

SITE PLAN

RR/2022/163/P

FAIRLIGHT

Ness View, 1 The Close



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Not to Scale

Rother District Council

Report to - Planning Committee
Date - 14 April 2022
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/163/P
Address - Ness View, 1 The Close
FAIRLIGHT
Proposal - Remove existing dormers and extensions, replace with two new continuous first floor dormers, single storey front and rear replacement extensions, proposed glazed infill and internal alterations.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr Ford
Agent: Miss R. Kinneavy – BakerBrown Studio Limited
Case Officer: Mrs M. Taylor (Email: maria.taylor@rother.gov.uk)
Parish: FAIRLIGHT
Ward Member(s): Councillors R.K. Bird and A.S. Mier

Reason for Committee consideration: Referred by Councillor Mier

Statutory 8 week date:

Extension of Time Requested: 20 April 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 This application is a resubmission of a previous application, which was withdrawn following the advice it would be recommended for refusal, due to the adverse impact on the visual amenity of the streetscene and locality.. It differs from the previous proposal in that this application no longer proposes a roof terrace over the existing single storey outshot at the rear. Instead a green roof is proposed here.

2.0 SITE

- 2.1 A detached chalet style bungalow occupying a corner plot on the east side of The Close and the north side of Warren Road, with the Fire Hills Country Park to the south. The property is outside any development boundary and the High Weald Area of Outstanding Natural Beauty as defined in the Development and Site Allocations Local Plan 2019 (DaSA).
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3.0 PROPOSAL

- 3.1 This application seeks permission for:
- The removal of the existing dormers and their replacement with two new continuous first floor dormers in both the front and rear roof slopes. The proposed dormers would be set below the main ridgeline and inset approximately 500mm either side.
 - Replacement single storey front and rear extensions on the same footprints but with extended roof canopy over the front entrance.
 - Proposed glazed infill lobby area to link to garage.
 - Proposed replacement windows and internal alterations to the layout of both the ground and first floors.
- 3.2 In terms of materials it is proposed to reuse the existing roof tiles to clad the main dormer walls with vertical timber cladding between the windows, chamfered zinc fascia and zinc cheeks.
- 3.3 Both single storey replacement extensions in matching materials of rendered walls and brick plinths and the proposed link to the garage would be predominantly glazed with a zinc fascia.
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4.0 HISTORY

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|-----|----------------|--|
| 4.1 | RR/2002/1461/P | Erection of side extension to bungalow to form garage with room in roof over, addition of porch with pitched roof and alteration to existing access – Approved Conditional. |
| 4.2 | RR/2008/2739/P | Erection of first floor extension to side and rear elevations to provide bedroom. Formation of dormer windows to front and rear – Approved Conditional. |
| 4.3 | RR/2015/1248/P | Proposed dormer for ensuite shower room and internal alterations – Approved Conditional. |
| 4.4 | RR/2021/2015/P | Existing dormers and extensions to be demolished and replaced with two new continuous first floor dormers, a single storey front and rear extension, glazed infill and internal alterations – Withdrawn. |
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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:

- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA3: Development in 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:

- DHG9: Extensions, Alterations and Outbuildings
- DEN1: Maintaining Landscape Character
- DEN4: Biodiversity and Green Space
- DIM2: Development Boundaries

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. Of particular relevance in this instance are paragraphs 130 and 134 contained within Chapter 12 - Achieving well-designed places.

6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 Four emails have been received in support of the application and are summarised as follows:

- Strongly support application which will bring a welcome improvement to the appearance of the entrance to the road.
- Provides an aesthetically pleasing building that functionally will improve the quality of life for occupants.
- To encourage diversity of architecture is to be applauded.
- No difference in this application in its aesthetics to those already approved in close proximity.
- House has prominent position at head of The Close – clear to view for all residents and visitors to The Close and Warren Road. Also highly visible to visitors to Country Park.
- Current house result of amalgamation of various extensions and alterations and has a disjointed appearance without clear focal point.
- Proposed design would remove the mismatched additions and create an architecturally balanced and much improved external appearance – a massive improvement over current property.
- Improvements would add to beauty of this special part of Fairlight.

