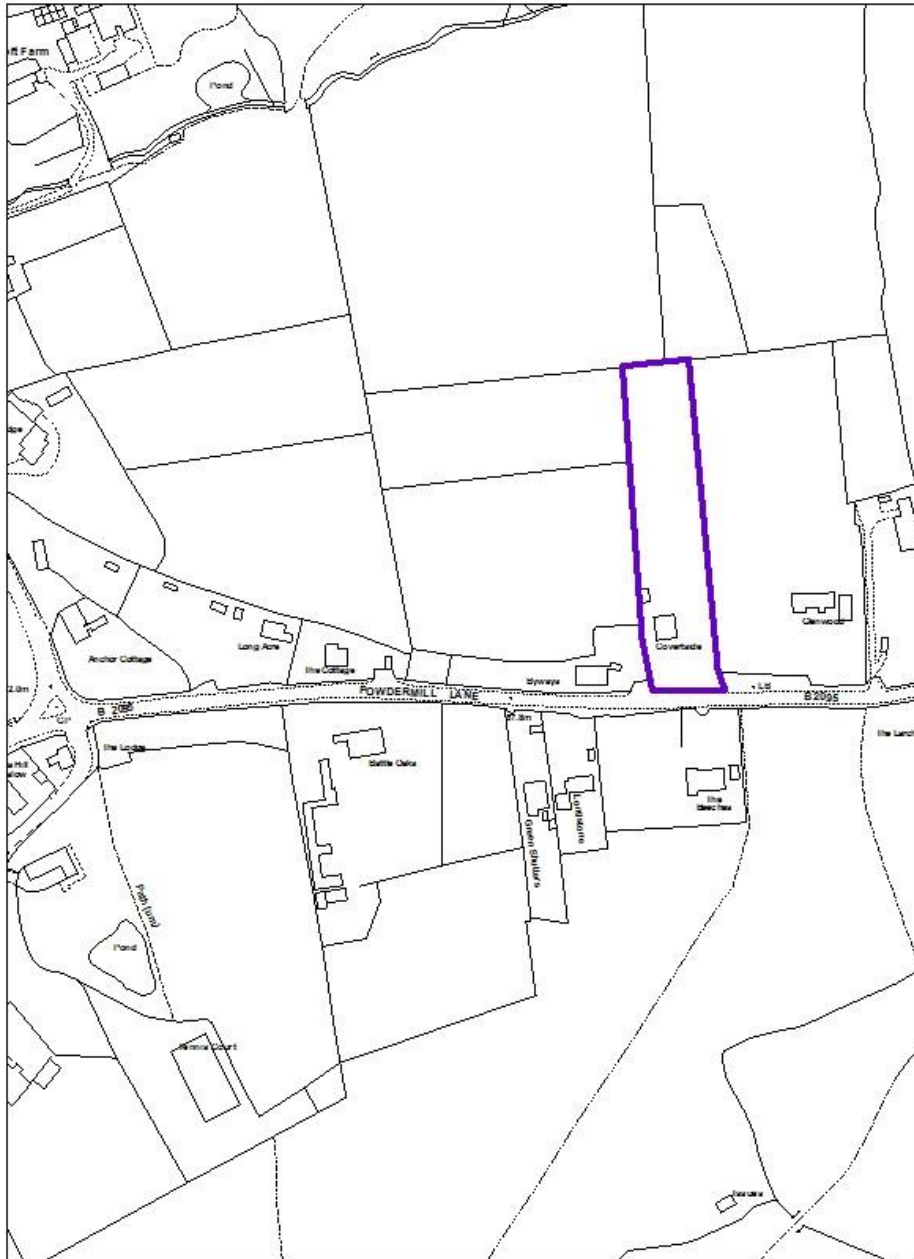


SITE PLAN

CATSFIELD

RR/2020/458/P

CONVERTSIDE, POWDERMILL LANE



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Not To Scale

Rother District Council

Report to - Planning Committee
Date - 16 July 2020
Report of the - Executive Director
Subject - Application RR/2020/458/P
Address - Covertside, Powdermill Lane
CATSFIELD
Proposal - Variation of Condition 2 on RR/2016/160/P to remove link and relocate garage/studio away from main dwelling.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING)**

