

Report to: PLANNING COMMITTEE

Date of Meeting: 23 September 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 33 St Dominic Close, St Leonards-on-sea, TN38 0PH

Proposal: Loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage (amended description).

Application No: HS/FA/20/00123

Recommendation: Grant permission

Ward: MAZE HILL 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Fowler per A. & M. Architectural Partnership LLP
40 Cambridge Road Hastings East Sussex TN34 1DT

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	Yes
People objecting:	11
Petitions of objection received:	0
People in 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 33 St Dominic Close, a three bedroom semi-detached bungalow, situated at the end of St Dominic Close. The property is built of red brickwork with a pitched roof of concrete interlocking tiles with white UPVC windows and doors throughout. The property features an entrance porch to the side with a detached single garage to the side of the dwelling also with a significant sized concrete driveway in front which provides

plenty of space for off-street parking for the household. The remainder of the front garden is made up of lawn. To the rear, the garden is formed over a number of levels due to the topography of the land, with the rear garden dropping significantly from the front towards the rear. There is a large area of patio area immediately to the rear of the property which is higher than the remainder of the garden with a set of steps providing access to the rest of the garden. The remainder of the garden features a patio area, lawn and the presence of a pond. Given the topography of the area, the application site and neighbouring properties of St Dominic Close are on an elevated position overlooking the properties and gardens of Burhill Way with far reaching views achieved over Hastings. To the north and south of the site are nos. 35 and 31 Dominic Close respectively. To the west of the site, at a lower ground level is no. 20 The Spinney, Burhill Way. East of the site are properties on St Dominic Close that are opposite the application site. The site is therefore surrounded by residential properties and this is the character of the area. The boundaries of the rear garden are largely made up of high timber fencing and mature hedging ranging in height between 1.5m and 1.8m approximately.

Constraints

SSSI Impact Risk Zone

2. Proposed development

This application is seeking planning permission for a loft conversion and dormer extension together with single storey rear extension, raised rear patio area and detached tandem garage.

The loft of this bungalow will be converted in a habitable space for the household, forming a bedroom with bathroom and storage, the property will remain a three bedroom dwelling but with larger bedrooms provided. In order to gain extra space within the loft it is also proposed for a dormer extension to the rear. The dormer will feature two windows with the dormer to measure approximately 4.2m in depth by 5.8m in length and 2m in height. The dormer will be constructed of a grey felt flat roof with tile hanging and white UPVC windows to match the existing dwelling. The works will also incorporate the addition of three roof lights within the front roof slope to allow natural lighting within the bathroom and over the stairs.

The scheme also proposes the creation of a single storey extension to the rear of the bungalow in place of the existing patio area. The extension will feature a flat roof and will be set in line with the extension of neighbouring property no. 31 St Dominic Close, set in 0.57m from the shared boundary. The development will provide the household with a dining room and will project 3.05m from the rear elevation, run a length of 6.83m and will measure 3.55m in height at the highest point (accounting for the land levels). The extension will include a set of bi-folding doors within the rear elevation, with no other openings to be included. The development will be constructed of a grey felt flat roof with brickwork walls and white UPVC doors to match existing.

In front of the extension it is proposed for the creation of an area of raised patio, with a set of steps from the extension and further steps to the rest of the garden. The patio area will project 1.8m from the rear elevation and run a total length of 10.1m including the steps. The raised patio area will range from 0.5m to 0.85m above ground level. A 1.8m high obscure glazed privacy screen in an 'L-shape' is to be positioned along the south and west side of raised patio area, which will be set in 0.57m from the shared boundary.

The final element of the scheme is to involve the removal of the existing detached garage and side porch with the replacement of a larger detached tandem garage. The new garage will be 0.05m to 0.85m higher, 1.39m to 1.975m wider and 6.4m longer than existing. It will be set back further from the principal elevation than the existing garage (new set back of 3.5m) and set in approximately 2m from the boundary with neighbouring property no. 35. The garage will measure 4.39m to the front and 4.975m at the rear in width accounting for the shape of the site and will run a total length of 12.1m. The garage will measure approximately 2.6m in height to the front increasing to 3.4m towards the rear accounting for the ground levels. The garage will be constructed of a grey felt flat roof with brickwork walls and a white garage door within the front elevation and a single white UPVC door within the side (south) elevation to match the materials employed on site.

No other form of development is proposed as part of this application.

