

## **APPEALS RECEIVED**

- 1. Application no.:** EB/2009/0225
- Appeal Ref.:** APP/T1410/A/09/2112481/NWF
- Site:** 7 – 9 Nevill Avenue
- Proposal:** Proposed single storey extensions at rear to form two resident bedrooms and enlarged dayroom. Single storey extension at front to enlarge kitchen
- Reason for refusal:** The incremental increase of development on the site has led to a building which is incongruous and out of scale with its setting to the detriment of the character of the area and the outlook of adjoining residential properties. As such the proposal is contrary to policies UHT1 and HO20 of the adopted Eastbourne Borough Local Plan 2001 to 2011.
- Appeal start date:** 15.09.09
- Appeal procedure:** Written representations
- Officer Rec:** Grant subject to conditions
- 2. Application no.:** EB/2009/0253
- Appeal Ref.:** APP/T1410/A/09/2111901/WF
- Site:** 22 Cranborne Avenue
- Proposal:** Erection of an extension to the west side of the ground floor; dormer window on the rear and east side roof slopes and two dormers to front roof slope; and formation of new ground and first windows in the east side elevation.
- Reason for refusal:** The proposed extensions would be an over-development of the dwelling and the resulting building would be out of character with the surroundings and have an overbearing appearance and additional overlooking that would have a detrimental impact on neighbouring residential amenity. The proposed development is therefore contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001 - 2011.
- Appeal start date:** 03.09.09
- Appeal procedure:** Written representations
- Officer Rec:** Grant subject to conditions

## **APPEAL DECISIONS**

- 1. Application no.:** EB/2008/0784 (FP)
- Site:** 3-5 Nevill Avenue, Hampden Park, Eastbourne
- Proposal:** Change of use of No. 3 Nevill Avenue from a single private dwelling to a nursing home to be run in conjunction with the existing Avalon Nursing Home at No 5 Nevill Avenue, and the erection of two storey extension at the side and rear to provide 10 additional bedrooms and link with No 5 Nevill Avenue; the provision of two glazed roof conservatories (one at the rear of No 3 and the other at the rear of No 5) with a glazed roof over the internal courtyard area of No 5. Alterations to the existing vehicular access to No 3 to link the front car parking areas of the two buildings to provide a total of 13 parking spaces.
- Officer Rec.** Grant subject to conditions
- Appeal Decision:** Allowed

The application was refused on the grounds that the cumulative impact of the development previously approved under permission EB/2008/0603 (FP) together with the proposed additional conservatory extension would result in an overdevelopment of the site to the detriment of the visual and residential amenities of the occupiers of adjacent properties.

In considering the appeal, the Inspector found that the scale of the proposed conservatories in combination with their position at the rear of the subject properties would not significantly affect the building in relation to the character and appearance of the area. It was noted that there would be sufficient separation from adjacent dwellings in order for the conservatories not to be visually intrusive or overbearing. The Inspector considered that the proposed conservatories would neither individually nor cumulatively result in overdevelopment.

In the absence of any evidence demonstrating that the use of No 5, or other care homes in the area, has caused noise and disturbance, the Inspector found no reason to suggest the proposed change of use would be anymore likely to cause noise and disturbance to occupiers of nearby dwellings than any other residential property. With regard to the effect of illumination, it was noted that it would be unreasonable to distinguish this proposal from the illumination arising from other residential properties and street lights in this built-up location.

In relation to the impact of nearby construction upon retained trees, it was found that this issue could be adequately mitigated by means of a condition requiring an arboricultural method statement to secure protective measures.