

Report to: PLANNING COMMITTEE

Date of Meeting: 10 November 2021

Report from: Assistant Director of Housing and Built Environment

Application address: 61 Bembrook Road, Hastings, TN34 3PD

Proposal: Demolition of conservatory. Proposed two storey side extension, part two storey and single storey rear extension and front entrance porch

Application No: HS/FA/21/00696

Recommendation: Grant permission

Ward: TRESSELL 2018
Conservation Area: No
Listed Building: No

Applicant: Mr & Mrs Denning - Johnson per Pump House Designs Pump House Yard The Green Sedlescombe, East Sussex. TN33 0QA

Public Consultation

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

Application status: Not delegated -
Application by serving employee in restricted post

1. Site and surrounding area

The site comprises of a two-storey semi-detached property located on the south-west side of the cul-de-sac, which leads off of Bembrook Road. Due to the topography of the area, the cul-de-sac is raised above Bembrook Road. The properties in the cul-de-sac follow the contours of the land and as a result the pair of semi-detached properties, of which the application site is one, is elevated above 59 Bembrook Road to the south-east. The site has an open frontage, accessed by a set of steps with a small area of hardstanding to the front for the parking of one vehicle.

Constraints

Low Pressure Scotia Gas Network Pipeline (to the front of the site - outside of the red line)
SSSI Impact Risk Zone, the threshold of which are not exceeded.

2. Proposed development

It is proposed to demolish the existing rear conservatory and construct a part two-storey, part single-storey rear extension which would extend the whole width of the dwelling, construct a two-storey side extension which would project from the side wall of the dwelling by 1 metre, and construct a small front entrance porch.

The external surfaces of the extensions would match the materials used on the existing dwelling.

The application is supported by the following documents:

- Site Waste Management Plan

Relevant planning history

There is no relevant planning history.

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

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 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:

- 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 134 states permission should be refused for development of poor design that 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.

National Design Guide (October 2019) - Ministry of Housing, Communities & Local Government

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices

at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context, states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. It should also enhance positive qualities and improve negative ones.

Other policies/guidance

National Design Guide

East Sussex County Council Minor Application Guidance

3. Consultation comments

There are no consultees on this application.

4. Representations

In respect of this application a site notice was displayed directly outside the application site, on Bembrook Road. One neutral response was received which states the following;

- Did not receive a neighbour notification letter but was advised by the Council only a site notice is displayed.
- Pump House Designs confirmed the extension would extend 1 metre and sunlight would not be affected by the extension.

5. Determining issues

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 DM Plan requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The proposed part single-storey, part two-storey rear extension would project from the rear wall by approximately 4 metres and would extend the entire width of the dwelling. The proposed two-storey element would have a hipped roof and the single-storey element would have a mono-pitch roof and two rooflights. The small two-storey side extension is positioned towards the rear of the property and would project from the side wall of the dwelling by 1 metre. The extensions, both singularly and cumulatively are considered proportionate to the scale of the host dwelling. The front porch extension is small in scale and would be also

considered to fit well with the host dwelling. The external surfaces of the extensions would be brick, render and tiles to match those on the existing property helping the extension to fit unobtrusively with the property and within the street scene.

The proposed extensions fit well with the host dwelling and therefore would not harm the character and appearance of the area. As such, the development is in accordance with DM1 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that 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. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Front Porch

It is proposed to construct a small porch on the front elevation. This is well detached from the neighbouring properties and as such would not detriment neighbouring residential amenity.

Part two-storey/part single-storey rear extension

The proposed extension has the potential to impact on 63 Bembrook Road. There is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment. However, the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' is the established National guidance to aid the developer to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. For an unacceptable loss of light to occur the proposal would need to cause a significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or to private amenity space. In this case, the 45 degree test would be appropriate. The proposed plans show the 45 degree line on both plan and elevation form, however the 45 degree line on plan form has been drawn in the wrong place and should have been taken from the end of the extension, not the middle. Notwithstanding this, I have applied the 45 degree test and whilst it fails on plan form, when applied in elevation form (which has been applied correctly by the agent), it passes. For a significant loss of daylight to occur it would have to fail the test on both plan and elevation. As such, the proposed extension would not result in a significant impact on daylight or result in significant overshadowing.

