

Report to: PLANNING COMMITTEE
Date of Meeting: 16 October 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: 25 West Hill Road, St Leonards-on-sea, TN38 0NA
Proposal: Conversion of upper ground floor and first floor from house to 2 x 2 bed flats. Replacement rear elevation windows, enlargement of two upper ground floor windows and the formation of Juliet balcony with associated door (part-retrospective) (amended description).
Application No: HS/FA/19/00431

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Grosvenor Gardens
Listed Building: No

Applicant: Mr Williams per McAlisterGill 18 Barking Road
London E6 3BP

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
Letters of Objection: 10
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

The application site relates to a four storey (including basement) Victorian terraced property, 25 West Hill Road. This building has been converted into four flats at some point without the benefit of planning permission, this application is only concerned with the two flats over the upper ground and first floors of the building. This property forms part of a terrace of similar properties in terms of architectural design and size, with a light coloured render with ornate

mouldings, many of which have also been converted into flats. The property is in a prominent position located on the southern side of West Hill Road which overlooks Hastings and the seafront, the property features a pathway to the main entrance, with the public footpath and road immediately abutting the property thereafter. The property is not a listed building but is located within the Grosvenor Gardens Conservation Area designation. The properties along this road feature an array of traditional windows and doors and replacements which differ from what would have been originally fitted. It is also noted a number of properties along this road also feature Juliet balconies with views out across Hastings and the seafront.

Constraints

Grosvenor Gardens Conservation Area

SSSI Impact Risk Zone

Conservation Area Appraisal Consultation Draft

2. Proposed development

The application is seeking planning permission for the modernisation, conversion and renovation of the house over the upper ground and first floors of the building from 2 x 1 bedroom flats into 2 x 2 bedroom flats. A number of internal alterations are proposed to accommodate this proposed conversion and to create an additional bedroom on the upper ground floor and first floor. No extensions are proposed as part of this application to accommodate the additional bedrooms. No additional parking is proposed by the applicant.

The proposal also involves a number of external alterations to the rear elevation of the building at upper ground and first floors which will include; upgrading and replacing the rear windows from white UPVC casements to white aluminium marine grade finish casements to match existing, W201, W202, W203 and W204 to the first floor and W101, W102, W103 and W104 to the upper ground floor. The new replacement windows are to be installed within the existing openings with the exception of the W101 which will involve the installation of a larger window at upper ground floor level. The proposal will also involve the replacement and enlargement of another window within the upper ground floor with a door W103 in a white aluminium marine grade finish and the provision of a small Juliet balcony. The Juliet balcony will feature glass balustrade which will measure 1.1m in height. The proposed works are to the rear elevation only of the property, this elevation is hidden from the views of the Conservation Area and the seafront as a result of the position and elevation of the property and the surrounding built form. No other form of development is proposed as part of this application.

The application initially proposed a large projecting balcony at upper ground floor level, this was not considered acceptable on the amenity of neighbouring properties in terms of the impact on privacy, outlook and daylight levels. Following comments made by the Council the agent/applicant amended the scheme in line with the Councils comment with the removal of the large balcony which was replaced by a small Juliet balcony, this was considered much more appropriate within this given setting. Following amended plans and description new site notices were subsequently put up to inform the public of these changes.

The application is supported by the following documents:

- Heritage statement.
- Design and access statement (Dated: July 2019).

Relevant planning history

None.

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

Policy H2 - Housing Mix

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 HN2 - Changing Doors, Windows and Roofs in Conservation Areas

Policy HC1 - Conversion of Existing Dwellings

Other policies/guidance

Technical Housing Standards - Nationally Described Space Standard (2015)

Supplementary Planning Document 2: Replacement Doors and Windows For Listed Buildings and Conservation Areas

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

Conservation Officer - **No objection**

4. Representations

In respect of this application a site notice and subsequently new site notices were displayed at the front of the building and adverts were placed in the local paper.

10 letters of objection have been received from 7 properties raising the following concerns:

- Works have already begun without permission.
- Overlooking/loss of privacy.
- Compromise to neighbouring (and lower) amenity space.
- Set a precedent for other people to do similar and thus changing the environment of the whole conservation area.
- Loss of view.
- Reduced light into the basement flat.
- Lack of parking.
- Noise and disturbance.

