

Rother District Council

Report to - Planning Committee
Date - 12 September 2019
Report of the - Executive Director
Subject - Application RR/2019/1155/P
Address - Firebrand Cottage
Rookery Lane
Winchelsea
Proposal - GROUND FLOOR EXTENSIONS, GARAGE
CONVERSION INCLUDING NEW FIRST FLOOR
DORMERS TO EXISTING PROPERTY.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED:** To **REFUSE (FULL PLANNING)**

Head of Service: Tim Hickling

Applicant: Mr P. Veys
Agent: RX Architect – Mrs A. Finch
Case Officer: Mrs Ita Sadighi
(Email: ita.sadighi@rother.gov.uk)
Parish: BEXHILL
Ward Member(s): Councillors Rev H.D. Norton and G.F. Stevens

Reason for Committee consideration:
Member referral: Cllr G.F. Stevens – Design considerations.

Statutory 8 week date: 16 July 2019
Extension of time agreed to: 30 August 2019

This application is included in the Committee site inspection list.

1.0 SITE

- 1.1 Firebrand Cottage is a two storey un-listed property situated to the west side of this narrow verdant lane. The property has good open views to the front towards Rye and is situated within the town's Conservation area. The property is set adjoining other listed buildings, many of these having historic cellars below including this property. The dwelling forms one within an important vista setting in this street scene.
- 1.2 The property is within an archaeological notification area and within the High Weald Area of Outstanding Natural Beauty (AONB).

2.0 PROPOSAL

- 2.1 The proposal is for ground floor extensions, garage conversion including new first floor dormers to existing property.
- 2.2 The proposal's elevation design has been amended. The property sits with its main elevation to the side of Rookery Lane, a high stone wall fronts the street scene but views of the property are still available to this elevation. The elevation has a central high pitched gable with two flat roof dormers either side. The proposal would add a single storey contemporary designed extension adjoining this side. The proposal notes a green planted roof with dark zinc façade and on a vertical timber extension and vertical timber cladding. Large glazed windows and doors would provide access to the enclosed garden space.
- 2.3 New flat roof box dormers to the front and rear of the property are proposed.
- 2.4 The garage would be converted including raising the pitched roof to provide a utility/office space and shower/WC area with stairs to the new first floor to a new bedroom with storage areas.
- 2.5 Most of the external elevations would be match the existing white timber cladding with black timber cladding to the entrance side elevation as existing.
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3.0 POLICIES

- 3.1 The following 'saved' policies of the adopted [Rother District Local Plan 2006](#) are relevant to the proposal:
- HG8: Extensions and alterations to existing dwellings
- 3.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
 - RA1: Villages
 - EN1: Landscape Stewardship
 - EN2: Stewardship of the Historic Built Environment
 - EN3: Design Quality
- 3.3 The following policies of the Development and Site Allocations Local Plan (DaSA) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- 3.4 The National Planning Policy Framework and Planning Policy Guidance, and High Weald AONB Management Plan 2019-2024, together with the Winchelsea Conservation Area Appraisal 2008 are also material considerations.

- 3.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
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4.0 CONSULTATIONS

4.1 Parish/Town Council: - **SUPPORT APPROVAL**

4.2 East Sussex – County Archaeologist:

Recommend for approval in principle subject to the impositions of conditions.

4.3 Planning notice

No representations received.

5.0 LOCAL FINANCE CONSIDERATIONS

- 5.1 There are no Local Finance Considerations.
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6.0 APPRAISAL

- 6.1 The main issues for consideration are:

- The effect of the proposal on the character and appearance of Winchelsea's
- Conservation Area and the High Weald AONB.
- Impacts upon neighbouring and nearby properties.

