

Report to: PLANNING COMMITTEE

Date of Meeting: 21 June 2023

Report from: Planning Services Manager

Application address: Land to the rear of 11 Linton Road, Hastings,
TN34 1TN

Proposal: Proposed single detached dwelling at land to
the rear of 11 Linton Road

Application No: HS/FA/23/00131

Recommendation: REFUSE

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

Applicant: Mr. Bartlett per Gavin Boby Planning Permissions Ltd
Out Yonder Tote Hill Lockerley, Romsey.
SO510JU

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	10
Petitions of objection received:	0
People in support:	6
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 is comprised of a rectangular parcel of garden land to the rear of 11 Linton Road. The site is currently disused and is overgrown and it contains an outbuilding, greenhouse and shed. Owing to the site topography, the site slopes upwards from the front to the rear of the site. The site is located to the west of 11 Linton Road, a substantial detached Edwardian property constructed in red brick with canted bay windows, a pitched

roof and a front facing gable feature. The property is understood to be split into two flats. Due to the location of 11 Linton Road, on a corner plot, the site is visible from Winterbourne Close. The site backs on to the rear garden serving 10 Linton Road. It also borders the site of 1 Winterbourne Close to the west, and to a strip of green amenity land to the north. The amenity land sits above the level of the pavement and it is comprised of a raised bank containing a line of trees.

The character of the surrounding area is mixed as a consequence of the varied architecture. The properties on the western side of Linton Road are mostly substantial two or three storey detached or semi-detached period houses, many of which have been converted into flats. On the eastern side of Linton Road, the properties are predominantly individually designed semi-detached and detached two storey houses dating from the inter-war and post-war periods. The properties within Winterbourne Close, to the west of the application site, constitute more modern two storey homes dating from the 1980s.

The application site lies within a predominantly residential area within the built confines of Hastings.

Constraints

SSSI Impact Risk Zone

Surface Water Flood Risk –1 in 1000 years

Great Crested Newt District Licensing Scheme – Amber Zone

Great Crested Newt 250 metre pond buffer zone

2. Proposed development

The application proposal constitutes an amendment and resubmission of an earlier refused scheme for a single detached dwelling on the site. It is proposed that an outbuilding, greenhouse and shed should be removed from the site and that a new two-storey three bedroom detached dwelling should be erected. Associated hard and soft landscaping works are also proposed within the site in order to create a pedestrian access to the front of 11 Linton Road. The proposed new property has been designed in a similar style to the nearby properties on Winterbourne Close. The access to the property is via the pedestrian side entrance serving the existing flats within 11 Linton Road. It is proposed that the property will be served by a single parking space which will be located within the existing front courtyard area serving 11 Linton Road.

The application is supported by the following documents:

- Existing and proposed plans
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment
- SUDs toolkit form
- Waste Management Plan
- Preliminary Ecological Appraisal prepared by The Mayhew Consultancy Limited

Relevant planning history

Application No.	HS/FA/23/00131
Description	Proposed single detached dwelling at land to the rear of 11 Linton Road
Decision	Pending decision

Application No.	HS/FA/57/00048
Description	Change of user from Guest House to Old People's Home.
Decision	Permission Without Conditions on 12/03/57
Application No.	HS/FA/58/00265
Description	Installation of new fire screens and new fire escape.
Decision	Permission with conditions on 10/06/58
Application No.	HS/FA/72/00697
Description	Conversion from single dwelling into 3 flats
Decision	Permission with conditions on 26/05/72
Application No.	HS/FA/89/00291
Description	Construction of hard standing for vehicles.
Decision	Permission with conditions on 31/05/89
Application No.	HS/OA/89/01228
Description	Erection of 2 detached houses with double garages.
Decision	Outline Application Refused on 12/03/90
Application No.	HS/OA/18/00335
Description	Outline application (seeking approval for Access, Layout & Scale) for the erection of a detached house on land rear of 11 Linton Road, with proposed new vehicle access from Winterbourne Gardens.
Decision	Outline Application Refused on 15/10/19
Application No.	HS/OA/18/00335
Description	Outline application (seeking approval for Access, Layout & Scale) for the erection of a detached house on land rear of 11 Linton Road, with proposed new vehicle access from Winterbourne Gardens.
Decision	Appeal Dismissed on 22/05/20
Application No.	HS/FA/22/00293
Description	Proposed two new semi-detached dwellings to the rear land behind 11 Linton Road.
Decision	Refused on 10/08/22