6.2 Fairlight Parish Council

6.2.1 General Comment:

- “1) The revised proposal for the Juliette balcony / roof terrace to the rear of the eastern flank are acceptable.
- 2) The mitigation measures in the biodiversity survey, the provision of bat boxes and low level lighting, should be required as planning conditions.
- 3) Any comments made by neighbours should be taken into account.”

6.3 Sussex Newt Officer

6.3.1 *“The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is suitable habitat and a high likelihood of great crested newt presence.*

Due to the scale of the development and location of the ponds we do not expect newts to be a constraint for this development.”

7.0 APPRAISAL

7.1 The main issues for consideration are:

- Impacts upon neighbouring and nearby properties.
- Impact on the character and appearance of the property, streetscene and wider locality.
- Ecology.

7.2 Impacts upon neighbouring and nearby properties

7.2.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy and DHG9(i) of the DaSA seek to protect the amenities of neighbouring properties.

7.2.2 *Sunninghill:* Is a detached house to the south east of the application site situated at a lower ground level. The side elevation of this property faces the rear elevation of the application site. The boundary currently comprises 1.8-2m high timber fencing and some planting. Taking account of the existing situation with a number of both ground and first floor dormer windows facing towards this neighbouring property, it is considered that the views from the proposed dormer would be similar. However, it is noted that the accommodation at first floor level currently facing this property comprises three bedrooms and bathroom. The proposal involves the provision of three bedrooms and a lounge. The withdrawn application detailed a roof terrace from the lounge over the ground floor extension but this element has been deleted. The roof area is now detailed as a green roof with no access onto it. To protect the amenity of neighbouring residential properties, a condition could be imposed to ensure that this area could not be used as a terrace without the need for planning permission.

7.2.3 *16 The Close:* Is a detached property on the opposite side of the road to the north west of the application site. Like the rear dormer, the proposed front dormer would replace existing dormer windows, which currently serve three bedrooms and a bathroom. The proposed front dormer would serve a bedroom, bathroom, stairway and en-suite. Taking this into account and the separation distance with the added screening of high hedging, it is considered there would be no greater impact to the amenities of this neighbouring property.

7.2.4 *2 The Close:* Is a detached property to the north side of the application site. The garage of the application site currently abuts the side boundary with this neighbouring property, where the garage for this property sits close to the boundary the other side. This relationship helps give a good degree of

separation between the dwellings. Whilst it is not proposed to physically alter the garage externally other than the construction of a link to the main house, the plans do detail the addition of an additional first floor window in the side elevation of the main dwelling serving bedroom 1. This would be regarded as a secondary window as there is a much larger principal window in the rear elevation also serving this bedroom. In the event of an approval, this side window could be conditioned to be obscure glazed to protect neighbouring amenity.

7.3 Impact on the character and appearance of the property, streetscene and wider locality

7.3.1 The Close at Fairlight comprises detached properties varying in age, style and design set in good sized plots. Some of the properties have first floor accommodation with small dormer windows set within the roof slopes. This application seeks permission for replacement single storey extensions and the replacement of the smaller existing dormers on both the front and rear facing roof slopes with two large continuous dormers within both the front and rear slopes to create a more contemporary design to the property.

7.3.2 Policy RA3 (iv & v) of the Rother Local Plan Core Strategy seeks to ensure that extensions to existing buildings maintain and do not compromise the character of the countryside and landscape and that all development is of an appropriate scale and will not adversely impact on the landscape character or natural resources of the countryside.

Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA together, amongst other things, state that extension to dwellings will only be permitted where they are in keeping with the character of the existing dwelling, and where they would respect and not detract from the character and appearance of the locality.

