

Report to: PLANNING COMMITTEE

Date of Meeting: 22 October 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 3 Kenwood Close, Hastings, TN34 2AT

Proposal: Loft conversion with the inclusion of multiple roof lights, windows within both gable ends and cladding to the rear gable end. Alterations to the arrangement of openings at ground floor level and the replacement with UPVC units finished in anthracite grey. Raised decking to the rear of the property (part retrospective).

Application No: HS/FA/20/00442

Recommendation: Grant permission

Ward: BAIRD 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Pont per Nicol Design Associates Ltd Suite 4,
The Almonry High Street, Battle, East Sussex
TN33 0EA

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	13
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 a detached, three-bedroom bungalow, 3 Kenwood Close. The property is set towards the end of the residential cul-de-sac on the south-west side of Kenwood Close. The property is brick built with tile hanging to the first floor within the front gable and weatherboarding to the first floor within the rear gable. The roof is hipped either side with a gable to the front and rear elevation with the roof finished in concrete interlocking tiles. The dwellinghouse is set back from the road and footpath with an area of lawn to the front with a low-level brick boundary wall to the front. To the side, the property features an attached single garage and a large driveway which slopes down towards the garage. The topography of the area sees the land levels drop from the north-west to the south-east roughly following the course of the road and from the front (north-east) towards the rear (south-west) also. The bungalow benefits from a large rear garden which comprises of a large area of raised patio to the rear of the bungalow with lawn thereafter set down at a lower level. The rear garden benefits from a good level of boundary treatment with high timber fencing ranging from 1.5m to 2.5m in height with mature and dense hedging and shrubs also in place in part of up to 3m in height.

To the rear of the site are the rear gardens of Nos. 73 and 75 Pilot Road. Either side of the site are Nos. 2 and 4 Kenwood Close. Also, to the south-east of the site are the rear gardens of Nos. 95, 97, 99 and 101, St Helens Down. Kenwood Close principally consists of detached bungalows, some of which have been altered and extended to allow for additional habitable space within the roof. As such there are examples of dormer windows and roof lights in the immediate locality and this contributes to the character of the area. The design of the roofs is therefore not uniform although there are common themes in design that create a visual cohesion in the area. Several properties also feature raised terraced areas similar to the application site.

Constraints

SSSI Impact Risk Zone

2. Proposed development

This application is seeking planning permission for a number of internal and external works to the bungalow which includes:

- A loft conversion to create two bedrooms, a dressing area and WC.
- The addition of three roof lights to facilitate the loft conversion and a further four lower roof lights to provide high-level light to the ground floor space below.
- The installation of windows within the front and rear gable ends. The rear gable end, the rear window will have a clear glazed central pane with obscured glazed panes either side.
- Removal of existing weatherboarding at first floor within the rear gable end to be removed and replaced with Cedral cladding in light grey.
- Alterations to existing openings at ground floor as follows:
 - Blocking-up the existing front door within the front elevation.
 - The replacement of a window within the side (north-west) elevation with a door and high-level window.
 - The replacement of a door and number of windows within the side (south-east) elevation with a door and adjoining side light and high-level window.

- The replacement of a window and door within the rear elevation with two sets of bi-folding doors. All doors and windows will be fitted with new double-glazed units finished in anthracite grey.
- Removal and replacement of the existing raised patio area with a decking area to the rear of the property.

The decking area will allow access from the dwelling into the rear garden, it will project approximately 4.05m from the rear elevation and run a total length of 7.85m, set in 1.67m from the boundary with No. 4 Kenwood Close and 2.759m from the boundary with No. 2 Kenwood Close. The decking area will measure approximately 1.7m from the ground level at the highest point.

The bungalow will increase from a three to a four-bedroom property.

This application is part retrospective in respect of the replacement windows within the front elevation.

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

Background information

This application is for a reduced scheme to the previously submitted planning application HS/FA/20/00001 for this site. The previous application proposed the creation of two separate units within the bungalow, a higher rear decking area, external walls to be rendered at ground floor and Cedral cladding to the first floor and a greater number of roof lights. The applicant was advised that this scheme could not be supported by the Local Planning Authority in terms of its impact upon the area and its neighbours, the application was subsequently withdrawn by the applicant.

