

<b>Report to:</b>	PLANNING COMMITTEE
<b>Date:</b>	24 May 2017
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address: Proposal:</b>	<b>210 Hillside Road, Hastings, TN34 2QT Upper floor bedroom extension over existing single storey addition.</b>
<b>Application No:</b>	<b>HS/FA/17/00050</b>
<b>Recommendation:</b>	<b>Grant permission</b>
<b>Ward:</b>	CONQUEST
<b>File No:</b>	HI75210
<b>Applicant:</b>	<u>Mr &amp; Mrs Robertson</u> per Appleby Petfield Heffle Buildings 33a High Street Heathfield TN21 8HU
<b>Interest:</b>	Owner
<b>Existing Use:</b>	Dwellinghouse
<b>Policies</b>	
Conservation Area:	No
Listed Building:	No
<b>Public Consultation</b>	
Adj. Properties:	Yes
Advertisement:	No
Letters of Objection:	6
Petitions Received:	0
<b>Application Status:</b>	Not delegated - More than 2 letters of objection received

### **Site and Surrounding Area**

The site comprises a detached two-storey dwelling with garage located on the adopted section of Hillside Road between its junctions with Parkstone Road and Little Ridge Avenue on the eastern side of the road. The dwelling is set back from the highway with a substantial paved parking area and front garden.

The rear boundary of the site to Chanctonbury Drive comprises a 1.8m (approximately) high close boarded timber fence and 1.8m (approximately) high brick wall. The rear of the site and neighbouring properties are clearly visible from Chanctonbury Drive. The rear of the site is located opposite a cul-de-sac off Chanctonbury Drive.

A single storey extension exists to the rear of the site and adjacent to No. 212 Hillside Road with a flat roof erected under permission HS/FA/88/01165. The submitted plans show this existing extension to be 4.4m in width, 2.35m in depth and 2.7m in height. There is a timber shed in the rear garden against the rear boundary of the site which can be seen from Chanctonbury Road to the rear. A parking area exists to the rear of the site which is accessed from a dropped kerb on Chanctonbury Drive through a pair of close boarded timber gates.

The materials of the existing dwelling consist of facing brick with white painted weatherboard to the first floor front elevation, concrete roof tiles and white upvc windows and doors. The neighbouring property to the south, 208 Hillside Road, has a similar ground floor rear extension with flat roof which is finished in painted render. Nos 202, 204 and 206 Hillside Road have conservatories to the rear of which conservatories at Nos 202 and 204 Hillside Road have pitched roofs; all are clearly visible from Chanctonbury Drive to the rear.

### Constraints

Flooding Surface Water 1 in 30

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

Tree Preservation Order

SSSI Impact Risk Zone

### **Proposed development**

This application is for the erection of a first floor extension above the existing ground floor extension to the rear of the site. The extension is proposed to have external materials that match the existing dwelling. A Juliet balcony at first floor on the rear elevation is also proposed.

The proposed extension is shown to raise the existing eaves' height from 2.7m to 5.0m and form a ridge height of 6.7m with open gable to the rear. The footprint of the extension will remain the same as the existing with a width of 4.4m and depth of 2.35m. The distance of the development from the eastern (rear) boundary is 10.5m, 8m from the southern boundary and 1.4m from the northern boundary.

### **Relevant Planning History**

HS/FA/88/01165 Erection of an extension  
Granted 09 September 1988

### **National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

## Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

## National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

## **Representations**

6 objections have been received from 3 different properties following the erection of a site notice for the duration of 21 days.