Policy EN3 states that new development will be required to be of high design quality by:

(i) contributing positively to the character of the site and surroundings

DHG9 of the DaSA states that extensions, alterations & outbuildings will be permitted where:

(ii) they respect and respond positively to the scale, form, proportions, materials, details and overall design, character and appearance of the dwelling;

(iii) they do not detract from the character and appearance of the wider street-scene, settlement or countryside location, as appropriate, in terms of building density, form and scale; and

(vi) in the case of extensions and alterations, they are physically and visually subservient to the building, including its roof form, taking into account its original form.

Para 130 of the National Planning Policy Framework states planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting; and*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*

Paragraph 134 states development that is not well designed should be refused, ... Conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*

7.3.3 To the ground floor, a new front entrance is proposed to form a lobby with a supporting ground floor WC. Additionally, a new lobby link is proposed between the house and the detached garage that can be accessed from the kitchen. The works proposed to the ground floor, in terms of scale are considered to be acceptable. The existing rear extension that is proposed to be demolished would be reconstructed to the same footprint and the newly proposed lobby, although greater in width, would not excessively protrude beyond the principle elevation or be excessive in height. As such, it would continue to be read as a sympathetic, secondary structure to the main dwellinghouse. The link structure between the main dwellinghouse and garage would be read within the existing footprint of the property and would therefore appear as a congruent and subordinate addition.

Furthermore, no objection is raised to the proposed use of materials. As stipulated within the design and access statement, both single storey replacement extensions at ground floor level would follow the existing material strategy with render walls and brick plinths. Green roofs are proposed for both flat roofs.

7.3.4 Notwithstanding this, there are concerns with the scale, bulk and massing of the proposed dormers to the front and rear roof slopes. The existing dwelling is a chalet bungalow with a variety of dormers and extensions that have been added over time. It is proposed to remove the existing dormers and elements of the roof structure to provide 2 No. large box dormers. Paragraphs 4.95 and 4.96 of the supporting text for Policy DHG9 of the DaSA stipulates that alterations to roofs to create attic-level accommodation require careful design. It is stated that *'Overly large or box-like dormers are inappropriate for the majority of domestic properties, as they give the house a top-heavy appearance. Several dormer windows in a roof slope may also be harmful in terms of design or character'*.

It is recognised both that the existing arrangement of dormers would benefit from improvement and that there are properties within the streetscene that have been modernised and altered through the addition of dormers. However, the context of the approvals is considered to be materially different and therefore of limited weight to the application in question.

For instance, No.6 has obtained approval for the enlargement of the existing dormer via Application ref RR/2020/2514/P. However, the dormer is positioned Rto the rear and largely hidden from public vantage points. It is also noted that the existing large dormer was approved in 1979 under historic

policy guidance and would unlikely obtain approval for these works under current policy.

Front and rear dormers were approved at No.11 via Application Ref RR/2016/768/P. However, the design of the dormers is largely reflective of the traditional bungalow and are sympathetic in terms of their subordinate scale and clearly set within the resultant roof profile.

It is acknowledged that the existing arrangement of dormer windows are poor in appearance and that an improvement would be welcomed. However, it is not considered that 2 No. large dormers would be the solution to this. As outlined within the DaSA, several dormers in a roof slope may be harmful in terms of character, but equally overly large or box-like dormers are inappropriate for the majority of domestic properties, as they give the house a top-heavy appearance.

This policy guidance is particularly relevant to the application dwelling given its siting. It is located on the corner of the The Close where it meets Warren Road. This prominent corner location would exacerbate the massing of the dormers, where it would be highly visible from public vantage points. Furthermore, by way of the low-rise nature and scale of Chalet style bungalows, large box-like dormers can appear overly dominant and top-heavy on a dwelling of this type.

Para.4.89 of the DaSA with Policy DHG9 outlines that contemporary design approaches can be appropriate in a particular context; their success dependent on how well they are thought out and detailed. The scale of the proposed dormers in conjunction with their modern design would poorly relate to the original appearance of the dwellinghouse. In all cases, even where the existing building is architecturally unremarkable, proposals should demonstrate basic design principles of scale, form, massing, height and proportion in relation to the existing dwelling and the wider area.

