

Report to: PLANNING COMMITTEE

Date of Meeting: 21 July 2021

Report from: Assistant Director of Housing and Built Environment

Application address: 62A Norman Road, St Leonards-on-sea, TN38 0EJ

Proposal: Proposed formation of a roof terrace on existing flat roof at first floor level at the rear of the property.

Application No: HS/FA/20/00930

Recommendation: Grant permission

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - St. Leonards East
Listed Building: No

Applicant: Mr Gange per DesignHouse 20 Dudley Road Hastings TN35 5JP

Public Consultation

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|----------------------------------|---------------------------------------|
| Site notice: | Yes |
| Press advertisement: | Yes - Conservation Area Amended Plans |
| Neighbour Letters: | Yes |
| People objecting: | 6 |
| 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 site comprises a 3 storey terraced Victorian property that has previously been sub-divided into flats. The application relates to the first floor flat of the building only. A roof terrace is already located at the second floor level, which incorporates clear glazed screening.

Norman Road consists of predominantly Victorian two or three storey terraced buildings, with a variety of commercial and residential mixed uses.

The application site backs on to Market Passage; a pedestrian route serving the rear of some of the properties in Norman Road and some of the properties in Market Street.

The neighbouring properties to either side of the application site at both 60 and 64 Norman Road incorporate balconies at first and second floor levels. The balcony at property 60 Norman Road has a timber balustrade and the balconies at No. 64 Norman Road have the provision of railings.

Constraints

- St. Leonards East Conservation Area

2. Proposed development

The proposal seeks permission for the formation of a roof terrace on existing flat roofed ground floor projection. The proposed terrace will have a maximum depth of 1.24m and a width of 5.28m. This is to be finished in timber decking with a 1.1m high glazed balustrade with obscure glazing on each side panel. Privacy screening of timber construction 1.8m in height on the eastern side is proposed between the terrace and the adjoining balcony, with a small inaccessible area of the decking on the western side to reduce the extent of overlooking into the dormer on the opposite building.

The proposed terrace is proposed to be accessed via the first-floor bedrooms at the rear of the property. This will be achieved by removing the existing first floor rear timber/uPVC cladded elevation and installation of 2 uPVC double door and side window units. This will create a uPVC glazed rear elevation at first floor level opening on the existing flat roof.

The application is supported by the following documents:

- Design and Access Statement
- Heritage statement
- Waste Minimisation Statement

This application is being considered at a Planning Committee Meeting as more than 5 letters of objection have been received.

Relevant planning history

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|-----------------|--|
| Application No. | HS/72/00783 |
| Description | Conversion from separate shop premises with living accommodation over to two 1 bedroom flats and maisonettes |
| Decision | Permission with conditions on 19/06/72 |

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|-----------------|--|
| Application No. | HS/72/01389 |
| Description | Conversion into four maisonettes. |
| Decision | Permission with conditions on 12/10/72 |

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 HN1 - Development that affects listed buildings or conservation areas

Policy HN2 - Windows and doors within conservation areas or affects listed buildings

Other policies/guidance

National Design Guide

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 neighbour letters were sent out and an advert placed in the local paper. 6 letters of representation were received making the following comments and objections:

- Privacy and overlooking issues from the proposed balcony.
- Noise issues from the use of the balcony.
- The properties opposite the rear of 62A Norman Road, the six Market Street Flats (above what was Greenhalf's Garage) and numbers 1 and 2 Undercliff Terrace are only a few feet away from the proposed development, separated only by the narrow footpath, Market Passage.
- Balcony will be located abutting Market Passage (narrow pedestrian way).
- 62A already enjoys a conservatory style balcony to its rear. However, as this is glazed, it does not present the same risk of noise as the proposed balcony.
- Concerns that the property could be used for short-term 'holiday' lets.
- Loss of light from the need to use net curtains all the time.

5. Determining issues

The main issues to consider are the impact upon the character and appearance of St. Leonards East Conservation Area, and general amenity in terms of loss of privacy, overlooking or outlook to neighbouring properties.

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 conservation area

Norman Road is one of the principal commercial streets in St. Leonards town centre. Most of the buildings along the street are substantial three-storey Victorian properties. Many historic shop fronts survive along the street frontage and the upper floors of the buildings are richly decorated. Rear elevations tend to be plainer and have been subject to more alteration and loss of original character, over time. Some rear elevations of properties to the south side of Norman Road are visible through gaps in the built development from St. Leonards seafront.