Amendments

Further amendments have been made to this revised scheme following comments made by the Local Planning Authority, the removal of the annexe/separate unit within the bungalow, the removal of the upper roof light above the bedroom facing towards No. 4 Kenwood Close, the replacement of the clear side panes with obscure glazing within the rear gable window and the removal of the additional driveway to the front garden. Once amended description and plans were received, new site notices were issued.

The application is supported by the following documents:

- Design and access statement (dated 20th August 2020).

Relevant planning history

HS/FA/20/00001 Loft Conversion with the inclusion of multiple rooflights, changes to existing openings at Ground Floor level, external walls to be rendered & the addition of a raised decking to the rear of the property.

Withdrawn on 14/02/20

HS/FA/64/01056 Erection of 2 bungalows and integral garages.

Permission with conditions on 30/10/64

- HS/64/00072 Construction of roads and sewers.
Permission with conditions on 31/01/64
- HS/FA/55/00373 Layout of building plots and layout and construction of Cul-de-sac,
footpath and sewers for plots 1 to 18.
Permission Without Conditions on 10/04/56

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Other policies/guidance

National Design Guide

Supplementary Planning Document - Householder Development: Sustainable Design

Highways East Sussex County Council Minor Planning 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 site notices and subsequent site notices were displayed outside the property along Kenwood Close and along Pilot Road and St Helens Down.

13 letters of objection received from 12 different properties, raising the following concerns:

- Some of the works have already been carried out on site.
- Overdevelopment of site.
- Too many windows proposed within the roof.
- Concern to gravel being used for additional driveway, not suitable material.
- Front garden turned into additional driveway will be unsightly.
- Conversion of bungalow into two units should not be allowed, not in keeping with area.
- Concern to the bungalow being divided into separate residential units and used and sold as such.
- Overlooking.
- Concerns to parking situation.
- Change in fenestration colour is out of keeping.
- Sub-standard accommodation.
- Concern that Building Regulations have not been applied for or approved.
- Errors regarding the neighbouring numbers either side.
- Light pollution to neighbouring properties and wildlife which live and visit garden.
- Noise and disturbance.

It is acknowledged that some of the works have already commenced on site including the replacement windows within the front elevation and blocking-up the existing front entrance, as such this application is being applied for part-retrospectively.

The alteration of the front garden into an additional driveway has been removed from the scheme with the existing driveway to remain in place.

The conversion of the dwellinghouse with the formation of an annexe has been removed from the scheme, the applicant intends for the single dwellinghouse to remain as one space. Condition 4 has been attached to ensure the dwellinghouse is not divided into separate residential units at any time.

The bedrooms have been indicated as single and double bedrooms on the proposed floor plans in order to meet the required dimensions for single and double bedrooms.

The applicant has been informed of their responsibilities regarding Building Regulations and informative note 3 has been added to reflect this.

The errors regarding the neighbouring numbers either side have since been corrected with the submission of the amended plans.

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.

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.

Loft conversion and roof lights

The scheme proposes a loft conversion with the installation of several roof lights. Given the large spacing available between the application site and neighbouring sites Nos. 2 and 4 Kenwood Close either side, clear views will be achieved towards these roof lights. The number of roof lights has been significantly reduced from the withdrawn scheme HS/FA/20/00001 from 14 to 7. The roof lights will set back from the front elevation and set down from the ridge. Although it is acknowledged that the introduction of roof lights within this roof will create some visual change, it is not considered that this change is to be significantly harmful given the noted differences within the street with varying dormer windows and roof styles present and a number of nearby properties also featuring roof lights.

Windows within both gable ends

The proposed window within the rear gable end will not be visible from Kenwood Close and as such will have no impact on the character and appearance of the bungalow and street. Clear views from the surrounding roads of St Helens Down and Pilot Road towards this element of the proposal will not be achievable given the distance involved and the surrounding boundary treatment and built form, with only glimpsed views achieved at best. The scheme also proposes the installation of a window within the front gable of the bungalow. Given its position this window will be clearly visible within the street scene. However, the inclusion of this moderate sized window within the gable end is not considered to be out of keeping or harmful with a number of other nearby properties also featuring the same arrangement.

