

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

Application Address: Dingle Cottage, Jenners Lane, Hastings, TN35 4LH
Proposal: Installation of First Floor Side (North East) Elevation Window
Application No: HS/FA/19/00487

Recommendation: Grant permission

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

Applicant: Mrs Evans Dingle Cottage Jenners Lane Hastings TN35 4LH

Public Consultation

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

Application Status: Not delegated -
Application by serving employee in restricted post

1. Site and surrounding area

This application refers to a two storey semi-detached dwelling which is located on the outskirts of Hastings, on Jenners Lane, which is off of Winchelsea Lane. The dwelling occupies a corner position on Jenners Lane, with the property having hedgerow boundary treatment to the south through to the east but no boundary treatment from east to north through to west. The adjoining neighbouring property, which is a single storey bungalow, is located to the south west. The surrounding buildings are all different in design, scale and form, meaning the dwelling is unique in the street scene.

Constraints

Archaeological Notification Area

High Weald AONB

2. Proposed development

This application is seeking planning permission to install a white uPVC double panel window to the first floor of the north east elevation of the dwelling. This window is to measure 1.35 metres in width and 1.65 metres in height, with the design being identical to all other windows of the first floor, and, being positioned in line with the ground floor window, to create symmetry within this elevation.

The application is supported by the following documents:

- Site waste management plan

Relevant planning history

HS/FA/79/00607	Erection of detached garage. Granted 27/09/1979
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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

Policy EN7 - Conservation and Enhancement of Landscape

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

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

Policy HN9 - Areas of Landscape Value

Other policies/guidance

High Weald AONB Management Plan

High Weald AONB Legislation and Planning advice note

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 172 states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 55 states: For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant

3. Consultation comments

With regards to this application the following consultations were undertaken:

High Weald AONB Unit – **No comment**

Do not normally comment on applications of this scale, refer the Local Authority to the Management Plan and standard guidance.

4. Representations

In respect of this application a site notice was displayed on a gate opposite the property. No responses were received.

5. Determining issues

The main issues to consider are the impact on character and appearance of the area, the impact on neighbouring residential amenities and the impact on the High Weald AONB.

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 area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

It is not considered the proposed first floor north east side elevation double panel window will have any negative impact on the character or appearance of the area.

Jenners Lane is not a through road and as such, is only used to access the dwellings and green space within the proximity of this road. It is therefore considered that whilst the new window will be visible from the public realm, the scale and subsequent siting of the proposed development and lack of through traffic, ensure that this will not have any adverse impact on, or dominate, the street scene. The streetscene will in fact be improved, as the installation of an additional window will break up the form of this side elevation. In addition the proposed

development will use materials to match the current build which ensure the proposal in keeping with the character and appearance of the dwelling.

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

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 proposed first floor north east side elevation double panel window will have any negative impact on the neighbouring properties in terms of privacy, over shadowing or loss of daylight.

Whilst the proposed window is to be located on the first floor, it is considered that there is no negative impact to any neighbouring residential amenity, with regards to privacy, as there are no neighbouring properties on this side elevation. Whilst there is a neighbouring property directly to the north, the distance and boundary treatment provide exceptional privacy to this between the application site and the neighbour.

As the proposal is only for the addition of a side elevation window, it is considered there is no negative impact to neighbouring residential amenity with regards to over shadowing or loss of daylight.

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) High Weald AONB - impact on landscape

Policy HN9 of the Hastings Local Plan - Development Management Plan (2015), states, areas of landscape value are AONBs and the Combe Valley Countryside Park. The inherent visual qualities and distinctive character of these areas will be protected. Development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of these areas. Policy EN7 of the Hastings Local Plan – Planning Strategy (2014) seeks to protect and enhance the town's landscape including the High Weald Area of Outstanding Natural Beauty

The High Weald AONB unit will only provide detailed comments on planning applications if they are major developments (such as 10 or more dwellings) or they directly impact on one of the landscape character components identified in the High Weald AONB Management Plan's statement of significance. However, it is still the responsibility of the LPA, in this case Hastings Borough Council, to decide whether the application meets legislative and policy requirements in respect of AONBs, specifically taking into regards NPPF paragraph 172,

which requires great weight be given to conserving and enhancing landscape and scenic beauty in AONBs, and the High Weald AONB Management Plan.

There are seven defining components which should be assessed against when considering any application which may have an effect on the High Weald AONB:

- I. Geology, landform and water systems
- II. Settlement
- III. Routeways
- IV. Woodland
- V. Field and heath
- VI. Land-based economy and related rural life
- VII. Other qualities (features that are connected to the interaction between the landscape and people and which enrich character components)

It is considered that the proposal need only be assessed against one of these components, specifically 'Settlement'. When assessing against this component there are three objectives which need to be considered, these are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.
- Objective S2: To protect the historic pattern and character of settlement.
- Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

It is considered that only objective S3 need be assessed when considering this proposal due to the nature of the development. When assessing the impact of a development against this objective, it should be considered as to whether the proposal maintains and enhances the local distinctiveness, the build environment character, and the 'sense of place' of the High Weald AONB. The proposal will break up the form of the side elevation wall and in using material to match the host dwelling it is considered that the proposal will maintain and even enhance the build environment character as well as maintaining the local distinctiveness and 'sense of place' of the High Weald AONB.

Due to the nature of this development, its siting and scale, it is considered that there is no detrimental impact to the character, scenic quality or visual benefit of the High Weald AONB.

The proposed works are therefore considered acceptable in this respect and in agreement with Policy HN9 of the Hastings Local Plan - Development Management Plan (2015), Policy EN7 of the Hastings Local Plan – Planning Strategy (2014), national guidance and the High Weald AONB Management Plan.

e) Constraint - Archaeological Notification Area

Policy HN4 of the Hastings Local Plan - Development Management Plan (2015) requires sites with potential archeological interest to be accompanied by relevant information to demonstrate that the archaeological interest of the site will be satisfactorily preserved either in situ or by record as a result of the proposed works.

Given that the proposal does not require any excavation of the ground, no assessments or evaluations are required and no consultations need to be undertaken.

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 first floor north east side elevation double panel window is considered appropriate for this location and is in keeping with the existing building. These proposals would not cause harm to the character or appearance of the area, would not harm residential amenities and would not cause harm to the High Weald AONB.

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 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:

H5901/01
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 new window hereby permitted should be of white uPVC construction to match those in the existing building.

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. In the interests of the visual amenity of the area.

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 G Fownes, Telephone 01424 783250

Background Papers

Application No: HS/FA/19/00487 including all letters and documents