Background information

This application is a significant revision to the previously submitted planning application HS/FA/19/00624 for this site. The previous application proposed a loft conversion and extension together with two storey side extension and rear extension incorporating an integral garage, works to include a recessed balcony at first floor level. The applicant was advised that this scheme could not be supported in terms of its scale and impact upon the street scene and neighbours, the application was subsequently withdrawn.

Amendments

Further amendments have been made to this revised scheme following comments made by the Local Planning Authority. The amount of glazing to the proposed rear dormer has been reduced from a width of approx. 5.25m to 2.4m. Furthermore, the rear raised patio area will now include an 'L-shaped' 1.8m high obscure glazed screen along the south side and rear of the raised patio area.

The application is supported by the following documents:

- Waste management statement (revision A).

Relevant planning history

- HS/FA/19/00624 Loft conversion and extension together with two storey side extension and rear extension incorporating an integral garage, works to include a recessed balcony at first floor level.
Withdrawn on 11/11/19
- HS/DS/78/00444 Erection of 28 bungalows and garages on Plot 6-23, and 36-45 (Phase II). Detailed submission in part pursuant of OA/77/166
Approval of Reserved Matters on 02/08/78
- HS/DS/78/00007 Construction of estate roads and sewers (detailed submission in part pursuant of 77/166)
Approval of Reserved Matters on 17/03/78

HS/OA/77/00166 Change of use from educational purposes to residential. Layout of estate roads and sewers, erection of 44 bungalows and garages, 13 two-storey chalets and garages, and 8 detached houses and garages.
Outline Application with Conditions on 03/05/77

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western 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

Other policies/guidance

National Design Guide

Supplementary Planning Document - Householder Development: Sustainable Design

East Sussex County Council Minor Application Guidance (2017)

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

No Consultees have been consulted on this application.

4. Representations

In respect of this application a site notice and neighbour letters were issued.

11 letters of objection received from 10 different properties, raising the following concerns:

- Garage could be used for commercial use.
- Privacy issues from raised patio area and dormer.
- Development out of keeping with area, could set a precedent for similar developments.
- Possible land instability issues.
- Noise and disturbance caused by development.
- Unwanted traffic; issues with access, machinery and parking.
- Size of the garage.
- The impact of the development is exacerbated by the topography of the site.
- Loss of view.
- Daylight issues.
- Development visible from the road.

Regarding concerns to the new garage being used as a commercial unit, a condition has been attached (no 5) to ensure the garage remains for purposes incidental and ancillary to the enjoyment of the dwelling house.

Whilst there were no visible signs of land stability issues at the point at which the site visit was undertaken, given that the Planning Service can not offer an expert view in this area, that the land levels do slope down on site and that no information has been submitted with the application, it is considered reasonable to attach a condition (no 6) requiring the submission of a Land Stability report prior to commencement of works on site.

Regarding noise and disturbance from the proposed development, the government accepts that noise and disturbance will occur as part of any construction and this is not a reason for refusal. However in order to control the extent of any impact, condition 3 is attached to

control the hours of construction. In addition, condition 8 requires the submission of a Construction Management Plan. This will ensure that the developer carefully thinks about and controls parking, access and machinery on site during construction.

The other concerns listed above will be dealt with within the main body of the report.

5. Determining issues

The main issues in determining this application are the impact of the proposed works on the character and appearance of the 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) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character;
- showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The scheme involves a number of works to this bungalow, with the majority of the works to be situated towards the rear of the property, being that of the extension and patio area and dormer extension. These additions are considered appropriate and proportionate to the site, all of which will be built in materials to match and complement the existing arrangement, with views towards the site reduced by the presence of surrounding built form and boundary treatments. This said, due to the topography of the site in relation to some of the nearby roads, it is acknowledged that glimpsed views may be achieved towards the rear of site. Given the scale of works, along with the design and materials of the works and the limited views available it is not considered that these works will be out of keeping nor harmful to the character and appearance of the area, with other neighbouring properties also featuring extensions, conservatories and other additions including the neighbour property no. 31 St Dominic Close.

The scheme also proposes the replacement of the existing porch and garage with a larger tandem detached garage which will be visible from the street scene. It is noted whilst this proposed garage will be larger than the existing garage, mainly in terms of its length which will approximately double from existing, it will be set back further from the principle elevation of the bungalow than the existing garage and set in approximately 2m from the boundary with the neighbouring property no. 35. As a result, the prominence of the garage will be reduced, clearly providing a subservient addition to the household. Views towards this new garage from the road will also be reduced by the orientation of the garage in relation to the neighbouring property of no. 35 and the boundary treatment between the two sites. The garage will be built of materials to match and complement the host dwelling house, providing a uniformed appearance between the dwelling and this new garage, so it reads as part of the site. It is therefore considered in this instance that the presence of this new garage will not

have a detrimental impact upon the character and appearance of this bungalow or the street scene.