Cladding to rear gable end

The scheme proposes the weatherboarding at first floor within the rear gable end to be replaced with Cedral cladding in light grey. As mentioned above, views towards the rear of the site are limited with any such views being oblique and indirect. Whilst most of the properties nearby are brick built there are some variations with brick, render and tile hanging. It is also acknowledged that the rear at first floor level already has white weatherboarding in place, as such its replacement with a light grey cladding is not considered to be harmful. It is considered the cladding will provide the rear elevation with a fresh and tidy appearance.

Alterations to arrangement of openings at ground floor level and colour of openings

The proposal will involve alterations to the arrangement of the openings within the ground floor of the bungalow which will include the blocking-up the existing front door within the front elevation. The replacement of a window within the side (north-west) elevation with a door and high-level window. The replacement of a door and number of windows within the side (south-east) elevation with a door and adjoining side light and high-level window. All these changes to degree will be visible within the street scene, although it is not considered that this change is harmful with many of the other neighbouring properties also featuring doors with the side elevations with differing opening arrangements within their elevations. It is also noted the window and door within the rear elevation will be replaced with two sets of bi-folding doors, given the elevation at which these will sit and the surrounding built form and boundary treatments, views are unlikely to be achieved towards this element.

It is also proposed for all the windows and doors within the bungalow to be installed with new double-glazed units finished in anthracite grey. Whilst the change in fenestration colour will create a visual difference between the application dwelling and the other properties, this is not considered to be harmful given the detached nature of the dwellings and the noted

variations already present within the street in terms of materials, dormer windows and roof forms.

Raised rear decking area

The final element of the development will involve the removal and replacement of the existing raised patio area with a decking area towards the rear of the bungalow. Given the position and height of this decking area and the good boundary treatment present, views from the public realm will not be achieved and as such this aspect will have no impact upon the character and appearance of the bungalow or the locality.

Given the above assessment, it is considered the proposed works are now proportionate to the site with the appearance of the bungalow maintained. The proposed works are not considered to 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 works are Nos. 2 and 4 Kenwood Close, therefore the impact of the proposal on these neighbouring properties in terms of privacy, outlook and daylight levels needs to be considered. The proposed development will be situated approximately 27m from the rear boundaries of the closest property of St Helens Down to the south-east of the site and approximately 25m from the rear boundaries of the closest property of Pilot Road to the south-west of the site. As such, given the distances involved it is not considered that the proposed works will cause a significant harm to the amenity of these neighbouring properties.

Loft conversion and roof lights

The proposed scheme intends to convert the loft into habitable space with the inclusion of a number of roof lights to serve the loft space and the ground floor below. The four lower roof lights to serve the ground floor will provide high level daylight. These lower level roof lights will not lead to any overlooking with the lowest part of the roof light measuring 2.8m from the floor level. The proposal also includes three roof lights to serve the loft space which will be positioned 1.435m from the floor level, as such given the height at which they will sit views will be achieved. One of the roof lights will serve the bedroom and but given its position will only allow views over the roof of No. 2 Kenwood Close with no harmful views achieved. The other two roof lights will serve a WC and stairway, as such given that they will not serve habitable spaces and will not be used for prolonged periods of time, there are no concerns that these roof lights will allow for harmful overlooking.

The initial plans did include an additional roof light to serve the bedroom facing towards No. 4 Kenwood Close, there were concerns that this opening would allow clear and harmful views directly towards the side dormer window of No. 4. The plans have been amended with the omission of this roof light and no further concerns are raised regarding the roof lights proposed and any overlooking.

Windows within both gable ends

The scheme proposes the installation of a window within the front gable end to serve a bedroom. This window will be set approximately 23m from the nearest neighbouring properties opposite which are set at a higher elevation. As such, given the distance involved and the topography there are no concerns that this window will lead to a loss of privacy for neighbouring properties. It is also noted a number of other neighbouring properties have windows within their gable ends, as such this arrangement is not uncommon within this area.

The development also proposes the creation of a large window within the rear gable to serve a bedroom. The initial plans proposed for the window to be installed with clear glass. Concerns were raised that the size of opening was too excessive and would facilitate a greater area for viewing. Following these comments, amended plans were received with the window to feature one central clear glazed pane with obscure glazing to the side panes. This arrangement will significantly reduce views and direct views towards the rear of the gardens away from their main amenity spaces. It is also noted a number of properties within this area feature roof lights and dormer windows, including Nos. 1 and 4 Kenwood Close as such there is already a degree of mutual overlooking achieved between these properties, it is not considered the addition of this window will cause significant harm.

