency; a scheme for provision and management of compensatory habitat. (Letter dated 17 November 2008)

APPRAISAL

The main issues to consider in the determination of the application are the extent and design of the proposed extension with particular regard to the existing building and the designated industrial land, and the ecological impacts associated with the development.

As detailed elsewhere in this report, the dimensions of the proposed high bay extension would increase the on-site storage of books by some one-and-a-half times. From an economic development point of view such an increase is supportable. However, the scheme must also be considered in terms of the visual impact of such a large extension, in a prominent position, on land beyond the designated industrial area.

The northern side of the proposed extension would be significantly closer to Willingdon Drove/Highfield Link than the existing built form. The existing structure is set back 4 metres, at its closest point, from the back edge of the public pavement, 4 metres a distance which would be maintained between the proposed extension and the boundary with the public pavement. This would provide space for a landscaping strip. The proposed extension would be considerably nearer than the existing building to the roundabout, which is one of the main gateways into the town, and would thus be in a prominent position. The proposed construction would reduce the openness on this side of the Gardners Books site. However, compared to the previous application, the massing of the extension has been significantly reduced. This has been achieved by setting the extension back from the boundary with the Willingdon Drove pavement, a roof profile to match the existing high bay store and introducing mock windows to the North East elevation. It is considered that long distance views of the extension from across Eastbourne Park would not be significantly adversely affected. The extension is set against a building of the same height, and the elevation treatment will help soften the visual impact.

The land for the proposed extension falls beyond the area designated as industrial land on the Borough Plan proposals map. However, the proposed development would still be within the Built-Up Urban Area boundaries and not encroach on Eastbourne Park. Reports on the environmental and ecological impact on the existing un-built area have been submitted with the application which confirm that there will be no significant detrimental impact. The Environment Agency does not object to the proposal on grounds of either environmental or flood risk. Conditions are recommended to ensure that diversion of the water course and habitat management are undertaken correctly.

A temporary hardstanding and access onto Willingdon Drove are proposed for the duration of construction. It is considered this part of the development is acceptable, subject to a requirement that the access is closed and the hardstanding removed after completion of building works. Compensatory measures to off-set additional run-off resulting from the development would need to be provided. This can be secured through a legal agreement with the contribution allocated to the Eastbourne Park flood storage scheme.

A travel plan outlining measures to counteract additional employees travelling to the site by car has been supplied. The travel plan is relevant to the existing use of Gardner's site and the proposed development. The application forms state that the development would result in an additional 10 employees. According to the applicant's planning statement, there are between 750 and 1000 employees, depending on the period of year with lead up to Christmas being the busiest. The site operates 24-hours a day. The Highway Authority officers have provided comment about the application and do not object to proposed development. The additional employees would not have a significant impact on the demand for car parking at the site, which has a substantial capacity. The submission of a more robust travel plan is recommended, which should be approved and implemented prior to the extension being brought into use.

CONCLUSION

The proposed development would be a substantial building beyond the designated industrial area. The expansion of the premises would aid development within the town. Compensatory measures can be taken to off-set impacts on ecology and flood risk, and a travel plan implemented to support a reduction in the use of cars by employees.

HUMAN RIGHTS IMPLICATIONS

The proposed development is unlikely to infringe the above noted Rights of local residents and business users.

RECOMMEND A: Permission be granted subject to the conclusion by 12 December 2008 of a legal agreement for a contribution to the Eastbourne Park flood storage scheme and the the following conditions:

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

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

(2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.

Reason: To secure that the development is in harmony with the existing building.

(3) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

(i) proposed finished levels or contours;

(ii) means of enclosure;

(iii) car parking layouts;

(iv) other vehicle and pedestrian access and circulation areas;

(v) hard surfacing materials;

(vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);

(vii) proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc);

(viii) retained historic landscape features and proposals for restoration, where relevant;

(ix) planting plans;

(x) written specifications (including cultivation and other operations associated with plant and grass establishment);

(xi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;

(xii) implementation timetables.

Cont/d...

b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

(4) Floor levels should be set at a minimum of 3.00m AOD, as recommended by the applicant's Flood Risk Assessment.

Reason: To reduce flood risk.

(5) Prior to the commencement of any development, a scheme for the provision and implementation of compensatory floodplain storage works, including an allowance for Surface Water Drainage run-off, shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority.

Reason: To reduce the risk of flooding and to ensure a satisfactory drainage system, all to comply with the recommendations of the applicants FRA (Flood Risk Assessment) and provisions of the Eastbourne Park Flood Storage Scheme.

