

Report to: PLANNING COMMITTEE
Date of Meeting: 20 June 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: 23 Hazelwood Gardens, St Leonards-on-sea,
TN37 7HL
Proposal: New dwelling (adjoining 23 Hazelwood
Gardens)
Application No: HS/FA/18/00099

Recommendation: Grant Full Planning Permission

Ward: CONQUEST 2018
Conservation Area: No
Listed Building: No

Applicant: Mr T Earwaker per Michael D Hall Building Design
Studio A 339 London Road Bexhill on Sea, East
Sussex. TN39 4AJ

Public Consultation

Site Notice: Yes
Press Advertisement: No
Letters of Objection: 7
Petitions of Objection Received: 0
Letters of Support: 1
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated - 5 or more letters of objection
received
More than 5 objections received.

1. Site and Surrounding Area

The application site is located at the apex of Hazelwood Gardens, a residential cul-de-sac containing a mix of detached and semi-detached single storey and two storey houses. The site forms part of the residential curtilage of 23 Hazelwood Gardens comprising the side garden containing a single storey conservatory and planting. 23 Hazelwood Gardens benefits from a side and rear garden with driveway parking at the front of the house and a detached single bay garage located behind the rear garden.

Constraints

Historic Landfill site buffer 250m

2. Proposed development

Erection of a two storey 2 bed dwelling adjoining the flank wall of 23 Hazlewood Gardens.

The curtilage at 23 Hazelwood Gardens would be subdivided with the new house proposed in the side garden area of no.23. The single storey conservatory at no.23 would be demolished to accommodate the proposal.

The proposed dwelling would be a continuation of the existing eaves and ridge level at no.23 Hazelwood Gardens and the proposed materials (roof tiles, hanging tiles, render and facing brickwork) would match the materials at 22 and 23 Hazelwood Gardens.

Two off-street parking spaces are proposed to the front / side of the proposed dwelling. The parking arrangement at no.23 would be reconfigured to include one parking space at the front of the house and one space at the rear in the location of the existing garage which would be demolished.

The proposed dwelling would create a terrace row of three houses containing nos. 22 And 23 Hazelwood Gardens.

The application is supported by the following documents:

- Waste Management Plan
- SUDS Report
- Planning Statement

3. Relevant Planning History

05/00874 – Erection of conservatory – Granted

4. National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy DS1 - New Housing Development

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

Policy DM4 - General Access

Policy DM5 – Ground Conditions

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

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 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

6. Consultation comments

Waste service: **No comments made**

HBC Ecology: **No objections**

Natural England: **No comments received**

Environmental Health: **No objections**

6. Representations

Eight representations of have been received. 1 in support and 7 objecting to the proposal raising the following (summarised) comments:

Objections

- Loss of privacy and light.
- Harm to the character of the area.
- A terrace property would be out of character.
- Overdevelopment.
- Terracing effect.
- Parking pressures.
- Impact on parking and turning area at the rear of the site.
- The proposal is a 3 bedroom house not 2 beds as stated in the documents.

- A two storey extension was refused at 189 Harley Shute Road. (*not relevant to this site*)
- Construction work disturbance (*non-material planning objection*)
- A terrace row will devalue the area (*non-material planning objection*)

Support

- A great scheme.
- Use of under-used sites should be encouraged.
- Efficient use of an urban area.

7. Determining Issues

The main issues to be considered are: the principle of residential development in this location, whether the site is capable of accommodating the amount of development proposed; highways safety and parking provision, design and residential amenity and future living standards.

a) 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.

b) Loss of residential garden

The application site comprises the side garden at 23 Hazelwood Gardens a two-storey semi-detached 3 bedroom family house.

The proposal would result in the loss of the side garden, however, a sufficient rear garden in excess of 10m long, would be retained for the use of 23 Hazelwood Gardens in accordance with policy DM3 of the Development Management Plan.

The application site / side garden of 23 Hazelwood Gardens does provide some visual amenity to the immediate area by virtue of the soft landscaping and open aspect of the site and this matter will be considered in further detail below.

c) Impact on Character and appearance of area

The immediate area is characterised by a fairly uniform mix of detached and semi-detached two-storey houses and bungalows and the proposal would introduce the only terrace-row within this section of the housing estate. However, in principle a new dwelling would not appear out of context in this location as the immediate and wider area is characterised by residential houses and the proposal would respect the plot pattern, height and scale of the adjoining properties. In addition, the proposed dwelling would be a continuation of the established building line, eaves level and ridge height at 23 Hazelwood Gardens and this would achieve a sensitive and subordinate addition to the existing semi-detached pair and, the use of matching materials would achieve a harmonious form of development. It is noted that this would be the only terrace-row in the immediate area, however, only a short terrace of three houses would be created and the overall width of the terrace would not be significantly wider than the adjacent semi-detached pair which benefits from a two-storey side extension at no. 20.