6.1.1 The effect of the proposal on the character and appearance of Winchelsea's Conservation Area

6.1.2 *Design & the Conservation Area*

- 6.1.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 6.1.4 Meanwhile paragraph 192 of the National Planning Policy Framework sets out that, in determining applications, Local Planning Authorities should take account of [inter alia] the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.1.5 Firebrand Cottage sits within a highly sensitive historic context. It is located within Winchelsea Conservation Area (first designated in 1969, then re-appraised in 2008).
- 6.1.6 Winchelsea, officially a town, though appearing today as a large village, is of immense historic and archaeological interest and value, and an outstanding and rare example of early medieval town planning, on a grid pattern which has formed the framework for the town to the present day.
- 6.1.7 Firebrand Cottage is located on Rookery Lane, which runs north/south and defines the eastern extent of the present day settlement here. The Winchelsea Conservation Area Appraisal highlights that the lane forms a strong visual boundary to the town, being developed only on its western side, with countryside and then the dense trees of the steep Strand cliff escarpment to the east. The Appraisal also highlights that the buildings in the southern part of Rookery Lane, where Firebrand Cottage is located, are small in scale, typically only one storey with dormer windows in the roof, and set back behind wide grass verges.
- 6.1.8 The Conservation Area Appraisal highlights Firebrand Cottage as being an unlisted building of architectural interest. While the submitted Archaeological Desk-Based assessment describes the building as a 1978 replacement, the Council has no planning records for this, and instead agrees with the applicant's submitted Heritage Statement describing the main core of the building as dating from the 1920s, with later extension. Predominantly single storey, with an attractive Venetian window in the 1st floor of the front (eastern facing) gable, the building sits comfortably as part of the streetscene within Rookery Lane in terms of proportions and appearance, and contributes positively to the character of the Conservation Area.
- 6.1.9 The proposed works would undermine the building's appearance within the Conservation Area in a number of ways. Firstly, the proposed single storey extension has an uncomfortable and discordant relationship with the main host building. The extension has been formed as a flat-roofed 'box' in contemporary style. Whilst this stylistic approach is one that this Council has supported on other historic buildings, in this instance, the box has been formed and sited so as to relate poorly to the existing distinctive, symmetrical northern elevation on which it would be located; an elevation highly visible in long views along Rookery Lane. The extension sits very high in relation to eaves of the main building, a height which has been arrived at through the desire to avoid impinging on the archaeology of the medieval cellar located under the ground here, but has resulted in a visually awkward relationship. This height also means that the extension, and its unsatisfactory relationship with the existing building, would be highly visible in views over the garden wall that runs along Rookery Lane.
- 6.1.10 Secondly, whilst there could be potential for some form of dormer window to the front (eastern) elevation, the proposed box dormer window is of inappropriate size, form and design in the context of the streetscene. The applicant has amended the materials of the dormer (in their e-mail of 5/7/2019) though the drawing number has remained the same. Nevertheless, this has not overcome the issue of the large size and boxy, flat-roofed form of the dormer, and it would still read as a dominant, incongruous addition to the front of this building, top-heavy over the ground floor elevation beneath, and

undermining the character of the building in the streetscene in the Conservation Area.

6.1.11 The proposed works would therefore neither preserve nor enhance the character or appearance of the conservation area.

6.2 *Archaeology*

6.2.1 The submitted Archaeological Evaluation sets out that a medieval stone barrel-vaulted cellar exists to the north of the house (where the extension would be sited). The evaluation summaries that the cellar likely dates from c1300 to the founding of Winchelsea during the reign of Edward I along with the c.50 previously known 14th century cellars in Winchelsea. This would appear to accord with the detailed research contained in the publication “New Winchelsea Sussex: A Medieval Port Town” David & Barbara Martin, University College London Field Archaeology Unit & English Heritage, 2004). This publication sets out that “Of the physical medieval remains within the town, arguably the most remarkable and certainly the most important are the vaulted undercrofts or cellars”.