(6) Prior to the commencement of the building extension, the proposed watercourse diversion works shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority (in consultation with the Environment Agency).

Reason: To protect the water environment and maintain the efficient working of the local land drainage system.

Cont/d...

(7) Prior to the commencement of development a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: Development that encroaches on the watercourse habitat on site has a potentially severe impact on its ecological value. Government policy in Planning Policy Statement 9 states that where proposed development would cause significant adverse impacts on biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensatory measures should be sought.

(8) A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority before the development hereby approved is first brought into use. The approved Travel Plan shall be implemented once the development hereby approved is brought into use, and the Travel Plan requirements thereafter shall be maintained and modified where necessary in consultation with and approval of the Local Planning Authority.

Reason: To ensure that an adequate Travel Plan is in place to reduce use of cars as transportation to the site.

(9) That within three months of the development hereby approved being first brought into use, the temporary vehicular access to Willingdon Drove and the temporary hardstanding (as shown on drawings numbered 2008-13-2A and 2008-13-6D) shall be removed and the land re-instated to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: To avoid a proliferation of access in order to prevent danger to pedestrians and other road users and in the interest environmental amenity.

RECOMMEND B: If a legal agreement in respect of flood storage contribution is not agreed by 12 December 2008 planning permission be refused for the following reason:

The development would not provide compensatory flood storage measures, and the additional surface water run would increase flood risk and be contrary to policy US4 of the Eastbourne Borough Plan 2001 – 2011.

3) 101 ST PHILIPS AVENUE, EASTBOURNE
Outline application for erection of two storey dwelling with access onto Hunloke Avenue
EB/2008/0633(OL), ST. ANTHONYS

RECOMMENDATION: Permission be refused.

EXECUTIVE SUMMARY

The outline planning application for a detached dwelling in the rear garden of 101 St Philips Avenue indicates that the proposal would constitute overdevelopment of the site leading to a cramped form of development to the detriment of amenity and outlook to future and existing occupiers of neighbouring properties. In addition an increased activity associated with the family dwelling and the resulting additional noise and general disturbance would be detrimental to residential amenity to occupiers of future and neighbouring properties. The proposed development within the rear gardens of 101 St Philips Avenue would result in an incongruous feature that would not be compatible with the character and appearance of the surrounding area.

SITE LOCATION

The application site comprises part of the rear garden of a two storey, 1930's dwelling located on the north west side of St. Philip's Avenue and within close proximity to the corner of Hunloke Avenue and St. Philip's Avenue. Part of the rear garden to the application site runs along the back of the rear garden to 103 St Philip's Road, and leads out onto Hunloke Avenue. The site lies within Flood Risk Zone 3.

PLANNING HISTORY

There is no planning history for the application site.

CURRENT APPLICATION

The applicant seeks outline planning permission for a two storey detached dwelling within the rear garden of the application site premises that forms an 'L' shape leading on to Hunloke Avenue. All matters are to be reserved to include; appearance, layout, scale, access and landscaping, for subsequent approval.

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map (2001-20011) identifies the application site as being within a predominantly residential area and the Willingdon Levels Drainage Catchment Area. The following policies are therefore, considered relevant to the determination of this application.

UHT4	Visual Amenity
HO2	Predominantly Residential Areas
HO6	Infill Development
HO20	Residential Amenity
US4	Flood Protection and Surface Water Disposal
US5	Tidal Flood Risk
TR11	Car Parking

CONSULTATIONS

The Highway Authority has raised no objection to the proposal and does not wish to restrict the grant of consent. (Memo 2nd October 2008)

The Environment Agency does not raise any objection to the proposal (letter dated 2 October 2008), subject to the imposition of specific planning conditions on the grant of planning permission with regard to:

- Finished floor levels are set no lower than 10.23m above Assumed Datum (no lower than existing floor level at 101 St Philips Avenue)
- Flood resilient and resistant construction techniques are incorporated.