The submitted objections raise the following concerns towards neighbouring property No. 212 Hillside Road;

- Overshadowing and loss of light
- Loss of light to garden
- Overlooking from Juliet balcony
- Run off of surface water on to neighbouring property
- Quality of submitted information

## **Determining Issues**

### Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

### Submitted information

An objection submitted by Witcombe Surveying & Conservation Ltd of behalf of Mrs C Gurney of No. 212 Hillside Road raises concerns regarding the information submitted with the application. The first point raised is that the location and block plan only include one named road and not the suggested "at least two named roads" detailed by the Validation Checklist March 2015. The Development Management Procedure Order 2015 Part 3 7 - General requirements: applications for planning permission including outline planning permission (1(c i)) states that the application should be accompanied by "a plan which identifies the land to which the application relates" and therefore, it is not considered that the identification of two named roads is necessary in this instance; the submitted location plan is sufficient to clearly identify the location of the site by providing the location of the site in relation to nearby road junctions and other numbered properties on the road.

The Communities and Local Government document for Guidance on information requirements and validation March 2010 paragraph 45 states *"All applications must include copies of a location plan based on an up-to-date map. This should be at an identified standard metric scale (typically 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper). The GDPO 1995 requires applicants to provide three copies plus the original (unless submitted electronically). Plans should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear."* it is considered that the submitted location plan satisfies these requirements and is sufficient to identify the land to which the application relates. As such the application is considered to be valid. It is noted that the validation checklist will be amended accordingly.

The second point raised relates to the existing and proposed floor plans and elevation drawings, the Validation Checklist 2015 requires that existing and proposed elevations and floor plans have the following *"Scale 1:50 or 1:100 with written dimensions to show overall size of any new buildings or extensions."* however, it is considered that as the plan is at an identified scale with a scale bar the requirement for written dimensions is not necessary. Furthermore, the Development Management Procedure Order 2015 Part 3 7 - General requirements: applications for planning permission including outline planning permission (2) states *"Any plans or drawings required to be provided by paragraph (1)(c)(i) or (ii) must be drawn to an identified scale and, in the case of plans, must show the direction of North."* and therefore it is not considered that the provision of written dimensions on the submitted plans and elevations is required in order to make the application valid and arrive at an informed recommendation.

The final point raised is that a roof plan has not been submitted, the Validation Checklist March 2015 requires that a roof plan is submitted where a roof would be created or altered by the proposed development. The Development Management Procedure Order 2015 does not require the provision of a roof plan. After reviewing the submitted information it is considered that the form of the new roof is sufficiently shown on the submitted block plan and proposed elevation drawings in order to determine the application.

#### Impact on Character and appearance of area

It is proposed for the extension to have materials that match the existing dwellinghouse, and therefore, the proposals are considered acceptable in this respect. The extension is located to the rear of the property and is not therefore clearly visible from Hillside Road.

Although the rear of the site is easily visible from Chanctonbury Drive, the roof of the extension is to have an open gable which is consistent with the existing dwelling and is considered to improve the appearance of the existing flat roof ground floor extension and in turn the character of the rear of the properties on Hillside Road. Furthermore, the extension is of a modest size which is not disproportionate to the existing dwelling and neighbouring properties. The extension is considered to integrate well with the existing dwelling by matching the eaves' height of the original dwelling and having a proposed ridge height which does not exceed the ridge height of the original dwelling.

#### Impact on Neighbouring Residential Amenities

As there is a distance of approximately 2.5m between the site and neighbouring property No. 212 Hillside Road and the extension is only 2.35m in depth it is considered that the proposals, despite being at first floor level, will not have a negative impact in terms of outlook from No. 212 Hillside Road.

A BRE Daylight and sunlight assessment was carried out to determine the impact on diffuse skylight received to the rear ground floor patio door of No. 212 Hillside Road which serves a living room. To carry out the assessment, a 45 degree line was taken from the corner of the proposed extension back towards No. 212 Hillside Road on the block plan and a 45 degree line was taken from midway on the pitched roof of the first floor extension towards No. 212 Hillside Road on the proposed elevation plan. Should the point 1.6m above ground level to the centre line of the patio door at No. 212 Hillside Road be on the extension side of both 45 degree lines, it is considered that there would be a significant reduction in skylight received by the patio door, that being the closest ground floor window to the proposed extension at No. 210 Hillside Road.

