

Report to	-	Planning Committee
Date	-	19 July 2018
Report of the	-	Executive Director
Subject	-	Planning Applications

---

**Head of Service: Tim Hickling**

---

## **Planning Committee Procedures**

### **Background Papers**

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

### **Planning Committee Reports**

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

### **Consultations**

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

### **Late Representations**

Any individual representations in respect of planning applications on the Planning Committee agenda must be received by the Head of Service Strategy and Planning in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Late petitions cannot be considered in any circumstance, as petitions will only be accepted prior to publication of the agenda in accordance with the guidance on submitting petitions found at <http://www.rother.gov.uk/speakingatplanningcommittee>

### **Delegated Applications**

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Head of Service Strategy and Planning can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee has been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee or reported via the (internal electronic)

Notified D system as a means of providing further information for elected Members. This delegation also allows the Head of Service Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

Applications requiring the applicant entering into an obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

### **Order of Presentation**

The report on planning applications is presented in the following order as shown below:

## **6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)**

**NONE.**

## **6.2 ALL OTHER APPLICATIONS**

<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#"><u>RR/2018/344/P</u></a>	4	ICKLESHAM	Regina, The Ridge.
<a href="#"><u>RR/2018/1134/P</u></a>	13	HURST GREEN	Jesses, London Road.
<a href="#"><u>RR/2018/1224/P</u></a>	19	BEXHILL	41 Collington Avenue, Collington Lodge.
<a href="#"><u>RR/2018/1611/P</u></a>	25	BEXHILL	17 Mitten Road.

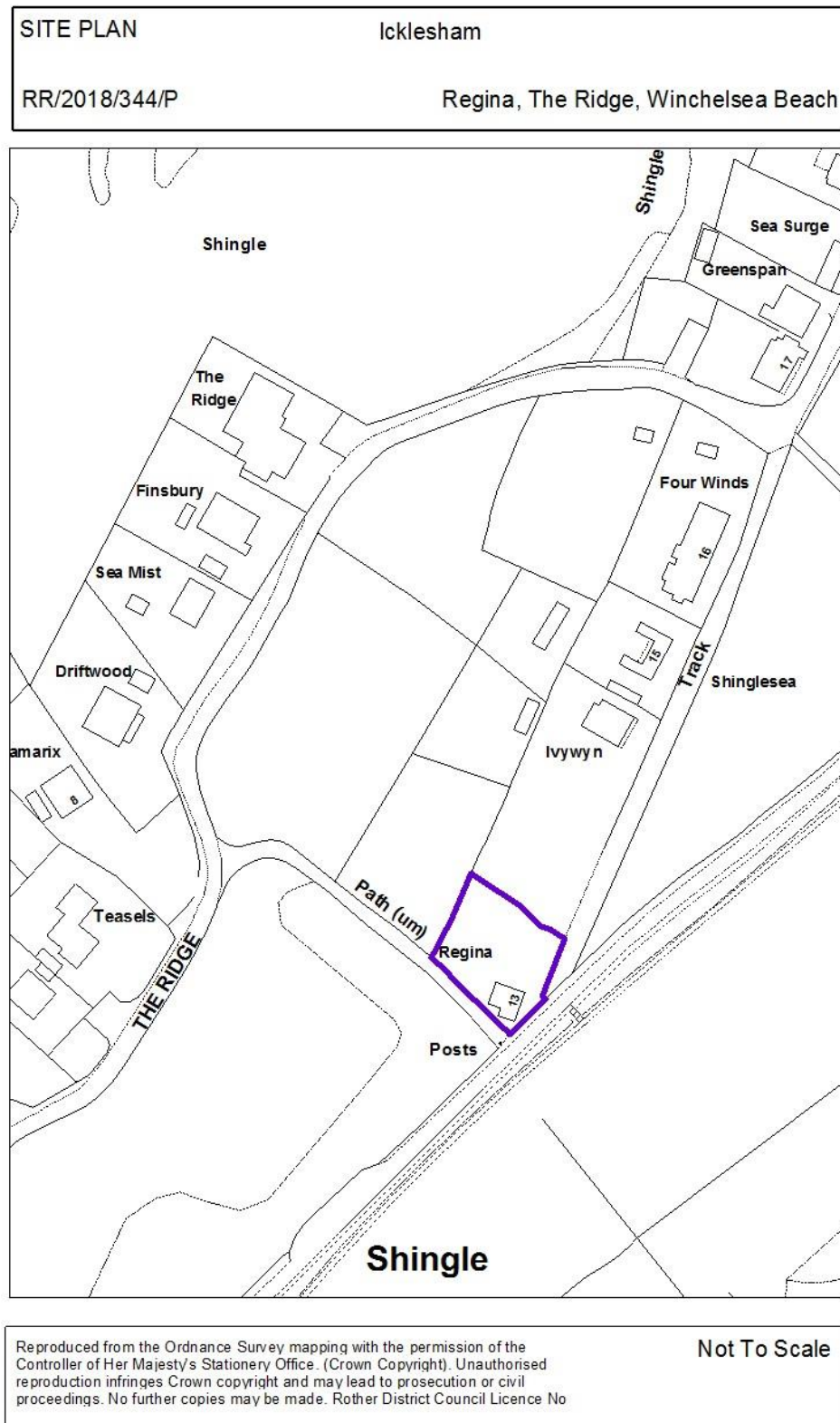
## APPLICATIONS ATTRACTING A PETITION

Agenda Item: **6.1**

NONE.

## ALL OTHER APPLICATIONS

Agenda Item: **6.2**



RR/2018/344/P

**ICKLESHAM Regina, The Ridge, Winchelsea Beach**  
**Replacement dwelling.**

**Applicant:** Mr J. Forward  
**Agent:** Jonathan Gale Architects Ltd  
**Case Officer:** Mr E. Corke (Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** ICKLESHAM  
**Ward Members:** Councillors P.N. Osborne and Mrs S. Hart

**Reason for Committee consideration: Referred by Councillor Mrs S. Hart**

**Statutory 8 week date: 20 March 2018**

**Extension of time agreed to: 24 July 2018**

This application is included in the Committee site inspection list.