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
Policy SC7 – Flood Risk
Policy DS1 - New Housing Development
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy H1 - Housing Density
Policy H2 - Housing Mix

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions

Policy HN8 – Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change

Policy SP1 - Directing Growth

Policy SP2 - New and Affordable Housing

Policy SP5 - Conserving and Enhancing the Natural Environment

Policy SP7 - Managing Coastal Erosion and Flood Risk

Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards

Policy DP3 - Sustainable Design

Policy DP5 - Biodiversity

Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide

Air quality and emissions mitigation guidance for Sussex (2021)

East Sussex County Council Guidance for parking at new residential development (2017)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- 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 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

Hastings Borough Council Ecology Officer – No comments received

Nature Space - No objection, subject to various informatives relating to Great Crested Newts

Tackling Climate Change Team – The plans provide insufficient detail to comment.

Hastings Borough Council Arboricultural Officer – No objection

Southern Water – No objection, subject to a series of informatives relating to existing sewers in the vicinity.

ESCC Highways Team – No comment, refer to minor application guidance

Hastings Borough Council Refuse and Streetscene Services Team - No objection:

‘There is already a waste collection service on this road and collected from domestic waste and recycle bins. The waste bins would be provided by Hastings Borough Council upon completion of the property in the form of wheeled waste bins. These bins would need to be stored on the property until the day of collection whereby they would need to be presented to the front of the property for collection. The collection day would be a Tuesday, and the bins are collected on alternate weeks, providing a fortnightly service.’

ESCC Suds Team – No comment

4. Representations

In respect of this application, a site notice was displayed adjacent to the site on both Winterbourne Close and in front of 11 Linton Road.

16 no letters of objection were received and two invalid petitions were lodged in opposition to the proposal.

6 no letters of support were also received from 6 individuals residing in separate properties.

Those raising an objection to the proposal have raised the following concerns:

- Loss of light
- The development constitutes overdevelopment
- Impact on parking
- Impact on access to Winterbourne Close
- Loss of privacy
- The development will be overly cramped
- The development will negatively impact the character of the area
- The access to the development is unsuitable
- The parking provision is inadequate and fails to provide adequate turning space
- The development will appear overbearing and overly dominant
- Negative impact on trees and biodiversity

Those in support of the proposal have highlighted the following points:

- The proposal will provide affordable low-cost housing
- The design is discreet and will fit in with the character of the area
- The new dwelling will be obscured by existing trees so will not negatively impact the character of the street
- The proposal constitutes an efficient use of land

5. Determining issues

The main issues to be considered are the principle of development in this location, the 5-year housing land supply, the design, layout density and housing mix, the impact of the development on general amenity, ecology, trees, highway safety and parking provision, waste and refuse storage, drainage matters and air quality and emissions.

a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is located within a sustainable area with reasonable access to public transport, shops, services and facilities. As such, the development is considered to be acceptable in principle, subject to the proposal meeting the other Local Plan policy requirements as set out below.

b) 5-Year Housing Land Supply

At present the Government identified that the need for additional housing in Hastings is 481 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,405 (481 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement to 2,886.

The Housing Delivery Test figures published in January 2022 confirm that the Council has met only 42% of the delivery test requirement.

Housing supply figures have been updated for Local Plan Monitoring Report purposes and there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply at this time.

This lack of a current 5-year housing land supply, together with under performance against the housing delivery test are two important considerations that need to be balanced against

the requirements of other planning policies. The lack of a demonstrable five-year housing land supply will be balanced against any negative aspects of the scheme. This will be discussed further on in this report.

c) Design and layout, density and housing mix

Policy DM1 of the Hastings Development Management Plan promotes the application of common principles to achieve high quality design within the borough. The policy states that new proposed schemes should enhance local character and show an appreciation of the surrounding neighbourhood characteristics such as its street patterns, topography, plot layouts and boundaries, plot sizes and the predominant scale, height, massing and materials of nearby properties. Any new proposed developments should be designed in accordance with best practice guidance, make efficient use of land and the properties should be orientated to achieve attractive streetscapes and take into account the effects of solar gain.

Policy H1 of the Hastings Planning Strategy 2014 encourages the full and effective use of land. On sites located outside of inner town centre areas, a density of approximately 30 dwellings per hectare is preferred, unless there are special local circumstances that require a lower density requirement.

