

Report to: PLANNING COMMITTEE
Date: 29 April 2015
Report from: Head of Housing and Planning Services

Application Address: 44 Birch Way, Hastings, TN34 2JZ
Proposal: Erection of a detached single-storey dwelling.

Application No: HS/FA/15/00240

Recommendation: Grant Full Planning Permission

Ward: ST HELENS
File No: BI50044
Applicant: Mr Elphick per CLM Planning Limited 14 Magpie Close Bexhill on Sea East Sussex TN39 4EU

Interest: Freeholder
Existing Use: Side garden

Policies

Hastings Local Plan 2004: DG1, DG3, DG11
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: SC1, H2
Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: DM1, DM3

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 5
Petitions Received: 0
Letters of Support: 1

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

Summary

This is a full planning application for a detached single-storey dwellinghouse. I recommend approval.

The Site and its Location

The site occupies a plot off the turning head at the end of Birch Way on a triangular piece of land, currently used as the side garden of 44 Birch Way, bounded by close boarded fencing. The site slopes to the south, and the adjacent dwellinghouses of 44 and 43 Birch Way are two storey buildings. Generally the existing plot size of the properties along Birch Way is smaller than that of number 44 and the area is characterised by two storey semi-detached dwellinghouses.

Details of the Proposal and Other Background Information

The proposal is for a three bedroom bungalow in the existing garden of 44 Birch Way on a triangular piece of land, enclosed by close boarded fencing. The footprint of the dwellinghouse is 10 x 9.2 metres with a pitched roof and an overall height of about 5.2 metres.

The new dwelling will be served by the existing drive to the property. Two car parking spaces have been proposed for the proposed dwelling and two parking spaces are proposed for the existing dwelling, one space at the front of the dwelling and the second next to the retained garden. The driveway and turning head would be shared between the existing and proposed dwellinghouse.

The proposed materials are face brick work, Marley interlocking roof tiles (smooth grey), white upvc windows and black upvc down pipes and gutters.

Previous Site History

No relevant site history.

Details of Consultations

Southern Water has submitted a plan of the sewer records showing the approximate position of a public foul and surface water sewers within the site. A formal application for a connection to the public foul and surface water sewer needs to be made by the applicant. A requested informative and condition has been added (Condition 7).

The Borough Arboriculturist comments that the constraints placed upon the site by existing trees are low. There are no trees growing on site that warrant preservation and the development can be realised without removing any trees growing on the site. He raises no objection.

Subsequent to **neighbour notification letters**, 5 letters of objection and one letter of support have been received.

Objections raised include:

Traffic and parking, conflict with neighbours, design, visual impact, disruption during building works, the presence of a stream.

Comments in support include:

Good design with a manageable garden, efficient use of land.

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".

Residential amenity

The impact on the adjoining properties is acceptable, there will be no detrimental overlooking/loss of privacy or overshadowing. The only side windows at the adjoining property at 43 Birch Way are a bathroom and a landing window and the relationship is acceptable.

The proposed accommodation offers suitable living conditions for future occupants and the amenity space proposed for the existing dwelling and the one proposed is adequate and meets the standards for rear gardens. The proposed garden is considered to be appropriate for the dwelling size.

Visual amenity

The dwelling will be set back from the main building line and there will be no visual harm to the character and appearance of the area or the street scene. A mix of housing types is supported by the planning strategy in Policy H2 to cater for different housing needs. Although the footprint of the bungalow is larger than other properties in the area, the plot size for the single storey dwellinghouse is still adequate.

Parking and highways safety

The parking provision is considered to be sufficient and meets the highways standards. The shared driveway and turning space are also considered adequate.

Additional considerations

A preliminary Ecological Appraisal has been submitted which shows that there are no protected species on the site. A condition has been added to comply with the recommendations of the report.

An Arboricultural Report has also been provided and the Borough Arboriculturist raises no objections.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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:

14-63-100 Revision A: Site and Block Plan and Plans & Elevations
3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
4.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
5. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials.
6. 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.
7. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

8. The works shall be completed in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.
9. No development shall take place until the measures outlined in the submitted Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd, dated November 2014, Section 8 and 9, 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.
10. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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 amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
4. To prevent increased risk of flooding.
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
6. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
7. In order to protect drainage apparatus.
8. In interest of the health of the trees and the visual amenity of the area.
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
10. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)

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. The proposed building is over or close to a public sewer and consultation with Southern Water Services Ltd. is necessary.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. The maximum gradient of the private drive should not exceed 1 in 9.
6. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/15/00240 including all letters and documents