## **1.0 POLICIES**

- 1.1 No 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 (Core Strategy) are relevant to the proposal:
- Policy PC1 (Presumption in Favour of Sustainable Development).
  - Policy OSS2 (Use of Development Boundaries).
  - Policy OSS3 (Location of Development).
  - Policy OSS4 (General Development Considerations).
  - Policy RA2 (General Strategy for the Countryside).
  - Policy RA3 (Development in the Countryside).
  - Policy SRM2 (Water Supply and Wastewater Management).
  - Policy CO6 (Community Safety).
  - Policy EN3 (Design Quality).
  - Policy EN5 (Biodiversity and Green Space).
  - Policy EN7 (Flood Risk and Development).
  - Policy TR4 (Car Parking).
- 1.3 The National Planning Policy and Planning Practice Guidance are also material considerations.

## **2.0 SITE**

- 2.1 The application relates to a single-storey bungalow with detached double garage located in an isolated and prominent seafront position, adjacent to the tidal flood defence embankment on Winchelsea Beach. The site is located within Flood Zone 3 and is partly within a Site of Special Scientific Interest

(SSSI) and a Special Protection Area (SPA) and Ramsar site. It is also subject to Article 4 Directions that remove 'permitted development' rights. A Public Footpath (Icklesham 15b) runs in front of the site. The surrounding area contains an eclectic mix of dwellings varying in sizes, styles and ages. There is no single unifying character.

- 2.2 The site is located outside the development boundary for Winchelsea Beach and so in policy terms is in the countryside.
- 

### 3.0 HISTORY

- 3.1 RR/96/744/P Conservatory – Granted.
- 3.2 RR/2000/2582/P Erection of conservatory – Granted.
- 3.3 RR/2004/690/P Erection of detached garage to serve existing bungalow. Change of use of private open beach plot for residential use – Granted.
- 

### 4.0 PROPOSAL

- 4.1 The proposal is for replacement of the existing single-storey bungalow and detached garage with a contemporary-style dwelling on stilts, together with raising of ground levels, new landscaping and new boundary treatment.
- 4.2 The proposed dwelling would be constructed over the footprint of the existing buildings and would occupy almost the full width of the site. It has been designed with flood risk in mind and so all living accommodation is provided at first floor level. This consists of two bedrooms (one with an ensuite), a shower room, a dressing room, an open plan kitchen/dining/living room and a front balcony. At ground floor level an enclosed entrance hall, utility room and internal staircase are proposed, together with open storage areas and a parking bay for two cars.
- 4.3 The Planning Statement submitted with the application describes the dwelling as follows:
- “The building will be as light in structure and transparent as possible given the weather patterns it will need to survive. It will sit up on ‘birds legs’ picked out in yellow and the building itself will have black stained or charred timber cladding with a black finish profiled metal sheet roof. The ground floor block will be picked out in an off white or grey through colour render to help it disappear into its surroundings”.*
- 4.4 The proposed dwelling would be significantly higher than the existing bungalow and detached garage with the finished ridge height set 4m above the top of the adjacent tidal flood defence embankment. The total gross internal floorspace of the proposed dwelling (excluding the balcony) is 115sqm compared to 107sqm for the existing development – a difference of 8sqm.
- 4.5 The proposed new landscaping includes shingle ground cover to the open storage areas and parking and turning areas, shingle steps in the rear garden

and stone filled box gabions alongside part of the south-west boundary. It is also proposed to erect new hit and miss vertical timber fencing varying between 1.5m to 1.85m in height along part of the front boundary and along the south-west boundary. Matching gates are also proposed.

---

## **5.0 CONSULTATIONS**

### **5.1 Icklesham Parish Council:**

5.1.1 No objection.

### **5.2 Environment Agency:**

5.2.1 No objection subject to a condition.

### **5.3 Romney Marsh Drainage Board:**

5.3.1 No comments received.

### **5.4 Ramblers:**

5.4.1 No comments received.

### **5.5 Natural England:**

5.5.1 Further information required to determine impacts on designated sites.

### **5.6 East Sussex County Council Rights of Way Officer**

5.6.1 No comments received.

### **5.7 Planning Notice:**

5.7.1 3 objections from local residents raising the following concerns:

- This is clearly out of keeping in an area of natural beauty and a nature reserve;
- I am objecting to this application as it is entirely inappropriate to its environs. It will overshadow and overpower the path alongside the beach and will look appalling; and
- This proposed development is totally out of keeping with surrounding properties.

---

## **6.0 APPRAISAL**

6.1 The main issues are:

- The principle of a replacement dwelling in this countryside location;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of neighbouring residents;
- The effect of the proposal on the SSSI and SPA and Ramsar site; and
- Flood risk.

## 6.2 Principle/landscape impact

6.2.1 The application site is located in the countryside for policy purposes. In this respect, Policy RA3 (iii) of the Core Strategy is specific to the formation of new dwellings in the countryside. This states that there are four extremely limited circumstances in which new dwellings are allowed. These are:

- dwellings to support farming and other land-based industries;
- the conversion of traditional historic farm buildings in accordance with Policy RA4;
- the one-to-one replacement of an existing dwelling of similar landscape impact; and
- as a 'rural exception site' to meet an identified local affordable housing need.

6.2.2 Policy OSS4 (iii) of the Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality and Policy RA3 (v) seeks to ensure that all development in the countryside is of an appropriate scale.

6.2.3 Policy EN3 of the Core Strategy and Paragraphs 57 and 58 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.

6.2.4 The existing bungalow and garage in terms of their height and size are discrete and nestle into the existing landscape. In contrast, the proposed replacement dwelling, by reason of its isolated and prominent seafront position and finished ridge height set 4m above the top of the adjacent tidal flood defence embankment, would be far more imposing and would announce its presence in the countryside with considerably greater vigour. The new dwelling would have a prominent and exposed siting and would be clear in views from the wider landscape, including from the properties in the parallel road to the rear of the site and from Dogs Hill Road to the south-west. This significant increase in visual prominence is not considered to be off-set in any way by any special or compelling design.