Head of Service: Tim Hickling

Applicant: Mr S. Anthony & Ms J. Lavocah
Agent: Mr J. Waterhouse
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)
Parish: CATSFIELD
Ward Member: Councillor G.C. Curtis

Reason for Committee consideration: Head of Service Strategy & Planning referral: Applicant is related to a member of staff

Statutory 8 week date: 17 July 2020

1.0 SUMMARY

- 1.1 Planning permission RR/2016/160/P allowed for the demolition of an existing dwelling and construction of a new two-storey, detached, 4-bedroom house and double garage.
 - 1.2 This amendment application, which now proposes removing the link previously proposed between the dwelling and garage/studio building, would have a very similar impact on the Area of Outstanding Natural Beauty (AONB), the condition of the oak tree to the frontage and the living conditions of occupants of neighbouring properties to the scheme originally granted under RR/2016/160/P.
 - 1.3 The proposal complies with policies contained within the Core Strategy and the Development and Site Allocations (DaSA), together with the various provisions set out within the National Planning Policy Framework, and therefore the application can be supported.
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2.0 SITE

- 2.1 The site lies to the north of Powdermill Lane around 250m east of the junction with the B2204. It is located within the countryside and is within the High Weald AONB. A replacement dwelling was granted on the site in 2016 (RR/2016/160/P) which is nearing completion.
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3.0 PROPOSAL

- 3.1 Permission is sought to remove a roof canopy link between the new dwelling and ancillary garage and studio building, with the garage building in turn being moved around 5m south of the front elevation of the dwelling. This would result in the garage and studio building being positioned around 20.5m from the site frontage.
- 3.2 The application is accompanied by a block plan showing the position of the detached garage and studio building in relation to the dwelling together with elevation plans of the garage and studio building. However, at the time of writing this report, no drawings have been provided for the elevations of the dwelling with the linked garage and studio building removed. As discussed below, the proposed amendment is acceptable but, for clarity, additional drawings have been requested from the agent to ensure there is no ambiguity regarding the proposed changes to the dwelling design.
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4.0 HISTORY

- | | | |
|-----|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 | RR/2016/160/P | Demolition of existing dwelling and construction of new two storey detached 4 bedroom house and double garage. Temporary caravan for the duration of the construction works – Approved Conditional. |
| 4.2 | RR/2018/804/P | Variation of Condition 2 imposed on RR/2016/160/P to re-site the proposed dwelling by 1.6m from the eastern boundary and 1.8m back into the site – Approved Conditional. |
| 4.3 | RR/2018/1318/P | Variation of Condition 2 imposed on RR/2016/160/P to allow slate roof tiles – Refused. |
| 4.4 | RR/2018/2094/P | Variation of Condition 2 imposed on RR/2016/160/P to allow additional front dormer and removal of rear dormer – Approved Conditional. |
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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:
- OSS4 (general development considerations)
 - RA3 (development within the countryside)
 - EN1 (landscape stewardship)
 - EN3 (design quality)

- EN5 (biodiversity and green space)
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DEN1 (maintaining landscape character)
 - DEN2 (AONB)
 - DEN4 (biodiversity and green space)
- 5.3 The High Weald Management Plan 2019 – 2024, National Planning Policy Framework and Planning Policy Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 One objection received. The comments are summarised as follows:

- Strongly object to this application to move the double garage and studio closer to the road boundary.
- Moving it just these few metres will place it in clear view of our main living room windows and interrupt our view.
- It should remain as original plan attached to the house and in line with or behind footprint of original bungalow.

6.2 Town/Parish Council – **GENERAL COMMENT**

6.2.1 No objection subject to the garage being tied to the property so that it cannot be sold separately.

7.0 APPRAISAL

7.1 The main issues to consider in the determination of this application include the impact of the proposal on:

- The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- The condition of the oak tree on the site frontage.
- The living conditions of occupants of neighbouring properties.

7.2 Character and appearance

7.2.1 This section of Powdermill Lane is semi-rural in character with a variety of residential properties present on both sides of the road. There are examples of large dwellings occupying large plots together with more modestly sized dwellings occupying smaller plots. Beyond the dwellings fronting the road are irregular shaped fields and pockets of woodland, typical of the AONB landscape.