The final element of this proposal will involve the creation of three roof lights within the front roof slope. While out on site it was observed that a number of other properties in the vicinity also feature roof lights, as such this arrangement is not considered out of place within this given locality. In addition, roof lights can be installed under householder permitted development rights without the need of obtaining planning permission for their installation.

Given the above assessment, it is not considered that the proposed development would significantly harm the character and appearance of the bungalow or the area, and therefore it is considered the proposal is acceptable in this regard and complies with Policy DM1 of the Hastings Local Plan - Development Management (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

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:

- 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 closest neighbouring properties to the proposed development are nos. 31 and 35 St Dominic Close, therefore the impact of the proposals on these neighbouring properties in terms of privacy, outlook and daylight levels will need to be considered.

Given the existing arrangements on site, the nature and scale of the proposed works, the distances established between the proposed development and the closest neighbour sites of Burhill Way to the rear which are positioned over 10m away (at the closest point) and the boundary treatments. It is not considered that any of the proposed works will cause a significant harm to these properties towards the rear of the site.

Rear single storey extension

The proposed rear extension is to be single storey in height and will sit in line with the with the extension of neighbouring property no. 31 St Dominic Close, set in 0.57m from the shared boundary with a high timber fence established between the two sites. Given that the extension will sit in line with the neighbouring extension and the established boundary treatment between the two sites, it is not considered that the extension will have any impact upon the neighbouring occupants of no. 31 in terms of outlook and daylight levels.

The proposed extension will feature a set of bi-folding doors within the rear elevation, given the existing arrangement with openings present within the rear elevation of the bungalow, there are no concerns that the extension will facilitate additional harmful overlooking. No other openings are proposed within this rear addition.

Given the distance of the extension to the neighbouring boundary of no. 35 and the presence of the proposed garage in between, this extension will have no impact upon the occupants of no. 35.

Rear raised patio area and screening

It is acknowledged that the site already features a large patio area immediately to the rear of the property which is higher than the remainder of the garden which is to be replaced by the proposed single storey rear extension. As such, there are already views achieved from this existing arrangement towards the adjoining neighbouring sites. The scheme proposes the creation of a strip of raised patio area to the rear of the proposed extension. The patio area will project 1.8m from the rear elevation and run a total length of 10.1m including the steps. The raised patio area will measure approximately 0.85m from the ground at the highest point. Following comments made by the Local Planning Authority, the raised patio area will now include an 'L-shaped' 1.8m high obscure glazed screen along the south side and rear, with the presence of this privacy screen and the position of the two sets of steps, views will be directed away from the main amenity spaces of nos. 31 and 35 St Dominic Close. It is not considered this new patio area will provide additional harmful overlooking with a degree of mutual overlooking achieved by these properties already due to the topography of the land.

Given the nature and scale of the proposed raised patio area and screening, this will not cause any impact upon nos. 31 and 35 St Dominic Close in terms of outlook and daylight levels.

Rear dormer extension

The proposed works will involve the addition of a rear dormer extension which will feature two windows which will serve a bedroom. Following comments made by the Council, the agent has revised the scheme further with a reduction in the amount of glazing, reduced from a width of approx. 5.25m to 2.4m, this is the minimum amount of glazing acceptable for a bedroom of the size under building regulations. This reduction of glazing immediately adjacent to the side boundary of no. 31 reduced the extent of view from the dormer window. As such the dormer window which is now proposed will have more oblique rather than direct views onto the neighbouring properties. Condition 9 is attached to remove permitted development rights for the insertion of additional windows. There is already a degree of mutual overlooking between properties as might be expected in a residential areas and the proposed dormer window will not worsen that existing situation. It is also important to note that the applicant is able to construct a rear dormer under householder permitted development rights without the need of obtaining planning permission, as such a refusal on this element would not be appropriate.

Given the nature and scale of this dormer extension within the roof of the dwelling, there will be no impact in terms of outlook and daylight levels of no. 31 and given the considerable distances between the dormer and no. 35 there will be no impact to this neighbour either.