6.2.5 The recent trend in developing the wider character of the area has been to replace modest single-storey dwellings with two and three storey dwellings, particularly having regard to the settlement being almost entirely within Flood Zone 3, which is a high probability flood zone. Whilst this has resulted in buildings that are more prominent in the landscape, in The Ridge for example, they are set well back from the seafront and as such are not unduly prominent. At the end of Dogs Hill Road a pair of three-storey contemporary-style dwellings is currently being constructed in a prominent seafront position, adjacent to the tidal flood defence embankment. However, that site is located within the development boundary for Winchelsea Beach where there is a presumption in favour of development. In addition, it is not an isolated site, as it is located adjacent to existing buildings including the public conveniences and the two-storey property 'Sea Spray', which the new dwellings will be similar in height to. The proposal now being considered is clearly distinguishable from such schemes, as the site is located in an isolated and prominent seafront position and the finished ridge height of the dwelling would be well above the top of the adjacent tidal flood defence embankment. As a result, the new dwelling would be highly prominent in the surrounding area.

6.2.6 Significant weight is given to the fact that the replacement dwelling would be an improvement over the existing single-storey bungalow in terms of reducing the risk to life in the event of a flood. However, this is not considered to be sufficient to off-set the significant increase in visual prominence, which would materially harm the character of the countryside and landscape.

### 6.3 Impact on the living conditions of neighbouring occupiers

6.3.1 Policy OSS4 (ii) of the Core Strategy seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.

6.3.2 The application site, surrounding area and closest neighbouring property 'Ivywyn' to the north-east have been visited by the case officer. As set out in section 6.2.4 above, the proposed replacement dwelling would be highly prominent in the landscape and would therefore be clearly visible to neighbouring residents. In terms of its relationship with 'Ivywyn', the proposed dwelling would be about 30m away from the formal garden area of this property and 46m away from the neighbouring dwelling itself. In the circumstances, it is not considered that the proposal would bring about a significant erosion of residential amenity through loss of light or outlook. The separation distances are also considered to be sufficient to ensure that any overlooking from the front balcony would not amount to material harm.

6.3.3 Residents of the properties in the parallel road located some 60m to the rear of the proposed dwelling may experience some loss of view. However, loss of view is not a material planning consideration and so is not a determining matter.

6.3.4 Overall, the proposal would have an acceptable impact on the living conditions of neighbouring residents.

### 6.4 Impact on the SSSI and SPA and Ramsar site

6.4.1 Policy EN5 (ii) of the Core Strategy seeks to protect and enhance international, national and locally designated sites, having due regard to their status.

6.4.2 Paragraph 118 of the National Planning Policy Framework aims to conserve and enhance biodiversity and, amongst other things, states:

- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *"Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest".*

- 6.4.3 The proposed dwelling would be constructed over the footprint of the existing buildings and would occupy almost the full width of the site, encroaching on a small part of 'undeveloped' garden land to the north-east of the detached garage. This part of the site falls within a SSSI (Dungeness, Romney Marsh and Rye Bay), which is a nationally important site by reason of a diverse range of biological and geological features, specifically the coastal geomorphology of Dungeness and Rye Harbour, and the following nationally important habitats: salt marsh, sand dunes, vegetated shingle, saline lagoons, standing waters, lowland ditch systems, and basin fens.
- 6.4.4 The proposed development would also affect part of a SPA and Ramsar Site (Dungeness, Romney Marsh and Rye Bay), which is limited to a thin strip of land across part of the front of the site. The SPA and Ramsar Site is an internationally important site because it supports breeding and wintering waterbirds, birds of prey, passage warblers and breeding seabirds. It also has a complex network of wetland types and habitats that support rich and diverse groups of bryophytes (e.g. mosses, liverworts, and hornworts), vascular plants (e.g. water conducting plants), invertebrates and vulnerable, endangered and critically endangered wetland species.
- 6.4.5 Natural England (NE) has commented on the proposal, advising that it could have significant effects on the SSSI and a SPA and Ramsar site. The effect of the proposed development on the SPA and Ramsar site is currently unresolved, as additional information requested by NE has not been submitted. Turning to the SSSI, NE has advised that as the application site includes non-SSSI land, they would expect to see any new footprint sited within that land so that no additional SSSI land is lost. If there are reasons why this could not be achieved, then NE would need to be provided with information demonstrating why an exception should be made.
- 6.4.6 In this case, the proposed dwelling would encroach on a small part of 'undeveloped' garden land to the north-east of the garage, which is within the SSSI. However, NE has advised that insufficient information has been provided by the applicant to demonstrate why loss of this SSSI land should be allowed. They have further advised that if the requested information is not submitted they might have to object to the proposal. There has been ongoing communication between the applicant and NE regarding this matter with no resolution to date. The applicant has submitted a letter setting out why he believes NE is being unreasonable and this is attached as a separate APPENDIX DOCUMENT.
- 6.4.7 Ultimately, NE is the authoritative body with regard to development affecting nationally and internationally designated sites and so any development affecting the SSSI and SPA and Ramsar site would need to be carried out in accordance with their requirements. As such, without NEs support for the replacement dwelling, the scheme should be refused on the basis that it is likely to have an adverse effect on the Dungeness, Romney Marsh and Rye Bay SSSI and SPA and Ramsar site.

## 6.5 Flood Risk

- 6.5.1 Policy EN7 of the Core Strategy and Paragraph 103 of the National Planning Policy Framework seek to minimise flood risk.

- 6.5.2 The site lies within Flood Zone 3, which is defined as having a high probability of flooding from the sea in the PPG.
- 6.5.3 The finished first floor level of the proposed dwelling, which is where the living accommodation would be provided, is shown to be set at 7.82m above Ordnance Datum (AOD) on the 'Proposed Elevations' drawing. The Environment Agency (EA) has advised that this is a satisfactory height above the maximum predicted climate-change adjusted '200yr' static tide level of 6.4m AOD, and as such has no objection to the proposal on flood risk grounds.
- 

## **7.0 CONCLUSION AND PLANNING BALANCE**

- 7.1 The proposed replacement dwelling would have an acceptable impact on the living conditions of neighbouring residents and would also be an improvement over the existing single-storey bungalow in terms of reducing the risk to life in the event of a flood. However, compared to the existing single-storey bungalow and detached garage, which are discrete and nestled into the existing landscape, the new dwelling, by reason of its isolated and prominent seafront position and finished ridge height set 4m above the top of the adjacent tidal flood defence embankment, would be highly prominent in the surrounding area, resulting in material harm to the character of the countryside and landscape. Furthermore, without Natural England's support for the replacement dwelling, the scheme should be refused on the basis that it is likely to have an adverse effect on the Dungeness, Romney Marsh and Rye Bay SSSI and SPA and Ramsar site. Confirmation has been sought from Natural England to this effect.
- 

