

**Report to:** PLANNING COMMITTEE

**Date:** 15 December 2016

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 10 Godwin Road, Hastings, TN35 5JR  
**Proposal:** Alterations to property and change of use from three flats to a single dwelling with self contained annexe, provision of first floor balcony & external steps down to basement and demolition of flat roof garage.

**Application No:** HS/FA/16/00727

**Recommendation:** Grant Full Planning Permission

**Ward:** OLD HASTINGS

**File No:**

**Applicant:** Mrs Masters per Julian Bluck Designs Ltd Briar House Nash Street Golden Cross, Hailsham. BN27 4AB

**Interest:** CERT A Owner

**Existing Use:** Residential

**Policies**

**Conservation Area:** Yes - Tillington Terrace

**Listed Building:** No

**Public Consultation**

**Adj. Properties:** Yes

**Advertisement:** Yes - Conservation Area

**Letters of Objection:** 6 letters from 4 complainants

**Petitions Received:** 0

**Application Status:** Not delegated - More than 2 letters of objection received

### Site and Surrounding Area

The site comprises a substantial traditional detached villa property, two storeys high with basement. It is set back from the road with garden on all sides and has elevated rear views south towards the sea. There is a detached garage to the west of the site that is a later

addition of red brick with flat roof. To the east elevation, there is a single storey side 'lean-to' with mono-pitch sloping roof. The property has a front porch with two front doors set in the centre of the front elevation.

The villa has a front garden slightly sloped down from street level and a long rear garden that tapers slightly towards its bottom end before dropping down to the level of houses on Dudley Road behind. A high front boundary hedge has recently been removed leaving the villa exposed to street view and a new unauthorised low boundary brick wall with high piers has been built that is the subject of a planning enforcement case. A separate planning application for the front wall with piers is expected.

The villa occupies an elevated position on the south side of Godwin Road with expansive views from the rear, south towards the sea. Godwin Road lies within the Tillington Terrace Conservation Area. To the east of the application property, the neighbouring villa property is in hotel/ guest house use with outdoor swimming pool. To the west of the site are newer semi-detached properties and the neighbouring property on the west side has a large upper floor rear balcony. The opposite side of Godwin Road has a long low continuous brick wall with high overgrown trees and shrubs above. Behind is a large grassed area that stands in front of the houses set well back on Tillington Terrace. The majority of the locality is in residential use.

There are no parking restrictions along Godwin Road to the front of the property. There are no mature trees on the site that would be affected by this proposal. The property is not a listed building.

Planning permission was granted in 1955 for conversion of the property into three separate dwelling units. The current planning application describes the property as three independent flats. Two Unique Property Reference Nos (UPRN) for this property show an existing pair of dwellings, numbers 10 and 10A Godwin Road. Council tax references have been submitted that show three separate council tax references for this property, one for No. 10 Godwin Road and two for No.10A Godwin Road (10A Godwin Road first floor and 10A Godwin Road ground floor) indicating that the 1955 planning permission was implemented and that the property has been sub-divided.

Currently the entire property is unoccupied and undergoing internal alteration.

#### Site Constraints:

Tillington Terrace Conservation Area;

1 in 1000 surface water flood risk;

41 Pipelines Pylons and Overhead cables residential development of 100 units or more;

Public right of way (East of property).

### **Proposed development**

The proposed development is alterations to property to change back to a single dwelling (4 bedrooms) with self-contained (1 bedroom) annexe, provision of a first floor balcony and external steps down to basement and demolition of flat roof garage:

The second front door of the property would be bricked up to leave only the original single front door entrance. Other than this, there would be no material change to the front elevation.

The small garage to the west of the site would be demolished. The existing single-storey 'lean-to' side on the east elevation would be altered and given a new mono-pitch roof with roof-lights.

To the south and west elevations, light wells would be developed. The light well to the west elevation would have external access stairs from the garden to the basement creating a new access to the basement. A Victorian style balcony at first floor level is proposed to the rear elevation. A condition is attached to require that the internal access to the annexe be maintained.

The proposed annexe would be internal and situated on the first floor of the property; it would comprise a bedroom, shower-room and open plan kitchen / livingroom/ dining area. It would be accessed from the main dwelling through a set of doors leading off the head of the internal staircase at first floor level.

