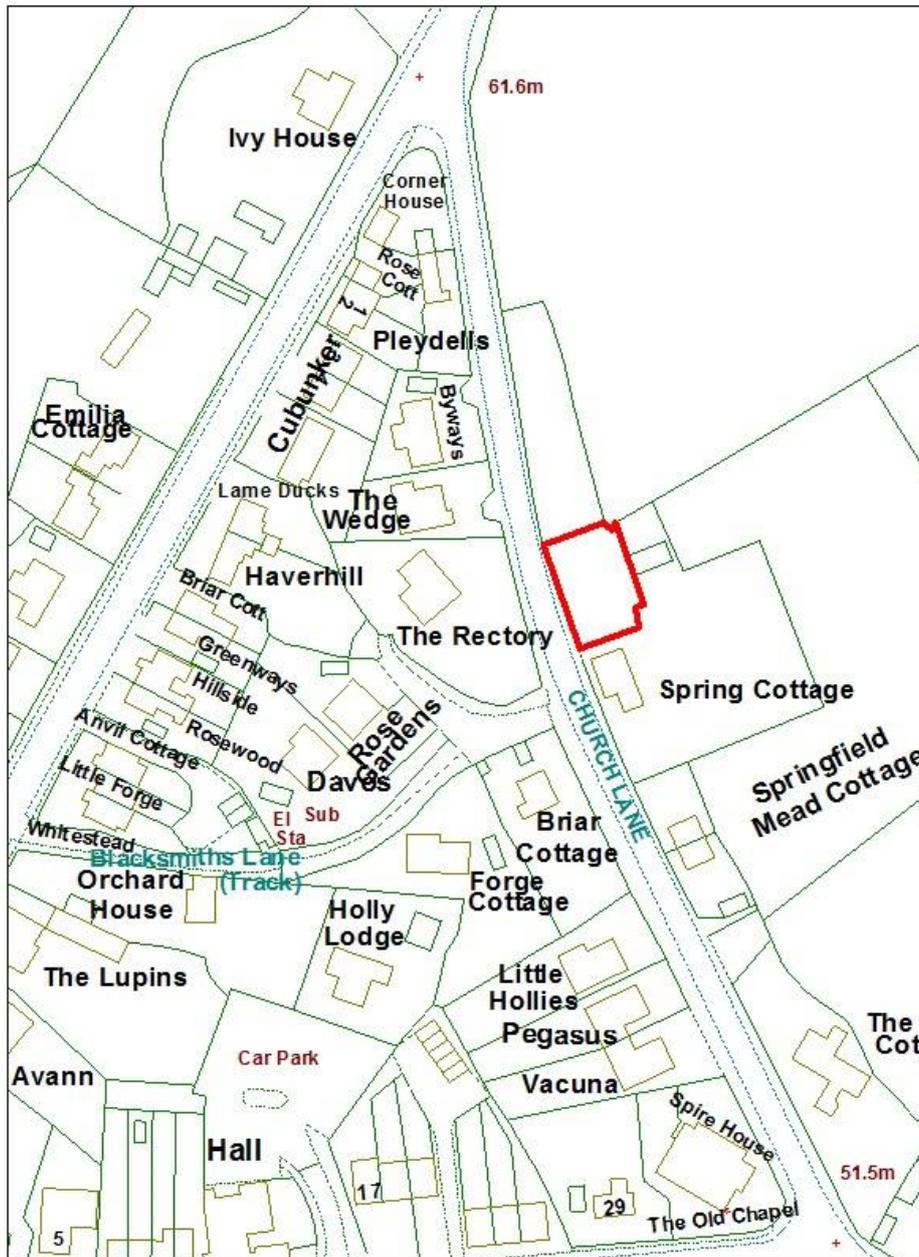


SITE PLAN

CATSFIELD.

RR/2019/1125/P

Spring Cottage, Church Lane.



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Not To Scale

Rother District Council

Report to - Planning Committee
Date - 20 June 2019
Report of the - Executive Director
Subject - Application RR/2019/1125/P
Address - Spring Cottage, Church Lane
CATSFIELD
Proposal - Proposed new detached dwelling alternative to RR/2018/2491/P, with reduced site area.