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposed development is liable for CIL.
- 

**RECOMMENDATION: REFUSE (PLANNING PERMISSION) DELEGATED (SUBJECT TO CONFIRMATION FROM NATURAL ENGLAND THAT THEY OBJECT TO THE PROPOSAL)**

---

### **REASONS FOR REFUSAL:**

1. The application site is located in the countryside, which national and local planning policies seek to protect from inappropriate and intrusive new development. The proposed replacement dwelling, by reason of its isolated and prominent seafront position and finished ridge height set 4m above the top of the adjacent tidal flood defence embankment, would be highly prominent in the surrounding area, resulting in material harm to the character of the countryside and landscape, in conflict with Policies OSS4 (iii), RA3 (iii) (c) & RA3 (v) of the Rother Local Plan Core Strategy.
2. The proposed replacement dwelling would encroach on a small part of 'undeveloped' garden land to the north-east of the existing detached garage, which is within the Dungeness, Romney Marsh and Rye Bay Site of Special

Scientific Interest (SSSI), a nationally designated site. Loss of this land is likely to have an adverse effect on the SSSI and it has not been demonstrated that an exception should be made for allowing development on this part of the SSSI in this case. In addition, the likely impacts of the proposed development on the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site, which is an internationally designated site, have not been addressed. As such, the proposal conflicts with Policy EN5 (ii) of the Rother Local Plan Core Strategy and Paragraph 118 of the National Planning Policy Framework.

#### **NOTES:**

1. This refusal of planning permission relates to the following drawings:  
Drawing No. 1417/PL/100 Revision A dated 01-08-2017.  
Drawing No. 1417/PL/202 Revision B dated 27-11-2017.  
Drawing No. 1417/PL/301 Revision A dated 27-11-2017.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

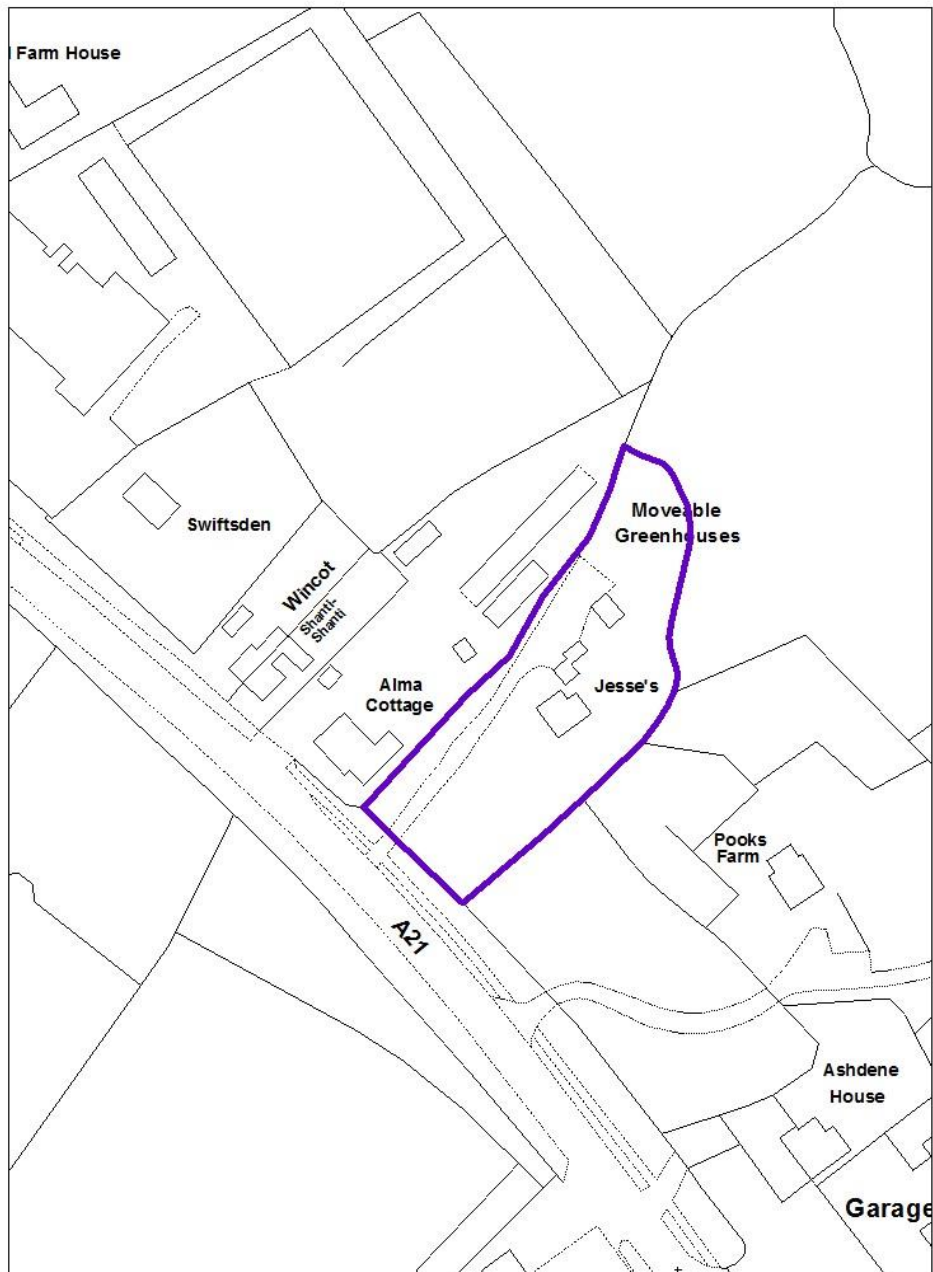
[View application/correspondence](#)

SITE PLAN

Hurst Green

RR/2018/1134/P

Jesses, London Road



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

RR/2018/1134/P

HURST GREEN Jesses, London Road

Construction of double bay timber garage with attached workshop/storage in place of gravel parking area forward and to the side of the house.

