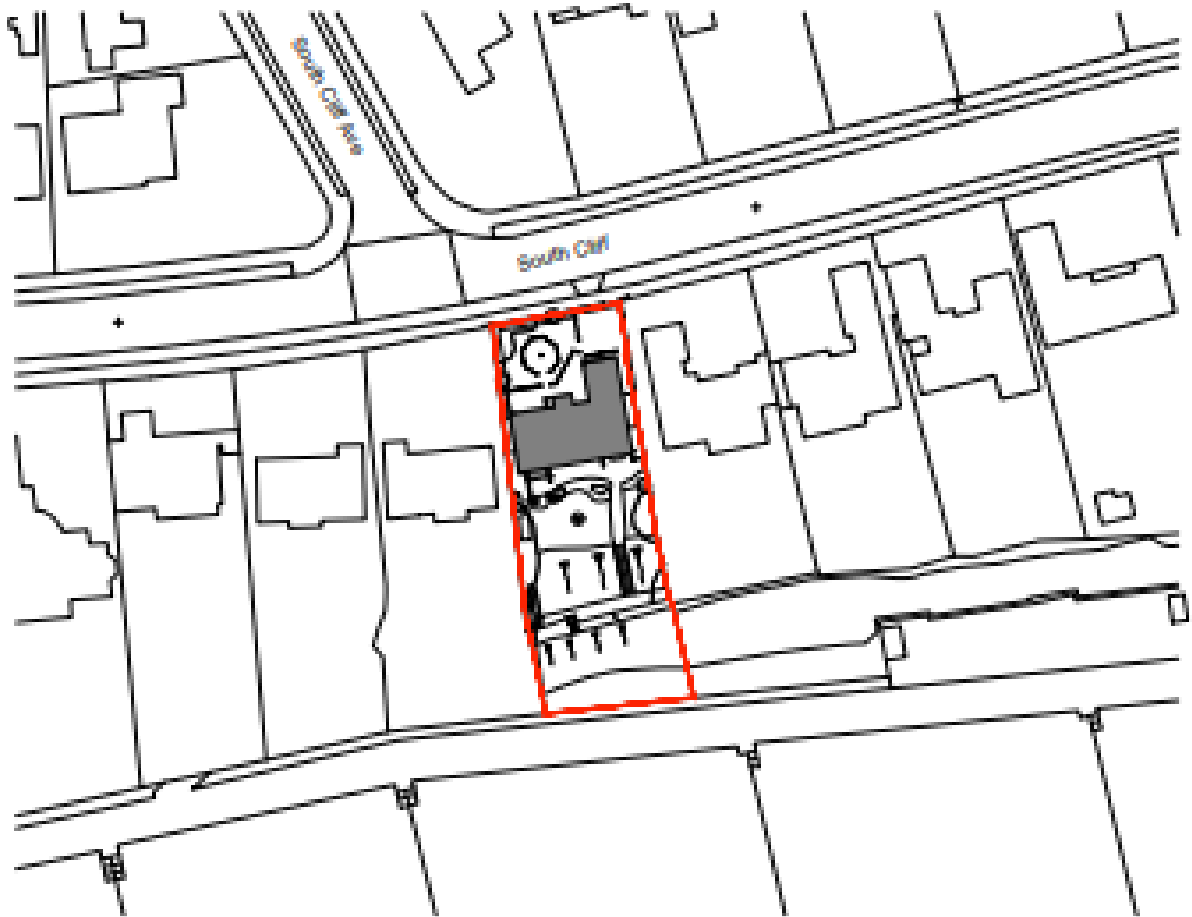


SITE PLAN

BEXHILL

RR/2021/863/P

55 South Cliff



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Not to Scale

## Rother District Council

Report to - Planning Committee  
Date - 16 December 2021  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2021/863/P  
Address - 55 South Cliff  
BEXHILL  
Proposal - Demolish existing building and replace with new residential dwelling.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT FULL PLANNING PERMISSION SUBJECT TO CONDITIONS.**

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**Director: Ben Hook**

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**Applicant:** Tina Soderlund-Boley  
**Agent:** Mr R. Pollard – RX Architects  
**Case Officer:** Mark Simmonds  
(Email: [mark.simmonds@rother.gov.uk](mailto:mark.simmonds@rother.gov.uk))

**Parish:** BEXHILL

**Ward Members:** Councillors Mrs D.C. Earl-Williams and D.B. Oliver

**Reason for Committee consideration:** Councillor Call-In to Planning Committee for determination.

**Statutory 8-week date:** 07.09.2021

**Extension of time agreed to:** \*31.12.21 (\*\*Requested 03.12.21 – to confirm).

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This application is included in the Committee site inspection list.