(Letter dated 2nd October 2008)

Occupiers of neighbouring properties were notified of the proposed development. Eleven letters of objection have been received at the time of writing this report (20 November 2008) from the occupiers of properties in, St Philips Avenue, Hunloke Avenue and Moy Avenue the contents of which can be summarised as follows:

- The appearance and size of the new building is not in keeping with the other houses in the area. The proposed house is very narrow with a jutting-out window to the side elevation.
- The gardens at 95 and 97 St Philips Avenue flood during heavy rain and the proposed removal of the surface area rainfall will have a smaller area to soakaway worsening the situation.
- Trees would have to be removed
- Pressures on parking in the area and whilst there is space for one car in the plan, most families
- Gross over development of the site as there is already a large double garage in the garden of 103 St Philips Avenue

- The proposal will overlook gardens and houses within the immediate area, causing a lack of privacy, overlooking and overshadowing for local residents.
- Additional noise and disturbance due to the comings and goings of extra traffic.
- It is not a brownfield site as described by the architects. It is a residential garden designed to give rear access to 101 St Philips as there is no side access.
- The quality of life for existing and future occupiers of Nos. 99 -103 will be reduced as a result of the proposed development in the rear gardens.
- The submitted plans show a house either side of the proposed house which is deceitful as the application to develop the site for a similar proposal albeit two properties at 100-102 Moy Avenue was withdrawn on 29 September 2008. In light of strong local opposition.
- The proposal could result in creating a mini estate in the gardens of what was peaceful 1930's housing.
- The development site was meant to provide the rear access, refuge collection, garden and parking to 101 St Philips Avenue this would be lost as a result of the proposed development.
- Rear windows to the proposed development would look into 99 St Philip's Avenue. The size of the existing gardens ensures that properties are not overlooked.
- The plot is next to another overdeveloped plot that has a large extension and huge double garage.
- The proposed dwelling would face onto Hunloke Avenue being the only dwelling would look totally out of place.
- Small gardens are totally out of character for the area and result in an overdevelopment of the site.
- Parking in St. Philip's Avenue is chaotic with parking in Hunloke Avenue leading to congestion.
- People should not be living at the bottom of the garden and the site should remain a garden.
- Health and safety concerns of others who use the route to walk to the local school.
- Loss of sunlight to rear gardens.
- Delivery of building material to the site together with dust, noise and aggravation that the building works will cause.
- The proposal will result in the loss of enjoyment to neighbouring occupiers who sit out and use their garden.
(Letters, e-mails dated/received between 5 October 2008 and 27 October 2008).

APPRAISAL

The application is made in outline form, to establish whether the principle of a residential dwelling located in the rear gardens of 101 St Philips Avenue is acceptable, and that all other matters (appearance, layout and scale, landscaping and access) to be reserved for subsequent approval. Therefore, the details submitted with the application are for indicative purposes only.

The application site is identified on the Proposals Map to the Borough Plan as being within a 'Predominately Residential Area' as set out in Policy H02. This policy seeks to ensure that at least 60% of homes are built on previously developed land within this designated area and that new homes are achieved in a number of ways including infill development such as that proposed by this application.

The principle of such infill development is supported in policy terms (Policy H06: Infill Development) subject to adjacent sites not being unreasonably prejudiced by the proposal, i.e. in terms of its design, siting, scale and materials, harm to visual or residential amenity and the provision of adequate car parking. In addition, consideration is given to Government policy as set out in PPS3: Housing; which seeks to make the best use of previously developed land in urban areas, without compromising the quality of the environment.

Therefore, the main planning considerations with regard to this application are;

- The principle of the proposed residential development at the site.
- The effect of the proposed development on the character and appearance of the locality.
- The impact of the proposed development on the living conditions of future occupiers and occupiers of neighbouring properties.
- Flooding.
- Access and parking arrangements.

This part of St Philips Avenue and Moy Avenue (to the north) are parallel roads that are characterised by two storey terraced and semi-detached properties, which exhibit building footprints that give a strong sense of uniformity together with the set back from the highway of front gardens and deep rear gardens (between 30m and 35m deep). The indicative proposal to site a detached property within the existing rear garden of 101 St Philips Avenue would break up the established uniformity. Furthermore, the indicative siting of the house onto Hunloke Avenue would result in the property being the only house that would front onto this part of Hunloke Avenue and would clearly be out of keeping with the surrounding area.

The proposed plot for the new dwelling would be smaller than those found elsewhere in the locality and would result in a cramped and overdeveloped site. The area that is proposed for garden amenity space would be limited to a depth of 13 metres with a width of 6.7 metres. This would give rise to a relationship between the built form and plot size that would be out of character with neighbouring properties that exhibit good sized plots with long rear gardens (approximately 30m - 35m).

