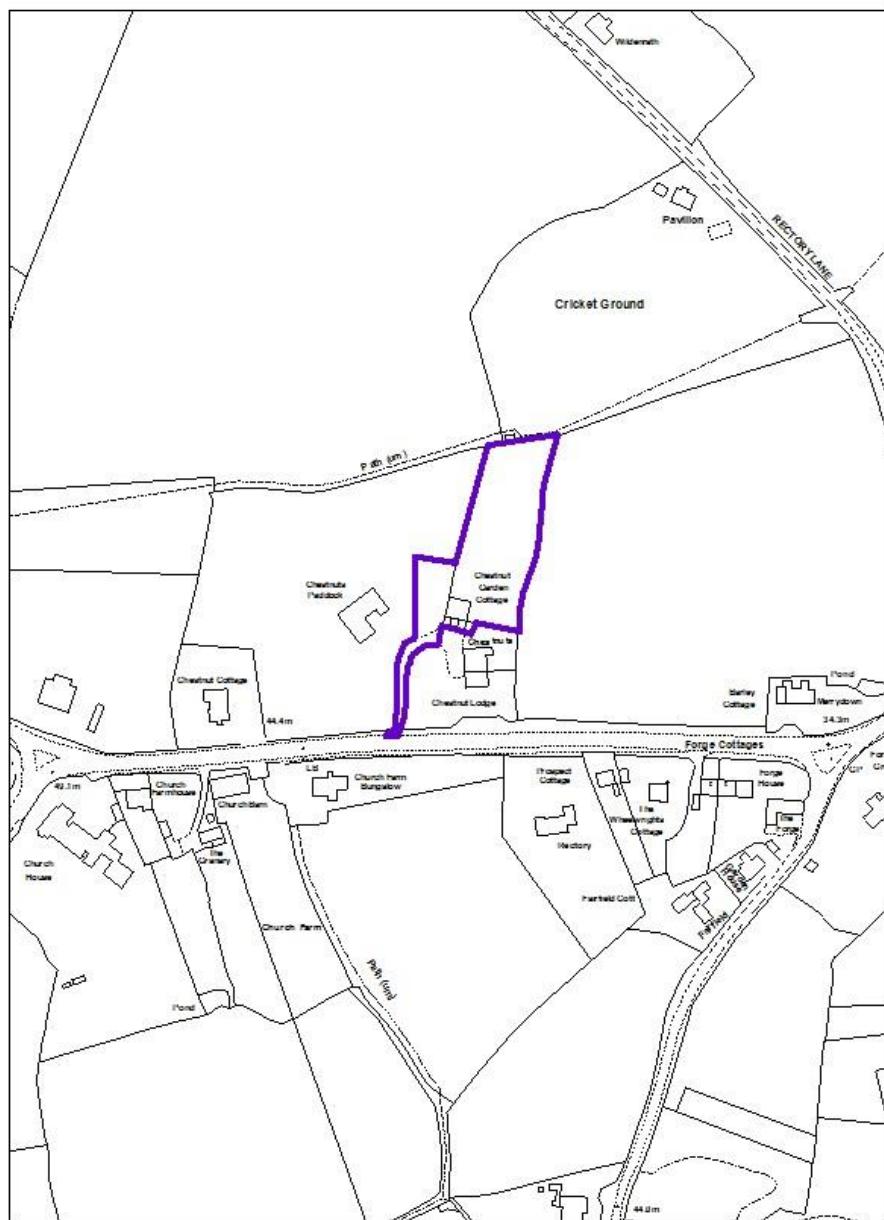


SITE PLAN

BECKLEY

RR/2021/325/P

Chestnut Garden Cottage, Main Street



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 100018643 2013.

Not To Scale

Rother District Council

Report to - Planning Committee
Date - 17 June 2021
Report of the - Head of Service Strategy and Planning
Subject - Application RR/2021/325/P
Address - Chestnut Garden Cottage
Main Street
BECKLEY
Proposal - Erection of detached garage with studio/home office/guest accommodation above (alternative to garage approved under extant planning permission RR/2020/419/P).

[View application/correspondence](#)

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

Head of Service: Tim Hickling

Applicant: Mrs J. Simpson
Agent: N/A
Case Officer: Mr E. Corke
(Email: edwin.corke@rother.gov.uk)
Parish: BECKLEY
Ward Member(s): Councillors A.E. Ganly and M. Mooney

Reason for Committee consideration: Member referral: Councillor M. Mooney:
The restrictions placed under Application RR/2020/419/P should remain for the reasons given then.