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This application was deferred at Planning Committee on 11 November 2021 to allow members to undertake site visit to rear of property.

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### 1.0 SUMMARY

1.1 The officer recommendation is to grant permission subject to conditions.

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## **2.0 SITE**

- 2.1 The application relates to a 1950's chalet bungalow located on the coastal side of South Cliff. The property occupies land that slopes down from east to west. It also slopes steeply down towards the south and meets the promenade on its southern boundary. The cliff itself, which is within the Cooden Cliffs Site of Nature Conservation Importance, lies just outside of the application site.
- 2.2 To the west of the site is No. 57 South Cliff, which consists of a very similar style dwelling to the application. Very recently the Council permitted the demolition and replacement of this neighbouring bungalow. The replacement scheme involved bringing the footprint of the new dwelling forward towards the road to be in line with No. 55 South Cliff (the application site) rather than the 'twin' chalet bungalow at No. 59. It also involved excavation to accommodate a lower ground floor level – to house a swimming pool – and to create a new landscaped garden to the rear, leading to the existing concrete sun terrace.
- 2.3 The site lies within a mixed residential area that includes houses and bungalows of varying sizes and designs. A number of other sites have been redeveloped or dwellings extended. The properties in the surrounding area are thus diverse in appearance and, as a result, there is no single unifying character.
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## **3.0 PROPOSAL**

- 3.1 The application proposes the demolition of the existing two storey dwelling, constructed of redbrick facings with dormers and tiled pitched roof with additional single storey extensions to the street elevation and to build a replacement with a modern style dwelling on 3 levels. The proposal includes excavation works to accommodate a lower ground floor level to house a swimming pool.
- 3.2 The proposal presents a modern flat roof design with a number of small velux windows and an array of solar panels. A single storey element projects to the front elevation to the street which allows for an area of off-street parking for 2-3 vehicles. The ground floor hosts the kitchen, dining and living area and to the rear elevation a terraced balcony is proposed with landscaping and a courtyard garden area. The first floor accommodates 4 bedrooms, bathrooms and study; there is a large balcony area proposed to the rear. The majority of windows are proposed to the rear south facing elevation with limited windows to the side elevations.
- 3.3 Proposed external materials consist of a mixture of white brick, natural timber, and concrete. The roof materials propose sedum planted roof with zinc parapet capping with a single ply membrane roof with gravel and solar panels with a zinc parapet capping. The windows and doors propose the use of timber and aluminium composite windows and doors.
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## 4.0 HISTORY

4.1 There are no site history records for the application site but of note is the neighbouring dwelling:

RR/2019/1938/P 57 South Cliff, Bexhill TN39 3ED, Demolition of existing dwelling. Re-siting of the building footprint and excavation to construct four storey dwelling. Approved Conditionally

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## 5.0 POLICIES

5.1 The following 'saved' policy of the adopted [Rother District Local Plan 2006](#) is relevant to the proposal:

- DS3 (Proposals within Development Boundaries).

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).
- OSS1 (Overall Spatial Development Strategy).
- OSS2 (Use of Development Boundaries).
- OSS3 (Location of Development).
- OSS4 (General Development Considerations).
- BX1 (Overall Strategy for Bexhill).
- BX3 (Development Strategy).
- SRM1 (Towards a Low Carbon Future).
- SRM2 (Water Supply and Wastewater Management).
- CO6 (Community Safety).
- EN3 (Design Quality).
- EN5 (Biodiversity and Green Space).
- EN7 (Flood Risk and Development).
- TR3 (Access and New Development).
- TR4 (Car Parking).

5.3 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1 (Water Efficiency).
- DRM2 (Renewable Energy Developments).
- DRM3 (Energy Requirements).
- DHG3 (Residential Internal Space Standards).
- DHG4 (Accessible and Adaptable Homes).
- DHG7 (External Residential Areas)
- DHG11 (Boundary Treatments).
- DHG12 (Accesses and Drives).
- DEN4 (Biodiversity and Green Space).
- DEN5 (Sustainable Drainage).
- DEN6 (Land Stability).
- DEN7 (Environmental Pollution).
- DIM2 (Development Boundaries).