The application is supported by the following documents:

Heritage Statement  
Waste Management Plan  
Design and Access Statement  
Council Tax Information

### **Relevant Planning History**

HS/FA/82/00517 Erection of a 3' high wall with a 3' fence on top. Granted 10.11.1982  
HS/DS/76/00245 Redevelopment by the erection of a pair of semi-detached dwellings with integral garages and provision of a garage for 10 Godwin Road 76/245 Proposed amendments - GTD. Granted 12.05.1976.  
OA/76/00113 Erection of pair of semi-detached houses and garages with vehicular access (Renewal of OA/74/173). Granted 24.03.1976.  
HS/OA/74/00173 The erection of a pair of semi-detached houses and garages with vehicular access. Granted 04.03.1974  
HS/OA/73/01497 Redevelopment by the erection of 9 flats and garages, with enlargement of existing vehicular access. Withdrawn  
HS/55/00368 Conversion of property into three separate dwelling units. Granted conditionally 26.07.1955

### **National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

FA5: Strategic Policy for Eastern Area  
SC1: Overall Strategy for Managing Change in a Sustainable Way  
SC2: Design and Access Statements  
SC3: Promoting Sustainable and Green Design  
SC7: Flood Risk  
EN1: Built and Historic Environment  
H2: Housing Mix  
DS1: New Housing Development

Hastings Local Plan – Development Management Plan (2015)

LP1 – Considering Planning Applications  
DM1 – Design Principles  
DM3 – General Amenity  
DM4 – General Access

HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

HN2 – Changing Doors, Windows and Roofs in Conservation Areas

### Other Policies/Guidance

Supplementary Planning Document: Parking Provision in New Developments (SPD)

Supplementary Planning Document 2: Replacement Doors and Windows for Listed Buildings and Conservation Areas (SPD)

### 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.

Paragraph 12: Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

## **Consultations comments**

### Conservation No Objection

Comment that changes proposed viewed from the front of the property are relatively minor and not harmful to the significance of the Tillington Terrace Conservation Area. The proposed changes could be more visible from Dudley Road to the south, however the distance between Dudley Road and the application dwelling is considerable. Views from the surrounding conservation area to the south would be partially blocked by properties on Dudley Road.

## **Representations**

6 letters from 4 complainants have been received raising the following issues:

- Object to inadequate parking;
- Object to what appears to be development of five flats;
- Request restrictions on number of flats to three because in Conservation Area;
- Object to balcony erected between two bays on 1<sup>st</sup> floor not in-keeping with property and will change the nature of the canopy to the lower floor;
- Loss of existing garage and impact on property 8 / 8A that it adjoins. The garage to the application property was a planning condition of development of 8 /8A;

- Object to number of entrance doors proposed for single C3 dwelling and retention of two front doors.
- Object to noise nuisance from flat roof terrace (east side) as raised terrace appears to be designed as easily accessible external amenity space;
- Object to light pollution from flat roof terrace (east side) as raised terrace appears to be designed to be lit up at night;
- Loss of privacy to first floor bedroom of dwelling opposite side of Godwin Road No. 11 Tillington Terrace;

A proposed terrace on top of the side extension to the east elevation that attracted these last three objections has since been removed from the amended plans.

## **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.

### Loss of existing use:

The front elevation as existing has two front doors. UPRN records show the villa as two property addresses Nos. 10 & 10A and Council Tax records show that there has been use of this property as up to three separate units. This corresponds to the planning permission granted in 1955 to convert the property into three separate dwelling units. The entire property is currently unoccupied and undergoing internal works.

The loss to the housing stock of use of this villa as three flats, compared to the proposed use as a single dwelling with internal annexe is considered to be acceptable. Policy H2 of Hastings Planning Strategy seeks a balanced mix of housing that contributes to a well-integrated mix of housing types and tenures and in this case the reversion of this villa to its original single dwelling use is considered to make an appropriate addition to the mix of housing available on Godwin Road. Many of the neighbouring villas and large detached properties along Godwin Road have been sub-divided or converted to other uses. Next door number 12 is in use as a guesthouse/hotel. Number 14 was granted planning permission in 1998 for conversion to supported accommodation. Number 6 was converted to 1 & 2 bedroom flats and number 4 was converted to maisonettes. Given this street history, this application for reversion of number 10 back to a large detached villa single dwelling with internal annexe would add appropriately to the existing local mix and re-use as a single dwelling, would be in-keeping with the traditional character of the property and the conservation area.