A first-floor window is proposed in the side wall of new extension which would serve a bedroom. The two storey element of the extension is set in from the boundary with 63 Bembrook Road by approximately 3 metres, however given that the boundary between the property is open and devoid of vegetation, there are concerns this window would result in a loss of privacy and afford views into the private amenity space of this property. As such, condition 4 is imposed which requires this window to be obscure glazed.

The proposed extension has the potential to impact on 59 Bembrook Road. As discussed in detail above, the 45 degree test is appropriate in this instance to assess the impact of the development on daylight. The side elevation of 59 Bembrook Road contains two windows at first-floor level, both of which serve non-habitable rooms/spaces. As such, the proposed two-storey extension is not considered to result in a significant loss of light to any habitable rooms. In addition, the impact on outlook must be considered.

Outlook is the visual amenity afforded to a property and what somebody would look out onto, such as the prospect from a window. Primary living accommodation should not have an enclosed or oppressive outlook. The extension would extend past the rear building line of 59 Bembrook Road by 4 metres and would be located 2 metres from the boundary. The windows on the rear elevation of 59 Bembrook Road serve rooms which are considered primary living accommodation (main habitable rooms) and the main outlook from these windows is towards the rear garden area. The extension would only be visible in obscure views from the windows closest to the shared boundary with the application site, and therefore not considered to significantly change the nature of the normal outlook.

Lastly, it is important to assess whether the development would be overbearing or have a dominating impact on 59 Bembrook Road. As outlined above, the proposed extension would extend past the rear building line by 4 metres and would be located 2 metres from the boundary; it is also located on a higher ground level. It is acknowledged that the proposed extension would have some impact on 59 Bembrook Road which would be visible from the garden area. However, given the width and length of the garden and the openness created by the absence of any two-storey extensions at the adjoining 57 Bembrook Road, the introduction of this extension is not considered to create an oppressive feeling or have a significant impact on 59 Bembrook Road and therefore would not result in unacceptable living conditions.

Two-storey side extension

The proposed two-storey side extension is small in scale and positioned towards the rear of the property; projecting from the side wall by 1 metre. A 1 metre gap is retained between the side wall of the new extension and the common boundary with 59 Bembrook Road and a 3.1 metre gap is retained between the side wall of the extension and the side wall of 59 Bembrook Road. The side elevation of 59 Bembrook Road (which faces the application site) contains two first-floor windows serving a bathroom and a landing. When considering the impact on daylight these rooms/spaces are considered to be non-habitable; with the protection afforded to habitable rooms. Notwithstanding this, the plans submitted clearly demonstrate that the two-storey side extension would not have a significant impact on daylight or result in significant overshadowing.

The proposed side extension would contain a window at ground floor level serving a new shower room and a window at first-floor level serving the enlarged bathroom. The new ground floor window will introduce a window where currently there is none, and due to the height difference between the application site and 59 Bembrook Road there is the potential for overlooking. As such, condition 4 has been imposed to obscure glaze this window to protect the occupants of 59 Bembrook Road from overlooking. Typically, windows serving bathrooms, shower rooms and W.C's are obscure glazed which affords occupants privacy and therefore the imposition of this condition is considered reasonable. The existing first-floor bathroom window is already obscure glazed and condition 4 will ensure the new bathroom window in the extension is too.

63 Bembrook Road would be unaffected by this part of the development.

To conclude, the proposed extensions, subject to condition, are not considered to have a significant harmful impact on neighbouring residential amenity and as such is in accordance with Policy DM3 of the Development Management Plan 2015.

8. Conclusion

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.

9. 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:

6938/EX/A, 6938/LBP, 6938/1/A and 6938/2
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:-

Monday to Friday: 08.00 - 18.00

Saturday: 08.00 - 13.00

No working on Sundays or Public Holidays.
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
5. The ground floor shower room window and the first-floor bathroom window on the south-east elevation and the first-floor bedroom window on north-west elevation 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.

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 protect the amenity of the occupiers of nearby properties.
4. To ensure that the finished extension matches the appearance of the existing dwelling.
5. In order to protect the residential amenities of neighbouring properties.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

Officer to Contact

Rebecca Fellows, Telephone 01424 783253

Background Papers

Application No: HS/FA/21/00696 including all letters and documents