

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: 27 Linley Drive, Hastings, TN34 2DD
Proposal: Demolition of bungalow and garages,
erection of pair of semi-detached two
storey dwellings plus parking

Application No: HS/FA/14/00940

Recommendation: Grant Full Planning Permission

Ward: BAIRD
File No: LI55027
Applicant: Douglas of Sussex Ltd. per Michael D Hall
Building Design Services Studio A 339 London
Road BEXHILL-ON-SEA, East Sussex.
TN39 4AJ

Interest: Freeholder
Existing Use: Single dwellinghouse (bungalow)

Policies

Hastings Local Plan 2004: NC8, NC9, DG1, DG2, DG3 and DG11
Conservation Area: No
National Planning Policy Framework: Sections 6 and 7
Hastings Planning Strategy: DS1, FA2, SC1, SC3, SC4, EN3, H1, H2 and
T3

**Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version:** LP1, DM1, DM3, DM4 and HN8

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 3
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection
received

Summary

The application site relates to 27 Linley Drive, Hastings. The applicant proposes to demolish the existing bungalow and erect a pair of semi-detached dwellings.

The main issues to consider are the impact on the character of the area and the impact on

neighbouring residential amenities.

The proposed development is considered to be compatible with the surrounding area providing a good transition between the bungalow properties to the north-east and the terraced houses to the southwest. Decent sized houses are provided with good gardens, parking and landscaping.

The proposed development is close to two neighbouring properties, but given its size and position it will have no adverse impact on neighbouring amenities.

I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to 27 Linley Drive, Hastings. The site is currently occupied by a bungalow which is set back into the site with a large front garden that includes a garage. The front garden has recently been cleared of shrubs and a large conifer tree.

The surrounding area is entirely residential with dwellings either being bungalows or terraced housing. This particular section of Linley Drive rises from southwest to northeast.

Details of the Proposal and Other Background Information

The applicant proposes to demolish the existing bungalow and erect a pair of semi-detached dwellings. The applicant proposes to erect the new houses forward of the existing bungalow so that they are more in line with 25 Linley Drive.

The proposal includes off street parking and landscaping.

The applicant submitted revised drawings during the application showing the proposed development at a slightly lower level and further away from 25 Linley Drive.

Previous Site History

None relevant.

Details of Consultations

Southern Water has raised no objection.

The **Waste & Streetscene Officer** has raised no objection.

There have been three letters of objection received. Concerns include:

Development is out of character.

Overshadowing and loss of sunlight and daylight.

Pollution from parking areas.

Reduction in solar gain.

Loss of privacy.

Impact on ecology.

Impact on human rights.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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 main policies/guidance that apply are listed above from the Hastings Local Plan 2004 (HLP), the Hastings Local Plan: The Hastings Planning Strategy (HPS); and the Hastings Local Plan: Development Management Plan (DMP). The main issues to consider are the impact on the character of the area and the impact on neighbouring residential amenities.

Impact upon the character of the area

As stated above the surrounding area is residential with properties either as bungalows or terraced houses. The application site sits at the bottom of a sloping section of Linley Drive where there is a change from bungalow type properties to uniform terraced houses.

As a result of the amendments, I find the proposed dwellings acceptable. The reduction in the height of the eaves and overall ridge height of the houses means that the development will be more compatible with the stepping down of houses along this section of Linley Drive. Although a semi-detached pair is now proposed I consider that this will offer a neat transition from the bungalow developments to the more uniform terraced houses.

The scale, design and layout of the development are all compatible with the surrounding area and the application, also provides for a decent standard of accommodation with adequate gardens, room sizes and levels of natural light.

The proposed development is considered to comply with policies DG1 and DG11 of the HLP, policy SC1 of the HPS and policies DM1 and DM3 of the DMP.

Impact on neighbouring residential amenities

The closest properties that could be impacted by this development are 25 Linley Drive and 33 Linley Drive. Both of the residents of these houses have objected to the application. A further objection has been received from 21 Linley Drive but they are further away and not directly impacted by this development.

The residents at 33 Linley Drive are concerned about the proximity of the parking area and what this means in terms of exhaust fumes. The movement of two cars is very small and as such is not considered to raise any concerns with air pollution. Such problems only occur on busy roads serving hundreds of moving vehicles and Linley Drive does not have this capacity. The proposal is otherwise suitably distanced and positioned in relation to 33 to cause no concerns in terms of overlooking, overshadowing or being overly dominant.

The residents at 25 Linley Drive have raised many concerns. Firstly they object to the development because of overshadowing and loss of daylight and sunlight. Whilst the proposed development will likely change the amount of sunlight received towards the end of the day the residents at 25 will enjoy many hours of sunshine given the orientation of their property and the position of the proposed development. Their conservatory specifically will enjoy sunshine for most of the day. For the same reason the proposed development will cause limited overshadowing.

In terms of daylight only the window in the southeast elevation of 25 will be impacted by this development and even here the impact is minimal given the separation of the properties. This side elevation window also does not serve a habitable room. The impact here will be

very small and 25 will otherwise benefit from unrestricted access to the sky which will provide for high levels of natural daylight.

None of the windows in the proposed development are orientated to directly overlook neighbouring residents. Although the residents at 25 have raised this as an objection any overlooking would be at an angle. Such a relationship is not uncommon in an urban or suburban area and I do not consider there will be any adverse harm from overlooking.

The residents of 25 have objected as the proposed development is considered to reduce the amount of sunlight received by their solar panels. Calculations have been submitted purporting to evidence this loss. Whilst I agree that there may be some loss of sunlight received by the solar panels, this will be small and likely to occur during the winter months very late in the day. It is likely that such a loss would therefore amount to a small percentage reduction in the efficiency of the solar panels. I do not consider that it is reasonable to prevent a development of two new houses which are otherwise in accordance with the development plan on the basis of a small reduction in the solar energy gained by neighbouring solar panels.

Considering the above the proposed development is not considered to harm the human rights of the residents of 25.

The proposed development is considered to comply with policies DG1 and DG3 of the HLP, policy SC1 of the HPS and policy DM3 of the DMP.

Other

The proposed development includes adequate parking that meets parking guidelines.

An objector claims that the site was previously home to bats but that their habitat has been destroyed. The ecology information submitted with the application does not evidence this and with no evidence of the past habitat I cannot take any action in this respect. Nonetheless, the submitted report requires the installation of bat and bird boxes to enhance the ecological benefits of the development and this can be required by condition.

The proposed development is required to meet sustainable design practices and provide for fibre based broadband. These can be requested by condition.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I recommend that planning permission be granted subject to conditions.

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

Recommendation

Grant Full Planning 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:

4333.LP, 4333.1B and 4333.2A
3. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
4. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
5. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the approved drawings.
6. No development shall take place until the measures outlined in the submitted ecological statements and reports Preliminary Ecological Appraisal, dated October 2014 (ref EA/32014) have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
7. The development shall be undertaken wholly in accordance with the details set out in the approved waste minimisation statement.
8. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

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. In the interests of the visual amenity.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. In the interests of the visual amenity of the area.
6. To protect features of recognised nature conservation importance.
7. To minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
8. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
9. To ensure the development complies with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy.

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 paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00940 including all letters and documents