

Report to: PLANNING COMMITTEE

Date of Meeting: 06 March 2019

Report from: Assistant Director of Housing and Built Environment

Application Address: 16 Dunclutha Road, Hastings, TN34 2JA

Proposal: Variation of condition 2 (approved plans) of Planning Permission HS/FA/17/00769 (Render exterior of existing bungalow. New rear extension and deck. Retrospective approval for rear dormer with external boarding finish) - Amendments to height of roof, roof design and addition of flue

Application No: HS/FA/18/01028

Recommendation: Grant permission

Ward: ST HELENS 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Mulvey per John Moore Architect 1 EDMUND ROAD Hastings TN355JY

Public Consultation

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	8
Petitions of Objection Received:	1
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0

Application Status: Not delegated - Petition received

1. Site and surrounding area

The site comprises a detached bungalow with dormer extension to the rear. It is situated on Dunclutha Road which is made up of bungalows of various styles, many with loft conversions and other extensions. Bungalows are set back from the road behind lawned gardens with mature trees at the boundary. The application property has a large rear garden with a 1.8m closed boarded wooden fence boundary and there is an existing low, flat roofed out-building

used as a wood store which allows view of the roof-scape of neighbouring properties on Friars Way and beyond. The application property occupies an elevated position with extensive views across the town to the south-east.

There are different stepped land levels between the application site and the neighbouring bungalows either side, such that the ground floor of the application site overlooks the roof of 14 Dunclutha Road and has view up to the bungalow at 18 Dunclutha Road which is situated at more than 1m higher than that the application site. The application site is higher than properties to the rear on Friars Way by approximately 1m. There is a change in levels at the site itself of approximately 0.7m between the side boundaries to the north and south.

The application dwelling had planning permission approved in 2018 for a new rear extension and deck and a rear dormer (applied for retrospectively). The rear extension as built is not fully in accordance with the approved plans in that it is a larger structure than that approved by HS/FA/17/00769.

Constraints

Tree Preservation Order

Historic Landfill Site Buffer 250m

Archaeological Notification Area Ore Historic core

SSSI Impact Risk Zone (not within thresholds)

2. Proposed development

Variation of condition 2 (approved plans) of Planning Permission HS/FA/17/00769 (Render exterior of existing bungalow. New rear extension and deck. Retrospective approval for rear dormer with external boarding finish) - Amendments to height of roof, roof design and addition of flue.

The main differences between the approved extension of Planning Permission HS/FA/17/00769 and the current retrospective application for the rear extension as built are:

The rear extension as built is approximately 0.3m higher than the previous approved scheme, some 1.3m greater in width, and approximately the same depth. As built it measures:

2.9m to 3.2m in height (due to slope of site) x 5.3m width x 4.5m depth with overhang adding some 0.75m to the overall depth some 5.25m.

The dormer inserted into the rear roof slope is larger than the dormer on the approved plans:

Approved dormer 1.7m height x 2.1m width x 2m depth.

The dormer as built 2m height x 2.95m width x 2.5m depth.

The current scheme shows a 1.5m high flue inserted on the flat roof of the extension as built. This was not a feature of the previous approved scheme and does not therefore have planning permission, however a flue may be installed on a dwelling house without the need for planning permission under permitted development Schedule 2, Part A, Class G of the General Permitted Development Order.

The application is supported by the following documents:

Site Waste Minimisation Statement

Relevant planning history

- HS/FA/17/00769 Render exterior of existing bungalow. New rear extension and deck. Retrospective approval for rear dormer with external boarding finish. Granted. 01.12.2017
- HS/90/TP000547 Fell 2 scots Pine and prune branches of 1 holm oak. Granted 21/8/90
- HS/FA/77/00934 Extension to existing garage. Granted 18/8/77
- HS/60/00310 Erection of garage. Granted 29/4/60
- HS/59/00391 Erection of bungalow. Granted 9/6/59

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

Policy DM6 – Pollution and Hazards

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture

- * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

County Archaeologist - **no objections**

The County Archaeologist was consulted for the previous planning application reference HS/FA/17/00769 and the comments for that application remain relevant to this further application:

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Environmental Health - **no objections**

Environmental Health has no objection but recommends the imposition of the following planning conditions:

- Installation and maintenance of the DEFRA approved appliances as per the manufacture's guidance.
- That the latest edition of the Approved document J shall be followed accordingly. (Condition 4).