Policy H2 of the Hastings Planning Strategy 2014 states that planning permission will be granted for residential development that delivers a balanced mix of housing within the site and across Hastings as a whole. It further states that the Council will seek to secure a mix of housing types and tenures in the borough in order to meet the current and projected local housing needs, taking into account existing local household characteristics. The policy guidance states that at the current time the Council seek to encourage the creation of larger homes with three or more bedrooms to address the bias in stock towards smaller dwellings and flats.

With regards to the scheme density, a single dwelling is proposed. The site measures approximately 373.9sqm (.0.3739ha) in size. In the context of the size of the site, the scheme density equates to approximately 26.7 dwellings per hectare, which is broadly in line with the preferred density of 30 dwellings per hectare in areas outside of town centre areas. The proposal is therefore considered to meet the requirements of policy H1.

With regards to housing mix, the proposed new dwelling will provide a family-sized three bedroom home. As the Council currently seek to encourage the creation of larger dwellings in order to make up the shortfall in the borough, the proposed new dwelling will make a positive contribution to the number of new family homes in the area.

With regards to the site layout and the design of the new dwelling, the scheme constitutes an amendment and resubmission of an earlier refused scheme for a new dwelling on the site. In respect of the planning history, two applications have been submitted previously for new homes on the site.

An outline application was submitted in 2018 under application ref: HS/OA/18/00335 for the erection of a single detached house with new vehicle access from Winterbourne Close, with consent being sought for the access, layout & scale. The application was refused and dismissed on appeal due to the scale and mass of the dwelling and the negative impact on the trees located on the adjacent site. At the time that the appeal was considered, the Planning Inspector commented on the application as follows:

'The development would be located in an established residential area. As such, the general principle of a residential dwelling on the appeal site is not at odds with the surrounding area. However, whilst the drawings provided show that the proposed layout would be possible on the severed plot available, the scale and mass of the development, despite the sloping nature of the site, would appear incongruous with the surrounding built environment; which in the immediate vicinity is typified by road facing dwellings with generous gardens that are separated by planting, trees or lawns. Indeed, whether some of the development would be below ground level or not, the scale of the proposal on this severed and elevated back-garden plot would be overly prominent and appear out of place in its immediate setting. Moreover, the mass of the proposal that extends across a large part of the site would result in a visually cramped development due to its limited external space on this divided garden area.'

Under application ref: HS/FA/22/00293, a second scheme was put forward for two semi-detached dwellings on the site and this application was also refused for the following reasons:

'1. The proposed development, by virtue of the position, design, scale and layout would result in a cramped, and overdeveloped scheme, that fails to respect the layout, plot sizes, scale, rhythm, landscape features and pattern of the street scene and area more generally. The proposal is therefore considered to be contrary to Policies EN3 and SC1 of the Hastings Local Plan - Planning Strategy (2014), and Policies DM1 and DM3 of the Hastings Local Plan - Development Management

Plan (2015).

2. The development would also, by virtue of the alterations to the front forecourt area, leads to loss of characteristic boundary wall, railings and piers, and result in a car parking dominated frontage that is harmful to the appearance of the host building and surrounding street scene. The proposal is therefore considered to be contrary to Policies EN3 and SC1 of the Hastings Local Plan - Planning Strategy (2014), and Policies DM1 and DM3 of the Hastings Local Plan - Development Management Plan (2015).'

The current application proposes a two-storey detached dwelling on the site and it allows for pedestrian access via 11 Linton Road.

With regards to the appearance of the new dwelling, the design of the proposed property is similar in style to the nearby residential dwellings along Winterbourne Close, and it is considered that the simple design and the architectural features associated with the new dwelling are in keeping with the surrounding area.

With regards to the site layout, paragraph 2.2 of Inclusive Mobility Documents produced by the Department of Transport (2005) discusses widths of paths and notes, *'Someone who does not use a walking aid can manage to walk along a passage way less than 700mm wide, but just using a walking stick requires greater width than this; a minimum of 750mm. A person who uses two sticks or crutches, or a walking frame needs a minimum of 900mm, a blind person using a long cane or with an assistance dog needs 1100mm. A visually impaired person who is being guided needs a width of 1200mm. A wheelchair user and an ambulant person side-by-side need 1500mm width.'* The proposed pedestrian pathway serving the development meets the minimum requirements for disabled access. Although the pedestrian access serving the property is unusual for a family sized dwelling of this nature and the site layout as proposed does not allow the property to be self-contained due to the reliance on the side access and front driveway serving the existing flats at 11 Linton Road, it is acknowledged that the Planning Inspector did not raise an issue in relation to the access when the previous applications were considered.