Statutory 8 week date: 11 May 2021
Extension of time agreed to: 30 June 2021

1.0 SUMMARY

- 1.1 In November 2020 planning permission (Application Ref: RR/2020/419/P) was granted for a contemporary remodelling of the existing dwelling and the erection of a single-storey dual pitched roof garage to the north-west, adjacent to the common boundary with the neighbouring property 'Chestnut Paddock'. The permission has not yet been implemented.
- 1.2 The current proposal is for an alternative garage building to that approved under the extant planning permission. The main changes from the approved garage are:

- There is a first floor within the roof space, providing a studio/home office/guest accommodation.
- The depth of the building has increased from 6m to 6.5m – an increase of 500mm.
- There is an external staircase to the east side of the building to provide access to the first floor.
- There is a recessed flat roof, incorporating three rooflights, between the two roof slopes of the dual pitched roof.
- There are two VELUX CABRIO balcony windows in the front roof slope. These are roof windows that can be opened to create a balcony.

1.3 The recommendation is to grant planning permission as the proposed building will have an acceptable impact on the character and appearance of the area, will not harm the significance of the adjacent Grade II listed building ‘Old Chestnuts’, and will not unreasonably harm the amenities of neighbouring properties.

2.0 SITE

- 2.1 Chestnut Garden Cottage is an altered and extended two-storey dwelling of masonry construction with external materials and finishes comprising a mixture of white painted brickwork and white painted render. The original part of the building has a slate pitched roof. A 1970s single-storey extension to the rear has a flat roof used as a terrace.
- 2.2 The dwelling has no road frontage and is set within a large plot which extends to the north. Formerly a coach house, the property is located immediately to the north of a Grade II listed building ‘Old Chestnuts’, which has been subdivided into two dwellings ‘Chestnut Lodge’ and ‘Chestnuts’. Another dwelling ‘Chestnut Paddock’ is located to the west, with a garden that wraps around the north-west corner of the application site. This neighbouring dwelling is a modern chalet-style bungalow set within a large plot.
- 2.3 The application site is located in the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). It also lies within an Archaeological Notification Area.
-

3.0 PROPOSAL

- 3.1 In November 2020 planning permission (Application Ref: RR/2020/419/P) was granted for a contemporary remodelling of the existing dwelling and the erection of a single-storey dual pitched roof garage to the north-west, adjacent to the common boundary with the neighbouring property ‘Chestnut Paddock’. The permission has not yet been implemented.
- 3.2 The approved garage has three bays providing parking for two cars and a domestic workshop. The overall dimensions of the garage are 9.5m width x 6.0m depth x 5.2m height-to-ridge. External materials and finishes comprise blue engineering brickwork below damp course, horizontal black stained timber weatherboard cladding and a slate roof covering. There are three rooflights within the front roof slope. If built, the garage would be subject to the following restrictive condition:

"The detached garage building hereby permitted shall only be used for purposes incidental to the occupation and enjoyment of the dwelling as such and shall not be used for any trade or business or as habitable accommodation or a separate dwelling unit."

- 3.3 The reason for the condition is to protect the character of the area and the residential amenities of neighbouring properties, and to preclude the creation of a new dwelling in the countryside.
- 3.4 The current proposal is for an alternative garage building to that approved under the extant planning permission. The main changes from the approved garage are:
- There is a first floor within the roof space, providing a studio/home office/guest accommodation.
 - The depth of the building has increased from 6m to 6.5m – an increase of 500mm.
 - There is an external staircase to the east side of the building to provide access to the first floor.
 - There is a recessed flat roof, incorporating three rooflights, between the two roof slopes of the dual pitched roof.
 - There are two VELUX CABRIO balcony windows in the front roof slope. These are roof windows that can be opened to create a balcony.
- 3.5 The height, width and external materials and finishes of the building now proposed are as per the approved garage.
- 3.6 In the Supporting Statement submitted with the application, the Applicant says:

"This proposal would make practical and much needed use of the garage roof space, whilst adding no extra height or width to the building. As well as a studio and home office, this space would also serve as extra guest accommodation to the main house, which only has three bedrooms. There are currently four adults living in the main house, all of whom work from home. Further extensions are not practical or desirable, owing to the building's location in its plot and proximity to the rear of a listed building."