Applicant: Mr C. Panting  
Case Officer: Mrs M. Taylor (Email: [maria.taylor@rother.gov.uk](mailto:maria.taylor@rother.gov.uk))  
Parish: HURST GREEN

Ward Members: Councillors G.S. Browne and Mrs S.M. Prochak

Reason for Committee consideration: Member referral: Councillor Mrs S.M. Prochak

Statutory 8 week date: 19 July 2018

This application is included in the Committee site inspection list.

## 1.0 POLICIES

1.1 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:

- HG8 Extensions and alterations to existing dwellings.

1.2 The following policies of the Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS4 General Development Considerations.
- RA3 Development in the Countryside.
- EN1 Landscape Stewardship.
- EN2 Stewardship of the Historic Built Environment.
- EN3 Design Quality.

1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations with particular reference to para 115 which states:- *"Great weight should be given to conserving landscape and scenic beauty in National Parks the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. ..."*

## 2.0 SITE

2.1 A detached residential property set on the east side of the main A21 trunk road to the north of Hurst Green. The building is considered to be a non-designated heritage asset.

- 2.2 The property is within the High Weald Area of Outstanding Natural Beauty (AONB) but outside any development boundary as defined in the Rother District Local Plan 2006.
- 2.3 Public footpath No. 23 runs down the northwest side of the application site, along the drive and northwest side of the house following the field boundaries to the rear.
- 

### **3.0 HISTORY**

- 3.1 A/67/208 Alterations – Approved
- 3.2 RR/83/0659 Two storey extension to provide garage and dining room with bedroom, dressing room and bathroom above – Approved Conditional
- 3.3 RR/2016/1209/P Single storey rear extension and roof lights – Approved Conditional
- 

### **4.0 PROPOSAL**

- 4.1 This application seeks permission for the construction of a two bay open garage with attached workshop/storage area.
- 4.2 The proposed garage would be of timber construction 9m wide x 5m deep with a maximum height of approximately 4.3m, designed with a half hipped roof to be covered with plain clay tiles to match the existing house.
- 4.3 The proposed garage would be positioned on an existing gravel parking area to the front of the dwelling approximately 2m distance from the south east boundary which abuts farmland.
- 4.4 No alterations are proposed to the existing access off the A21, nor the existing driveway arrangement that provides ample turning space for vehicles to ensure they enter and exit the site in a forward motion.
- 

### **5.0 CONSULTATIONS**

#### **5.1 Hurst Green Parish Council**

- 5.1.1 *“The Council feels this application should be deferred until the line of the footpath is decided after the Public Inquiry due to the impact on pedestrians by changing vehicles movements.”*

#### **5.2 East Sussex Rights of Way Team**

- 5.2.1 *“... Based on the application details I can confirm that we are satisfied that the application does not affect the public footpath which follows the driveway of the property as shown approximately attached. Therefore we do not wish to object or comment on Rights of Way grounds.”*

### 5.3 Planning Notice

#### 5.3.1 No representations received.

---

## 6.0 **APPRAISAL**

### 6.1 The main issues for consideration are:

- Impacts upon neighbouring and nearby properties.
- The effect of the proposal on the visual amenities of the street scene and the AONB.
- Setting of non-designated heritage asset.
- Impact upon public footpath – No. 23.

### 6.2 Impacts upon neighbouring and nearby properties

6.2.1 *Alma Cottage* is a detached bungalow set closer to the road on the northwest side of the application site. This property is set approximately 28m distance from the proposal with boundary fencing and vegetation providing screening. It is considered that due to the distance and positioning of the proposed building from this property that there would be no adverse impact.

6.2.2 *Pooks Farm* is a detached property to the east side of the application site approximately 43m distance from the proposal with farmland abutting the boundary with the proposal. A further field hedge boundary separates Pooks Farm and the field adjoining the application site. Due to the distance and positioning of the proposal from this property it is considered there would be no adverse impact to the residential amenities of this property.

### 6.3 Effect on the visual amenities of the street scene and locality

6.3.1 From the road and within the general street scene Jesses is predominantly hidden from view by high hedging and established vegetation. The existing driveway runs along the north west side of the site with the proposed positioning of the garage on the opposite south east boundary of the site, approximately 19m back from the front boundary.

6.3.2 The proposed garage would be of timber construction with a half hipped plain clay tiled roof to match the existing house. In terms of its size this is not considered excessive in relation to the existing house and other similar development that has been permitted. In particular it is noted that Boarzell Cottage situated along London Road to the north west of the application site has a double garage with attached store of a similar size with a roof line approximately 1m higher than the proposal in a position more visually prominent in the street scene. Many other comparable examples can be found throughout the district.

6.3.3 The design, size and siting of the garage within the residential curtilage is acceptable.

### 6.4 Setting of non-designated heritage asset

The proposed garage would be sited to the front of the property towards the south east boundary. The position of the garage would not impact on the

view of the front elevation of the property. The design of the garage is considered appropriate and sympathetic to the character and appearance of the site, is not incongruous and would not harm the setting of the non-designated heritage asset or the AONB in the wider context.

## 6.5 Impact upon the Public Footpath

6.5.1 Public footpath No. 23 runs down the drive and along the northwest boundary from the A21 past the property and on through the fields to the rear of the property. No alterations are proposed to the existing access where there is separate gated access to the public footpath. The proposed garage would be positioned close to the opposite boundary away from the existing footpath route. Consultation has been undertaken with East Sussex Rights of Way Team who has confirmed that the proposal does not affect the public footpath and therefore no objection has been raised.

6.5.2 It is anticipated that there would be no increase in existing traffic movements to and from the property and therefore no additional risk to highway or pedestrian safety.

---

## 7.0 SUMMARY

7.1 It is considered the proposed garage would not have any detrimental impact on any neighbouring or nearby properties. The design is considered acceptable and appropriate and the proposal would not have any adverse impact on the character and setting of Jesse's, on the street scene or on the landscape character and scenic beauty of the High Weald AONB in the wider context.

---

## **RECOMMENDATION: GRANT (FULL PLANNING)**

---

### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Location Plan, scale: 1:2500 dated 30 April 2018.  
Proposed Block Plan, scale 1:500 dated 30 April 2018.  
Proposed Elevation and Floor Plan Drawing No. 33-70722-Sheet2 dated 18 April 2018.  
Proposed Section and Technical Specification Drawing No. 33-70722-Sheet1 dated 18 April 2018.  
Foundation Details Drawing No. GF-70722 dated 18 April 2018.  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. The building shall be used only for purposes incidental to the occupation and enjoyment of the dwelling as such, and not for any trade or business, or habitable accommodation.