6.2.2 The County Archaeologist has noted that provision has been made for the retention in situ of the cellar remains by means of a design in which the proposed extension would be founded on the existing cellar wall. However, he concludes that, in the light of the potential for groundworks to expose further structural evidence for the cellar, should the Local Planning Authority be minded to grant planning permission, the area affected by the proposals should be the subject of further archaeological investigation defined by a programme of archaeological works.

6.2.3 However, the Council has, during the course of assessing the application, become aware that the cellar in question is in fact listed Grade II, under reference 1234730. The listing address is “Cellar In The Garden Of No 2 Strand Platt To The South Of The House, Rookery Lane”, which may explain why this wasn’t picked up by any party earlier in the process. No. 2 Strand Platt lies immediately to the north of Firebrand Cottage in Rookery Lane, and its garden extends southwards to Firebrand Cottage. The submitted Archaeological Desk-Based Assessment does reference that listed cellar, but dismisses it on the basis of the written description the list entry associating it with No. 2 Strand Platt. However, the location of the application site clearly ties in with the location of the cellar identified as ‘Cellar 25’ in the aforementioned research publication “New Winchelsea Sussex: A Medieval Port Town”, and there is no other cellar identified in the garden to No. 2 Strand Platt. It is therefore reasonable to conclude that the cellar that is located in the application site is in fact the listed one. Potentially the garden boundaries changed since the list description, or the land was incorrectly allocated to Strand Platt in the description.

6.2.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.2.5 Whilst the Council takes note of the County Archaeologist's recommendation, it is not clear as to whether his comments have been made in the context of the cellar being a Listed Building, (no mention is made in his consultation response as to a listed building) and the Council is therefore concerned as to whether his recommendation takes full account of the heritage significance of the cellar.
- 6.2.6 In any case, due to the design and construction proposed, the extension would also require Listed Building Consent.
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7.0 CONCLUSION

- 7.1 The proposed extension would by virtue of its design, height and discordant relationship with the host building, including its considerably higher eaves height, would appear as a cumbersome, alien addition to the host building, highly visible within the Conservation Area in long views down Rookery Lane. In addition, the proposed dormer window construction to the front (east) elevation, notwithstanding the amendments to its material cladding, is inappropriately large and boxy in form, reading as a dominant, incongruous addition to the front of this building, harmful to the character of the Conservation Area.
- 7.2 It is considered that the proposed works would neither preserve nor enhance the character or appearance of the Winchelsea Conservation Area and for the above reasons the application is not supported.
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RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed extension, by virtue of its design, height and discordant relationship with the host building, including its considerably higher eaves height, would appear as a cumbersome, alien addition to the host building, highly visible within the Conservation Area in long views down Rookery Lane. In addition, the proposed dormer window construction to the front (east) elevation, notwithstanding the amendments to its material cladding, is inappropriately large and boxy in form, reading as a dominant, incongruous addition to the front of this building, harmful to the character of the Conservation Area. As such, and having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works would neither preserve nor enhance the character or appearance of the Winchelsea Conservation Area, such that the works would be contrary to Policies EN2 and EN3 of the Rother Local Plan Core Strategy, and paragraphs 127, 192, 193, 194 and 196 and 197 of the National Planning Policy Framework.
2. The proposed extension would involve building on the grade II listed cellar, and no appraisal has been submitted by the applicant to assess the significance of the cellar as a listed building. Having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, since insufficient information has been provided, in determining the application the

Local Planning Authority cannot reasonably determine that no harm to the significance of the designated heritage asset or its setting would result from the proposed extension, contrary to paragraphs 189, 193 and 194 of the National Planning Policy Framework.

NOTE:

1. The refusal relates to Drawings: Elevation Plan No. 00218_350 (amended and attached with email dated 5/7/2019); Proposed Ground and First Floor Plan No. 00218_225 dated 29/4/2019; Design & Access Statement submitted with application; Site Plan No. 00218_150 dated 29/4/2019. Archaeological Desk-Based Assessment dated May 2019; Archaeological Evaluation dated March 2019.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.