The majority of the concerns raised by neighbouring properties are in relation to the previously proposed larger metal grid balcony, many of the neighbours have raised concerns that the works have begun without permissions in place. Amended plans have now removed this large metal grid balcony from the scheme. The Enforcement Team have been notified of the situation and a case has been set up, the applicant has been advised to cease works until they have the correct permissions in place. It is noted the application has been assessed on the amended plans which have been submitted as part of the application showing a Juliet balcony.

5. Determining issues

The main issues to be considered as part of the application is the loss of one existing residential unit, the impact on the character and appearance of the conservation area, the

neighbouring residential amenities and highway safety and parking.

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 existing residential unit

Policy H2 of the Hastings Planning Strategy (2014) states that planning permission will be granted for residential development that delivers a balanced mix of housing both within each site, and across Hastings as a whole. Policy HC1 (conversion of existing dwellings) of the Hastings Development Management Plan (2015) places an emphasis on increasing the supply of larger and family sized units.

The application building is divided into four flats, with this application only concerned with the upper ground floor and first floor of this building. The building has as a matter of fact, been converted for some years as flats, with two, one bedroom flats on the upper ground and first floors. Having checked the history of the site, it would appear that the conversion of this building into flats has not benefited from planning permission. Although, it would appear that these flats were first registered in 2001 on the Councils systems and 1993 with Council Tax. As such, the current arrangement has been in existence for more than 10 years, deeming it lawful. Policy HC1 (conversion of existing dwellings) of the Hastings Development Management Plan (2015) seeks to retain single family dwellings where possible, subject to criteria. In this instance, as the conversion took place over 10 years ago, therefore the impact on the Hastings housing stock of larger family dwellings has already occurred. The reorganisation of the layout of each unit to allow for two bedrooms within each unit does not require any extensions, as such the application is considered acceptable in this respect with a requirement of different housing types to meet local housing needed within Hastings.

c) Impact on character and appearance of conservation area

Policy EN1 of the Hastings Planning Strategy (2014) states development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. Policy DM1 of the Hastings Development Management Plan (2015) establishes all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: protecting and enhancing local character. Furthermore policy HN1 of the Hastings Development Management Plan (2015) states 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).

As established in the Supplementary Planning Document 2: Replacement Doors and Windows For Listed Buildings and Conservation Areas, most UPVC windows and doors do not replicate the traditional pattern, scale, proportions and fine detail of these openings. For this reason, UPVC windows and doors are generally unsuitable on unlisted buildings in Conservation Areas, with the exception of windows and doors which are hidden from public view (e.g. rear façades).

The scheme proposes a number of external works to the openings within the rear elevation of the building on the upper ground and first floors, which will include; replacement windows, the installation of a larger window within the upper ground floor and the replacement and

enlargement of the window with a door to provide a Juliet balcony within the upper ground floor. The property is positioned on the cliffs on the southern side of West Hill Road with views out over Hastings and towards the seafront which falls within the Grosvenor Gardens conservation area designation. Therefore consideration needs to be given to the impact of the proposal on the setting of the conservation area and the seafront. As stated in policy HN1 of the Hastings Local Plan - Development Management (2015), this general area currently enjoys relatively unimpeded long views, which are a key element of the area's character. It is acknowledged that although the property is situated above the cliffs of West Hill Road in this particular instance, the mass and form of the buildings along Marina prevent any views of the rear façade from the surrounding conservation area and the seafront and thereby the proposed works within the rear elevation will have no impact on existing views and the character and appearance of this conservation area. This has been reiterated within the Conservation Officers comments, in which they raise no objections to these rear external alterations.

In view of the above, the replacement windows and door with Juliet balcony and the enlargement of one window within the rear elevation will result in minimal difference from the existing appearance with many properties along this terrace featuring an array of timber and UPVC openings. The discrete glass balustrade to the Juliet balcony will blend into the backdrop with many other properties along this road also featuring this arrangement. It is therefore considered the proposed development will not have a significant impact upon the character and appearance of the building or the wider Conservation Area, and is therefore in accordance with the Supplementary Planning Document 2: Replacement Doors and Windows For Listed Buildings and Conservation Areas and Policies EN1, HN1 and HN2 of the Hastings Local Plan.

d) Impact on neighbouring residential amenities

Policy DM3 of the Hastings 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: 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.

