

Delegated Officer Report -

App.No: 240341 (PPP)	Decision Due Date: 19 August 2024	Ward: Meads
Officer: Emma Wachiuri	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 25 July 2024 Neighbour Con Expiry: 25 July 2024 Press Notice(s):		
Over 8/13 week reason:		
Location: 26 Jevington Gardens, Eastbourne		
Proposal: Erection of 1no. 2 bedroom dwelling to rear of property		
Applicant: Mrs A Heywood		
Recommendation: Refuse		

Planning Status:

Residential buildings comprising 6no. flats

Constraints:

Area of High Townscape Value

Area of High Townscape Value

Conservation Area

College Conservation Area

Convenants

Trustees of The Chatsworth Settlement

Relevant Planning Policies

National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Eastbourne Core Strategy Local Plan 2006-2027

B1: Spatial Development Strategy and Distribution

C11: Meads Neighbourhood Policy

D1: Sustainable Development

D3: Tourism

D5: Housing

D10: Historic Environment- Area of High Townscape Value

D10a Design

Eastbourne Borough Plan 2001-2011

TO1: Tourist Accommodation Area

TO2: Retention of Tourist Accommodation

TO5: New Tourist Accommodation

NE4: Sustainable Drainage Systems

UHT1: Design of New Development

UHT4: Visual Amenity

UHT7: Landscaping

UHT15: Protection of Conservation Areas

UHT16: Area of High Townscape Value

HO1: Residential Development within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO20: Residential Amenity

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking

Site Description:

The application site relates forms part of the rear garden of no. 26 Jevington Gardens, a substantial residential building divided into apartments located in a conservation area setting.

Jevington Gardens is characterised by large properties on medium sized plots.

The rear garden backs on to a small service area and car park serving neighbouring accommodation and is enclosed by a 2m high boundary fence with mature trees along the boundaries.

The site is located within College Conservation Area, but the building is not statutorily listed.

Relevant Planning History:

240285

Subdivision of 1no. flat to create 3no. flats

Concurrent application

230738

Application for Certificate of Lawfulness to confirm that the property comprises of six self-contained apartments

Approved – 21/02/2024

EB/1993/0220

SINGLE STOREY GLAZED CONSERVATOY TO REAR OF BASEMENT FLAT

Approved

1993-07-14

EB/1983/0289

CONV TOP FLOOR FLAT TO 1X2 BED FLAT & 1 BEDSIT

Approved Unconditional

1983-08-16

160846

Form parking bay in front garden of property for one car

Refused – 15/09/2016

160461

Form parking bay in front garden of property for one car

Refused – 26/05/2016

160026

Form parking bay in front garden of property for two cars

Refused – 25/02/2015

000304

Provision of shared vehicular access

Refused – 09/08 2000

Neighbouring site

080399 - 28 Jevington Gardens

Oakwood House

Internal alterations of two ground floor flats to provide additional 1-bedroom unit to rear of property

Approved - 12th August 2008

700383 - 28 Jevington Gardens

Single Storey Rear Extension

Approved - 17th September 1970

050097 - 28 Jevington Gardens

Change of use from hotel to six one-bedroom, one two-bedroom and one three-bedroom flats.

Planning Permission

Approved conditionally

26/05/2005

060278- 28 Jevington Gardens

Conversion of existing hotel into 8 apartments. (Variation of

Planning permission EB/2005/0120)

Planning Permission

Approved conditionally

26/06/2006

Other Sites

210609 - 32 Upperton Gardens

Extension and alterations to existing ground floor flat and conversion to form 2no. 2 bed flats

Approved - 3rd September 2021

060385 - 24 Jevington Gardens

Application for a certificate of Lawfulness for use of property as a
single private dwelling

LD Certificate (proposed)

Approved unconditionally

26/06/2006

Proposed development:

Planning permission is sought for the erection of 1no. 2 bedroom dwelling to rear of property.