5.4 The National Planning Policy (NPPF) and Planning Policy Guidance are also material considerations.

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## 6.0 CONSULTATIONS

6.1 Consultee – No Consultee comments received

6.2 Planning Notice

6.2.1 21 letters of objection have been received from the public. The concerns raised are summarised as follows:

- The area was designed with bungalows in mind for the elderly and purchased with the intention of building huge properties that would spoil the ambience of South.
- Loss of privacy and amenity to neighbouring gardens which are now private and secluded
- dominate the views
- over development for the size of plot, proposal does not respect local character. It is overbearing, obtrusive and not in keeping with street scene
- full-width balcony will inevitably infringe on privacy in garden; we would undoubtedly be overlooked from this new very large and high balcony.
- Following the Ground Inspection for 59 South Cliff, where groundwater was found below the foundations of the existing bungalow, it should be a requirement that the developers for 55 provide a Ground Inspection Report, before the Planning Officer can make an informed Report for consideration by Planning Committee.
- proposed design of the new properties will require excessive amounts of the cliff to be excavated to allow for the properties and their inclusive swimming pools, which history has shown could prove to be dangerous
- Due to the depth of excavation and close proximity to adjacent properties, the works appear to fall within the scope of the Party Wall Act 1996. If so, this needs to be made clear in the planning decision, as the neighbours will have the right to appoint a surveyor to inspect their homes, before and after the works, at the financial expense of the developers
- the cliff is taking some fresh water seeping through it underneath our properties. Part of that existing flow is going to be obstructed by the super deep concrete foundations of the new build, and it will be diverted sideways thereby increasing the flow under the neighbouring houses and potentially causing structural problems.
- The ground conditions in South Cliff are very unstable and are not suitable for the proposed deep excavations. There are several examples of the Cliff subsiding towards the Splash Back. The end of our garden subsided suddenly resulting in a 3 metre sheer drop. Stabilisation of the garden involved the erection of a very expensive gabion wall
- just a few miles along the coast a major section of cliff collapsed alongside Belle Tout Lighthouse at Beachy Head including the disappearance of a section of coastal pathway putting the long term survival of Belle Tout into question.
- Buildings at the crest of South Cliff create a feeling of tranquil openness. The proposal is in aggressive contrast to this, closing in the street scene

with oppressive out of scale massing reflecting the overdevelopment of the site

- months of excavating and building, works vehicles coming and going, noise and dirt pollution which will have a huge impact on all properties nearby
- From the beach, it dominates its neighbours and its roof line is completely out of odds with neighbouring roof lines & pitches exhibiting an unsympathetic and uncharacteristic profile
- Maintaining the sloping tiled roofs important as contribute so much to the shared character of the road.
- the three current planning applications from mutually adjacent properties at Nos 55, 57 and 59 (and another one already approved at No 69) all involving demolitions and new builds, there is a threat of local building upheaval if they are all passed and their construction takes place at the same time.
- Should remove the swimming pool
- worry about the effect on Climate Change. The RIBA has recently issued a report on the adverse effect of knocking down serviceable buildings and replacing them with something similar.
- bin and bike store located to front, out of character and too prominent.
- Works should be restricted to maintain quality of life of neighbours
- To walk along South Cliff is a pleasure and that will be taken away with noise pollution and heavy vehicles during the proposed construction as well as altering the appearance of the area.

6.2.2 2 letters of support have been received. The reasons are summarised as follows:

- Improvement on tired outdated design
- Encourage investment in the area
- no two properties on the street are the same and there is no particular design theme
- good examples of modern design on the street and we are seeing some exciting modern designs in nearby beach-front roads
- Great to have nice new properties on South Cliff as the existing bungalows and houses beside them are in bad state of repair. From the beach side they look very tired and rundown. New builds can only improve the area visually and financially

6.2.3 All comments can be viewed in full on the Council's website.

6.3 Town/Parish Council – No comments received.

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## 7.0 LOCAL FINANCE CONSIDERATIONS

*Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

- 7.1 The proposal is for a type of development that is 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 £32,815
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## **8.0 APPRAISAL**

- 8.1 The main issues are considered to be:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the living conditions of adjoining occupants.
- The effect of the proposal on the stability of the cliff and adjoining properties.

- 8.2 The application site is located in the Development Boundary for Bexhill, as defined in the DaSA Local Plan, and as such there is a presumption in favour of development, subject to consideration of other local plan policies and any other material considerations.

### **8.3 Character and appearance**

Policies OSS4 (iii) and EN3 of the Core Strategy seek, amongst other matters, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality. These policies are broadly consistent with paragraph 127 of the NPPF which states that development should be sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place.

