

**Report to:** PLANNING COMMITTEE

**Date:** 10 September 2014

**Report from:** Development Manager

**Application Address:** 9 St Margarets Terrace, St Leonards-on-sea, TN37 6EN

**Proposal:** Proposed additional extension to 2nd floor over existing property to form new bedroom.

**Application No:** HS/FA/14/00551

**Recommendation:** Grant permission

**Ward:** CENTRAL ST LEONARDS

**File No:** XM25009

**Applicant:** Mr & Mrs Watson per SWG Designs 1A St Georges Road Hastings TN34 3NH

**Interest:** Freeholder

**Existing Use:** Residential

## **Policies**

Hastings Local Plan 2004: DG1, C1, C9

Conservation Area: Yes - Magdalen Road

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: SC1, EN1

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, HN1

## **Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 6

Petitions Received: 1 Letters of Support: 1

**Application Status:** Not delegated - Petition & more than 2 objections received

## **Summary**

The application seeks permission to construct a second storey rear extension over an existing projection. I recommend permission is granted.

## **The Site and its Location**

The application site comprises a period terraced three storey building within the Magdalen Road Conservation Area and is one of a series of terraced buildings with flat roofed additions

to the rear, some of which including 9 St Margarets Terrace are visible from Villa Road. The area is densely built up and the application site backs onto similar style buildings along Magdalen Road. To the south lie the terraced houses of 1 - 6 St Margarets Terrace which have a perpendicular relationship to the terraces of 1 - 4 Magdalen Road and 7 - 12 St Margarets Terrace.

## **Details of the Proposal and Other Background Information**

The proposal seeks permission for a second storey rear extension over an existing extension. The footprint of the extension measures 3.2 by 3.5 metres with a height of 3 metres. It would be built on the boundary with No. 8 St Margarets Terrace to the south and there are no windows in the south or rear elevation. To the north, the distance to the boundary is 2 metres and there is a window in this elevation, however, it would look out over an extension at No. 10.

## **Previous Site History**

There is no other site history than the application below which was submitted at the same time and included a roof terrace.

HS/FA/14/00552 Proposed additional extension to 2nd floor over existing property to form new bedroom and new roof terrace.  
Withdrawn - 4 August 2014

## **Details of Consultations**

Subsequent to a site notice and neighbour consultation letters, 6 letters of objection and a petition as well as 1 letter of support have been received at the time of writing this report. The objections include design, loss of light and loss of privacy.

## **Planning Considerations**

### **Impact on Conservation Area**

The only public area the extension will be visible from is Villa Road, looking down the rear passageway which runs in between the rows of terraced houses. This will be at some distance and the appearance of this alleyway is varied including other rear extensions. As such the effect on the character and appearance of the Conservation area is minimal and acceptable.

### **Impact on residential amenity**

The relationship to the north is acceptable, given that there is a deep extension and only a very small rear courtyard area at No.10. Neither the window nor the bulk of the extension will have any significant impact. To the rear the extension faces a tall windowless wall. The property at 2 Magdalen Road is severely overshadowed by this and the additional impact of the proposed extension to the north-west would be insignificant.

The relationship with the residential flats at 8 St Margarets Terrace is more critical. The rear windows already suffer some degree of loss of outlook and loss of light from the existing extension. Adding the proposed extension would have some impact on these windows and the courtyard. However, given that the proposed extension is to the north, it would only have a limited impact with regard to daylight to the windows.

I am mindful of the objection received from 4 St Margarets Terrace, one of the properties to the south, however, as the extension has no windows in this direction, there are no overlooking issues. Given that there are two properties in between the application site and the terrace to the south, the relationship with regard to overshadowing is acceptable. The views from the rear bedroom windows and the outside courtyard area will be affected, but this only applies to the view and not the immediate outlook and open space to the rear of the extension would remain, allowing views through to Villa Road.

3D computer images have been provided trying to demonstrate the effect on adjoining properties.

On balance, I consider the application to be acceptable.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

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

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:  
  
157-P-02A & 157-S-01-C, 157-P-03
3. No development shall take place until
  - samples of materials and finishes
  - details of rainwater goods
  - details of flues and extractshave been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The flat roof shall not be used as a roof terrace for sitting out on.
5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting

that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the extension hereby approved.

**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. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
4. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
5. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)

**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.

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**Officer to Contact**

Mrs E Collins, Telephone 01424 783278

**Background Papers**

Application No: HS/FA/14/00551 including all letters and documents