The room pattern would change and there would be internal alterations to reconfigure the property inside. This is not a listed building and the interior of this property has undergone previous internal alterations for sub-division such that the current internal alterations as proposed are acceptable. The proposed internal self-contained annexe accessed through the main entrance(s) of the property would not detract from single dwelling use or the character of the conservation area.

Policy FA5 of Hastings Planning Strategy sets out the overall indicative quantity of development for Eastern Area which seeks an increase in the number of dwellings up to 2028. In number terms this proposal would reduce the previous 3 dwelling units use at this property down to a single dwelling. The proposed internal annexe, would provide additional living space and accommodation such that this proposal is acceptable. The proposed annexe would be accessed from inside the villa.

Policy DS1 of Hastings Planning Strategy seeks to maintain and protect the existing stock of family size housing and allows replacement with new residential development. Part iii). paragraph 3.1 of Hastings Development Management Plan sets out that it is the aim of the Planning Strategy to both increase the supply of new dwellings and at the same time promote an appropriate mix of dwelling types and sizes in the Borough, with an emphasis on increasing the supply of larger family sized units.

The loss of the sub-division to three flats and reversion to single dwelling use is considered to be acceptable.

### Layout and Design

The proposed layout and design show external alterations that include light well, stair well at basement level, and a rear balcony at first floor level. The light-wells and stair-well would have no significant impact on the street scene or the character of the property as they would be below ground surface level. The light-well on the south rear elevation would not be visible from the public realm. The stair/ light-well to the west elevation would have a small railing at ground level. The stair-well would be slightly visible from the street but not cause harm to the streetview and the low railing around the top of the stair-well could be developed as permitted development and is not considered to be significant.

The rear balcony proposed at first floor level on the south elevation would be a Victorian style balcony acceptable to the character of the area. The balcony would only be clearly visible from the rear of neighbouring dwellings on Dudley Road and when viewed from the rear gardens of the immediate neighbouring properties either side. It would sit centrally and neatly between two rear bay windows maintaining the symmetry of the rear aspect. The central window between the two bays would be changed to French doors to open onto the balcony. One objection has been received regarding the change this balcony would make to the existing window canopy that extends along the rear elevation above the ground floor windows. However this is not a listed building and the Conservation Officer has no objection. The two bays either side of the balcony would retain a large part of the existing window canopy causing no harm to the overall character of the villa. The balcony alteration would be to the rear which is only visible from the public realm at considerable distance and thereby would cause no significant harm to the character of the conservation area. The balcony is considered to enhance the quality of this villa for occupants in a manner that is sensitive and appropriate to the style of this traditional building and not out of place with existing rear balconies to the immediate neighbouring properties.

The existing side lean-to on the east elevation would be altered, but retained. The small rear porch to this side element would be demolished and replaced to extend this side 'lean-to' element. The single storey mono-pitch roof would be re-tiled. Externally the side alteration would differ from the existing only slightly; the existing measures width 4.5m x length 4.4m (+ 0.9m porch) x height 4.1 where it adjoins the side elevation dropping to 1.6m at the outside edge of the mono pitch roof. As altered it would measure width 3.5m (part 4.5 width retained) x length 6m x height 4.1 where it adjoins the side elevation. This change is considered to be insignificant. The alterations would be carried out to modern building regulation standards helping to improve the thermal quality of the building. The external materials proposed are rendered masonry with painted timber windows which are considered appropriate and similar

to the existing. A condition would be attached to any decision to approve to ensure that all external materials would be similar to the materials of the original dwelling.

The application plans as originally submitted showed a flat roof replacement side extension, with roof terrace and side stairs leading up to a new side door at first floor level. Objection was received to this part of the proposal on the grounds of noise disturbance, loss of privacy from over-looking and light pollution from roof terrace use. The plans have been amended and the side terrace with balcony, new access door and external side stairs have been removed from the application plans and the existing side extension is now to be only slightly altered and extended.

Internally the proposals are for alterations to the layout to change the property back to a single dwelling but with an integral one bedroom annexe at first floor.