7.2.2 A relatively large replacement dwelling with attached garage with studio above was granted planning permission under reference RR/2016/160/P. Subsequent amendments have involved repositioning the dwelling further back into the site and adding dormer windows.

- 7.2.3 In the original 2016 scheme the attached garage was set back around 24.5m from the road. The amendments made in 2018 resulted in the garage being set back from the road by approximately 27m. The current proposal seeks permission to position the garage around 20.5m from the road and remove the roof canopy link to the dwelling.
- 7.2.4 The overall scale and design of the garage and studio would remain the same as that granted in 2016. Whilst the detached building would be relatively large in comparison to the dwelling it would relate to, it would still appear subservient and would not appear as a separate dwelling or independent unit of accommodation. If permission is granted a condition could be imposed to ensure the building remained in an ancillary use.
- 7.2.5 In terms of the set back from the road, although further forward of the main dwelling than previously approved, 20.5m is still a substantial setback and there are examples nearby of other properties much closer to the road.
- 7.2.6 Removing the link and positioning the garage and studio building slightly closer to the road would have very little impact on the character and appearance of the locality and would not cause harm to the landscape and scenic beauty of the AONB.

7.3 Impact on oak tree on frontage

- 7.3.1 The application for the replacement dwelling made in 2016 was accompanied by an arboricultural report which assessed the impact of the proposed development on trees within and adjacent to the site, including the oak tree on the site frontage.
- 7.3.2 The proposed re-siting of the garage and studio building would move it around 4m closer to the oak tree than granted in 2016. However, it would still be outside of the root protection area and would therefore not adversely impact upon the condition of the tree.
- 7.3.3 Condition 3 of the original permission secured tree protection measures detailed in the arboricultural report, which would still be applicable to this revised scheme.

7.4 Living conditions

- 7.4.1 Concerns have been raised by the neighbouring property to the west 'Byways' in relation to moving the garage and studio building further south, which they believe would result in the view from their living room being lost.
- 7.4.2 Firstly, loss of a view is not a material planning consideration but, having regard to impact on residential outlook, the east side elevation of 'Byways' is positioned around 12m from the shared boundary with 'Covertside'. The proposed garage would be positioned on the eastern side of the site around 20m from the shared boundary with 'Byways'. This is a significant separation. In addition, 'Byways' is positioned much closer to the road than the repositioned garage and any views from the living room windows would be at an angle. There is also a good level of vegetation screening on the shared boundary.

- 7.4.3 For the reasons set out above, the repositioned garage would not adversely impact on the living conditions of 'Byways' in terms of appearing overbearing or causing an unacceptable loss of outlook.
- 7.4.4 The neighbouring property to the east, 'Glenwood' is positioned around 35m from the shared boundary with 'Covertside'. The repositioned garage and studio building would have a very similar impact as the scheme granted in 2016 and would not adversely impact on the living conditions of the occupants of Glenwood'.
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8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposal to remove the link between the dwelling and garage/studio building, and to position the garage building further forward of the dwelling, would have a very similar impact on the AONB, the condition of the oak tree to the frontage and the living conditions of occupants of neighbouring properties to the scheme originally granted under RR/2016/160/P.
- 8.2 The proposal complies with policies contained within the Core Strategy and the DaSA, together with the various provisions set out within the National Planning Policy Framework, and therefore the application can be supported.
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RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (RECEIPT OF ADDITIONAL PLAN TO SHOW REVISED DWELLING DESIGN)

CONDITIONS:

Repeated conditions:

1. The development shall not proceed other than in accordance with Conditions 1 and 3-9 inclusive, imposed on planning permission **RR/2016/160/P, dated 6 February 2017** which remain in full force and effect.
Reason: This permission is granted pursuant to planning permission **RR/2016/160/P, dated 6 February 2017**. Under Section 73 of the Town and Country Planning Act 1990 the Council has considered the conditions subject to which that previous planning permission was granted and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

Condition 2 of RR/2016/160/P is varied as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 20.181.1.A dated March 2020
Requested from agent: elevation plans of dwelling
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.

New condition:

10. The detached garage and studio building hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the dwelling as such, and not for any trade or business.

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

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 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.