The proposed dwelling would constitute a good standard of design and would respect the character of the streetscene and surrounding area in accordance with policy DM1 and the proposed layout demonstrates that an attached house could be accommodated on this site and would not appear as a cramped form of development with an adequate rear and side garden area and sufficient space for planting and parking.

Off-street parking is proposed at the front of the proposed house and no.23 which would be in keeping with the predominant parking arrangement in Hazelwood Gardens and new tree planting and the retention of the majority of the curved boundary hedge would soften the visual impact of the development.

The application site / side garden of 23 Hazelwood Gardens does provide some visual amenity to the immediate area by virtue of the soft landscaping and open aspect of the site and the loss of this open space and garden area does weigh against the proposed development. However, the proposal would ensure that an element of open space is still provided at the site due to the inclusion of a side garden and by retaining a majority of the boundary hedge. Therefore, the reduction in open space is not considered to have a detrimental impact on the character of the area. In addition, the social and economic benefits of additional housing on this site and the acceptable design as described above are, on balance, considered to outweigh any harm that would result from the loss of the open aspect and residential garden.

Overall it is therefore considered that the proposal would constitute an acceptable standard of design and would not appear overly prominent within the context of the existing streetscape by virtue of the siting, design, materials and landscaping proposed in accordance with policy DM1 of the Development Management Plan and the aims and objectives of the NPPF.

(Conditions 5, 6, and 7 relates to materials, soft and hard landscaping)

d) Future living conditions

The internal floor space measurements meet the minimum requirements set out in the Government guidance 2 "Technical housing standards – nationally described space standard" (March 2015), and the habitable rooms would receive adequate levels of natural light and ventilation. The floor plans indicate that the two bedrooms would be of an acceptable size with a third room at first floor level marked as a study. The proposed house is, therefore, considered to provide an adequate standard of living accommodation in accordance with Policy DM3 and HC1 of the Development Management Plan 2015.

The proposal includes a private rear and side garden in excess of 10m in length / width in accordance with the requirements of Policy DM3 and HC1 of the Development Management Plan 2015, securing an acceptable living environment for future residents. In addition, the remodelled rear garden for 23 Hazelwood Gardens would also measure more than 10m long following the removal of the existing detached garage.

Refuse storage areas would be discreetly located in the rear garden for the proposed house and no.23 in proximity to the public highway for weekly collections.

Cycle storage would be provided in the rear garden (sheds) in accordance with policy DM4.

e) Impact on Neighbouring Residential Amenities

The proposed house would attach to the flank wall of no. 23 Hazelwood Gardens and being a continuation of the front and rear building line and the eaves and ridge level would not result in an unacceptable loss of light or outlook to the adjoining property. In terms of privacy, the first floor rear windows would afford some views into the rear garden of no.23, however, the rear garden of no.23 is already overlooked from the first floor windows of the neighbouring properties and it is considered that the proposal would not unacceptably increase to the current levels of mutual overlooking between residential properties in Hazelwood Gardens.

Due to the separation distances involved the proposal would not result in an unacceptable loss of light or outlook to the neighbouring houses in Hazelwood Gardens and there would be at least 20m between the rear wall of the proposed development and the front elevation of 24 Hazelwood Gardens. The flank and front wall elevation would be located more than 25m from the houses opposite the site and would not cause an unacceptable amenity impact as a result.

The proposed windows would not afford any direct views into neighbouring habitable room spaces or private amenity areas due to the separation distances which would be in excess of 20m to the nearest neighbouring dwelling. The proposal would afford some closer range views into the front garden areas of the neighbouring properties, however, views into these front gardens are already afforded from the public highway so these areas are not considered to be private amenity spaces.

f) Impact on trees and ecology

The proposal would result in the loss of two small trees which would be mitigated through additional on-site tree planting which could be secured by condition 7. The trees to be removed are not covered by a TPO and the site is not located in a conservation area and no objections are raised to their removal providing they are replaced with new trees. The application site comprises a managed residential garden and, therefore, offers limited habitat for protected species, therefore, an ecology survey is not considered necessary in this instance.

(Condition 7 relates to landscape details and tree planting)

g) Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions, and the development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

h) Drainage

The application has been accompanied by a Surface Water Drainage Statement which indicates that surface water would be appropriately managed across the whole site via geocellular systems. Foul drainage would be dealt with via the existing sewer system and is controlled under the Water Industry Act. Further details regarding drainage would be secured by condition.

(Condition 8 relates to drainage)

i) Highway Safety/Parking

Two off-street parking spaces are proposed for the new house and two spaces are also proposed for the existing house at no.23. The parking provision would be in accordance with East Sussex County Council's parking standards and the driveway parking arrangements would be in keeping with the predominant parking arrangement in Hazelwood Gardens.

A number of objections have been received regarding the demolition of the detached garage at the rear of the site and use of this area for parking for 23 Hazelwood Gardens. The private residential deeds for the garages have been referred to by some of the objectors, however, this would be a civil, not a planning matter. The demolition of the garage and use of this area for parking would not result in a loss of parking space, therefore, no objections are raised on parking grounds. In addition, the existing garage is unlikely to be of a sufficient size to accommodate a modern car and the use of this area as an open parking space is not considered to cause any highways safety or parking objections.