4. Representations

While no representations were received for the previous application in this case there have been 9 representations received from 9 different properties

All 9 are letters of objection raising the following concerns:

1. Height of the extension is at least half a metre higher than approved making the building obtrusive, overbearing and not in-keeping with existing houses.
2. Increase in roof area (about 25sqm) and fibreglass coating reflective quality causing harmful glare from sun to neighbouring dwelling No.18 and No.1 Friars Way
3. Addition of chimney flue unsightly and a concern regarding adverse effect of smoke

- and emissions.
4. Adverse effect on visual amenity of area
 5. Loss of neighbouring privacy

Petition Received 23.02.19 signed by 15 signatories stating:

"We the undersigned object to the amendments to the original plans as the increase in height and roof design is out of keeping with the scale and character of the original property. The addition of a flue has an adverse impact on the amenity of neighbouring properties by its unacceptable visual impact and potentially harmful emissions."

5. Determining issues

The main planning issues in determining this application are impact on character and appearance of the local area and impact on neighbouring residential amenities.

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) Impact on character and appearance of area

Policy DM1 of Hastings Development Management Plan sets out the Council's design principles including that all proposals must reach a good standard of design and take into account protecting and enhancing local character. The objections received include that the design of the extension would have an adverse impact on the visual amenity of the area and would be obtrusive and over-bearing.

In this case the rear dormer as built is of a height that exceeds the eaves height of the bungalow; it has been built up to a height that is level with the bottom of the large rear dormer and thereby is a significant alteration to the character of the bungalow. However, it is taken into consideration that the bungalow dwellings along Dunclutha Road are detached properties of various design and scale and so there is little existing design uniformity to the properties. In addition the land level is stepped between neighbouring dwellings giving each dwelling a distinct and separate vantage point within the town's roof-scape. On balance the height of the rear extension as built is low and is not considered to be unacceptably imposing or overbearing and does not create a dominant feature on the town's roof-scape.

While the rear of the bungalow leads down to Friars Way the rear garden of the bungalow is some 25m in length and the slope of the land and the high garden boundary fence part screen this development such that there is no harmful impact on Friars Way streetscene.

It is taken into consideration that while the rear extension does not fall within the limits and conditions of permitted development, the overall scale of the extension is below the upper limits of rear extensions commonly built under permitted development and so the scale is not considered to be unacceptably excessive.

The rear dormer and rear extension as built are only prominent and visible to the immediate surrounding properties. The rear extension as built does not detract harmfully from the existing spaces between the neighbouring dwellings.

There is a complaint that the fibre-glass material used to cover the flat roof of the extension has a reflective quality that is causing unacceptable sun glare and this is addressed below under paragraph c. It is considered that reflective glare can be addressed by imposition of a planning condition to reduce the reflectiveness of the flat roof (condition 2).

Overall the scale height and design of this extension are not considered to be unacceptable as to justify refusal of this application.

c) Impact on neighbouring residential amenities

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties.

In this case the fibre glass flat roof of the extension has a reflective quality that is reportedly causing unacceptable sun glare for neighbouring dwellings, and affecting their outlook. The materials agreed in the approved planning permission did not include roof covering material for the extension. However, in response to the concerns that have been raised the applicant is proposing that the flat roof be painted matt grey to off-set the glare. They have submitted details of the type of paint to be used and this is considered to be an appropriate treatment to address this particular concern. A planning condition is to be attached that the flat roof must be painted within 6 weeks of the date of the planning decision and thereafter maintained painted matt grey for the lifetime of the extension (Condition 2).