This application seeks permission to construct a new-build property in the rear garden of no.26 Jevington Gardens. The proposed unit would have a footprint of approx. 60sqm, would occupy full width of the plot and be offset approx. 1.8m away from the common southern/rear boundary. The proposed unit would be accessed from Jevington Gardens along the common side path leading to the rear of the host dwelling.

A communal garden with the host building would be retained to the front of the unit which would allow a 3.4m separation distance between the new and the host building. The front garden to the front of no.26 Jevington Gardens would also be retained as a communal garden.

In addition, a cycle and refuse storage area would be provided/retained within the front yard and along the eastern boundary.

A hedge is also being proposed along the front boundary.

Consultations:

Internal:

Specialist Advisor (Waste)

No comment received

Specialist Advisor (Conservation)

This application seeks permission to construct a new-build property in the rear garden of this substantial residential building divided into apartments located in a conservation area setting. The property has no impact on the front street view and has limited impact at the rear, as the garden within which the property will be constructed backs on to a small service area and car park serving neighbouring accommodation. In conservation terms, therefore, there is only a very minor public impact, and no significant challenge to the character and appearance of the conservation area, with no imperative to raise an objection.

Although I am not objecting on conservation grounds, there are clearly broader planning issues that need to be taken into account that may lead us to a different decision.

CIL

The proposal will be liable for CIL should it be granted.

External:

SUDS

Unfortunately, the LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal. If this is the case, please set out your concerns and we will endeavour to provide a response within the deadline set.

Neighbour Representations:

Public notification regarding the application has been undertaken in the following ways:

- Letters have been sent to all registered properties adjoining the application site;
- A site notice has been displayed in the vicinity of the application site;

One comment has been received following public notification regarding the application, which raise objection on the following material planning considerations:

1. Noise and disruption from the works
Officer Response: This is a matter covered by Environmental Health legislation
2. Loss of day/sunlight from the proposed building

Appraisal:**Principle of development:**

The site falls within the settlement boundary where the principle of development is deemed to be acceptable. There is no objection in principle provided it is designed to a high standard, respects the established character of the area, would not have an adverse effect on neighbouring amenity and is in accordance with the policies of the National Planning Policy Framework (2021), the Core Strategy 2006-2027, and saved policies of the Borough Plan 2007.

There is a need for new homes within Eastbourne Borough, emphasised by the current shortage of identified land for housing development, and development should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (para. 11 (d) (ii)). It is noted that para. 124 of the NPPF identifies the more efficient use of land as a means to meet housing demand.

Design quality and impact upon the street scene and visual amenity of the area:

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and paragraph 135 of the NPPF

Jevington Gardens is characterised by large properties of 3/4/5 in height and on medium sized plots.

The proposed dwelling is 1.5 storey in height and of a considerably smaller scale than those in adjoining plots, and would have a small plot size which would be uncharacteristically out of scale with the prevailing pattern of development of this area.

The scale of the proposed dwelling means that the development is noticeably out of scale with the prevailing pattern of development in the immediate area. The site is not considered suitable for a residential development that would be in keeping with the prevailing scale and pattern of development in the immediate streetscene. Consequently, it would appear as an incongruous development within the street scene which would harm the character and visual amenities of the area in relation to its size, scale and appearance. It would thus conflict with saved policies UHT1 and UHT4 of the Eastbourne Borough Local Plan (LP) 2003 and policies D10 and D10A of the Core Strategy Local Plan (CS) 2013.

Impact upon character and setting of a conservation area

Relevant policy: Policy D10 (Historic Environment) of the Eastbourne Core Strategy 2013 and saved policy UHT15 (Protection of Conservation Areas) of the Eastbourne Borough Plan 2003 and paras. 205-208 of the NPPF.

The Conservation Officer has raised no objection to the proposed development on conservation grounds. They have advised that due to siting in the rear garden with limited views in the streetscene the property has no impact on the front street view and there is only a very minor public impact, and thus no significant challenge to the character and appearance of the conservation area.