However, with regards to the scale and bulk of the new dwelling, although the property is set back from the neighbouring boundaries, due to the site topography and to the two-storey nature of the new dwelling, it is considered that, in a similar manner to the refused outline

application, the proposed property will appear overly dominant in the context of the streetscene. The new proposed dwelling will be highly visible from Winterbourne Close and the height of the property will be further exacerbated by the sloping nature of the site. As such, the proposal is likely to appear uncharacteristic in the context of the surrounding area.

In a similar manner to the refused scheme which was commented on by the Planning Inspector, notwithstanding the attempts by the applicant to reduce the footprint of the development and the attempts to amend the design so that the scheme is more in keeping with the style of the surrounding properties, the proposal remains incongruous with the surrounding built environment. The Planning Inspector discussed the character of the wider area and stated that the immediate vicinity is typified by road facing dwellings with generous gardens that are separated by planting, trees or lawns. The proposed new property is therefore at odds with the general development pattern in the area and, due to the open and raised nature of the site, it would be overly prominent and appear out of place in its immediate setting.

On this basis, the proposal fails to meet the requirements of policy DM1 of the Hastings Development Management Plan 2015.

d) Impact on general amenity

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to achieve a good standard of living for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and that appropriate solutions have been incorporated into schemes.

The potential impact of the scheme on general amenity is assessed in two parts below:

i) Impact on Neighbouring Amenity:

In line with part (a) of Policy DM3, the scale, form, height, mass and density of any buildings should avoid having any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

With regards to the potential impact of the proposed development upon neighbouring access to daylight, the proposal is set back from the neighbouring properties and the proposal is considered to meet the requirements of the 45-degree test. With regards to the potential impact of the proposal upon neighbouring access to sunlight, based on the site orientation in relation to the sun's trajectory, the new dwelling is likely to overshadow some of the garden serving 1 Winterbourne Close during the early to mid-morning. However, at least half of the neighbouring garden should still receive in excess of 2 hours of sunlight as at 21st March in line with BRE guidance. The proposal should not block sunlight to the garden serving 10 Linton Road, although it is acknowledged that daylight levels may be impacted.

As far as neighbouring privacy is concerned, the windows and doors at ground floor level should not afford any significant or harmful views to the neighbouring gardens. Although the design of the new dwelling allows for new windows along the front, side and rear elevations at first floor level, due to the use of obscure-glazing, the proposed new windows should not result in an unreasonable loss of privacy. Initially, concerns were raised with the agent in relation to the plans due to the potential for direct overlooking into the neighbouring gardens of both 1 Winterbourne Close and 10 Linton Road. However, the applicant has since amended the internal layout at first floor level and obscure-glazed the windows at first floor level along the southern and western elevations to address the issue. Most of the obscure-glazed windows are to serve non-habitable rooms. Although one of the obscure-glazed windows serves a bedroom, and obscure glazing to a habitable room would not ordinarily be acceptable, as the bedroom contains a second window, the room will still benefit from its own source of ventilation and outlook so any future occupants will not be adversely impacted by the obscure glazing. Although the window along the eastern elevation

at first floor level will afford some direct views to the rear windows of 11 Linton Road, owing to the distance between the existing and proposed windows (approximately 19.3 metres) it is considered that an unreasonable overlooking relationship is unlikely to occur. A condition should be added to any future consent to ensure that the obscure-glazing is retained and to ensure that no new windows can be inserted into the southern or western elevations of the new dwelling without the prior written consent of the Local Planning Authority.

With regards to the potential impact of the proposal upon neighbouring outlook, although it is acknowledged that the proposed new dwelling will not unreasonably impact outlook from neighbouring windows, it is considered that the creation of a new dwelling on the site has the potential to result in a tunnelling affect as the new development will create a long expanse of built form along the neighbouring boundary. The new dwelling will be sited approximately 3 metres from the neighbouring boundary shared with 10 Linton Road and it measures approximately 11 metres in width. As the proposed new dwelling will be two storeys in height, it is considered that the proposal is likely to have an overbearing impact on the garden serving the neighbouring dwelling. The proposal will therefore materially impact neighbouring outlook within the garden and negatively impact the future enjoyment of the land.