- 8.4 The site lies within a mixed residential area that includes houses and bungalows of varying sizes and designs. A number of sites have been redeveloped and older dwellings extended to provide more generous accommodation. The properties in the surrounding area are thus diverse in appearance and, as a result, there is no single unifying character.

- 8.5 The proposed replacement dwelling would be more prominent in the street scene than the existing dwelling. In particular its scale and massing is greater than what is to be replaced. However, a much larger dwelling, directly neighbouring this site, has already been permitted by the Council and this proposal matches the scale and modern design principles. Planning applications are considered and determined on their own merits, however the approved replacement dwelling next door is a material planning consideration in that the prominence in the street scene of this proposal is somewhat lessened when viewed as a pair of replacement dwellings of similar design and scale.

- 8.6 While the proposed house is larger than that to be replaced, it does complement the neighbouring proposal and also retains the important gaps between the adjoining properties and as such it would not appear cramped in the street scene.

- 8.7 As with the replacement dwelling approved at no.57, the design includes some interesting features such as the contrasting single front storey section and two storey faceted wing creating a first floor. The proposal includes a flat roof design which offers an interesting addition which complements the

modern design and the 'biodiverse' green characteristics of the proposal. The proposed external materials palette, which consists of a mixture of white brick, natural timber, and concrete. The roof materials propose sedum planted roof with zinc parapet capping with a single ply membrane roof with gravel and solar panels with a zinc parapet capping.

8.8 Given the mix of dwellings in the surrounding area – which includes recently constructed contemporary-style dwellings – the design of the proposed dwelling is considered to complement the replacement dwelling at no.57 and on balance is acceptable.

8.9 **Living conditions**

Policy OSS4 (ii) of the Core Strategy seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.

8.10 In terms of overshadowing/loss of outlook, While the new building would have a greater physical presence than the existing dwelling to be replaced, the complementary density to that permitted at no.57 and alignment in the street scene, ensures that the development would not appear unduly overbearing or cause unacceptable overshadowing to either neighbouring property or other nearby properties.

8.11 The single storey structure to the front street elevation reflects the design of the replacement dwelling next door and preserves the street façade with an area of parking being retained adjacent to the front storey. For these reasons it would not result in a significant erosion of residential amenity in terms of overshadowing/loss of outlook.

8.12 Turning to overlooking, the site is in an area where some mutual overlooking already exists between adjoining properties. The majority of windows would be to the rear elevation and to the front elevation. A balcony is proposed at the first-floor level to allow views out over the sea. The main outlook from the balcony would be to sea but it is acknowledged that there would be some (oblique) overlooking of neighbouring properties and their rear gardens.

8.13 However, the eastern elevation of the balcony is solid brick which assists in obscuring any views of the neighbouring garden. The western elevation sees a small area of glass screening, which is proposed to be conditioned to be an obscured privacy screen which again reduces any overlooking. On balance, the main outlook would be out to sea and the proposal would not result in harmful or unacceptable overlooking of neighbouring properties.

8.14 The ground floor courtyard terrace shown to the rear would be at the existing ground level and so would not result in harmful overlooking of adjoining properties and side windows are linted to very few and are of obscure glass. For the above reasons the proposal would have an acceptable impact on the living conditions of adjoining occupants in relation to overshadowing/loss of outlook and privacy.

8.15 **Stability of the cliff and adjoining properties**

The proposal involves significant excavation and construction works and local residents are concerned that this would destabilise the cliff and nearby properties. However, the site does not lie within an area identified as being affected by stability issues. Ultimately, responsibility for securing a safe



development rests with the developer and/or landowner. Structural stability and drainage details relating to the house itself would be dealt with under the Building Regulations (although the remit of these Regulations does not extend to the garden works).