- The basement store is proposed to be used as a games room.
- The ground floor rooms would be reconfigured to 2 en-suite bedrooms, a study and sitting room / kitchen and porch.
- The first floor would be reconfigured for a self-contained one bedroom annexe. The annexe would have an en-suite bedroom and open plan living/dining/kitchen area. It would have an entrance from the landing at the top of the stairs.
- The remainder of the first floor would be 2 en-suite bedrooms and the existing bathroom would remain.
- The property would revert to having one main central staircase and one front door.

There has been objection received that the plans indicate that the property would be used as five flats rather than a single dwelling with annexe. The property is currently 3 flats. The proposal shows that new bathrooms would be en-suite to serve the bedrooms (5 en-suites) raising the standard of accommodation in this traditional villa dwelling. There is in addition one proposed new bathroom in the basement near the games room and one new shower-room to the first floor. The existing WC on the ground floor and a bathroom to the first floor would be retained making a total of 8 bathrooms with 1 separate WC. The existing has 3 bathrooms and a separate WC. While this is a high number of bathroom facilities overall there is nothing to suggest that the proposal is other than a single dwelling with first floor annexe.

Hastings is covered by an Article 4 Direction removing permitted development rights to change the use of a dwelling to a House in Multiple Occupation (HMO) without planning permission. As such any future change of use to HMO use or sub-division of this property from single dwelling house into separate flats would require a new planning permission. The concern that this application may be for multiple flats therefore does not apply to this application which is considered on its merits as an application for proposed change back to single dwelling with first floor annexe.

Given the above the layout and design are considered acceptable.

### Impact on Character and appearance of area

As above the proposals would have little impact on the character of the conservation area. Policy HN1 requires that proposed development sustains and enhances the significance of the heritage asset and policy HN2 sets down that in conservation areas the Council will seek to maintain the form and appearance of original windows and doors. The proposed French doors in place of the central window at first floor height in the rear elevation would sit in the existing window space. A small section of wall below the window would need to be taken out to drop the window full length but this is not considered to alter the balance or character of the rear elevation. The rear elevation as viewed from the ground over the lip of the balcony would look hardly different to the existing window the doors being the same width as the existing window opening. French doors inserted would be of painted timber similar to the existing windows and utilise existing window openings. The building is rendered and as such the alteration would not scar the rear elevation as any required repair to masonry could be rendered over and repainted. The proposed balcony would sit well between two bay windows and protrude no further out than the front of the bays either side and would not harm the general symmetry or appearance of the rear elevation.

The light-wells would have no significant impact on the character or appearance of the area and the proposed alteration of the existing lean-to side elevation with a similar side extension will enhance the property

### Impact on Neighbouring Residential Amenities

Policy DM3 addresses general amenity including loss of privacy of neighbouring properties. As originally submitted the proposal included replacement of the existing side extension on the east elevation with a new flat roof extension with roof terrace / balcony and side stair external access. There was concern at the over-looking this would give rise to and the plans were subsequently amended to remove this side roof/terrace balcony from the proposal and therefore public objection in this respect has been ameliorated.

The balcony to the rear is nestled between the existing rear window gables that project out at either side and as such side views towards neighbouring properties would not be so intrusive as to result in unacceptable loss of neighbouring privacy. Noise nuisance would be low as the balcony is a small space and set well away from the property boundaries. The neighbouring property to the west already has a large rear balcony at upper floor level setting precedent. The neighbouring properties on Dudley Road are set well down from the level of the application property and are at a considerable distance such that the level of over-looking would not be harmful.

Objection was received over the original plans that included a side terrace at first floor level regarding noise and over-looking issues that could give rise to. This element of the proposal has been taken out on the amended plans now under consideration.

### Future Residential Amenities

The proposed balcony to the rear will afford good views towards the sea adding to the amenity of occupants of the application dwelling. Greater use would be made of the basement area through the development of the proposed light-wells which would improve internal natural light quality reducing the need for artificial lighting in the basement and making it more energy efficient. The works to the existing side lean-to on the east elevation would be built to modern building control standards and thereby improve the thermal quality of this part of the property and the addition of en-suites to the bedrooms would raise the living standards of this villa.

