

AGENDA ITEM NO:

**Report to:** PLANNING COMMITTEE

**Date:** 23 September 2015

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **62 Linton Road, Hastings, TN34 1TN**  
**Proposal:** **Two storey rear extension including extension of balcony**

**Application No:** **HS/FA/15/00357**

**Recommendation:** **Grant Full Planning Permission**

Ward: BRAYBROOKE  
File No: LI75062  
Applicant: Mr Martin per Malcolm Tree Structural Engineer  
The Trees 29 Mill Road Rye, East Sussex.  
TN31 7NN

Interest: Freeholder  
Existing Use: Residential

**Policies**

Hastings Local Plan 2004: DG1, DG3, L6  
Conservation Area: No  
National Planning Policy Framework: No Conflict  
Hastings Planning Strategy: SC1, EN1  
Hastings Local Plan, Development Management Plan, Revised  
Proposed Submission Version: DM1, DM3, HN1, HN4

**Public Consultation**

Adj. Properties: Yes  
Advertisement: No  
Letters of Objection: 4  
Petitions Received: 0

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

## Summary

The application seeks permission for extensions at lower ground floor and ground floor level to the rear of the building. I recommend approval.

## **The Site and its Location**

62 Linton Road is a substantial semi-detached building with a large rear steeply sloping garden. Although initially submitted as a householder application, this has been amended into a full application as the lower ground floor and ground floor comprise a maisonette occupied by the owner and the upper stories are rented out as bedsits (HMO). The current application relates to the maisonette on the lower and ground floor only.

The terraced properties 1-6 Braybrooke Terrace lie along the side boundary of the property (south) and due to the topography of the area are set at a lower level. To the north lies 61 Linton Road, the other half of the semi-detached pair. The rear garden measures about 23 metres in depth and adjoins a property to the rear and Linton Gardens.

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

The application seeks permission for various internal changes and extensions at lower ground level and ground floor level. Given the split level nature of the building, these extensions being to the rear of the building constitute in effect extensions to the ground and first floor as far as their relationship to the adjoining properties is concerned

At ground floor level it is proposed to insert two small windows into the existing side elevation and re-locate the en-suite bathroom to the end of the wing. A bedroom and dining room extension projects outward by 2.5m, with another 1 metre added to the depth by a balcony, the full width of the extension is 8.5m and joins onto the existing balcony on the other side of the building (north). To the south, the rear extension is set at a distance from the existing side elevation facing the adjoining property, 2 Braybrooke Terrace, by 5.2 metres.

At lower ground floor level it is mainly proposed to infill the space below the existing balcony and the proposed extensions as well as an additional bedroom extension which replaces an existing shed, at a distance of 2 metres from the existing side elevation.

Narrow bathroom windows are proposed in the end elevation at both levels.

Initially, the plan showed the balcony extending to the side elevation but subsequent to negotiations this has been reduced in width to extend no further than the proposed extension at a distance of 5.2 metres from the existing side elevation.

## **Previous Site History**

No relevant or recent planning history

## **Details of Consultations**

**The Estates Manager** has raised no objection.

**The Environmental and Resource Manager** has raised no objection.

Subsequent to neighbour consultation, 4 letters of objection have been received. These raise concerns regarding loss of privacy and overlooking to adjacent properties, potential loss of light and overdevelopment in that location.

## **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 main consideration in the assessment of this application, is the impact on residential amenities of adjoining properties.

The existing most southern side elevation of the existing building is very close to the boundary of the rear garden of 2 Braybrooke Terrace. The proposed rear extensions will not be closer to the boundary than the existing side elevation and the extension at ground floor level is considered to be at a sufficient distance and orientation that it would not significantly impact on neighbouring amenity.

The proposed development at lower ground floor consists mainly of infill development below the existing and ground floor which is raised on stilts. However, the bedroom, single storey at lower ground level, will be closer to the boundary than the extension above. It will replace an existing shed and will be sited 2m from the existing side elevation. This is considered acceptable.

The very small bathroom windows will be conditioned to be obscured and non-opening. Given the orientation to the north of 2 Braybrooke Terrace and the height and distances involved, overshadowing would not be an issue in this case.

The application site adjoins 61 Linton Road to the north, and there is an existing large balcony area abutting the boundary. The infill of a music room underneath the balcony is not considered to be detrimental to the residential amenities of this property.

### **Visual amenity**

The proposed development lies to the rear and will not affect the streetscene. Given the distance to Linton Gardens and the scale of the development, there will be no detrimental impact on the character or appearance of the surrounding area or Linton Gardens.

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:  
  
1300-1A, 13100-2
3. The side facing windows in the two en-suite bathrooms (south facing) shall be obscured and of a non-opening type.
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.

### **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. 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.

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### **Officer to Contact**

Mrs E Collins, Telephone 01424 783278

### **Background Papers**

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