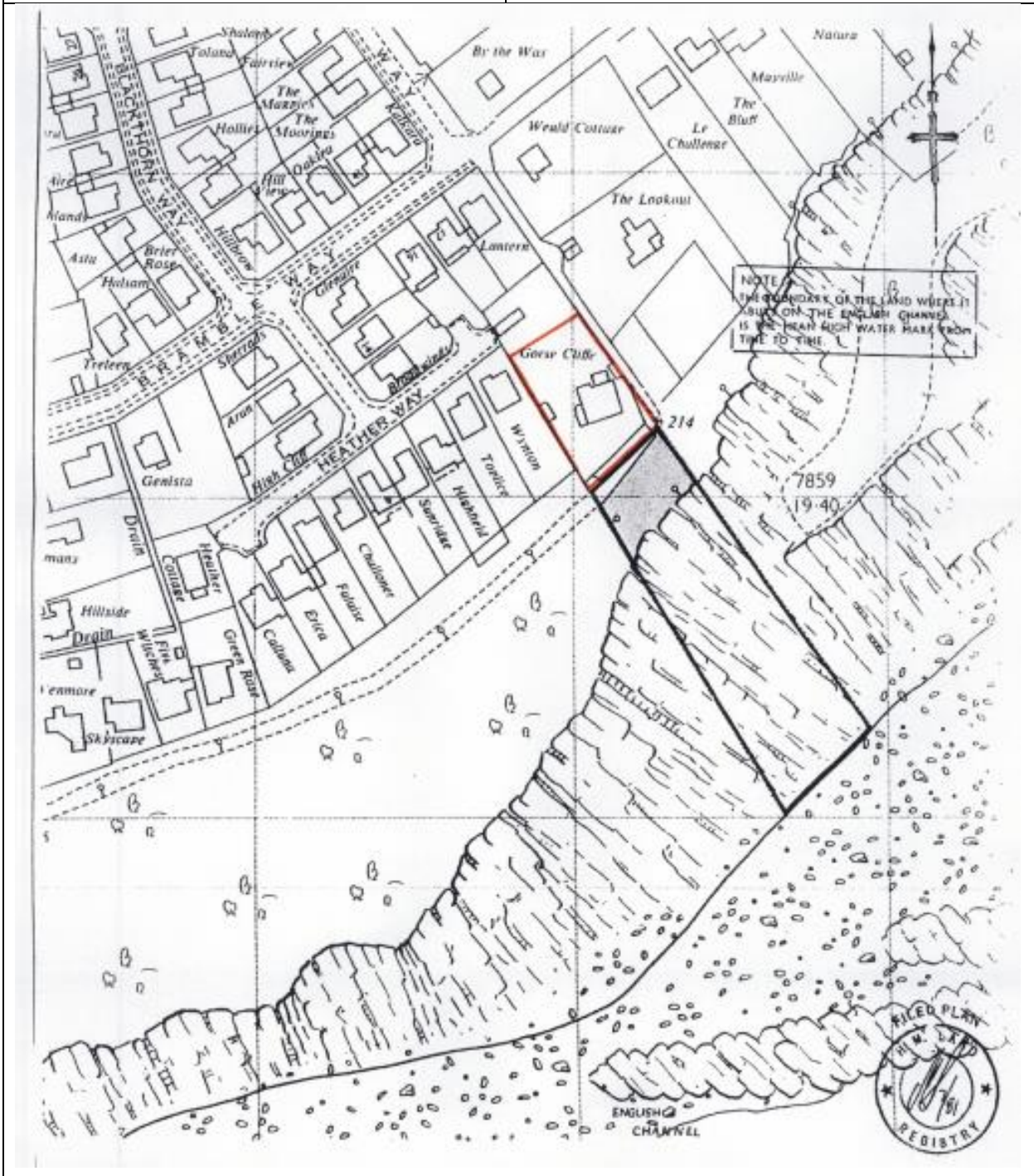


SITE PLAN

FAIRLIGHT

RR/2021/492/P

GORSECLIFFE,
CHANNEL WAY



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Rother District Council

Report to - Planning Committee
Date - 16 December 2021
Report of the - Director – Place and Climate Change
Subject - Application RR/2021/492/P
Address - Gorsecliffe
Channel Way
FAIRLIGHT
Proposal - Variation of Condition 2 and removal of Condition 4 imposed on RR/2016/3121/P to allow alterations to the approved windows. (Retrospective)

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr Nader Hamedi
Agent: FG Plus Ltd (Mr Fardad Ghaffari)
Case Officer: Mr O. Hurst (Email: oliver.hurst@rother.gov.uk)

Parish: FAIRLIGHT

Ward Members: Councillors R.K. Bird and A.S. Mier

Reason for Committee consideration: Member referral – Councillor Prochak

Reason for deferral: To undertake an internal site visit

Statutory 8-week date: 28 April 2021

Extension of time: 10 September 2021

This application is included in the Committee site inspection list.