- 8.16 Due to the concerns raised by objectors, the applicant commissioned a Site Investigation Report. This report, written by Southern Testing, concluded that the proposal would have negligible impact on the sea cliff and that the basement proposal would not exert any additional pressure to the cliff face and therefore would not have any detrimental effect on the overall stability of the Cliff.
- 8.17 Based on the submitted report and the fact that the safe construction of the development is for the developer, the proposal is deemed acceptable in this regard.
- 8.18 **Other Matters**  
Local residents are concerned about loss of view and problems arising from the construction period. However, these issues are not material planning considerations and so are not determining matters. Nonetheless, in relation to disturbance arising from the construction period, a note can be attached to the planning permission advising the developer and/or landowner to take all relevant precautions to minimise the potential for disturbance to adjoining occupants from noise and dust. A similar condition was attached to the permission for no.57 and a similar condition would be appropriate for this application.
- 8.19 There is also concern that allowing the proposal would set a precedent for similar developments. However, it is the case that any proposal for a similar development would be considered on its individual planning merits.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The larger replacement dwelling would have a greater impact on the street scene and on neighbours, however the design and massing of this dwelling does reflect the permitted replacement dwelling next door at no.57. Therefore, the impact on the street scene is diluted and on balance, the proposal with conditions to prevent any unacceptable overlooking is acceptable as it would not be overly harmful to the amenity of neighbouring properties. For these reasons planning permission should be granted.

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## **RECOMMENDATION: GRANT (FULL PLANNING)**

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### **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 number 00121-PL-150 Proposed Site Block Plan, dated 14.04.21  
Drawing number 00121-PL-200 Existing Plan, dated 14-04-21  
Drawing Number 00121-PL-224 Proposed Basement Floor Plan, dated 14.04.21  
Drawing Number 00121-PL-225 Proposed Ground Floor Plan, dated 14.04.21  
Drawing Number 00121-PL-226 Proposed First Floor Plan, dated 14.04.21  
Drawing Number 00121-PL-227 Proposed Roof Plan, dated 14.04.21  
Drawing Number 00121-PL-300 Existing Elevations, dated 14.04.21  
Drawing Number 00121-PL-450 Proposed Site Section, dated 14.04.21  
Drawing Number 00121-PL-350 Proposed Elevations, dated 14.04.21  
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
3. Prior to occupation of the dwelling hereby permitted, boundary treatments shall be erected strictly in accordance with details submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and to prevent the development from having any harmful impact upon the amenities of adjoining properties by way of overlooking, in accordance with Policy OSS4 (ii and iii) of the Rother Local Plan Core Strategy 2014.
4. Prior to occupation of the dwelling hereby permitted, privacy screens to the ends of the first floor rear balcony on the western elevation shall be erected strictly in accordance with details submitted to and approved in writing by the Local Planning Authority. The privacy screens shall thereafter be retained in that condition.  
Reason: To prevent the development from having any harmful impact upon the amenities of adjoining properties by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.
5. The swimming pool contents must be allowed to de-chlorinate by standing for at least 7 days prior to a consented discharge (to be obtained from the Environment Agency) taking place to a surface water sewer, a watercourse or controlled waters.  
Reason: To prevent water pollution and to ensure satisfactory drainage of the site, in accordance with Policy SRM2 of the Rother Local Plan Core Strategy 2014.
6. Swimming pool filter backwash should be passed to a soakaway or the foul drainage system, and not to a surface water sewer or watercourse, unless other means of disposal have first been agreed in writing with the Local Planning Authority in consultation with the Environment Agency.  
Reason: To prevent water pollution and to ensure satisfactory drainage of the site, in accordance with Policy SRM2 of the Rother Local Plan Core Strategy 2014.
7. No development shall take place until a land stability report has been submitted to and approved in writing by the Local Planning Authority. The report should include, amongst other requirements, analysis of trial pits excavated to the proposed depth of the basement. The report should outline

any mitigation required as a result of the further work and development should be carried out strictly in accordance with the approved report.

Reason: To protect the stability of the cliff in accordance with Policy DEN6 of the Development and Site Allocations Local Plan.

8. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling(s) has been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.

9. The dwelling(s) hereby permitted shall not be occupied until it has/they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

10. No works above slab level or vegetation clearance shall take place until hard and soft landscaping details, not to include non-native or invasive species, or that part of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the retention of any existing vegetation between the rear garden fence the sea promenade and ensure its continued maintenance and protection thereafter, including during construction works. The details as agreed shall be adhered to at all times during construction and any new agreed planting and soft/hard landscaping shall be completed within 12 months of the first occupation of the new dwelling.

Reason: To ensure that the development reflects the appearance and character of the surrounding area and safeguard the local biodiversity in accordance with Policies OSS4 and EN5 of the Rother Local Plan and Policies DHG11 and DEN4 of the Development and Site Allocations Local Plan.

#### **NOTES:**

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
2. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.

3. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.
4. The Environment Agency can be contacted by telephone on 03708 506 506 or by e-mail at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).
5. In relation to the significant excavation and construction works, responsibility for securing a safe development rests with the developer and/or landowner.

**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.