[View application/correspondence](#)

Recommendation: It be RESOLVED: TO REFUSE (FULL PLANNING)

Head of Service: Tim Hickling

Applicant: Mr S. Lavocah
Agent: Baker Architectural Limited
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: CATSFIELD
Ward Member: Councillor G.C. Curtis

Reason for Committee consideration: The applicant is a member of staff

Statutory 8 week date: 26 June 2019

This application site is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 At the Planning Committee meeting on 14 February 2019 planning permission was granted for the erection of a detached two storey, four-bedroom house on land comprising part of the side garden to Spring Cottage and land to the rear, which presently comprises a hay store and stables. The current application is a revised proposal. The application site (as denoted by the red line on the site plan) has been reduced and the proposed residential curtilage of the proposed dwelling (garden) is now shown to be smaller than previously approved. It now excludes areas of land to the side and rear, which it is proposed would remain with Spring Cottage.
 - 1.2 The general design and form of the dwelling itself remains much the same, although the attached side garage has now been deleted and the two storey element (front elevation) has marginally been reduced in length.
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2.0 SITE

- 2.1 Spring Cottage is a detached two storey dwelling (incorporating rendered grey walls and a slate roof) fronting the eastern side of Church Lane. The house and immediate garden are located within the development boundary for Catsfield. The application site (approximately 20.5m x 15m) is located to the side of the dwelling and also fronts Church Lane; however, this land abuts but falls outside the development boundary. It is a very steeply sloping site with a difference of some 3.7m in site levels indicated on the plans between the high ground forming the rear part of the site and road level. The high ground at the rear (outside the application site) presently contains two timber buildings in use as a stable and a hay store. The application site largely comprises grassland. A number of trees appear to have been removed.
- 2.2 The application site also falls outside the designated High Weald Area of Outstanding Natural Beauty (AONB), the boundary of which closely abuts the land at the rear boundary and washes over the fields beyond.
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3.0 PROPOSAL

- 3.1 The proposal is to erect a detached two storey, three-bedroom house on the site. External materials are described as brickwork walls and artificial roof slates. A new access would be formed and two in-tandem parking spaces would be provided at the side of the new dwelling. An adjacent access and two parking spaces would remain to serve Spring Cottage.
- 3.2 The development involves considerable excavations into the existing grass bank to create a level base for the dwelling and the creation of retaining walls and terraced garden areas to the rear and sides of the proposed new dwelling.
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4.0 HISTORY

- 4.1 RR/2018/2491/P Erection of 1 No. detached dwelling. Also, formation of vehicular field access. Approved Conditional – Not implemented.
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5.0 POLICIES

- 5.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- PC1: Presumption in favour of sustainable development
 - OSS2: Use of development boundaries
 - OSS3: Location of development
 - OSS4: General development considerations
 - EN3: Design quality
 - TR3: Access and new development
 - TR4: Car parking

5.2 The Development and Site Allocations Plan (DaSA): The independent 'examination' into the DaSA has recently been carried out (May 2019). Whilst the anticipated date of adoption is August 2019 the advanced stage of the DaSA means that it carries weight in planning decisions. The following policies of the DaSA are relevant to the proposal:

- DHG3: Residential internal space standards
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas
- DHG11: Boundary treatments
- DHG12: Accesses and drives
- DEN5: Sustainable drainage

5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, including the following parts of the National Planning Policy Framework:

- Paragraph 11: the presumption in favour of sustainable development
- Paragraph 38: decision-making
- Paragraph 47: determining applications
- Paragraph 70: development of residential gardens
- Paragraphs 102-103: promoting sustainable transport
- Paragraphs 117-118: require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses
- Section 12: achieving well-designed places

6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 No comments have been received to date. Any comments received will be reported.

6.2 Parish Council

6.2.1 No comment has been received to date. Any comments received will be reported.

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £32,072.73.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.