Reason: In the interests of protecting the character of the area and the residential amenities of neighbouring properties in accordance with Policies OSS4 (ii) and (iii), RA3 and EN1 of the Rother Local Plan Core Strategy.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

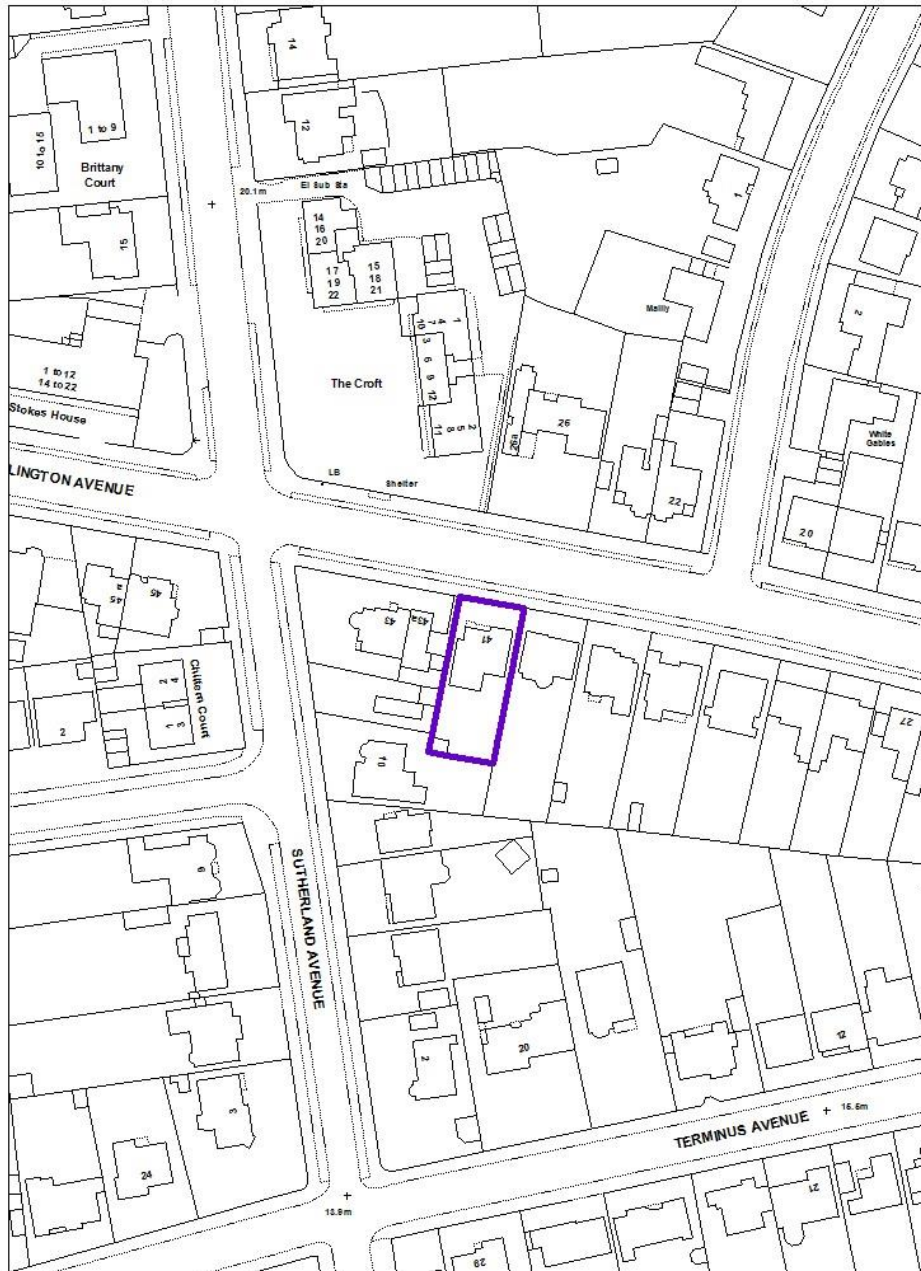
[View application/correspondence](#)

# SITE PLAN

Bexhill

RR/2018/1224/P

41 Collington Avenue, Collington Lodge



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

**Not To Scale**

RR/2018/1224/P

BEXHILL 41 Collington Avenue

Removal of Condition 3 imposed on planning permission RR/2014/2417/P to change the use of two holiday flats to residential flats.

---

**Applicant:** Mr Raymond Walker  
**Case Officer:** Rossella Gough  
(Email: [rossella.gough@rother.gov.uk](mailto:rossella.gough@rother.gov.uk))

**Parish:** BEXHILL

**Ward Members:** Councillor Mrs D.C. Earl-Williams and D. Oliver

**Reason for Committee consideration:** Member referral: Councillor Mrs D.C. Earl-Williams

**Statutory 8 week date:** 5 July 2018

**Extension of time agreed to:** 20 July 2018

---

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

1.1 The following policies of the Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS4 General development considerations.
- EC3 Existing Employment Sites.
- EC6 Tourism Activities and Facilities.
- TR4 Car Parking.

1.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

---

## **2.0 SITE**

2.1 This application relates to a detached two and half storey, thirteen room property within the development boundary. It is located approximately 0.2 miles from Collington Train Station and 1 mile from Bexhill Train Station.

2.2 The property benefits from a small garden to the rear and off-road parking spaces and additional unrestricted parking along Collington Avenue. It is currently in use as a Guest House "*Collington Lodge Guest House*" although planning permission was granted in 2014 for the change of use of the premises from guest house to one residential flat and two holiday flats. Works started in 2015 to convert the property, one flat has been converted and two others are yet to be completed. The conversion works have currently ceased.