Living Standards for Future Occupants

Para. 119 of the Revised NPPF states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. Paragraph 124 (e) requires decisions secure '[] well-designed, attractive and healthy places' and Para.130 (f) seeks to 'promote health and well-being, with a high standard of amenity for existing and future users'. Eastbourne Core Strategy Policy B2 (Creating Sustainable neighbourhoods) requires a development to "Protect the residential and environmental amenity of existing and future residents" and Eastbourne Borough Plan Policy UHT1 (Design of New Development) where a development is required to 'be appropriate in [] alignment and layout'.

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

The guidance in the National Design Code advises that good quality housing creates a pleasant indoor environment with adequate levels of natural lighting, and sunlight, without problems of overheating, good quality ventilation and privacy from overlooking.

The Department for Communities and Local Government has produced the Technical housing standards – nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. The Local Planning Authority requires that all new residential developments comply with National Space Standards in order to provide suitable amenity space for future residents.

The nationally described space standards require that a two bedroom, four persons two-storey dwelling provide a minimum GIA of 79m². The proposed unit will exceed 100m². The proposed unit has space to provide adequate storage at both ground and first floor levels.

As such it is considered that the proposed unit would meet the nationally described space standards.

The ground floor habitable rooms would be served by clear glazed openings that would provide access to good levels of natural light and ventilation to these rooms. However, given the short separation distance it is considered that the 4-storey host building would have a detrimental impact on day/sunlight and outlook from the proposed development.

In addition, due to a short window to window separation distance there would be great levels of intervisibility between the 4-storey host building and the proposed unit due to the short window to window separation distance of approx. 3.4m and this would result in loss of privacy for the neighbouring occupiers and the future occupiers of the proposed unit. The rear windows and the private amenity space would also be overlooked by the properties to the rear along Compton Street particularly nos. 24-26 Compton Street. This would result in poor and unacceptable living standards for future occupants due to overlooking.

In addition, the extremely close proximity of the rear windows to the rear boundary fence with the distance measuring 1.28m the proposal would create an oppressive sense of enclosure and poor outlook from the rear windows.

New dwellings must also have acceptable arrangements for access and amenity space. Although the local development plan does not identify minimum sized for outdoor amenity space it is considered essential that suitable amenity facilities are provided for occupants of residential property in line with the objectives of para. 135 (f) of the Revised NPPF, which states that planning policies and decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'

It would appear from the site plan an amenity space could be provided for the occupiers of the dwelling. However, the space would be 1.28m in depth and 9.7m wide and the amenity space would be overlooked by the rear windows of no.24-26 Compton Road to the south (rear).

Given the relationship between the host building and the proposed dwelling plus the relationship with surrounding properties, the proposed development is considered to result in inadequate and wholly unacceptable poor living conditions for future occupiers contrary to policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, the National Design Code and the NPPF.

Impact upon the amenity of neighbouring occupants

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 135 of the NPPF.

The host property no.26 Jevington Gardens is the most likely to be affected by the proposed development. This property comprises of 6 flats with windows to habitable rooms facing the rear and towards the proposed unit.

The separation distance between the host building and proposed unit would be approx 3.4m. The proposed unit would have 4no. windows serving a lounge and a separate kitchen/dining room. Given the relationship and the insufficient window to window separation distance of 3.4m there would be great levels of intervisibility between the host building and the proposed unit and this would result in loss of privacy for the neighbouring occupiers especially the lower ground and upper ground floors and the future occupiers of the proposed unit.

No details of day/sunlight assessment has been submitted with the application but given the short separation distance it is considered that the proposed 1.5 storey building would have a detrimental impact on day/sunlight reaching the rear windows of the lower ground and upper ground rear flats at no.26 Jevington Gardens. The proposal would thus fail to accord with Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 135 of the NPPF.

Impact upon highway network, access and/or pedestrian/highway safety:

Relevant policy: Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and para. 116 of the NPPF.