### Highway Safety/Parking

The objections received include that the proposal would give rise to on-street parking problems and would include demolition of the existing garage which is believed to have been built under planning condition of planning permission HS/OA/74/00173 for the development of the neighbouring dwellings. Condition 5 of that planning permission required that a garage be built for the existing dwelling number 10 Godwin Road (the application property). An objection has been received over the proposed demolition of this garage. However the planning condition was met when this garage was developed and there was nothing in the condition that required that the garage be retained in perpetuity. It is a small flat roof garage built of red brick in the 1970s that provides space for a single car. It does not enhance the character of the conservation area and therefore its removal may be supported. The submitted Design & Access Statement states that a parking space would be provided in front of where the garage stands which would provide an equivalent off-street car parking space. A four bedroom dwelling plus 1 bedroom annexe in this location with off-street parking provision for one car is estimated to generate parking demand for 1.43 vehicles. This would be a reduction on the current level of demand for parking generated by 10 & 10A Godwin Road as three separate flats. There are no parking restrictions along Godwin Road to the front of the property and there is good on-street parking available as there are no properties fronting directly onto Godwin road on the opposite side of the road in front of the application property. The proposal raises no parking concerns.

The objections received include that No 10's garage as built forms part of the structure of neighbouring property No 8A. The garage stands adjacent to the narrow single storey felt roof side passage of No 8A that extends up to the boundary. This concern would be addressed by an informative to be attached that would bring the applicants attention to the Party Wall Act 1996.

### Flood risk

Identified constraints for this site show that there is a small area of the site susceptible to 1 in 1000 surface water flood risk. This low level of flood risk is unlikely to affect the proposed stair-well / light-well on the west elevation and the risk is relatively low so the proposed development would not be refused on this ground. The proposed light-wells between them would cover an external area of only 13.61sqm and only the light-well to the west elevation (area 7.36sqm) is affected by the 1 in 1000 surface water flood risk. An informative would be attached advising for a scheme for sustainable drainage of these light-wells following the guidance available via the ESCC SUDs Tool-kit.

## Sustainable Construction

Policies SC1 to SC3 of Hastings Planning Strategy address sustainable development. In this case there is limited scope for green sustainable design as most of the works are alterations to a traditional property in the conservation area. However the alterations to this property will be built to modern building regulation standards and as such will increase thermal insulation. The submitted waste plan provides that excavated soil would be spread on site where practical and remainder would be taken away separate from other general waste. The proposed light-wells would increase levels of natural light into the basement area.

## **Conclusion**

Recommend that planning permission be granted.

For the reasons set out above the development to convert this villa property to a single dwelling with first floor annexe is considered to make an acceptable and appropriate contribution to the mix of housing stock in this locality. Many of the original villas and large detached dwellings have been lost to conversion / sub-division and the return of this villa to single dwelling use would add to the balance of housing mix by re-introducing a large detached villa dwelling back into the housing stock.

The internal alterations will improve the quality of accommodation and make the property more sustainable. The external alterations are considered to be relatively minor and not considered harmful to the character of the conservation area and the proposal would not cause harm to residential amenity.

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 Full Planning 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:  
  
01,02 Rev I (version submitted 29.11.16) ,03 Rev G,04 Rev A,05
3. The materials to be used in the construction of the external surfaces of the extension and alterations hereby permitted shall match those of the existing main building.

4. 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.

5. The internal doorway at first floor level between the main house and the annexe area shall be retained and shall not be sealed shut or covered over at any time.

#### **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.
4. To safeguard the amenity of adjoining residents.
5. In order to ensure that the annexe remain subservient to and part of the main house and for reasons of highway safety.

#### **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.
  3. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
  4. Your attention is drawn to the East Sussex County Council on-line sustainable Urban Drainage (SUDs) Tool-kit regarding suitable drainage schemes for the west stairwell and the south light-well at basement level:  
<http://www.eastsussex.suds-tool.co.uk/>  
<https://www.eastsussex.gov.uk/environment/flooding/sustainabledrainagesys>
  5. The internal annexe hereby approved shall not be used as a separate self-contained dwelling and shall not be sealed off as to sub-divide the dwelling unless an application for planning permission is first submitted to and approved by the Local Planning Authority.
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**Officer to Contact**

Ms N Ranson, Telephone 01424 783253

**Background Papers**

Application No: HS/FA/16/00727 including all letters and documents