The proposal for one additional house is not considered to result in a significant or severe increase in vehicle trips to warrant an objection on transport grounds and the proposal is considered to be in accordance with the NPPF which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

(Condition 4 relates to parking)

j) Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

k. Screening of Application under Habitats Regulations 2017 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

Wealden have raised objection in respect of a number of planning applications in that the additional vehicle movements created by the proposed development would harm the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. Specifically concern is raised that additional vehicle movements could give rise to use of acid deposition and eutrophication by nitrogen deposition that would directly affect the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. The objection also refers to Pevensey Levels and Lewes Downs. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal, in combination with other relevant development, would have a likely significant effect on the conservation objective or special integrity of the SACs. As such an Appropriate Assessment has been undertaken this notes the following:

The Pevensey Levels SAC is located 12km from the site and is designated for its population of Ramshorn Snail (*Anisus vorticulus*). Provided the water is unpolluted and has a fairly diverse flora (without much emergent vegetation e.g. reeds) this species doesn't have very precise habitat structure or botanical requirements.

While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater SACs, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.

In any case, since there are no applicable critical loads or NO_x critical levels for the interest features of this SAC there are no appropriate reference levels/damage thresholds for any impact assessment. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern.

Lewes Downs SAC and Ashdown Forest SAC are located 36.5km and 36km from the site respectively. The site is so far removed from these SACs that it is not considered a proportionate approach to prevent development that would give rise to additional traffic. There is no clear evidence to show that increased traffic movement in this borough would result in an increase in traffic movement on roads nearby these SACs, including the A26 and A22, above an expected variance to the Annual Average Daily Traffic Movement (AADT). The Ashdown Forest Visitor Survey 2016 produced by Footprint Ecology shows that both in 2008 and 2016 there no visitors to Ashdown Forest were recorded as coming from Hastings. Whilst it is reasonable to assume that that data may change slightly on different survey days,

the variance arising could not reasonably be assumed to be above the expected variance levels of the ADDT.

The proposal would not significantly increase the traffic movements generated across the whole site and there would be no significant impacts of this application, individually or in combination with other relevant development, on the integrity of the SPA/SAC/Ramsar.

Natural England (NE) was consulted regarding whether the proposed development would have a significant adverse effect on Special Areas of Conservation (SACs) and their response was that they have no comment to make on this application.

Hastings Borough Council Ecology Officer has commented in respect of this issue that, 'There is no clear evidence to show that increased traffic movement in the borough as a result of this development would result in an increase in traffic movements on roads nearby the designated sites and therefore present an adverse impact on the special features of the designated sites.'

Since this application was submitted Environmental Specialists AECOM have assessed the impact of development coming forward up to 2033 and concluded that there would be no harm to the conservation objectives of the above relevant Special Areas of Conservation. For the reasons noted it is considered that the proposed development, in combination with other relevant development, would not harm the special integrity of the Ashdown Forest, Pevensey Levels and Lewes Downs Special Areas of Conservation and their conservation objectives. Finally, without prejudice to the above assessment and conclusion, it is noted that Wealden District Council precautionary approach is not proportionate in that they have raised a blanket objection to developments giving rise to additional traffic movements without considering how mitigation could allow development to come forward.'

l) Constraints

The application site is located within a 250m buffer of a historic landfill site therefore a condition has been attached to ensure any potential land contamination is dealt with to safeguard the future occupants.

(Condition 9 relates to contamination)

6. Conclusion

The proposed dwelling would provide an acceptable living environment for the future occupants without adversely impacting on the amenities of neighbouring residents. The proposal would be acceptable in terms of parking provision and there are no highway safety objections.

The proposed dwelling would constitute a good standard of design and would respect the character of the streetscene and surrounding area in accordance with policy DM1 and the proposed layout demonstrates that an attached house could be accommodated on site and would not appear as a cramped form of development with an adequate rear and side garden area with ample space for planting and parking.

It is therefore considered that the scheme represents sustainable development and is acceptable. As a result a recommendation of approval has been made for these proposals.

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 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.

7. 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:

4500.1C, 4500.3, 4500.LP, 4500.SP
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.
4. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles.
5. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as described on the approved plans and shall match those used in the existing building at 22 and 23 Hazelwood Gardens
6. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development . These details shall include proposed parking layouts, pedestrian access and hard surfacing materials.
7. No development shall take place above ground level until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

8. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
- (ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

and

- (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A full investigation and risk assessment must then be undertaken, and where necessary, a remediation scheme be submitted to and approved in writing by the Local Planning Authority.

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.
4. To ensure an adequate level of off-street parking to serve the development.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.
7. To ensure a satisfactory form of development in the interests of the visual amenity.

8. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
9. To protect those redeveloping the site and any future occupants from potential contamination.

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

Mr A Jolly, Telephone 01424 783250

Background Papers

Application No: HS/FA/18/00099 including all letters and documents