

**Report to:** PLANNING COMMITTEE

**Date:** 03 June 2015

**Report from:** Head of Housing and Planning Services

**Application Address:** 29 Magpie Close, St Leonards-on-sea,  
TN38 8DY

**Proposal:** Approval of reserved matters following the  
granting of outline planning consent for  
the erection of detached two-storey  
dwelling house.

**Application No:** HS/DS/15/00315

**Recommendation:** Approve Reserved Matters

Ward: WEST ST LEONARDS  
File No: MA10029, FI25500T  
Applicant: Mr Williams per Pump House Designs Pump  
House Yard The Green SEDLESCOMBE,  
East Sussex. TN33 0QA

Interest: Freeholder  
Existing Use: Residential curtilage

**Policies**

Hastings Local Plan 2004: DG1, DG2, DG3, DG11  
Conservation Area: No  
National Planning Policy Framework: No Conflict  
Hastings Planning Strategy: FA1, SC1, H1, H2, T3  
Hastings Local Plan, Development  
Management Plan, Revised  
Proposed Submission Version: DM1, DM3, DM4, DM6

**Public Consultation**

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

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

## Summary

This application is for reserved matters following the approval of an outline application (HS/OA/13/00208) for the erection of a detached dwelling (No. 29A Magpie Close).

The principle of a dwelling on this plot has been agreed at the outline stage, but access,

appearance, landscaping, layout and scale are all to be determined at this stage.

The dwelling is to have a separate garden and parking area. The main issues are the impact of the proposal on the character of the area, the amenity of neighbouring residents and highway safety. After considering all matters the proposal is considered to be acceptable.

### **The Site and its Location**

The site consists of the garden area of 29 Magpie Close which is located in the south western corner of the estate. The site adjoins 30 Magpie Close to the north and 28 Magpie Close to the east. The site also adjoins a nature reserve to the west. Boundaries are indicated by closeboard fences and hedges. The ground level slopes from north to south with the rear of the site being lower than the road level and the adjoining dwellings.

The area is typical of a modern suburban housing estate and consists of mainly semi-detached dwellings built of facing brick/UPVC cladding. The estate has an 'open' feel due to the spacing of the dwellings and its proximity to the nature reserve and other open countryside areas.

### **Details of the Proposal and Other Background Information**

This application seeks approval for the reserved matters of outline permission HS/OA/13/00208. The outline permission was granted permission at planning committee on the 23rd May 2013.

The matters previously reserved include;

- Access
- Appearance
- Landscaping
- Layout
- Scale

### **Previous Site History**

Number here	Description, decision and date here
HS/OA/12/00825	Creation of building plot and development of a pair of semi-detached two storey dwellings within existing garden.  Refused 12 December 2012
HS/OA/13/00208	Erection of detached two-storey dwelling house within existing garden.  Granted 23 May 2013

### **Details of Consultations**

As part of this application, 30 neighbouring properties were consulted. 5 letters of objection were received in response. The main issues included in these letters include the loss of privacy, impact on parking, impact on daylight, impact on wildlife and impact on the streetscene.

No formal consultations with other parties were carried out as part of this application as they were carried out under the outline application.

## **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".

## **Character and appearance**

The dwelling by virtue of its size, scale, bulk and design would appear in keeping with the existing neighbouring dwellings. Following on from the advice contained in the previous officer's report, the dwelling has been moved further to the northeast of the site and as a result the overall impact on the streetscene is considered acceptable.

## **Highway Safety and Parking**

In considering the outline application the Highways Authority stated that *'in accordance with the East Sussex County Council's adopted parking guidance this development proposal should be provided with 2 parking spaces. The turning space for the development should be laid out in accordance with the plans as submitted and the area shall be retained for that use and shall not be used other than for the use of vehicle turning'*

The parking area on proposed plan 4735/2/B shows a shared access to parking areas for both No. 29 Magpie Close and the proposed dwelling. These parking areas are large enough for 2 vehicles each. There also appears to be an ample turning area to the side of the proposed dwelling to satisfy the requirement of the Highways Authority.

The materials of the proposed parking/turning area have not been provided however this can be dealt with through the hard landscaping condition attached to the outline permission.

## **Living Environment**

The proposal is located between two existing dwellings where it would not interfere with outlook or result in overshadowing of these two properties. The adjoining properties do not have side facing windows which will ensure that future occupants of the dwelling are not overlooked.

However, it should be noted that an application has recently been submitted for works at No. 30 Magpie Close. These works include the creation of a window at first floor level in the side elevation facing towards No. 29. There are no windows proposed in side of the new dwelling being considered here, and I would suggest that if permission is granted for the changes at number 30 a condition is imposed to ensure that no additional openings can be created to that property without prior written approval from the Council. Taking these factors into account I am of the opinion that the privacy of the two adjoining properties will be maintained.

Due to the proposed dwelling being located further back in the site, the rear garden falls below the 10 metre requirement at one end, but extends to up to about 14m into the corner at one point. Due to the overall size of the garden space to the side and rear I am of the opinion that a good quality of living environment will be achieved.

Although some planting and soft landscaping has been indicated on the submitted plans, a landscaping condition was attached to the outline planning permission which still needs to be

discharged.

Unacceptable levels of noise and disturbance from the proposal are highly unlikely as the proposal is for residential development in a residential area. Noise and disturbance during the construction phase can be controlled through the condition restricting the hours of building works attached to the outline permission.

### **Ecology**

The ecology assessment was carried out as part of the outline permission and a condition was imposed accordingly. That condition will still need to be discharged before development can commence

### **Flooding and Drainage**

The flooding and drainage assessment was also carried out as part of the outline permission and a condition was imposed. Again this will need to be discharged before works can commence on site.

### **Conclusion**

Having reviewed the proposed submission, it is considered that the reserved matters are acceptable. I therefore recommend the proposal for approval subject to conditions.

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**

#### **Approve Reserved Matters subject to the following condition:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4735/1/B(planning), 4735/LBP/A & 4735/2/B(planning)

#### **Reason:**

1. For the avoidance of doubt and in the interests of proper planning.

#### **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 maximum gradient of the private drive should not exceed 1 in 9.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The applicant is reminded that the conditions of outline planning permission HS/OA/13/00208 still apply and need to be complied with.

---

**Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

**Background Papers**

Application No: HS/DS/15/00315 including all letters and documents