

Report to: PLANNING COMMITTEE
Date of Meeting: 14 August 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: **50 Sedlescombe Road South, St
Leonards-on-sea, TN38 0TJ**
Proposal: **Replacement external staircase (Retrospective)**

Application No: **HS/FA/19/00168**

Recommendation: **Grant Full Planning Permission**

Ward: SILVERHILL 2018
Conservation Area: Yes - Springfield Road
Listed Building: No

Applicant: Decimus Developments HA Ltd per CLM Planning
Limited 14 Magpie Close Bexhill on Sea East
Sussex TN39 4EU

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
Letters of Objection: 15
Petitions of Objection Received: 0
Letters of Support: 6
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

No 50 Sedlescombe Road South is a detached Victorian building arranged over 3 floors. It is currently arranged as flats. It has some notable design features including a tower feature with independent cupola to the south east corner, an intricately designed chimney and still retains many original sash windows. Its notable design make it a prominent feature in the street scene.

The surrounding area also consists of large Victorian houses typically of 3 floors that make up the character of the Springfield Road Conservation Area.

Constraints

Springfield Road Conservation Area

SSSI Impact Risk Zone

2. Proposed development

The application is retrospective and seeks permission for the retention of a brick staircase on the side (western) elevation. The staircase replaced a timber framed staircase which had been in situ for over 4 years. The staircase provides access to the first floor flat.

The application is supported by the following documents:

Design, Access and Heritage Statement

Site waste management plan

Relevant planning history

HS/FAA/17/0026 7 Change of use from three flats to five flats and external alterations comprising removal of external stairs on side and rear elevations and garage, side porch, replacement and new windows and rear parking area. Granted 09/08/2017

HAS/FAA/17/009 70 Rear extension to building to form an additional one bedroom dwelling. External alterations comprising removal of garage and replacement window on rear elevation. Formation of rear parking area. Granted 20/12/2017

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FAA - Strategic Policy for Western Area

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

Policy EN - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy LPT - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

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

HN3 - Demolition involving Heritage Assets

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. Representations

In respect of this application a site notice was displayed outside 50 Sedlescombe Road South and an advert placed in the local paper. 22 responses were received, which comprise of 16 objections from 10 different properties were received and 6 comments support the development.

Comments from objectors

Comments received objecting to the proposal refers to the following:

- Destruction of a historic wall.
- General amenity.
- Appearance.
- Visual intrusion.
- Scale.
- Inaccurate answers to questions on the planning application.
- Loss of wall in the back garden.
- Disputing ownership of the boundary wall between 48 and 50 Sedlescombe Road South

Comments from supporters

Comments received supporting the proposal refers to the following:

- A safer structure.
- Aesthetically pleasing.
- Objections made from absent people not resident in the area.

Some letters of objection concern land ownership. Amended plans have been submitted to address procedural requirements.

5. Determining issues

The main issues to be considered in the determination of this application relate to amenity, appearance, scale and safe access. An amended proposal has been received that sites the new staircase within the boundary wall rather than being built off it as no clear proof of ownership could be provided for the boundary wall.

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 the Conservation Area

The proposal will much improve the appearance of the building and the wider Conservation Area. The previous timber framed staircase was in a poor condition and did not contribute positively to the character and setting of the area. 50 Sedlescombe Road South is a large building. Originally built as a single dwelling, it was separated to form flats. Considering the need for external access to the flat on the first floor, it is considered that the proposal to meet the criteria of paragraph 196 of the NPPF which allows for less than substantial harm to maintain the buildings optimum use. The need for an external staircase of any type is harm that is less than substantial. It is mitigated by the continued function of the building as residential accommodation.

The staircase is of appropriate design and has features befitting of its function and adopted character. The brick and slab construction with iron railings are appropriate to the building and do not detract from the architectural character. The staircase meets the criteria of Policy HN1 of the Development Management Plan with regard to appearance, materials and effect on the setting of the Springfield Road Conservation Area. It also takes an opportunity to improve the character of the area as stipulated in paragraph 130 of the NPPF.

Loss of the wall in the back garden.

A number of letters of representation have been received regarding the western side rear brickwall. This does not form part of this application and is not considered here. The matter has been passed to enforcement to ascertain whether a breach of planning control has occurred.

c) Impact on neighbouring residential amenities

The staircase replaced an earlier timber frame structure which has been in situ for some years. Its purpose is to provide access and will not therefore result in prolonged or harmful overlooking onto neighbouring properties. The staircase is located immediately adjacent to the single storey dwelling 48A Sedlescombe Road South. As such there will be no clear views from the property to the staircase. There maybe some views from the first floor side elevation windows of 48 Sedlescombe Road South, albeit will not harmful to the outlook from 48.

There will also be some views of the staircase from the rear gardens of the site and neighbouring property. However, these will be minimal and not considered as harmful

The staircase as proposed is a smaller structure in terms of height from that previously there and as such overall there is no harm arising in terms of neighbouring amenity.

6. Conclusion

The proposal has created many objections that are not considered as material planning matters affecting the assessment of the proposed development. The dispute over ownership of the land has now been addressed by way of the staircase being amended so that it will be within the land of 50 Sedlescombe Road South.

When considering the proposal in planning terms, the staircase is an improvement over the previous timber framed structure. It satisfies both paragraphs 130 & 196 of the NPPF by enhancing the character and appearance of the Conservation Area and maintains the optimum viable use for the building as a residential dwelling. The staircase also adopts traditional details in terms of its appearance and the chosen materials. It satisfies the criteria of Policy HN1 of the Development Management Plan.

The proposed staircase allows for safer access to the flat above over the previous timber framed access stairs. It has handrails and the riser level is consistent. Thus the proposal satisfies Policy DM4 of the Development Management Plan with regard to access.

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 condition:

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

P-331-05, P-331-03, P-331-06, 1085.17B, 1085.18

Reason:

1. For the avoidance of doubt and in the interests of proper planning.

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.

Officer to Contact

Mr Simon Richard, Telephone 01424 783320

Background Papers

Application No: HS/FA/19/00168 including all letters and documents