The proposal is therefore contrary to the requirements of policy DM3 of the Hastings Development Management Plan 2015.

ii) Impact on the amenity of future occupants

In 2015, the government introduced minimum space requirements relating to the gross internal floor area of new dwellings. The minimum space requirements are set according to the level of occupancy. Minimum floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height are set out in the nationally described space requirements.

The nationally described space standards state that 4 person 3 bedroom two-storey dwelling should provide a minimum gross internal floor area of at least 84sqm. The plans provided indicate that the new dwelling will provide approximately 89sqm of internal floorspace so the new dwelling will be in accordance with minimum size requirements.

However, the nationally described space standards also state that any new proposed dwelling must provide at least one double or twin bedroom measuring at least 11.5sqm in size and that all single bedrooms should measure at least 7.5 metres in size. The largest of the bedrooms proposed within the new dwelling, bedroom 1, measures 11.3sqm in size, which is just below minimum size requirements for double rooms. The second bedroom measures 11.1sqm so would be classed as a single bedroom. The third bedroom measures 5.5sqm and it falls below minimum size requirements so it could not be used as a bedroom.

In light of the above, although the total floorspace requirements have been met, the first floor layout fails to provide adequate accommodation for future occupants due to the size of the bedrooms.

With regards to the amount of outside space afforded to the new dwelling, the dwelling has been afforded garden land around the new dwelling. Although the various sections of the garden around the property are divided so they do not measure 10 metres in depth, on balance, the overall amount of outside space is considered to be adequate and it should provide sufficient outside space for future occupants.

Whilst some aspects of the proposal are acceptable, in outlook and future amenity terms, the proposal is considered to be contrary to the requirements of policy DM3 of the Hastings Development Management Plan 2015.

e) Highway safety/parking

Access

As mentioned above, the new proposed development is to be accessed via a pedestrian walkway leading from the front driveway serving 11 Linton Road to the front door of the new property. Although the access may appear impractical, it is acknowledged that the Planning Inspector raised no issues with a similar proposed pedestrian access to the site when the previous scheme was considered. In addition, the pathway is wide enough to accommodate disabled users. On this basis, the proposal is acceptable.

Parking

Any proposed car parking arrangements for future users should be in accordance with the East Sussex County Council minor application parking guidance in respect of residential development. The parking calculator indicates that, for this type and size of dwelling in this location, a minimum of 1.58 parking spaces should be provided.

The submitted drawings indicate that a single allocated parking space is to be provided for the new dwelling within the front driveway of 11 Linton Road. A visitor space is also to be provided and a remaining third space is to be allocated to the occupants of 11 Linton Road

However, whilst the amount of parking proposed is considered to meet minimum requirements, the parking spaces as delineated on the drawings fail to meet minimum size requirements. Each parking space should measure at least 2.5 metres x 5 metres in size and an extra 0.5 metres should be added to the length or width of a space where it is located immediately adjacent to a wall or fence. In this case, the parking spaces measure approximately 1.5 metres in width and approximately 4 metres in length, which is below the minimum size requirements. In addition, the drawings indicate that the space for turning and manoeuvring within the forecourt is inadequate and that the location of the parking spaces will prevent the existing gates from being opened and closed. As a consequence, the parking arrangements are not considered to be fit for purpose.

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m.

According to Manual for Streets, a 3.7m carriage way is normally required. However, this can be reduced to 2.75 over short distances

With regards to access for fire safety purposes, it is considered that the property could potentially be accessed by the emergency services via the front of 11 Linton Road or via Winterbourne Close.

f) Waste and refuse storage facilities

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. The applicant is advised that all waste storage should be secure and covered and located at the rear of the property away from public view.

Part H of Building Regulations sets out that waste containers should be sited so that residents do not have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

A refuse storage area is proposed within the garden of the new dwelling and it should be possible for future occupants to take refuse from the proposed store to Linton Road for collections without obstruction. I have consulted with the refuse and streetscene services team, who have confirmed that the refuse storage arrangements are acceptable.

g) Ecology

As described above, the site is comprised of a disused parcel of garden land.

