

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 10 July 2019

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

**Application Address:** 10 Strongs Passage, Hastings, TN34 3BY

**Proposal:** Retrospective consent for replacement of metal staircase to rear elevation

**Application No:** HS/FA/19/00325

**Recommendation:** Grant Full Planning Permission

Ward: OLD HASTINGS 2018  
Conservation Area: Yes - Old Town  
Listed Building: No

Applicant: Mr Lucas per Meridian Surveyors 16 Havelock Road  
Hastings East Sussex TN34 1BP

**Public Consultation**

Site Notice:	Yes
Press Advertisement:	Yes - Conservation Area
Letters of Objection:	5
Petitions of Objection Received:	0
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0

Application Status: Not delegated - 5 or more letters of objection received

## 1. Site and surrounding area

This application refers to a flat of a modern building which is of 1960s/1970s construction located within the Old Town Conservation Area. This host dwelling can be accessed via public footpath steps, Strongs Passage, from All Saints Street, or by public highway via East Hill Passage off of Tackleway.

The property is located on a gradual slope towards the west, meaning the host dwelling is of a higher altitude than No 8 and No 9, located to the rear of No 10. As such the internal ground level of the host dwelling would be about the same level as the eaves of No 8 and No 9.

The topography means that the public footpath, Strongs Passage, separated by a brick wall and dense shrubbery, to the north of the rear elevation, is lower in altitude than the host dwellings internal ground level, and gradually slopes away to the west down towards No 8 and No 9. To the west and south of the rear elevation are wooden fences and shrubbery, separating the host dwelling from No 8 and No 9. However there is no front curtilage and so the front door opens directly onto the public footpath of Strongs Passage.

The rear elevation of the host dwelling consist of a single upvc double glazed window and a upvc double glazed full height window and door, allowing access to the garden by means a metal staircase due to internal ground level being higher than external ground level.

### Constraints

Low Pressure Pipeline SGN

Archaeological Notification Area

## 2. Proposed development

This application is seeking retrospective planning permission to replace a metal staircase to the rear elevation with a metal galvanised staircase on a like for like appearance, however the replacement staircase has a larger landing size.

The replacement metal staircase measures 2 metres along the rear elevation, to the point of where the first step occurs and measures 0.9 metres in width extending from the rear elevation and just over 2.2 metres from external ground level to the bottom of the staircase. The staircase will otherwise be the same height as the previous staircase.

The application is supported by the following documents:

- Waste minimisation statement
- Design and access statement
- Heritage statement
- 3 x Photos

### Relevant planning history

ENF/18/00534	New external staircase without planning permission
HS/FA/77/00234	Construction of access road to new development and formation of 5 hardstandings. <b>Granted</b> 24/08/1977
HS/LB/76/00231	Demolition of Nos. 39 & 43B All Saints Street; 1, 2, 3 & 4 Strongs Passage; 2, 4 & 6 East Hill Passage; 1 & 2 Tassells Cottages and 20A Tackleway. <b>Granted</b> 14/04/1976
HS/OA/74/00793	Redevelopment by the erection of 12 houses, 11 flats, 13 garages and 7 hardstandings. <b>Granted</b> 24/10/1974
HS/DS/74/00974	Redevelopment by the erection of 12 houses, 11 flats, 13 garages and 7 hardstandings. <b>Granted</b> 18/12/1974

HS/73/01408	Redevelopment by the erection of 11 houses, 1 basement flatlet, 12 flats and garages, with vehicular and pedestrian accesses. <b>Granted</b> 11/12/1973
HS/OA/61/00890	Erection of residential flats. <b>Refused</b> 27/10/1961

### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

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

Policy EN1 - Built and Historic Environment

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

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

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

#### Other policies/guidance

None

#### 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.

Paragraph 193 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **3. Consultation comments**

Conservation Officer – Officer states that the new staircase and increased platform size is essential to allow easy access to the building. That from the public realm the stair case is largely obscured, only the platform and associated railings are visible so therefore the proposal satisfies policy HN1 of the development management plan in terms of siting, scale and appearance. The officer states that the staircase has clear and convincing justification in

the form of enabling access, its effect on the conservation area is less than substantial and therefore the officer is satisfied it meets the criteria of Paragraph 194 of the NPPF. In order to ensure harmony of colour across the public realm, the officer recommends a condition is applied to ensure the staircase is painted black.

## **4. Representations**

In respect of this application a site notice was displayed at the entrance to Strongs Passage on All Saints Street, and an advert placed in the local paper.

6 no of representations received from 5 different properties objecting to the application and raising the following concerns:

- Loss of privacy
- Poor design and appearance

## **5. Determining issues**

The main issues to consider are the impact on character and appearance of the conservation 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 conservation area

Policy EN1 of the Hastings Local Plan - Planning Strategy (2014), states, importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (b) Conservation areas. There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it. As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification. Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas, in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

Policy HN1 of the Hastings Local Plan - Development Management Plan (2015), states, applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset: (a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; (b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and

local distinctiveness. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas). The topography of Hastings means that the Council will give consideration to the impact of development on the setting of heritage assets, including the impact upon more distant views and from across the other sides of the valleys. The Council encourages proposals that sustain or enhance the setting of heritage assets. This policy is written for designated assets. However, non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments (given the results of a Historic Environment Record informed study), will be treated as having at least the same level of significance as other designated heritage assets.

Whilst the metal staircase will be partially visible from the public realm, taking into account paragraph 193, 194 and 196 of the NPPF, the scale, subsequent sitting, and boundary treatment, ensure that this will not have any adverse impact on, or, dominate the street scene.

The proposed works are therefore considered acceptable in this respect and are in agreement with policy EN1 of the Hastings Local Plan - Planning Strategy (2014) and policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

A condition will be applied that the staircase is to be painted black to ensure harmony of colour across the public realm.

#### c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

It is not considered the metal staircase will have any negative impact on the neighbouring properties in terms of privacy, outlook and daylight. The landing portion of the staircase measures just over 2.2 metres from ground level, extends 2 metres along the rear elevation, and protrudes 0.9m from the rear elevation. Its purpose is to solely provide access to the garden beneath and not for the siting of tables and chairs for sitting out (which would be unlikely to be accommodated due to its restricted depth of just 0.9m). Any views from the landing portion and associated steps can already be achieved from the existing arrangement as access to this is by means of a glass fronted door set alongside a full height glazed window.

The proposed works are therefore considered acceptable in this respect and are in agreement with policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

#### d) Archaeological

Policy HN4 of the Hastings Local Plan - Development Management Plan (2015), states, for all applications affecting heritage assets with archaeological or historic interest or potential interest, the Council will require developers to submit an appropriate, Historic Environment Record (HER) informed, desk-based assessment and, where necessary, the results of a field evaluation. Applicants will be expected to demonstrate that the particular archaeological interest of the site will be satisfactorily preserved either in situ or by record.

The works carried out were to replace an existing balcony and therefore no further intrusive excavation work was required. The proposed works are therefore considered acceptable in this respect and are in agreement with policy HN4 of the Hastings Local Plan - Development Management Plan (2015).

## **6. Conclusion**

The proposed replacement metal staircase to the rear elevation is considered appropriate for this location and in keeping with the existing building. These proposals would not cause harm to the character or appearance of the conservation area, and would not harm residential amenities.

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 Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
nr1520/19/02, nr1520/19/01
2. Within 3 months of the date of this approval, the railings surrounding the metal staircase hereby approved, shall be painted black to match the hand rail which is located in Strongs Passage, directly adjacent to the staircase and platform.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity.

**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**

Mr G Fownes, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/19/00325 including all letters and documents