4.0 HISTORY

- 4.1 RR/75/2250 Rebuilding of existing sub-standard 2-storey dwellinghouse – Granted.
- 4.2 RR/78/0575 Extension to form two bedrooms and minor alterations – Granted.
- 4.3 RR/2019/439/P 2-storey side and rear extensions with raised roof. New first floor rear terrace. Change of cladding. Detached double garage and annexe building – Withdrawn.
- 4.4 RR/2020/419/P Alteration and extension of existing property and detached garage – Granted.
-

5.0 LEGISLATION AND POLICIES

- 5.1 The following section of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the proposal:
- 66 (General Duty as Respects Listed Buildings in Exercise of Planning Functions)
- 5.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1 (Presumption in Favour of Sustainable Development)
 - OSS3 (Location of Development)
 - OSS4 (General Development Considerations)
 - RA2 (General Strategy for the Countryside)
 - RA3 (Development in the Countryside)
 - EN1 (Landscape Stewardship)
 - EN2 (Stewardship of the Historic Built Environment)
 - EN3 (Design Quality)
- 5.3 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG9 (Extensions, Alterations and Outbuildings)
 - DEN1 (Maintaining Landscape Character)
 - DEN2 (The High Weald AONB)
- 5.4 The National Planning Policy Framework, Planning Policy Guidance and High Weald AONB Management Plan 2019-2024 are also material considerations.
-

6.0 CONSULTATIONS

6.1 Planning Notice

- 6.1.1 Two letters of **OBJECTION** from two neighbouring properties. The comments are summarised as follows:
- Proposal shows a blatant disregard for concerns raised by neighbours and Condition 4 of the previous planning approval RR/2020/419/P.
 - There are misleading and inaccurate statements in this application and supporting statement.
 - Development will be clearly visible from public footpath Beckley 8a, Rectory Lane and from Chestnut Lodge.
 - A public footpath is a material consideration with regard to a planning application.
 - The repeat planning applications indicate that secondary accommodation is the main requirement.
 - The appearance and design style have been altered considerably with the addition of two Velux Cabrio Balcony Windows, which will increase overlooking of neighbouring properties and cause disturbance from noise when they are open.
 - The increase in footprint, mass, external staircase and increase in fenestration make this alleged auxiliary building a potential second dwelling.

- Parish Council's initial vote of support for this planning application is seriously flawed and should be disregarded (it appears the Parish Council did not fully grasp the implications of this new planning application).
- It would be wrong and totally perverse of the Local Planning Authority to allow this application, as Condition 4 of planning permission RR/2019/419/P could not be more clear; the detached garage shall not be used for any trade, business, or habitable accommodation.
- The proposal for a separate detached garage to be used as a domestic dwelling has been rejected once by the Local Planning Authority and should not be considered a second time.
- The real reason behind this application is to use the approved detached garage as accommodation for the Applicants, as the main dwelling would be uninhabitable during the complete renovation of Chestnut Garden Cottage.
- If granted this would allow another domestic dwelling in the setting of two listed buildings which would be inappropriate and unwanted.
- The mass and dimensions of the garage have now increased and it cannot be regarded as an ancillary building anymore. Nor can this garage be classed as visually subservient to the dwelling anymore.
- Proposal is for a separate domestic dwelling/annex in the countryside which is clearly against local and national planning policies.

6.1.2 The Applicant has responded to the letters of objection. The comments are summarised as follows:

- The proposed garage would not be visible from any of the neighbouring properties or indeed from the public footpath. Neither would we overlook, or in any way affect the amenities, of their properties.
- Despite the assertive presumptions being made in our neighbours' letters, we have no intention of creating another dwelling.
- As per our very original planning application, we wish to create a studio and home office, which could also be used as guest accommodation, which is not possible within the house given the restrictions of the site. The slight increase in the footprint (4.5sqm) allows for a more usable space to be created above the garage.
- The overall height of the garage remains exactly the same as that approved and the effective appearance remains largely the same, as can be seen by comparing the approved and proposed elevations.

6.1.3 The neighbours' have both responded to the Applicant's letter reiterating their concerns with the proposal and adding:

- Excessive fenestration to the south elevation, incorporating VELUX CABRIO BALCONIES, which are not appropriate in an AONB, and within the setting of a Grade II listed building.

6.1.4 One further letter of **OBJECTION** has been received from one of the neighbouring properties. The comments are summarised as follows:

- The oil tank should be re-sited further away from our hedge and tree, as we are very concerned about leaking oil, pollution / contamination and the devastating effects it would have on our tree and hedge, etc. should the tank ever leak.

6.2 Beckley Parish Council

6.2.1 Initial comments dated 07/04/2021 – **SUPPORT.**

6.2.2 Follow-up comments dated 07/05/2021 – **GENERAL COMMENT.**

6.2.2.1 “Councillors, who are not planners or architects, did not understand the windows described as ‘Velux windows’ were not the standard type (usually on a slope in the roof), but appear to be Juliette windows with balconies, therefore they could overlook neighbouring gardens.”