It is considered, that the principle of a residential development within the rear garden to 101 St Philips Avenue would be harmful to the character and appearance of the area being an overdevelopment of the site and contrary to Policies UHT4 and HO6 of the Eastbourne Borough Plan. It is noted that the applicant's drawing (166400.01) makes reference to the neighbouring development for two semi-detached houses located in the rear gardens of 100 – 102 Moy Avenue. This is misleading as the planning application for this development (EB/2008/0478) was withdrawn by the applicant following notification of the planning officer's recommendation to refuse the planning application.

In terms of the impact of the proposed development on neighbouring properties, the proposal would result in an increase in activity associated with the dwelling together with the resulting additional noise and general disturbance to neighbouring properties. This would be contrary to Policy H020 of the Eastbourne Borough Plan.

It is not considered that there would be any significant loss of privacy or overlooking to the neighbouring properties opposite the site in Hunloke Avenue given that an indicative distance of approximately 25m that is proposed between the main front elevations of the new dwelling and existing houses opposite.

The northern flank wall to the proposed dwelling will be visible from the rear of properties in Moy Avenue, in particular 100 -102 Moy Avenue. However, given the distance of the rear gardens (approximately 32m), it is considered that the proposal would not have a significant impact on these properties in terms of loss of light or outlook and being overbearing, to warrant a refusal of planning permission in this instance.

The Highway Authority has no objections to the proposed development which indicates one off street car parking space within the front garden area.

In terms of increased flood risk at the site as a result of the proposed development, the Flood Risk Assessment accompanying the application states that the risk of flooding to the proposed development can be managed. This report has been assessed by the Environment Agency who has not raised any objection to the proposal subject to the imposition of conditions.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would adversely affect neighbouring occupiers in accordance with the above noted Rights.

RECOMMEND: Permission be refused for the following reason:

The proposal fails to demonstrate that the proposed dwelling, to be located within the rear garden of 101 St Philips Avenue, would provide an acceptable form of development, and would result in the overdevelopment of the site leading to a cramped form of development to the detriment of amenity and outlook to future and existing occupiers of neighbouring properties. Furthermore, the indicative siting of the dwelling would result in the property being the only house that would front onto this part of Hunloke Avenue and would clearly be out of keeping with the surrounding area. In addition, any increased activity associated with the proposed dwelling and the resulting additional noise and general disturbance would be detrimental to residential amenity to occupiers of neighbouring properties. As such the development is contrary to policies H06, H020 and UHT4 of the Eastbourne Borough Plan.

**4) FLAT 9 CENTRAL COURT, 13 SOUTH STREET, EASTBOURNE
Alterations to roof to provide a roof terrace with glazed
balustrading at 4th floor level, together with insertion of a
window in the front gable wall.
EB/2008/0648(FP),MEADS**

EXECUTIVE SUMMARY

There would be no adverse impact on the character and appearance of the conservation area or on the amenities of nearby residents.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

This substantial terraced property with accommodation over five floors is located on the north side of South Street, 35m from the junction with Grove Road, in the Town Centre and Seafront Conservation Area. It is flanked by a pair of two storey dwellings to the west and the Masonic Hall on either side, and a row of three storey cottages at the rear (known as Artisans Dwellings).

PLANNING HISTORY

The property has had a long history of multiple occupation, and a Certificate of Lawfulness was granted in 2002 as eleven self-contained flats. Various applications have been granted since then for the provision of an additional flat, and the provision of six rooflights to provide habitable rooms in the roof void.

CURRENT APPLICATION

Permission is now sought to raise the ridge surrounding a flat section of roof between the two main gables to provide a roof terrace, using frameless glazed panels instead of railings. It is also proposed to insert a vertical sliding sash timber window in the larger of the two gables.

PLANNING POLICY

UHT15 - Protection of conservation areas
HO20 - Residential amenity

CONSULTATIONS

At their meeting on 14 October 2008, the Conservation Area Advisory Group raised no objections in principle to the scheme, but considered that the window should be narrower with a brick arch feature to match the window on the other gable.

One letter of objection has been received from an occupier of one of the properties to the rear (Artisans Dwellings), who considers that the terrace will result in a loss of privacy over and above the existing situation from the windows on the rear of the building, as well as noise disturbance from an outside social area. He also is concerned about loss of sunlight (overshadowing).

(Letter received 23 October 2008)

APPRAISAL

The main issues to take into account in determining this application are the impact of the proposal on the character and appearance of the conservation area, and the impact on nearby residents.