- 2.3 The guest house advertises for five bedrooms and one family suite.
- 2.4 There are residential dwellings at either side of the property and it is near Hastings Direct, a local employment site.
- 

### **3.0 HISTORY**

- |      |                |  |
|------|----------------|--|
| 3.1  | B/56/458       | Conversion into one self-contained flat and one maisonette. Approved in 1956.  |
| 3.2  | B/66/568       | Conversion of upper flat into two self-contained flats. Approved in 1966.  |
| 3.3  | B/72/1551      | Use of front garden for hard standing to park motor vehicles thereon, access over footpath to road. Refused.           |
| 3.4  | B/72/1622      | Conversion of first floor maisonette into two flats. Refused.  |
| 3.5  | RR/83/0018     | Use of two ground floor rooms to provide bed & breakfast accommodation. Approved.                                      |
| 3.6  | RR/96/1234/P   | Increase number of bedrooms for bed and breakfast accommodation to four in total. Approved (temporary).                |
| 3.7  | RR/2001/2113/P | Continued use of property as a guest house including use of six letting rooms and current parking provision. Approved. |
| 3.8  | RR/2003/1812/P | Conservatory and decking. Approved.  |
| 3.9  | RR/2006/3068/P | Three storey rear extension under pitched roof. Approved.  |
| 3.10 | RR/2014/2417/P | Change of use from guest house to one residential flat and two holiday accommodation flats. Approved.                  |
- 

### **4.0 PROPOSAL**

- 4.1 This application seeks planning permission for the removal of Condition No. 3 of Planning Permission RR/2014/2417/P which states:
- "The two no. flats on the second and third storeys hereby permitted are to be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence".*
- 4.2 The application seeks to change the use from two holiday flats to two unrestricted residential flats.
-

## **5.0 CONSULTATIONS**

### **5.1 Acquisitions, Transformation & Regeneration – Regeneration and Tourism Officer**

5.1.1 Would not support the loss of quality guest accommodation within Bexhill.

### **5.2 Planning Notice**

5.2.1 No representation received.

---

## **6.0 APPRAISAL**

### **6.1 Issues for consideration**

6.1.1 The main issue for consideration is the loss of tourism accommodation.

### **6.2 Background information**

6.2.1 The applicant in his previous application, to which Condition 3 relates (RR/2014/2417/P), had indicated that as a result of advancing age and health issues, he and his wife were finding it increasingly difficult to run the property as a guest house.

6.2.2 The applicant at that time stated that the property had been on the market as a guest house for over five years with a number of estate agents, but while a few people had been interested in purchasing it, when the prospective purchasers had tried to get a bank loan they were told that the turnover of the business was not sufficient to warrant a loan. The Council accepted the use of part of the premises as holiday flats instead. This application to change the whole property now to residential use is made in similar terms as the owners get older and experience health issues.

### **6.3 Loss of tourism accommodation**

6.3.1 Policy EC6 of the Core Strategy supports proposals relating to tourism activities and facilities where they accord with particular considerations, including: (i) it provides for the enhancement of existing accommodation to meet customer expectations; (iv) it does not involve the loss of tourism accommodation, unless there is no prospect of its continued use; (v) it increases the supply of quality serviced and self-catering accommodation; and (vi) appropriate controls are in place that restrict occupancy to that for holiday purposes, whilst not unduly restricting operators from extending their season.

6.3.2 Policy EC3 of the Core Strategy generally seeks to retain premises currently (or last) in employment use (including tourism use) in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purpose or it would cause serious harm to local amenities. Where continued employment use is demonstrated not to be viable, a mixed use scheme should be considered prior to a community use and then affordable housing before a change of use to market housing is considered.

- 6.3.3 The applicant has reiterated in this application essentially the same matters presented to the Council in 2014, stating that the guest house has now been for sale for the past seven years with no results.
- 6.3.4 However, no clear evidence of the above has been provided to the Local Planning Authority to support this claim. Leaflets with unclear dates show the property was for sale as a guest house; also an email dated 10 March 2014 was presented as the supporting information that the property was for sale for the past seven years. There is no evidence to demonstrate that the property has been on the market for sale recently. In addition, there is no evidence of the property being advertised for sale as flats available as holiday accommodation, which might have attracted additional prospective buyers.
- 6.3.5 Furthermore, the applicant claims that in order to finish the conversion works started in 2015 he would need to apply for a bank loan, as income from the business could not fund the conversion. The applicant advises that lenders are not prepared to make him an offer due to his age and health conditions. He states however that a loan would be offered to him if he was able to convert the property into three residential dwellings. Again no supporting evidence of the above claim has been provided.
- 6.3.6 Therefore, the absence of substantial information supporting the application fails to demonstrate that the applicant has taken sufficient action to sell the business.
- 6.3.7 The guest house would appear to provide good quality tourist accommodation. This seems clear from the ratings system on the Trip Advisor website where the business is rated as “Excellent”. This shows that the business provides excellent accommodation for visitors in Bexhill and it would be an unjustified loss of tourist accommodation which currently meets customer expectations.
- 6.3.8 AirBnB has been mentioned by the applicant as a large provider for tourist accommodation in Bexhill. However, it is noted that this type of business is not regulated and does not offer certainty and therefore, cannot be included within the number of tourist rentals currently offered in Bexhill. Although AirBnB is currently an aspect of the tourism industry within Bexhill, its nature is unpredictable and does not make for a reliable solution for tourism accommodation stock.
- 6.3.9 Having regard also to Policy EC3 at present the guest house provides direct employment for the applicant and his wife, though, depending on the level of services offered and on the operating model chosen, the guest house has the potential to offer more than two employed positions. However in broader terms tourist facilities contribute to the town’s economy and well-being and it is therefore considered that the proposed removal of Condition 3 of planning permission no. RR/2014/2417/P would be not be justified.

#### 6.4 Other matters

- 6.4.1 In a letter dated 29 August 2014 the applicant claims that parking is an issue for guests due to overuse of local on road parking by Hastings Direct employees, a nearby employment site. While this is acknowledged it has to be noted that the conversion into residential accommodation would not necessarily aid the issue with parking.