In view of this information I have been asked to advise you that councillors were again asked their views and the result was:

1 x support.
2 x against.
2 x abstentions.
1 - unavailable to respond.

It was suggested a condition be placed on the proposed building that it be tied to the main property.”

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 £1,210.91.

8.0 APPRAISAL

8.1 The principle of a detached outbuilding has already been established by the extant planning permission (Application Ref: RR/2020/419/P). The main issues regarding this alternative proposal are:

- The effect of the development on the character and appearance of the area.
- The effect of the development on the significance and setting of the adjacent Grade II listed building, which is a designated heritage asset.
- The effect of the development on the amenities of neighbouring properties.

8.2 Character and Appearance

8.2.1 The site is located in the countryside and the High Weald AONB. The Government’s approach to the natural environment is set out in the National Planning Policy Framework and advises that valued landscapes should be protected and enhanced. Paragraph 172 says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

8.2.2 Policies OSS3, OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy, along with Policies DEN1 and DEN2 of the Development and Site Allocations (DaSA) Local Plan are consistent with the advice of the National

Planning Policy Framework. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside, especially where they are protected by national designation.

- 8.2.3 Policy DHG9 of the DaSA Local Plan is specific to proposals for extensions, alterations and outbuildings. In the case of outbuildings, these are permitted where (vii):

“They respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the wider street-scene or general locality, through their siting, scale and massing, design and appearance and materials.”

- 8.2.4 In addition to the above, Policy EN3 (i) of the Rother Local Plan Core Strategy requires development to be of high design quality contributing positively to the character of the site and its surroundings.

- 8.2.5 Externally, the main changes from the approved garage are:

- The depth of the building has increased from 6m to 6.5m – an increase of 500mm.
- There is an external staircase to the east side of the building to provide access to the first floor.
- There is a recessed flat roof, incorporating three rooflights, between the two roof slopes of the dual pitched roof.
- There are two VELUX CABRIO balcony windows in the front roof slope.

- 8.2.6 The above revisions would alter the appearance of the approved garage. However, they are not considered to represent a wholesale change to its design; they are tweaks in response to the Applicant's desire to provide ancillary living accommodation in the roof space. The height, width and external materials and finishes of the building now proposed would be as per the approved garage.

- 8.2.7 With regard to the specific design changes, in rural parts of the District it is not uncommon for outbuildings to have an external staircase providing access to ancillary accommodation in the roof space. Turning to the proposed VELUX CABRIO balcony windows, when closed – which is likely to be most of the time – they would sit within the front roof slope facing the driveway, appearing as roof lights. These windows have been approved on a dwelling elsewhere in Beckley ('Myrobalan' – Application Ref: RR/2020/589/P), which is also located in the High Weald AONB and is in close proximity to several Grade II listed buildings. The external staircase and use of balcony rooflights are not out of character and would not detract from the character and appearance of the area.

- 8.2.8 The addition of the recessed flat roof to facilitate the provision of the first floor is an unusual design feature. However, it is not of itself considered to be unacceptable, as it would be concealed in part between the main front and rear pitched roof slopes of the building. Furthermore, this is not a visually prominent location; it is well separated from public vantage points (e.g. public footpath Beckley 8a to the north and Rectory Lane to the east) with some screening provided by trees & hedgerows on the boundaries of the site.

- 8.2.9 In landscape impact terms the building now proposed would be similar in appearance to the approved garage. It would appear as an ancillary

outbuilding to the main dwelling and would have an acceptable impact on the character and appearance of the area.

8.3 Significance and setting of the Listed Building

- 8.3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.3.2 Paragraph 193 of the National Planning Policy Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.3.3 Policy EN2 (iii) of the Rother Local Plan Core Strategy concerns development affecting the historic built environment which is required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.
- 8.3.4 The list description for the adjacent Grade II listed building 'Old Chestnuts' is:

"Early C19. Two storeys. Three windows. Ashlar. Three half-hipped gables. Tiled roof. Casement windows with canted heads and dripstones. Similar-headed doorway with fanlight. Bay on ground floor to east of this."

- 8.3.5 The close proximity of the application site to the listed building means that it is considered to be within the setting of the heritage asset. As such, the key issue is whether the development proposed within its setting would harm the significance of the listed building.
- 8.3.6 It has already been established that the proposed building would be similar in appearance to the approved garage, appearing as an ancillary outbuilding to the main dwelling and having an acceptable impact on the character and appearance of the area. By extension, it is considered to be an acceptable development within the setting of the listed building (i.e. the setting of the listed building would be preserved, and the significance of the heritage asset would not be harmed).