Alterations to arrangement of openings at ground floor level

The proposal will involve alterations to the arrangement of the openings within the ground floor of the bungalow which will include the removal of the front door within the front elevation. The replacement of a window within the side (north-west) elevation with a door and high-level window. The replacement of a door and number of windows within the side (south-east) elevation with a door and adjoining side light and high-level window. The replacement of the window and door within the rear elevation with two sets of bi-folding doors. The alterations will lead to a reduction in the number of openings available at ground floor level and will reduce the number of viewpoints available. The two doors within the side elevations will serve hallways and stairways and as such there is no concern that this arrangement will cause additional harmful overlooking. The two windows within the side elevations will be high level with the window cill levels measuring approximately 1.6m from the floor level, as such no clear harmful views will be achieved. The rear elevation will also see some minor alterations to the openings. Given the existing arrangement, whereby there are already openings with the rear elevation which serve the same rooms with existing views, it is not considered that the proposed arrangement will lead to any additional overlooking.

Raised rear decking area

It is acknowledged that the site already features a large area of patio immediately to the rear of the property which is higher than the remainder of the garden. It is proposed for this patio area to be removed and replaced by a decking area, albeit moderately larger. The proposed decking area will project approximately 4.05m from the rear elevation, run a total length of 7.85m and measure approximately 1.7m from the ground level at the highest point. The proposed decking area will largely sit at the same point from the ground as the existing patio area, although it will project approximately 0.55m further than the existing arrangement and

due to the land levels, this will result in the proposed arrangement being approximately 0.5m greater in height than existing. This existing arrangement has been in place for many years with other neighbouring properties also featuring similar arrangements, including no. 1 which features a raised terrace, no. 2 features a conservatory and associated elevated raised terrace and no. 4 features a raised decking area. Having been out on site and stood on the existing raised patio area, views are already achieved towards the neighbouring gardens. Given the existing arrangement on site and to the neighbouring sites a degree of mutual overlooking is already achieved between the sites and the moderate increase is not considered to create additional harmful overlooking, with the relationship between the sites to remain much the same.

Given the nature and scale of the proposed decking area, this will not cause any impact upon Nos. 2 and 4 Kenwood Close in terms of outlook and daylight levels.

In terms of impact on light pollution to neighbouring properties and wildlife which live and visit the garden, given the existing arrangement with the bungalow situated in a well-established residential area, whereby both the application site and neighbouring properties have a number of existing openings. It is not considered the proposed alterations will lead to a significant rise in light pollution, with this arrangement not uncommon within residential areas.

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 see a small increase from a three to a four-bedroom property. As stated above the number of parking spaces required for this size of property is likely to remain the same with two parking spaces required.

Whilst it is acknowledged that there is a single garage on site and this is to remain, this garage falls short of the size requirements for a single garage outlined by East Sussex County Council Minor Application Guidance (2017) which requires a single garage to be 6m by 3m, with a 2.4m wide garage door. As such, this existing garage is not fit for purpose and cannot be counted towards this requirement. Although it is important to note garages only account for 0.3 of a parking space requirements.

The property benefits from a large driveway to the side and front of the property and there are spaces available along the street or nearby streets for parking if required, given the existing arrangement and that the required number of car parking spaces is to remain the same, the proposal is considered acceptable in this regard.

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.

The legislation regarding Environmental Impact Assessments can be found on the following link: <https://www.gov.uk/guidance/environmental-impact-assessment>

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 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:

8440/000 P/01, 8440/001 P/02, 8440/002 P/00, 8440/003 P/00, 8440/004 P/03, 8440/005 P/02, 8440/006 P/01 and 8440/007 P/02
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 property of 3 Kenwood Close, Hastings, TN 2AT shall remain as a single dwellinghouse and at no time shall be divided into separate residential units.
5. The side panes of the first floor rear gable window shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The development hereby approved shall not be occupied until the obscure glass is installed, and once installed, the window shall be permanently maintained in that condition.

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. To ensure a satisfactory standard of development.
5. To safeguard the amenity of adjoining and future residents.

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 a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/20/00442 including all letters and documents