The raising of the roof by 800mm at the front and 1.8m at the rear would have very little impact on the appearance of the building, particularly from South Street, since the building is so high and the roof is set back 3m from the gable; the side of the terrace would be 350mm above the ridge of the lower gable (excluding the glazed panels), however it is considered that this would not be noticeable from ground level; the use of glazed panels is considered essential for this roof top location. The proposed window in the front gable has been amended to take into account the diminishing height and width of the openings which are characteristic of the building, and as requested by the Conservation Area Advisory Group.

With regard to the objectors concerns, it is considered that there would be no overshadowing or loss of light, nor, given the substantial number of windows on the rear of the building, would there be any loss of privacy on such a scale that would warrant a refusal. With regard to noise, it is considered that the terrace would only be used intermittently, due to its exposed location and weather conditions; with its location at high level, any noise is likely to be less intrusive than if it were from the yard area at ground floor.

HUMAN RIGHTS IMPLICATIONS

It is considered that the impact on nearby residents would be within acceptable limits.

RECOMMEND: Permission be granted subject to the following conditions:

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

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

(2) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the existing building.

(3) The proposed development shall be carried out in strict accordance with the amended drawing 166900.02 Rev.B received on 16 October 2008 unless otherwise agreed in writing by the Local Planning Authority.

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

(4) There shall be no awnings or parasols fixed to any part of the roof or decking without the prior approval in writing of the local planning authority.

Reason: In the interests of the visual amenities of the area.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:

There would be no adverse impact on the character and appearance of the conservation area, or on the amenities of nearby residents, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**5) LAND WITHIN THE CURTILAGE OF:, 54 SUMMERDOWN ROAD,
EASTBOURNE
Erection of a detached house with access from Compton Drive
EB/2008/0658(FP),OLD TOWN**

EXECUTIVE SUMMARY

The proposed development of a house in the rear garden would provide an additional unit of residential accommodation. It would not be harmful to the character of area. It is considered that there would not be a significant adverse affect on neighbouring residential amenity and the established street scene. New vehicular access would not harm highway safety.

RECOMMENDATION: Permission be granted subject to conditions.

SITE LOCATION

The application site comprises the tennis court in the rear garden of 54 Summerdown Road. No.54 is a large detached house on the west side of Summerdown Road at the junction with Compton Drive.

PLANNING HISTORY

1989 – Granted: Erection of a house within the curtilage of 54 Summerdown Road, to front Compton Drive (ref: EB/1989/0082[RM]).

2004 – Refused: Erection of a single dwellinghouse (ref: EB/2004/0388[OL]).

CURRENT APPLICATION

Planning permission is sought to erect a house in the rear garden of 54 Summerdown Road where there is currently a tennis court. The proposed detached house would face Compton Drive and be adjacent to 2 Compton Drive. The dwelling proposed would be part single-storey and part two-storey and provide the following accommodation:

- Ground floor: living room; kitchen & breakfast room; bedroom 3; utility and garage.
- First floor: bedrooms 1 & 2 and bathrooms.

The floor layout is arranged so that first floor windows in the rear elevation would only serve the bathrooms. The external finish to the building would be facing bricks, with render to a feature staircase on the front elevation. The pitched and hipped roof would have concrete tiles. There would be three Juliet balconies at first floor on the front.

New vehicle access would be formed in Compton Drive. A driveway and turning head would be laid out in the front garden area of the proposed dwelling.

PLANNING POLICY

UHT1 Design of New Development
UHT4 Visual Amenity
HO2 Predominantly Residential Areas
HO6 Infill Development
HO20 Residential Amenity
TR11 Car Parking

CONSULTATIONS

Letters of notification were sent to occupiers of neighbouring properties and a site notice displayed. Six letters of objection have been received, with the comments summarised below:-

- To squeeze a detached house into such a small area is out of keeping with the character of other houses in Compton Drive and Summerdown Road.
- It would undermine the character and building tradition in the area.
- If 54 Summerdown Road is to lose its garden it would be out of keeping with the surrounding area – all Summerdown Road houses are built on plots with substantial rear gardens to the rear.
- There would be significant harm to residential amenity – the two nearest dwellings would be overshadowed, lose natural light to rooms, gardens and patios; there would be a loss of outlook and privacy; there would be an impact on the tranquillity of neighbouring gardens.
- The application does not seem to take account of distance between the proposed house and No.54 itself.
- There would be an increased risk to pedestrians and road users with a new access directly opposite Summerdown Close; Compton Drive has a lot of on-street parking and is busy with cars and coaches travelling to the nearby school playing fields; learner drivers use Compton Drive for practicing manoeuvres.
- Drains in the area cause flooding onto Summerdown Road when during heavy downpours; another building in that area is not viable.