There is no parking available on site and none is being provided. The site is located in the town centre and thus it is highly sustainable with easy access to public transport and thus lack of parking provision would not impact on the highway network.

Cycle and refuse and recycling storage would be provided within the front garden. East Sussex County Council highway standing advice recommends the provision of 2no. cycle parking spaces. No details of the cycle and refuse storage facilities have been submitted but this would be secured via a planning condition.

Ecology and Biodiversity:

Relevant policy: UHT5 (Protecting Walls/Landscape Features) of the Eastbourne Borough Plan 2003 and paras. 131 and 186 of the NPPF.

The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require at least 10% biodiversity net gain for all new development to be delivered as a condition of a planning permission.

The site is formed of a residential rear garden to no. 26 Jevington Gardens. There are mature trees along the site boundaries but it is not clear from the submitted application if this would be retained or not. A hedge is being proposed along the front boundary, details of which have not been submitted with the application but these can be secured via a condition in any given approval.

As one new dwelling is being proposed if planning permission is granted, the permission would be subject to the biodiversity gain condition, as set out in Part 7 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended), and thus a mandatory biodiversity gain plan with a minimum 10% gain is required and to be calculated using the Biodiversity Metric should be submitted for approval with this application. No biodiversity gain plan nor metric has been submitted.

Therefore, the application also fails to provide sufficient information to adequately demonstrate that the proposed development would result in a measurable net gain in biodiversity within the site and is therefore in conflict with saved policies NE22 and NE28 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and paragraphs 180 and 186 of the NPPF.

Sustainable drainage considerations

Relevant policy: Policy B2 (Creating Sustainable Development) and D9 (Natural Environment) of the Eastbourne Core Strategy 2013, policy NE4 (Sustainable Drainage Systems) of the Eastbourne Borough Plan 2003 and para. 173 of the NPPF.

This location is in flood zone 1. It is also identified as being at very low risk of surface water flooding.

Planning Obligations:

None

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

As discussed above the proposed development would be out of character in the streetscene due to scale and would provide a substandard level of living standards for future occupants and harm on neighbour amenities due to mutual overlooking and inadequate private amenity space for future occupiers.

In addition, the proposal fails to provide sufficient information to adequately demonstrate that the proposed development would result in a measurable net gain in biodiversity within the site.

Therefore, the proposal does not comply with national and local policies and is being recommended for refusal.

Recommendation:

Refuse for the following reasons:

1. The proposed development , by reason of its scale, height, design, location and siting , would fail to harmonise with the character of the area in which it is located, would fail to preserve the character and appearance of the Meads Conservation Area and would be detrimental to its significance as a designated heritage asset, contrary to policies D10 (Historic Environment) and D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT15 (Protection of Conservation Areas) of the Eastbourne Borough Plan 2003 and paragraphs 135 and 203 of the NPPF.
2. The proposed dwelling would, by reason of its scale, design, location, siting and close proximity to neighbouring building no.26 Jevington Gardens, result in intervisibility/overlooking of adjacent occupiers, loss of day/sunlight to lower and upper ground floor rear windows and this would harm the residential amenity of the future occupants of the proposed dwelling and amenities of neighbouring occupants by reasons of overlooking, poor outlook and poor levels of day/sunlight, contrary to policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy, policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and paragraphs 135 of the NPPF.
3. The proposed dwelling, by reason of its close proximity and relationship with the donor property no. 26 Jevington Gardens and with properties to the rear no.24-26 Compton Street, a short/restricted outdoor amenity space that would be heavily overlooked from the properties to the rear and due to its' short depth would create an oppressive sense of enclosure and poor outlook from the rear windows and loss of day/sunlight resulting in inadequate and wholly unacceptable poor living conditions for future occupiers contrary to policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003, the National Design Code and the NPPF.
4. The application fails to provide sufficient information to adequately demonstrate that the proposed development would result in a measurable net gain in biodiversity within the site and is therefore in conflict with saved policies NE22 and NE28 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and paragraphs 180 and 186 of the NPPF.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.