

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 November 2021  
**Report from:** Assistant Director of Housing and Built Environment

**Application address:** 9 Kite Close, St Leonards-on-sea, TN38 8DR

**Proposal:** Proposed two storey side extension & alterations

**Application No:** HS/FA/21/00615

**Recommendation:** REFUSE

Ward: WEST ST LEONARDS 2018  
 Conservation Area: No  
 Listed Building: No

Applicant: Mr Barry per Avenue Architecture Industrial Units  
 Unit 3 Bridge Way, St Leonards-On-Sea. TN38  
 8AP

**Public Consultation**

Site notice: Yes  
 Press advertisement: No  
 Neighbour Letters: No  
 People objecting: 1  
 Petitions of objection received: 0  
 People in support: 8  
 Petitions of support received: 0  
 Neutral comments received: 0

Application status: Not delegated -  
 More than 5 letters of representation contrary to  
 Officer recommendation

**1. Site and surrounding area**

This application refers to a two-storey semi-detached dwelling which is located on the western side of Kite Close, some 69m metres north of the junction with Field Way. The application site is a corner plot located at the junction with the Kite Close cul-de-sac. The property is set back from the highway along the front and the return frontages. The dwelling has a private driveway and small area of soft landscaping to the front, with no screening from the public realm to this elevation. The dwelling also has the provision of a side garden along the return frontage enclosed by 1.5m close board fencing. The rear garden is enclosed by close boarded fence.

The host dwelling forms part of similar looking properties located around the cul-de-sac, with both end of terrace dwellings having a gable ended roof to the front. For the most part, these properties are unaltered and maintain their symmetries with their semis. There are some exceptions to this rule, but the area is strongly characterised by unaltered and symmetrical dwellings in this location.

### Constraints

None relevant

## **2. Proposed development**

This application is seeking planning permission for the erection of a gable ended two-storey side extension to match existing. The extension is to provide a living area, study, utility at ground floor and a bedroom, dressing area and en-suite at first-floor level.

The proposed two storey side extension would have a width of some 3.1m and a depth of some 7.2m, following the depth of the existing dwelling. Materials are to match those used in the existing property.

### Background

This application is a resubmission of a previously refused scheme. The width of the proposed two storey side extension has been reduced by 1.1m, and the previously proposed front extension has been omitted.

The application is being brought to Planning Committee for determination due to the officers recommendation (refusal) being contrary to the more than 5 letters of support received, in accordance with the Council's Constitution.

### **Relevant planning history**

- HS/FA/21/00123 Proposed two storey side extension and single storey front extension  
REFUSED 26 May 2021
- HS/FA/92/00389 Erection of attached garage and erection of a 4 foot high timber fence  
GRANTED 1 April 1993
- HS/OA/85/00246 Private sector housing at a density not exceeding 9 dwellings per acre  
GRANTED 9 July 1980
- HS/OA/80/00293 Erection of sixty-five dwelling units on land allocated for private sector housing  
GRANTED 28 May 1980
- HS/OA/71/00959 Erection of 64 dwellings (phase 1 of the development of Filsham Farm).  
Construction of 2 vehicular accesses from Harley Shute Road.  
GRANTED 19 June 1972

### **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  
Policy DM4 - General Access

### Other policies/guidance

Supplementary Planning Document - Householder Development: Sustainable design  
East Sussex County Council Highways Minor Application Guidance (2017)  
BRE trust, Site layout planning for daylight and sunlight, second edition

### National Design Guide

Paragraph 3 of the National Design Guide states, The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Governments collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools (Section 12 and paragraph 126 of the NPPF).

### 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 planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 126 states: "The creation of high quality, beautiful and sustainable 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 130 of the NPPF requires that decisions should ensure developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 states that, development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 135 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**

None required

### **4. Representations**

A site notice was displayed at the site to publicise the application. 8 letters of representation have been received comprising 1 objection letter, and 7 letters of support. 1 additional letter of support was submitted although this was from the applicant, so cannot be counted as part of the representations received.