The application initially proposed a large projecting balcony at upper ground floor level, this was not considered acceptable on the amenity of neighbouring properties in terms of the impact on privacy, outlook and daylight levels. Following comments made by the Council, the agent/applicant amended the scheme removing the upper ground floor balcony. This was replaced by a small Juliet balcony which was considered much more appropriate within this given setting.

The replacement windows W201, W202, W203 and W204 to the first floor and W102 and W104 to the upper ground floor are to be installed within the existing openings and replacement and enlargement of window W101 to the upper ground floor, it is not considered that these alterations will cause any additional overlooking towards the neighbouring properties with the openings already in existence.

The replacement and enlargement of window W103 with a door and small Juliet balcony within the upper ground floor, will be installed within the existing opening with an increased depth to accommodate the door opening. It is noted the objections which have been received

most of which are in relation to the previously proposed larger balcony, with many of the comments stating that they do not wish to object to the amended scheme of a smaller Juliet balcony. The Juliet balcony will have views out over the rear gardens of the neighbouring properties and the rear elevations of the neighbouring properties of Marina situated more than 40m away, views will be oblique, all of which already exist. Due to the balcony type and size, the proposed small Juliet balcony will not allow for residents to stand on the balcony at all. It is further noted that a number of neighbouring properties feature similar arrangements to the rear, given the difference in elevations there is already a degree of mutual overlooking between these properties. Taking this all into account it is not considered the Juliet balcony will increase the level of overlooking which already exists, and will not have an impact on the outlook and daylight of neighbouring residential amenities due to its scale and nature. This proposal is therefore considered acceptable in this respect and is in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

e) Future residential amenity

Policy DM3 (f) of the Hastings Local Plan - Development Management Plan (2015) states dwellings should be designed to allow residents to live comfortably and conveniently with sufficient internal space. Having compared the proposed layout of the two, two bedroom flats against the requirements set out within the Nationally Defined Space Standard (2015) document, it would appear that the internal space and bedrooms provided will exceed the minimum required standards within this document and are considered acceptable in providing occupants with a good standard of living.

Policy DM3 of the Hastings Local plan - Hastings Development Management Plan (2015) establishes an expectation of 10m length gardens to be provided for family homes. It is noted that the proposed two, two bedroom flats over the upper ground and first floors will not benefit from any amenity space. However, this is already the case, with the flats already in existence. Furthermore, the flats are located within walking distance of the beach and other outside spaces which could be used by residents.

The application site is located within an established residential area and has existing waste storage and collection facilities which are to be maintained.

f) Highway safety/parking

The East Sussex County Council Minor Application Guidance (2017) states in paragraph 3.6.1 that 'parking for individual dwellings that don't have a shared access or share parking car parking should be provided as follows: 1 or two bedroom dwelling: 1 space, 3 or 4 bedroom dwelling: 2 spaces'. The current arrangement with two, one bedroom flats over the upper ground and first floors requires a total of two parking spaces. Following the modernisation, conversion and renovation of these two, one bedroom flats into two, two bedroom flats, the number of parking spaces is to remain the same as existing with two parking spaces still required. It is acknowledged that no parking provision for this proposal has been submitted by the applicant. However, given the existing arrangement in that the number of required parking spaces is to remain the same, with some on street parking available, the site is in a fairly central and sustainable location within walking distance of amenities and public transport. It is not considered that this conversion will result in additional harm to the existing parking situation and the proposal is considered acceptable in this respect.

g) 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.

6. Conclusion

For the reasons set out above the proposal is considered to be acceptable development and complies with local and national plan policies. It is therefore recommended that permission is granted subject to the attached conditions.

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 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:

114.200A, 114.100B, 114.101, 114.102, 114.110, 114.111, 114.201A, 114.202A, 114.210B and 114.211A
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. Any replacement windows or doors should have white frames.

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 and future residents.
4. In the interests of the character and amenity of the Grosvenor Gardens Conservation 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

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/19/00431 including all letters and documents