8.4 Amenities of Neighbouring Properties

- 8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA Local Plan seek to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 8.4.2 The proposed building would be sited some 20m to the north-east of the neighbouring dwelling 'Chestnut Paddock' to the west, on the other side of a tall conifer hedge. It would be even further away from the neighbouring dwelling's main garden area, which is located to the rear, north-west of the dwelling. The presence of the tall conifer hedge on the boundary, together with the separation distances to the neighbouring dwelling and its main garden area, would ensure that the proposed building would not bring about a significant erosion of residential amenity through loss of light or outlook.

- 8.4.3 Neighbours are concerned that the VELUX CABRIO balcony windows would result in harmful overlooking of their properties. With regard to 'Chestnut Paddock' to the west, it is considered that the tall conifer hedge on the boundary between the properties would prevent overlooking. Even if views of the neighbouring property were possible (e.g. if the hedge was removed), the main outlook from the balcony windows would be towards the parking area of 'Chestnut Paddock'; not the main garden area immediately to the rear of that property.
- 8.4.4 Turning to 'Chestnut Lodge' and 'Chestnuts' to the south, the balcony windows would be some 30m away, at the closest point, from these properties. This degree of separation is significant and would ensure that harmful overlooking would not occur.
- 8.4.5 Neighbours are concerned about disturbance from noise when the balcony windows are open. However, the application site can already be used for domestic purposes with the associated activity and noise. The proposed building would be used for purposes incidental to the occupation and enjoyment of the main house. As such, its use would be unlikely to generate any significantly greater levels of activity or noise than that currently associated with the dwelling.
- 8.4.6 Neighbours have also raised concern about a video that has been submitted by the Applicant to demonstrate that overlooking would not occur. This video has not been made public and nor has it been used to assess the proposal.
- 8.4.7 Overall it is considered that the proposed building would not unreasonably harm the amenities of neighbouring properties.

8.5 Other Matters

- 8.5.1 The Parish Council and neighbours are concerned that the building would be occupied independently of the main house and therefore amount to a separate unit of accommodation in the countryside. However, the proposal is not for a separate dwelling. The building would provide parking for two cars and a domestic workshop at ground floor level and studio/home office/guest accommodation at first floor level. These uses would be incidental to the occupation and enjoyment of the main house. They would not result in the building becoming a separate dwelling or unit of accommodation. As an added safeguard, a restriction on the use of the building would be secured by condition. Any subsequent proposal to use the building as a separate dwelling would require full planning permission, and this would be considered on its individual planning merits.
- 8.5.2 The occupiers of 'Chestnut Paddock' have objected to the siting of an oil tank to the west of the proposed building, adjacent to their hedge and copper beech tree. Their main concern is that should the tank ever leak, the resultant pollution/contamination would have a devastating effect on their tree and hedge, etc. The concern is noted. However, the oil tank by reason of its small size does not require planning permission and is permitted development. Responsibility for ensuring the oil does not release into the environment rests with the Applicant.

- 8.5.3 Although the application site is located within an Archaeological Notification Area, the proposed use of a shallow raft foundation for the building means that the risk of the proposal impacting on below-ground archaeology is low. As such, there is no requirement for archaeological conditions.
-

9.0 CONCLUSION

- 9.1 It is considered that the building now proposed will have an acceptable impact on the character and appearance of the area, will not harm the significance of the adjacent Grade II listed building 'Old Chestnuts', and will not unreasonably harm the amenities of neighbouring properties. As such, it is recommended that planning permission is granted, subject to the conditions listed below.
-

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 drawings:

- Drawing No. RWA18/110-P201 (Site Location Plan), dated January 2021.
- Drawing No. RWA18/110-P104 (Proposed Site Plan), dated February 2020.
- Drawing No. RWA18/110-P205 (Proposed Plans & Elevations), dated January 2021.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above ground level shall take place until samples/details/photographs as appropriate, of the materials and finishes to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To preserve the visual amenities of the area, in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy, adopted in 2014, and Policy DHG9 (vii) of the Development and Site Allocations Local Plan, adopted in 2019.

4. The building hereby permitted shall be used only for purposes incidental to the occupation of and enjoyment of the dwelling as such and not for any trade or business purpose or as a separate dwelling unit.

Reason: In the interests of protecting the character of the area and the residential amenities of neighbouring properties, and to preclude the creation of a new dwelling in the countryside, in accordance with Policies OSS4 (ii & iii) and RA3 of the Rother Local Plan Core Strategy, adopted in 2014.

NOTE:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

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.