Members will recall that this application was deferred from the Planning Committee on 9 September 2021 for a site visit. The report remains the same and is reproduced below.

1.0 SUMMARY

1.1 The proposal for the variation of Condition 2 and removal of Condition 4 imposed on RR/2016/3121/P to allow changes to the previously approved

window arrangement. It is recommended for approval as the changes are considered minor and do not result in harm to the area or residential amenities.

2.0 SITE

2.1 The site is a detached dwelling, situated down an access track at the end of Channel Way, outside of the High Weald Area of Outstanding Natural Beauty (AONB) and within the development boundary for Fairlight.

3.0 PROPOSAL

3.1 This is a retrospective application for the variation of Condition 2 and removal of Condition 4 imposed on RR/2016/3121/P to allow alterations to the approved windows. The proposed changes are as follows:

- A change in shape to the glazed panels on the east and west elevations.
- An increase in size of the glazed panel on the eastern elevation.
- An increase in size of the glazed panel on the western elevation.
- The use of clear glass in place of approved obscure glass on the eastern elevation.
- The use of clear glass on the window on the northern elevation.

3.2 Planning permission was granted under RR/2016/3132/P for:

- Enlargement of existing hipped roof to create gable ends on the eastern and western elevations.
 - Addition of flat roof dormers to the front and rear elevations.
 - Inclusion of balcony area on the front (south facing) elevation, with balconies at first and second floor levels.
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4.0 HISTORY

4.1 RR/2016/3121/P Loft extension with a viewing platform and addition of balcony to the first floor. Approved Conditional.

5.0 POLICIES

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

- OSS4: (General Development Considerations)
- EN3: (Design Quality)

5.2 The following policies of the Development and Site Allocations Local Plan are relevant to the proposal:

- DHG9: Extensions, Alterations and Outbuildings
-

6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 13 representations have been received in objection to the proposal. The concerns raised are summarised as follows:

- Loss of privacy to neighbouring properties.
- Structure at odds with surrounding buildings.
- The building has negatively impacted the landscape.

6.2 Fairlight Parish Council – **OBJECTION**

6.2.1 Fairlight Parish Council objects strongly to the application for the following reasons as summarised below:

- Loss of privacy to neighbouring properties.
- Structure at odds with surrounding buildings.
- The building has negatively impacted the landscape.

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is not Community Infrastructure Levy liable.

8.0 APPRAISAL

8.1 The main planning issues for consideration are:

- Visual appearance of the development in terms of impact on the locality.
- Impact on neighbouring properties from overlooking.

8.2 Visual appearance of the development in terms of impact on the locality

8.2.1 The dwelling is mainly visible in long views from the south, which faces the open sea. This application does not propose any change in the built form of the building other than the changes in glazing. The windows, because the change is minor in nature, is not considered to compromise the overall design quality of the dwelling nor would the change detrimentally impact the visual appearance of the locality.

8.3 Impact on neighbouring properties from overlooking

8.3.1 The neighbour to the north (The Lookout) has expressed concern over overlooking from the proposed window on the eastern side elevation at second floor level. Whilst views over the garden area of this property are possible from the balcony on the southern elevation, the use of clear glass on the side elevation and the side of the dormer offer a greater degree of visibility.

8.3.2 Following a site inspection, it is considered that views over land belonging to The Lookout are not considered harmful as the boundary is well screened by

a large quantity and variety of vegetation. In addition to the screening provided by vegetation, the window is approximately 20m from the nearest outbuilding and land within the neighbouring property. This separation distance is considered to reduce the impact on neighbouring amenity further.

- 8.3.3 With regard to overlooking towards the rear of 'Wynton' and other properties to the west, there is existing vegetation on the boundary to screen. Furthermore, the design change is a larger window in the east elevation. A window was already approved in this east elevation and the change in size is not considered to be more materially harmful in terms of overlooking.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed revisions to the external appearance of the building would not detract from the character and appearance of the area. It is concluded that the proposal will not detrimentally impact upon neighbouring properties. This application is recommended for approval.

RECOMMENDATION: GRANT (PLANNING PERMISSION)

CONDITIONS:

1. The development shall not proceed other than in accordance with Conditions 1 and 3 imposed on planning permission RR/2016/3121/P, dated 16 March 2017, which remain in full force and effect.
Reason: This permission is granted pursuant to planning permission RR/2020/229/P, dated 10 December 2020. Under Section 73 of the Town and Country Planning Act 1990 the Council has considered the conditions subject to which the 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 imposed on planning permission RR/2016/3121/P, dated 16 March 2017, is varied as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Land Registry site plan (undated)
Location plan (A2) (undated)
Drawing No. 4.2, dated 25 January 2021
Drawing No. 3.2, dated 25 January 2021
Drawing No. 4.3, dated 25 January 2021
Reason: For the avoidance of doubt and in the interests of proper planning.

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.