After carrying out the assessment the following was identified:

- The centre point of the patio door at No. 212 Hillside Road was not on the extension side of the 45 degree line taken on the block plan. It is noted that the 45 degree line on the block plan did not reach the rear elevation of No. 212 Hillside Road.
- The centre point of the patio door at No. 212 Hillside Road was not on the extension side of the 45 degree line taken on the rear elevation. It is noted that the 45 degree line taken crossed a small portion of the bottom left hand corner of the patio door.

In light of this it is not considered that the proposals will cause an unacceptable reduction in skylight received at No. 212 Hillside Road.

The course of shadow cast by the proposed first floor extension and existing ground floor extension was plotted using the BRE Trust Site 'Layout Planning for Daylight and Sunlight - A guide to good practice 2011'. This involved using the sun on the ground indicator for 21 March for southern England and South Wales to plot the shadow cast by the development towards No. 212 Hillside Road. It is suggested that the centre point of the back garden of No. 212 Hillside Road should receive at least 2 hours of sunlight on 21st March after plotting, the shadow cast by the development did not reach the centre point of the garden at No. 212 Hillside Road and, therefore, the development is considered acceptable in this respect.

It is also recommended in the BRE guidance that at least 50% of the rear garden should receive at least 2 hours of sunlight on 21st March. After plotting, the shadow on the ground occupies a minimal area and does not reach the centre point of the garden it is not considered that the extension will cause an unacceptable level of shadow to cause harm to the amenity of No. 212 Hillside Road.

The shadow cast by the development was plotted from 9:00 until 16:00. After reviewing the diagrams, the proposed development would cast a shadow on the rear patio door of No. 212 Hillside Road, which serves the living room, at 10:00 and 11:00. As the development would only cast a shadow on the rear patio door of No. 212 Hillside Road for approximately two hours of the day on 21st March it is not considered that the proposals would cause significant or unacceptable levels of overshadowing and the proposals are considered acceptable in this respect.

As there are no windows or openings proposed to the side elevations of the extension, it is considered that the proposals will not give rise to harmful levels of overlooking onto neighbouring properties. It is not considered that the Juliet balcony at first floor level will harm neighbouring amenity as the balcony is not accessible. It is noted that there is already a degree of mutual overlooking to be expected in urban areas such as this from first floor windows.

The site benefits from permitted development rights, however, in their current form the proposals would not be considered permitted development as the proposals do not comply with the following provision under Schedule 2 Class A Part 1 (i) *"the enlarged part of the*

*dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres"* of the General Permitted Development Order 2015 as the extension is only approximately 1.4m from the northern boundary. Should the extension be repositioned a further 0.6m (approximately) the development would fall under permitted development and not require planning permission.

It is noted that Schedule 2, Class C.1 (b) *"the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof"* the proposed extension would result in an alteration to the original roof in excess of 0.15m, however, the Permitted development rights for householders Technical Guidance April 2017 states *"This limitation to projection from the roof plane should not be applied in cases where the roof of an extension to a house that is permitted development under Class A is joined to the roof of the original house. In such cases, the roof of the extension should not be considered under Class C as protruding from the original roof."*, and therefore, this limitation would not apply should the development be permitted under Class A.

### Flooding

The development proposed in this application is at first floor level and does not include the addition of any hardstanding areas, and therefore, it is not considered that the proposals will contribute to existing levels of surface water flooding on site.

### Tree Preservation Order (TPO)

A TPO is in place to the front of the property and relates to an individual Scots Pine, the proposals are to the rear of the site and, therefore, it is considered that no harm will come to protected trees.

## **Conclusion**

In light of the above assessment it is considered that the proposals comply with the Local Plan and relevant sections of the National Planning Policy Framework, and therefore, it is recommended that the application is approved.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## **Recommendation**

### **Grant permission 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.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
16-2443-01 - 07 REV A,
3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

---

### **Officer to Contact**

Miss N Sargant, Telephone 01424 783265

### **Background Papers**

Application No: HS/FA/17/00050 including all letters and documents