A summary of the representations made is set out below:

#### Objection comments

- Overlooking towards 8 Kite Close from additional rear windows of proposed side extension
- Loss of sunlight and daylight as a result of the extension
- Obstruction of views when using parking areas serving no's 7 and 8 Kite Close

The objection also brings attention to the potential loss of a view from 8 Kite Close, the devaluation of existing properties and existing covenants on the site. The loss of a view or devaluation are not material considerations, and as such cannot be considered here. Similarly, the imposition of covenants are a private legal matter, and outside the control of the planning system

#### Supporting comments

- The extension represents good design and is in-keeping with the area
- The proposal will help to rejuvenate the area
- The works will help local businesses (builders etc)
- Create an improved family home
- Improvement on originally refused scheme

## 5. Determining issues

The main issues to consider in respect of this application are the impact of the proposed extension on the character and appearance of the area, as well as neighbouring residential amenities.

### a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Development Management 2015 and acceptable in principle subject to other Local Plan policies.

### b) Impact on character and appearance of the area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character, with Paragraph 52 of the National Design Guide reinforcing the aims of this policy by requiring developments to respond to the existing local character and identity of the area. The Council's adopted Supplementary Planning Document (SPD) Householder Development also requires proposals to fit in with the surrounding area, in that the appearance and scale of the proposal would not detract from the surrounding buildings.

The National Design Guide also identifies 10 key characteristics of well-designed places, of which Context, Identity and Built Form are considered applicable in this instance. These characteristics require developments to enhance their surroundings in that 'well designed places' integrate into their surroundings so that they relate well to them, are sited and designed so as to take into account patterns of built form such as layout, scale, form, appearance, and architecture that is prevalent in the area, be of a character that suits the context of the surrounding environment, and, results in a coherent pattern of development.

The application property forms part of a wider development that has a clear established pattern of mostly unaltered semi-detached dwellings fronting the main road of Kite Close. It is acknowledged that the side extension has been reduced in width since the previously refused scheme, although the effect of the extension would still undoubtedly unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. This will be clearly visible given the prominent corner location and as a result, cause harm to the character and appearance of the area, contrary to Policy DM1 of the Development Management Plan 2015. Furthermore, the proposed two storey side extension will extend just 2m from the return/side boundary of the application site, resulting in the partial loss of a significant visually open space that leads to the cul-de-sac to the rear/side. The loss of this open and spacious character is considered to cause harm to the overall appearance of the wider area, failing to show an appreciation of existing street patterns, also contrary to Policy DM1 of the Development Management Plan.

Finally, the proposed extension only proposes one small window at ground floor level on its side elevation. Given the unique location of the dwelling on the corner, enclosed by Kite Close to the front and the cul-de-sac to the side and the rear, this makes for a visually prominent elevation, clearly viewable from the south. The lack of sufficient design detail in this elevation fails to contribute to an "active frontage", contrary to advice in the Housing and Community Agency (HCA) guidance entitled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Active frontages made up of front doors and windows

(especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces.

Taking the above into account therefore, it is considered that despite the reduction in mass and scale of the proposed two storey side extension, the unique and prominent positioning of the dwelling on the corner of Kite Close and its associated cul-de-sac, means that the development will still form an overly dominant and incongruous feature in the streetscene, causing harm to the character and appearance of the area. In addition, it fails to contribute to an active frontage, causing harm to the streetscene. The development therefore fails to accord with the requirements of Policy DM1 of the Development Management Plan 2015 as well as guidance in the National Design Guide and HCA guidance.

#### c) Impact on neighbouring residential amenities

Policy DM3 of the Development Management Plan 2015 requires proposals to achieve a good living standard for future users of proposed development and its neighbours.