Tandem garage

The scheme also proposes the erection of a detached tandem garage to the side of the dwelling. This garage will be set back further from the principle elevation of the bungalow compared to existing and set in approximately 2m from the boundary with neighbouring property no. 35 St Dominic Close. It is acknowledged that the new garage whilst larger than the existing garage, it will be set further away from the shared boundary and will be set

further away from the dwelling of no. 35 and their main amenity space. It is noted that the existing garage does in fact have a window within the rear elevation facing towards this neighbour. The new garage will not feature any openings within the side elevation facing towards no. 35 or within the rear elevation, as such the privacy of the residents of no. 35 will not be compromised.

The proposed garage will measure approximately 2m from the shared boundary with no. 35 and 5.1m from the house itself. It is noted there is an existing 1.5-1.8m high fence and vegetation to the majority of the boundary between the sites, which equally could be replaced by a 2m high fence under householder permitted development rights without the need for planning permission. The garage will measure approximately 2.6m in height to the front increasing to 3.4m towards the rear accounting for the ground levels. As such, approximately 1.1m of the garage will be visible above the existing fence line for over half the length of the proposed garage, for approximately the next 2m the amount of garage visible above the fence will increase slightly to 1.3m with the remaining garage to be visible for approximately 1.6m above the existing fence line. Whilst it is acknowledged that the new garage will be of a considerable size, given the scale of the proposed garage in relation to the boundary treatment between the two sites as well as the considerable spacing between the garage and the boundary and dwelling thereafter, it is considered this garage will have a limited impact upon the occupants of no. 35 in terms of outlook and daylight levels, with plenty of the garden unaffected by these works.

Due to the sufficient spacing between the proposed garage and the dwelling and boundary of that of no. 31, this element of the scheme will have no impact upon the occupants of no. 31.

Taking the above into account, it is not considered that the proposed works would significantly harm the amenity of the neighbouring properties in terms of privacy, outlook and daylight levels, and therefore the proposal is considered acceptable in this respect and is in accordance with Policy DM3 of the Hastings Local Plan - Development Management (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

d) 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'.

Following the proposed works the property will remain as a three bedroom bungalow, therefore the number of parking spaces required for this property is likely to remain the same with two parking spaces required. Currently the property has a single detached garage which does not meet all of the minimum size requirements as detailed within the East Sussex County Council Minor Application Guidance (2017) which states a single garage should be 6m by 3m, with a 2.4m wide garage door. However, the site does have a substantial sized driveway which allows the parking of a number of cars. The proposal will involve the removal of this existing garage with a larger detached tandem garage for the parking of two vehicles with the driveway to remain in place. The proposed garage will more than meet the minimum size requirements as defined within the East Sussex County Council Minor Application Guidance (2017) stated above. Whilst it is acknowledged that the garage will only account for 0.3 of a parking space on site, as mentioned the property benefits from a large driveway which provides ample of space for the parking of a number of vehicles at any one time. As

such, the proposal is considered acceptable in this respect.

e) 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.

f) Site Constraints

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

6. Conclusion

In light of the above assessment it is considered that the proposed works are both acceptable and are in line with Policies DM1 and DM3 of the Hastings Local Plan - Development Management (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is 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 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:

4269-100B, 4269-101D, 4269-105D and 4269-106H
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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, with the exception of the flat roof.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the garage shall be used only for purposes incidental and ancillary to the enjoyment of the dwelling house and for no other purpose and from which it shall not be let, sold separately, or severed thereafter.
6. Prior to the commencement of works on site, a Land Stability Report by a qualified engineer shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of works shall be implemented before the construction of the development hereby approved.
7. Prior to the use of the rear raised patio area hereby approved, the 1.8m high obscure glazed privacy screen positioned along the south side and part of the west side of the raised patio area shall be constructed and completed in line with approved drawing no. 4269-106 H and thereafter retained and maintained in good order in perpetuity.
8. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period.
9. Notwithstanding the provisions of Classes A, B and C of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no additional openings shall at any time be inserted in any elevation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

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 visual amenity of the area.
5. To maintain planning control in the interests of amenity of the site.
6. In the interests of land stability and the protection of the development.
7. To safeguard the amenity of adjoining and future residents.
8. To safeguard the amenity of adjoining and future residents.
9. To maintain planning control in the interests of amenity of the site.

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.
 3. The applicant is advised that this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.
 4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
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Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/20/00123 including all letters and documents