8.0 APPRAISAL

- 8.1 Planning permission has recently been granted for the erection of a new dwelling in this location (RR/2018/2491/P); however, this application is a revised proposal and the main issue for consideration is whether the reduction in the area of the application site would result in an adequate level of outdoor space being provided and whether this would provide a satisfactory quality of amenity area to meet the reasonable needs of future occupiers of the dwelling.
- 8.2 Policy OSS4 (i) of the Council's adopted Core Strategy requires that all development should meet the needs of future occupiers, including providing appropriate amenities. In the case of new residential developments this would include the requirement that the quality of the associated residential curtilage would be such, so as to be usable and effectively meet the day-to-day living requirements of the occupants, which may include: parking, garden storage, cycle storage, refuse and recycling, laundry drying area, and adequate play area for children in the case of a family dwelling (considered to be dwellings with two or more bedrooms, as is the case here). Policy DHG7 of the submissions version of the DaSA Local Plan requires new dwellings to normally have rear garden spaces of at least 10m in length. Whilst this is emerging policy, as a submitted Local Plan that has gone through examination, there is now some weight to be given to the DaSA in determining applications - especially in terms of paragraph 50 of the National Planning Policy Framework. The main focus of Policy DHG7 is to ensure residential developments are capable of accommodating the reasonable expectations of occupiers, including sufficient usable external amenity space (in accordance with Core Strategy Policy OSS4 (i)).
- 8.3 The distance between the back wall of the new dwelling and the rear boundary would be only about 4.5m in this case. Moreover, this would effectively be reduced further because of the steeply sloping nature of the site and the requirement to significantly terrace/re-grade ground levels and construct retaining walls, which would mean that much of the outside area around the dwelling would be at different levels. As a consequence, the excavations at the rear of the new dwelling would result in a very small amenity area being provided in the form of an enclosed 'patio area'. In real terms this would have an effective garden length of less than 3m. This is clearly substantially less than the 10m length required under Policy DHG7.
- 8.4 Paragraph 4.65 of the supporting text to the DaSA Local Plan advises that a rear garden of slightly less than 10m in depth may be accepted where a level of amenity space is provided to the side or front of the dwelling or there are particular reasons why the future occupiers of the dwelling will have a lesser requirement for amenity space (this provides an appropriate level of flexibility for developers). In this particular case, however, the rear garden length is considerably less than 10m in depth and moreover, a reasonable level of quality amenity area is not being provided at the sides or front of the dwelling to compensate. The side area to the south comprises wholly the two parking spaces. The land to the north side – although shown 'graded' to soften the slope – would have significant physical constraints; being (in addition to its sloping nature), restricted in size, elevated in height above a side passage, set behind a proposed retaining wall, and subject to restricted accessibility for potential users. In front of the dwelling there would be only a narrow strip of

ground due to the position of the proposed building close to the road edge. These areas do not therefore provide satisfactory amenity space. Additionally, it is reasonable that the occupiers of a three bedroom family home would have children and as such, it is unlikely that the quality of this space (its restricted size, and sense of enclosure resulting from the retaining walls) would provide a play area that was both usable and attractive play space for that family. As such, there are no known particular reasons why the future occupier of the dwelling would have a lesser requirement for amenity space. It is not considered that the exception referred to in paragraph 4.65 of the supporting text to the DaSA Local Plan would apply in this case.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 Planning permission has previously been granted for a new dwelling in this location (RR/2018/2491/P). This current application is a revised proposal based on a reduced site area. The previous planning permission related to an application site of about 24m x 24.5m; the revised proposal relates to a smaller plot measuring about 20.5m x 15m. The revised plot size would mean that the outside amenity area around the dwelling would be substantially reduced in area. This would not be compensated for by the proposed reduction in the footprint of the new dwelling, which is modest. The quality of the outside amenity area would be further compromised by the sloping ground levels and the requirement for terracing, which further reduce the amount of useful area and its attractiveness to future occupiers. The proposal therefore conflicts with Policy OSS4 (i) of the Core Strategy and Policy DHG7 of the emerging DaSA Plan.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASON FOR REFUSAL:

1. The small plot size, particularly in relation to the size of the proposed dwelling (which is a three-bedroom family house), and the restricted space within the site would result in an inadequate level of private outdoor amenity space provision. The quality of the available outside amenity area would be further compromised by the sloping ground levels and the requirement for terracing, which would further reduce the amount of useful area and its attractiveness to future occupiers. The proposal would therefore fail to provide appropriate amenities to meet the reasonable needs of future occupiers, which includes a requirement to provide appropriate and proportionate levels of private usable external space. The application therefore conflicts with Policy OSS4 (i) of the Core Strategy and Policy DHG7 of the emerging DaSA Plan.

NOTE:

1. This refusal of planning permission relates to the following plans and drawings:
Site location and block plan: Drawing No. BA1826.01 rev B (March 2018)
Proposed site levels plan: Drawing No. BA1826.25 rev C (December 2018)
Proposed plans and elevations: Drawing No. BA1826.24
Proposed elevations and levels AA and BB: Drawing No. BA1826.27A rev B

Proposed elevations and levels CC: Drawing No. BA1826.26
Proposed elevations and levels DD: Drawing No. BA1826.28

2. Drawing Nos. BA1826.27A rev B and BA1826.28 include the re-grading of ground levels, terracing and the construction of retaining walls on land to the rear of the proposed dwelling that falls outside the red line of the application site. These works comprise engineering operations that would require planning permission. They cannot, however, be considered as part of the application.
3. Additionally, it is noted that the details shown on the proposed levels plan (Drawing No. BA1826.25) in relation to the outside areas (re-grading of ground levels, terracing and the construction of retaining walls) does not accord with that shown on Drawing Nos. BA1826.27A rev B and BA1826.28.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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 determining the application within a timely manner, clearly setting out the reason(s) 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.