The proposed extension would provide additional windows in the front, rear and side elevations. The windows in the front elevation only present views into the public realm/highway and would not result in any issues in respect of privacy and overlooking. The windows in the rear elevation serve an en-suite and a wardrobe area and could be required to be obscure glazed and fixed shut to overcome concerns of overlooking, although given the distance of over 10m from this, and the nearest property at 8 Kite Close, this is not considered reasonable. Such orientation and layout is not uncommon in newer residential developments such as this and similar relationships already exist in the immediate vicinity. Therefore, it is not considered that there is undue harm caused to neighbouring residential amenities with regard to privacy and overlooking.

Concern has also been raised regarding the impact of the extension on views and outlook from the property to the rear, 8 Kite Close. It is regrettable that, the right to a view is not a material consideration and cannot be considered in the determination of a planning application. Whilst outlook is a key consideration, there still remains a distance of over 10m from the front of 8 Kite Close and the rear of the application property, which is reasonable in such a residential setting. The same is said with regard to the loss of daylight and sunlight to these front windows - it is not considered that given the separation distance of over 10m, any significant loss will occur. In addition, the extension has been reduced in width from the previous proposal, meaning that views towards the main road of Kite Close are still achievable, and there will be less impact in terms of sunlight and daylight. Therefore, the impact on outlook and loss of sunlight and daylight are not considered to be so significant that a refusal of permission can be justified in this instance. Policy DM3 of the Development Management Plan 2015 is therefore complied with.

#### d) Impact on highway safety and parking

Policy DM4 of the Development Management Plan (2015) requires safe access on to and within a site, and adequate provision for parking, taking into account guidance as set by East Sussex County Council.

East Sussex County Council Highways Minor Applications Guidance 2017, paragraph 3.8.1, states, for individual dwellings car parking should generally be provided as follows:

- 1 or 2 bedroom dwelling: 1 space
- 3 or 4 bedroom dwelling: 2 spaces

The existing dwelling is a 3 bedroom property, with the proposed extension resulting in a net increase of 1 bedroom. As per ESCC guidance, 3 or 4 bedroom properties require a total of 2 parking spaces. As such the proposed will not require an increase in parking and the proposed works are therefore considered acceptable in this respect and in accordance with Policy DM4 of the Development Management Plan 2015.

It is not considered that the addition of an extension within the curtilage of an existing building will impact on existing parking arrangements serving other properties to the rear of the dwelling. No alterations will occur to existing parking arrangements.

#### 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.

## 6. Conclusion

The proposed two storey side extension, by virtue of its mass, location and proximity to the side boundary, would result in the loss of the spacious character at the junction of Kite Close and the Kite Close cul-de-sac. The addition of a further side extension will undoubtedly unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. The asymmetry will be clearly visible in this prominent corner plot location and would result in significant detriment to the character and appearance of the area, contrary to Policy DM3 of the Development Management Plan 2015. The lack of design detail in the side elevation also fails to create an active frontage, causing harm to the streetscene.

Taking the above into account, it is concluded that the proposal fails to 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**

### **Refuse for the following reasons:**

1. The proposed two storey side extension, by virtue of its mass, location and proximity to the side boundary, would result in a form of development that would result in the loss of the spacious character at the junction of Kite Close and the Kite Close cul-de-sac. The proposed development would therefore be harmful to the character and appearance of the area, contrary to Policy DM1 of the Hastings Development Management Plan 2015
2. The proposed two storey side extension will unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. The asymmetry will be clearly visible in this prominent corner plot location and would result in significant detriment to the character and appearance of the area, contrary to Policy DM3 of the Development Management Plan 2015.
3. The unique and prominent positioning of the dwelling on the corner of Kite Close and its associated cul-de-sac, means that sufficient design detail should be included in the south side elevation, creating a focal point when travelling southwards down Kite Close. Insufficient detail is included within this proposed side elevation, and as such, it fails to create an active frontage that causes harm to the streetscene, contrary to Policy DM1 of the Development Management Plan 2015.

### **Note to the Applicant**

1. 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.

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/21/00615 including all letters and documents