The area of decking adjacent to the rear extension will create a raised platform, but the site visit undertaken by the Planning Officer found that the combination of high wooden boundary fence treatment and the angle of view over the fence to the lower ground level on neighbouring garden No.14's side is such that there is no unacceptable loss of privacy.

Rear dormers for dwelling houses are commonly built under permitted development rights. In this case the scale of the dormer is considered to be acceptable. As built the dormer is larger than the dormer on the approved plans, however, it has no side windows and so is not considered to cause harmful overlooking and it is positioned almost central within the rear roof slope and is set well below roof ridge height. The rear dormer as built is considered to be acceptable.

The reported glare from the flat roof may be suitably addressed through imposition of a planning condition (condition 2) and otherwise there is considered to be no adverse impact on neighbouring amenity. Objections as regards possible harmful smoke and emissions are addressed below under the heading pollution and hazards.

d) Pollution and Hazards/ Air quality and emissions

Policy DM6 - Pollution and Hazards of the Hastings Development Management Plan (2015) seeks to protect human health and development will only be permitted provided that airborne pollutants, noise and odour that is detrimental to neighbouring and local amenity are

assessed / mitigated and appropriate pollution control measures are incorporated. In this case there have been objections received at the insertion of a 1.5m extraction flue inserted into the flat roof of the rear extension that it will cause unacceptable fumes and smoke nuisance. While the extraction flue has been shown on the submitted plans and included in the description of the development applied for, it is noted that a flue may be installed on a dwelling house without the need for planning permission under permitted development Schedule 2, Part A, Class G of the General Permitted Development Order. None-the-less the Environmental Health Team has been consulted and they have no objection to the insertion of the flue. They have recommended the imposition of a planning condition that are considered to appropriately address neighbour concern as to fumes and emissions from the flue (condition 4).

There is considered to be no unacceptable pollution or hazard to neighbouring dwellings from this flue that would justify a refusal decision.

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.

e) Archaeological Notification Area

While the site is within Ore Historic Core Archaeological Notification Area. The County Archaeologist was consulted for the previous approved scheme and considered that there would be no significant below ground archaeological remains are likely to be affected and while the rear extension as built is larger than the previous approved scheme the development has already taken place without any identified impact on archaeological interests.

6. Conclusion

For the reasons set out above the rear dormer and rear extension with flue as built are considered to be acceptable development. While the increased height of the dormer effects the design of the rear roof slope of the bungalow, the visual impact is not considered to have a significant adverse impact on the character of the area such that this application should be refused. There will be no unacceptable loss of neighbour amenity and the neighbour concern over reflective glare from the fibre glass flat roof has been suitably addressed by the imposition of planning condition and I recommend this application for approval.

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.

7. Recommendation

Grant permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

C-00; 01; 03A; 04A (version submitted 11.12.18); 05A version submitted 11.12.18); 06A; 07A version submitted 11.12.18); 09; 09A.
2. Within 6 weeks of the date of this planning approval the flat roof of the extension shall be painted a matt grey colour according to the details submitted. Thereafter the roof shall be maintained as painted in a good condition for the lifetime of the extension unless first otherwise agreed in writing by the Local Planning Authority.
3. The proposed decking hereby approved shall not be brought into use until screening no less than 1.8m in height along the section facing the mutual boundary with no.14 Dunclutha Road is provided and thereafter retained for the life-time of the decking hereby approved.
4. The flue on the rear extension flat roof hereby approved must be installed and maintained in accordance with DEFRA approved appliances as per the manufacture's guidance. And the latest edition of the Approved document J shall be followed accordingly.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of local amenity and to protect the character of the area.
3. To safeguard the amenity of adjoining and future residents.
4. To protect the amenity of neighbouring properties and to protect human health.

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 paragraph 38 of the National Planning Policy Framework.
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Officer to Contact

Ms N Ranson, Telephone 01424 783253

Background Papers

Application No: HS/FA/18/01028 including all letters and documents