The application is supported by a preliminary ecological appraisal which has been prepared by The Mayhew Consultancy Limited. The report concludes that although there is some evidence that foxes use the site, the proposed development would not cause any harm to any protected sites or priority habitats and that the proposed development would not cause any harm to protected species other than the limited potential for damaging or destroying the nests of breeding birds. However, this can be mitigated by ensuring that site clearance is undertaken outside of the bird breeding season. An informative will be added to any future consent in this regard.

The Ecology Officer has been consulted and has raised no objections to the application.

Impact on Great Crested Newts

The development falls within the amber impact risk zone for great crested newts and the ecology survey states that there is a suitable breeding pond within circa 150 metres of the application site. However, it is separated from the application site by existing development. I have consulted with Nature Space, who have raised no objections subject to a series of informatives relating to site clearance and advising the applicant of their obligations should great crested newts be located during the construction phase of the development.

h) Trees

The site adjoining the application site contains a number of trees which are considered to have amenity value. However, I have consulted with the tree officer, who has confirmed that the proposed development works are unlikely to adversely impact the existing trees on the adjacent site.

i) Flood risk

Policy SC7 of the Hastings Planning Strategy (2014) states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The application site lies outside of flood zones 2 and 3. However, the site may be susceptible to surface water flooding.

The application form in respect of the development confirms that the foul drainage will be via the main sewer. This will require the consent of Southern Water. With regards to surface water drainage, the applicant has completed the SUDs toolkit form, which identifies that the new development will result in an increased storage attenuation requirement of 2.48 cubic metres. It is proposed that rainwater harvesting devices should be used on the site.

However, the toolkit indicates that the device proposed will not be sufficient to accommodate the increase in surface water runoff from the site. A condition will therefore need to be added to any future consent to ensure that the drainage strategy meets future requirements.

j) Air quality and emissions

The proposed development does not fall within the screening checklist of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

6. Conclusion

The application proposal for a new dwelling on the site is not considered to address the previous concerns raised by the Planning Inspector, who highlighted that the bulk and scale of a development in this location was likely to appear visually incongruous in the context of the streetscene and go against the general development pattern in the area. Furthermore, the proposed new dwelling is likely to have an oppressive and overbearing impact upon the garden serving 10 Linton Road, and the parking arrangements associated with the development are not fit for purpose.

Although it is acknowledged that the Council does not currently have a demonstrable 5 year housing land supply and the new dwelling will contribute to both local housing stock and boost local employment, the negative aspects of the development are not considered to be outweighed by the potential benefits of the scheme. On this basis, it is recommended that the application should be refused.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Refuse for the following reasons:

1. The development proposal is considered to be contrary to the general development pattern in the area. The area surrounding the application site is characterised by road facing dwellings with generous gardens that are separated by planting, trees or lawns. The proposed new dwelling, by contrast, will be sited with a section of rear garden and the scale of the development, coupled with the raised and open nature of the site, will result in a development proposal which is highly visible and overly dominant in the context of the views leading into Winterbourne Close. The proposal is therefore considered to be a visually incongruous form of development which is contrary to the requirements of policy DM1 of the Hastings Development Management Plan 2015.
2. The proposed new dwelling, is likely to create a tunnelling affect as the new development will create a long expanse of built form along the neighbouring boundary. The new dwelling measures approximately 11 metres in width and it will be sited adjacent to the neighbouring garden at 10 Linton Road. As the proposed new dwelling will be two storeys in height, it is considered to have an overbearing impact on the garden serving the neighbouring dwelling. The proposal will therefore materially impact neighbouring outlook and negatively impact the future enjoyment of the neighbouring outside space, contrary to the requirements of policy DM3 of the Hastings Development Management Plan 2015.
3. The proposed parking spaces fail to meet minimum size requirements and the arrangements are impractical and fail to allow sufficient turning space for the manoeuvring and parking of vehicles. In addition, the location of the parking spaces will impede the ability to open and close the front entrance gates. The proposal is therefore contrary to the requirements of policy DM4 of the Hastings Development Management Plan 2015.

4. The first and third bedrooms of the proposed new dwelling fail to meet minimum size requirements as set out in the nationally described space standards. As a consequence, the proposal will fail to provide a sufficiently high standard of amenity for future occupants, contrary to the requirements of paragraph 130 of the NPPF and policy DM3 of the Hastings 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

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Background Papers

Application No: HS/FA/23/00131 including all letters and documents