(Letters received 27 – 31 October 2008).

Highway Authority: Does not wish to restrict grant of consent. Provision should be made to prevent discharge of water/loose material from the site onto the road; the vehicular crossing must be constructed to Highway Authority requirements. (Memo dated 21 October 2008).

APPRAISAL

The main issues to consider in the determination of this application are the provision of new residential accommodation, the character and visual amenity of the area, neighbouring residential amenity and car parking.

The proposed development would add to the housing stock within the Borough. The development would make use of increase of previously developed land within Eastbourne's urban boundaries. It therefore complies with Borough Plan policy HO2 and Government guidance to concentrate new housing within existing urban areas.

Large detached houses are the typical form of development in the vicinity. Dwellings facing Summerdown Road are predominantly 1920s/1930s constructions, whilst Compton Drive dwellings were mostly built in the 1960s/1970s. The house at 2 Compton Drive is a 1980s build. The house proposed would be a contemporary design. However, whilst large houses are the predominant form, there is not a prevailing design style. The proposed dwelling would not appear out of place with other house designs in the area. As No.54 is a corner property, it relates to two street elevations, whilst the proposed dwelling would be seen in the Compton Drive street scene. The proposed house would align with the established front building line in Compton Drive. The established rhythm of detached houses and spaces in Compton Drive would be maintained.

Developing a house at the rear of 54 Summerdown Road would significantly reduce the garden space of the existing dwelling. There would be no useable rear garden. The garden to the side, which has a swimming pool, would be the outdoor amenity space. It is screened from the street by fencing and trees to provide privacy. Although this arrangement is not typical for dwellings in this area (the large houses have garden space to the rear) it is considered that sufficient private amenity space would be retained for occupiers of 54 Summerdown Road. There would be a distance of approximately 13 metres between the rear of the proposed house and the boundary with 52 Summerdown Road, which is considered to provide sufficient separation distance. There is a similar space between the boundary of 52 Summerdown Road and the rear of 2 Compton Drive. The size of the rear garden for the proposed dwelling would therefore reflect the adjoining property.

Two first floor windows proposed for the rear elevation are for bathrooms. Non-opening windows with obscure glazing would protect neighbouring residents' privacy. It is considered that there would be sufficient space around the building to prevent adverse overshadowing and loss of light at the neighbouring dwellings. The orientation of the site would mean the proposed house casting shadow mostly over its own rear garden. 2 Compton Drive would be affected but in early morning as the sun rises in the east. Windows in the side (east) elevation of 2 Compton Drive are secondary windows to a kitchen/breakfast room and bedroom. The outlook from these windows would undoubtedly be changed. However, it is considered that the overall amenity of the rooms would not be harmed as the main windows would not be affected.

There is a balcony around the existing house at 54 Summerdown Road. This would overlook the rear garden and rear windows of the proposed dwelling. A first floor window in the side of 52 Summerdown Road also looks across the application site and would have clear views of the proposed dwelling. A long distance view between the proposed house and the existing at No. 54 would remain. Prospective occupants could choose whether to move into a dwelling with this level of overlooking. Conifer trees have been planted along the rear boundary which could provide some screening, subject to control under the high hedges legislation.

A garage and driveway would provide off-street parking for the proposed house. The driveway is arranged so that vehicles could manoeuvre on site and exit in a forward direction. The Highway Authority has not objected to the proposed access opposite the junction of Compton Drive/Paradise Close. There is sufficient visibility for drivers and it is considered that the proposed access would not adversely affect existing highway safety.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not adversely neighbouring occupiers' Right to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be granted subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

(2) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the surrounding buildings.

(3) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc);
- (viii) retained historic landscape features and proposals for restoration, where relevant;
- (ix) planting plans;
- (x) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (xi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (xii) implementation timetables.

b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

(4) That the proposed first floor windows in the rear (south) elevation shall only be glazed in semi-obscure glass and incapable of being opened and shall be permanently maintained as such thereafter.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no windows, dormer windows, doors or openings of any kind (other than those expressly authorised by this permission) shall be constructed in the rear or side elevations (north, east and west) the house hereby permitted.

REASON: To safeguard the privacy of the occupiers of adjoining properties.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:-

The development would provide additional housing and would not adversely affect the visual amenities of the area, neighbouring residential amenity or highway safety, complying with the relevant policies of the Eastbourne Borough Plan 2001 - 2011.