The proposal does not seek any alterations to the front of the property and as such would not have any impact in the streetscene of Norman Road. The proposal involves changes to the fenestration pattern to the rear elevation at first floor level and the creation of an outdoor terrace on an existing flat roof. Only the top floor rear elevation and rear roof of 62A Norman Road are publicly visible from St. Leonards seafront, through a gap created by the access road to Market Street. No direct views towards the lower levels of the rear elevation of this building can be identified, as the buildings at Undercliff and Market Terrace stand in the foreground, between the seafront and Norman Road.

It is not considered that the proposed changes to the first floor level of the rear elevation will be visible from the public realm and as such, there will be no harm to the significance of the St. Leonards East Conservation area. Policy DM1 of the Development Management Plan is therefore complied with in this regard.

The application originally proposed a timber balustrade along the edge of the terrace to match the existing terrace at the neighbouring property at No. 40. The use of a timber balustrade was considered to not compliment the character and design of the existing building. Whilst a similar designed terrace is located at the neighbouring property, it does not set a precedent. As such the applicant was advised to amend the scheme to provide a glazed balustrade instead of timber, so as to improve the design of the scheme. The proposals was subsequently amended, and residents re-consulted.

Following the amendments to the scheme, the design of the proposed balcony is now more sympathetic to the character of the host building, and now considered to be in accordance with Policy DM1 of the Development Management Plan 2015 in that there is no harm caused to the character and appearance of the area.

c) Impact on neighbouring residential amenities

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties.

The proposed roof terrace extends the full length of the existing flat roof above the ground floor projection. It is considered that the proposed terrace will allow direct views directly into the windows of the rear of the properties located in Market Street, opposite to the application site. The proposed terrace also has the potential for detrimental overlooking into neighbouring dwellings next door.

The buildings in Market Street opposite are set a lower land level due to the topography of the land. The ground floor windows of the application property and the adjoining neighbours are located at a higher level - almost at first floor level and as such overlook the properties to the rear. The existing roof terraces at the application dwelling and the neighbouring properties at 60 and 64 at first and second floor level also overlook the properties to the rear. As such it is not considered that the proposed terrace will result in significant difference to the existing situation in terms of overlooking to the properties opposite. On this basis it is not considered that the proposed balcony will result in such substantial increase in respect of overlooking that a refusal on this basis could be successfully sustained on appeal. Notwithstanding this however, the applicant was advised to amend the scheme and include the addition of a 1.8m high privacy screen on the eastern side, adjacent to the existing balcony. This will help to ensure privacy between the two units is retained. It is not necessary to have a privacy screen on the western side, due to the gap between the application site and the next projecting property, and the presence of a much higher wall in line with the new balcony area.

A small inaccessible area within the terrace is also proposed, which assists in reducing direct overlooking into the dormer opposite.

Concerns have been raised in respect of noise issues from the use of the proposed terrace. It is not considered that the addition of one additional terrace within this area would result in significant increase in noise. It should be noted that the proposed terrace has a depth of just 1.24m and a width of 5.28m and as such cannot occupy a larger number of people. The use of this balcony by an individual family will not result in any significant increase in the noise levels.

Concerns have been raised that the property could be used as 'holiday let'. This is an application for a householder development, and it is not possible to control whether or not the occupiers choose to let out the property in the future. However, even if this were the case, a holiday let would not be too dissimilar to a residential use and as such will not result in significant increase in noise levels.

The loss of light within a property from the use of net curtains is not significant to justify refusal.

Taking the above into account, it is acknowledged that the proposed roof terrace area will result in some overlooking to nearby properties, although this is reflected in the existing situation from this terrace of dwellings and is not unusual in this particular location. The harm caused is not considered to outweigh the benefits of providing additional external amenity space for occupiers, particularly taking account of the prevalence of similar balconies in the immediate area. Policy DM3 of the Development Management Plan 2015 is therefore complied with.

d) 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. The roof terrace will not be harmful to the character of the Conservation Area. The design of the balcony is now considered to be acceptable, the harm caused to the privacy of neighbouring properties is not considered unusual in this location. Precedent for rear roof terraces has already been established in the close proximity of the application site and as such this proposal is recommended for approval.

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:

112020/01/01/E, 112020/01/02/E, 112020/01/03/D, 112020/02/02/F,
112020/02/03/E, 112020/03/01/D and 112020/03/02/F

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.

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.

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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
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Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/20/00930 including all letters and documents