- 6.4.2 The personal circumstances have been considered but such personal issues do not outweigh the broader planning policy and the desirability of retaining good quality holiday accommodation in the town.
- 

## **7.0 SUMMARY**

- 7.1 Visitors to Rother and in this instance to Bexhill contribute significantly to the local economy and in this case the application proposal to remove Condition 3 of planning permission RR/2014/2417/P, and therefore to convert the holiday accommodation into residential, fails to demonstrate and to provide sufficient evidence to justify the loss of tourist accommodation. Consequently, the proposal fails to meet the requirements set out in Policies E6 (i) and (iv) and EC3 (i) of Rother Local Plan Core Strategy.
- 

## **RECOMMENDATION: REFUSE (FULL PLANNING)**

---

### **REASON FOR REFUSAL:**

1. The removal of Condition 3 of planning permission RR/2014/2417/P to limit the use of the flats to holiday use would represent a loss of good quality tourist accommodation without any clear justification and would therefore be contrary to Policies E6 (i) and (iv) and EC3 (i) of Rother Local Plan Core Strategy.

### **NOTE:**

1. This refusal of planning permission relates to the following documents:  
Land Registry 1:1250 submitted with the application.  
Statement in support submitted with the application.  
Letter dated 16 April 2018.  
Emails dated 1 July, 29 June and 15 June 2018.  
Supporting documents – 3 July 2018.

### **NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the applicant and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the applicant the opportunity to consider whether or not it can be remedied with a revised application.

[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2018/1611/P

17 Mitten Road



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

---

RR/2018/1611/P

BEXHILL. 17 Mitten Road

Remove existing garage/covered way and lean-to extension. Construction of single storey side extension.

---

**Applicant:** Mr & Mrs Parker  
**Agent:** Mr M. Whiting  
**Case Officer:** Miss Chelsea York  
(Email: [chelsea.york@rother.gov.uk](mailto:chelsea.york@rother.gov.uk))

**Parish:** BEXHILL

**Ward Member(s):** Councillors A.K. Azad and Mrs J.M. Hughes

**Reason for Committee consideration:** Applicant related to member of staff.

**Statutory 8 week date:** 8 August 2018

---

This application is included in the Committee site inspection list.

---

## 1.0 POLICIES

1.2 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:

- HG8 Extensions and alterations to existing dwellings.

1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS4 General Development Considerations.
- EN3 Design Quality.

1.3 The National Planning Policy and Planning Policy Guidance are also material considerations.

---

## 2.0 SITE

2.1 This application relates to a semi-detached two storey dwelling located on the southern side of the road, within the Development Boundary for Bexhill.

2.2 There is a lean-to extension, a detached garage and a covered way to the east of the dwelling.

2.3 The eastern boundary is shared with nos. 11, 13, 15 and 15a Mitten Road. The existing covered way is set on the eastern boundary.

- 2.4 The property has an existing driveway which can accommodate off-road parking for two vehicles.
- 

### **3.0 HISTORY**

- 3.1 RR/97/1367/P Construction of dormers and conversion to form bedrooms in roof. Withdrawn
- 3.2 RR/2016/1354/PN Rear single storey extension (to replace existing extensions) which would extend beyond the rear wall of the original house by 3.83m, for which the maximum height would be 4m and for which the height of the eaves would be 3m. Prior approval not required.
- 

### **4.0 PROPOSAL**

- 4.1 This application seeks permission to remove the existing garage, covered way and lean-to extension and to construct a single storey side extension with pitched roof and on a greater footprint.
- 4.2 The extension would have a width of approximately 5.2m, a depth of approximately 6.4m and a height of approximately 4.2m.
- 4.3 The extension would be set back approximately 2.4m from the front elevation and set in a minimum of 0.9m from the eastern boundary adjacent nos. 15 and 15a.
- 4.4 Space for parking two vehicles on the existing driveway would be retained.
- 

### **5.0 CONSULTATIONS**

- 5.1 Planning Notice
- 5.1.2 The publicity period expires on 19 July 2018 and any comments received will be reported to Committee.
- 

### **6.0 APPRAISAL**

- 6.1 Issues for consideration:
- 6.1.1 The main issues for consideration are:
- The impact on the neighbouring and nearby properties; and
  - The impact on the character and appearance of the locality and the existing dwelling.
- 6.2 The impact on neighbouring and nearby properties
- 6.2.1 Policy OSS4 (ii) seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

- 6.2.2 The existing covered way is set on the eastern boundary shared with no. 15 and no.15a. The existing structures would be removed to accommodate the proposal.
- 6.2.3 The extension would be single storey only with a low pitched roof and would be set in a minimum of 0.9m from the eastern boundary. There would be a distance of 4.5m between the extension and the closest ground floor window serving no.15a, which is obscure-glazed. While the separation between properties here is limited, given its single storey design and the buildings to be replaced, it is unlikely that the extension would have any significant impact on the immediate neighbouring properties.
- 6.2.4 The extension would be set in a minimum of 1 metre from the southern boundary shared with no. 13. There is a brick wall with a fence above along this boundary which would provide some screening of the proposal.
- 6.2.5 Based on the above, the proposed extension is considered to be acceptable and would not have an adverse impact on the residential amenities of the neighbouring properties.
- 6.3 The impact on the character and appearance of the locality and the existing dwelling
- 6.3.1 Saved Policy HG8 of the Rother District Local Plan (2006) requires proposals to extend or alter an existing dwelling to be in keeping with the character of the existing dwelling and its surroundings in terms of size, style, design and materials.
- 6.3.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.
- 6.3.3 The proposed extension would be set back from the front elevation and would appear subservient to the host dwelling. It is considered to be acceptable in terms of scale and design and materials to match the host property are proposed.
- 6.3.4 Based on the above, it is not considered that the proposal would have an adverse impact on the character or appearance of the locality or the existing dwelling.
- 6.4 Other issues
- 6.4.1 The dwelling benefits from an existing driveway large enough to accommodate off road parking for two vehicles. This parking area would be retained.

---

## 7.0 SUMMARY

- 7.1 The proposed extension is considered to be acceptable in terms of scale and design and is not considered to have a detrimental impact on the character and appearance of the locality or the existing dwelling. It is not considered that the residential amenities of the neighbouring properties would be adversely affected. The proposal complies with Policies OSS4 and EN3 of

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposed development is not liable for CIL.
- 

### **RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (EXPIRY OF CONSULTATION PERIOD)**

---

#### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location plan.  
Proposed single storey side extension Drawing No. 2018,032,1 dated June 2018.  
Block plan Drawing No. 2018,032,2.  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the local planning authority.  
Reason: To ensure that the development is in character with its surroundings in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

#### **NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)