

Hastings Local Plan – Policy DM3 g) Garden Size Evidence Report

February 2014

1.0 The Issues

- 1.1 The provision of a reasonable level of external amenity space in dwellings is in many ways as important as internal space within the dwelling. This is particularly the case with dwellings intended for family use, which are likely to be occupied by parents with children. Unfortunately these days it is not safe for young children to play to go unescorted to play areas. Policy C13 of the Planning Strategy requires developers to design housing environments in which children have space to play informally and safely and where they have priority over vehicles. It is nevertheless unlikely that parents would allow very young children to use play areas outside the home unsupervised and they would certainly not be allowed to go further afield. Garden areas therefore have a role to play in the hierarchy of open space provision and it is important that adequate garden space is provided for play in a location, normally to the rear of the dwelling, where young children can play safely under supervision. It is however not just children that require an adequate level of amenity space, adults living in family housing should be able to enjoy their external garden space without fear of undue overlooking or loss of privacy. The Council's experience is that garden lengths of a minimum of 10 metres achieve these requirements.
- 1.2 There is also a very practical reason for the provision of rear gardens of a minimum of 10 metres in length. A minimum overlooking distance between facing windows in new development of 21 metres is a long established planning standard, which has been used by Hastings and a significant number of other planning authorities for many years. To achieve this, garden lengths of at least 10 metres are required.
- 1.3 Objectors argue that the policy is too prescriptive and has been used inflexibly by the Council. This is not the case. The Council has operated the policy in a flexible way, in exceptional circumstances, for example, allowing a new dwelling which does not quite meet the 10 metre standard, where the garden is exceptionally wide and there are useable amenity spaces to the side of the dwelling and no undue overlooking problems.
- 1.4 It is also suggested that there is no need for the policy as a suitable assessment can be made on the planning merits of individual proposals as is the case elsewhere in East Sussex. The fact that other East Sussex authorities do not have a similar policy should not preclude Hastings retaining a long-standing policy, which has been supported on appeal. In any event Hastings has the highest population density of any East Sussex Borough at 30.4 persons per hectare (pph), compared with 3.1pph for East Sussex as a whole and 4.5pph for the South East. The next highest Borough is Eastbourne at 22.5pph. Some parts of Hastings have densities of 90/100pph. (Source: *East Sussex in Figures Area Profiles. East Sussex County Council*). The provision of adequate private amenity space is therefore particularly important in the town. Hastings is also the hilliest urban area in the County and this can limit useable garden space, reinforcing the need for adequate provision.
- 1.5 A further argument put forward by objectors is that increasing garden sizes will increase the cost of properties and ignores elderly and disabled people who may not wish to have large gardens. It is suggested that future occupants will simply refuse to live in these properties. A rear garden with a length of 10 metres is by no means a "large garden."

Indeed many people including some disabled and elderly, would prefer a larger garden and there is often criticism of modern houses having “pocket handkerchief” size gardens. There is also no evidence that properties in Hastings with 10 metre or larger rear gardens do not sell either when new or on the second hand market.

1.6 Finally objectors claim that the policy has the impact of promoting the construction of smaller units to circumvent the policy requirement and may reduce the number of units achievable on a site. Developers provide a variety of house sizes on individual sites to reflect market conditions at the time and there is no evidence that garden size is a factor in this. Similarly, given the need to achieve 21 metre overlooking distances between facing windows, garden size does not dictate the number of dwellings that can be accommodated on individual sites.

2.0 Policy Background

2.1 The Borough Council has required the provision of minimum 10 metre garden lengths for a number of years. The adopted Hastings Local Plan 2004 contains the following policy

DG11 - Gardens

Planning permission will not be granted for dwellings intended for family use unless private amenity space is provided. As a general standard, new houses will be expected to incorporate rear gardens of at least 10 metres in length. In areas of regeneration, a more flexible approach may be adopted.

2.2 The policy has worked well, although the meaning of “areas of regeneration” has caused some debate. Estate developers have generally accepted the policy. The only issues have occurred on small sites within tight knit urban areas. The Council has nevertheless had considerable support from Planning Inspectors. No less than 5 appeals in differing parts of Hastings have been dismissed on the basis that a rear garden area of less than 10 metres was proposed, in conflict with policy DG11:-

The Cupola, Belmont Road, Hastings (HS/FA/08/00243)

Rear of 121 Pevensey Road St Leonards-on-Sea (HS/FA/99/00295)

Land between 28 and 30 Priory Close, Hastings (HS/OA/82/00484)

Old Roar Road, Hastings (HS/FA/12/00459)

92 Rye Road Hastings (HS/FA/11/00983)

Copies of these decisions can be found on the Hastings Borough Council website at <http://publicaccess.hastings.gov.uk/online-applications/>

2.3. The Council is therefore taking forward this successful policy, well supported on appeal, into the Development Management Plan but has removed the somewhat confusing reference to areas of regeneration:-

Policy DM3 – General Amenity

In order to achieve a good living standard for future users of proposed development and its neighbours, it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:

g) Appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length.

3.0 Policy Support

3.1 The policy supports a number of the objectives of the *Hastings Planning Strategy*, in particular Objective 2 “*ensure everybody has the opportunity to live in a decent home, which they can afford in a community in which they want to live*” and Objective 2c “*ensuring an appropriate mix of housing is provided in terms of tenure, price, type, size and location, having regard to the accommodation needs of the town.*”

3.2 There is also support for the policy in the National Planning Policy Framework (NPPF). One of the core land use planning principles in paragraph 17 of the Framework that should underpin plan making, is “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*” A good standard of amenity for all should include the provision of a reasonably sized garden area in family homes.