Whilst contemporary designs can be acceptable, it is important that traditional design features are accounted for where possible. The original half-hipped roof would be removed as part of the proposal, resulting in a dwelling with two gable ends and contrary to Policy DHG9 (vi) that requires extensions and alterations to be physically and visually subservient to the building including its roof form.

Overall, the proposed development by virtue of the size and scale of dormers across the front and rear roof slopes would appear as prominent, top-heavy and unsympathetic additions to the main dwellinghouse and would relate poorly to the context of the streetscene, comprising predominantly of dwellings with hipped roofs, even where dormers have been implemented. As such the proposal would be contrary to Policy OSS4 (iii), RA3 (v) and EN3 of the adopted Rother Local Plan Core Strategy (2014) and Policies DHG9 (ii & iii & vi) and DEN1 of the adopted DaSA and paragraph 130 of the National Planning Policy Framework.

7.4 Ecology

Policy EN5 of the Core Strategy states: *“Biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate to:-*

- (viii) *Ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features; and*
- (ix) *Require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In the event, developers will also be expected to consider and promote opportunities for the creation and/or restoration or habitats appropriate to local context.”*

Policy DEN4 of the DaSA states that: “*Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:*

- (ii) *development proposals should seek to conserve and enhance:*
 - (a) *The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees); and*
 - (b) *Priority Habitats and Species; and Protected Species, both within and outside designated sites.*

Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.
- (iii) *In addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined ‘Biodiversity Opportunity Areas’, ecological networks, and further opportunities identified in the Council’s Green Infrastructure Study Addendum.*

7.4.1 **Bats:** The Ecology Partnership were commissioned to undertake a bat emergence/re-entry survey at the site and subsequent a A Bat Survey report has been submitted with the application dated August 2021. This report follows the initial preliminary assessment undertaken, which identified several external features on the house with potential suitability for crevice dwelling bat species. It also stated the proposed development would result in the loss of some of these external features and as such a further dusk bat emergence survey was recommended. In addition two common pipistrelles were observed to emerge from the southern gable end of the building during the survey and therefore a further two bat surveys were recommended – one dusk emergence survey and one dawn re-entry survey. The report now submitted documents the findings of the further recommended emergence/re-entry surveys on the bat roosting potential building, which aims to provide further information on the sites potential to support roosting bats.

Within the first emergence survey on 15 June 2021 Common Pipistrelle bats were recorded foraging within the garden and western aspect of the building and one single one observed emerging form the southern gable end. A second emergence survey was carried out on the 14 July 2021 and again Common Pipistrelle bats were observed foraging and passing through the garden but none emerging from the building. A third dawn re-entry survey was undertaken on the 29 July 2021 where no re-entries were observed but several brown long-eared bats were recorded to the east of the site within the garden entering the site from the property to the north and from the east. Common Pipistrelle bats were also recorded.

The survey considered the bat activity on the site to be 'low' and within paragraph 4.4 states; "*Based on the findings of the surveys completed for the house, due to the small number of individual bats considered likely to be present and species which are considered more common and widespread, it is considered that development of this building falls under the Low Impact licence scheme.*" Natural England Low Impact Licence required suitable mitigation measures in order to alleviate the damage and disturbance to all bat roosts where work should be undertaken in a sensitive manner. A mitigation strategy is therefore recommended to demonstrate mitigation measures can be accommodated within the design of the site and that post development the favourable conservation status of bats will not be impacted upon. Section 4.9 explains the licensing process and 4.10 begins to address mitigation stating new roosting provisions must be included within the scheme and section 4.19 summarises the mitigation strategy for the site. In the event of an approval, the mitigation and protection measures contained within the survey would be conditioned so that they are carried out in full accordance throughout construction.

- 7.4.2 *Great Crested Newts*: Consultation has been undertaken with NatureSpace in respect of the site being located within a red impact risk zone for great crested newts. The consultee response received concluded that if approval was granted due to the scale of the development and the location of the ponds it was not expected newts to be a constraint for the development.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed development is considered to have an unacceptable impact on the character and appearance of the existing dwelling and surrounding area by virtue of the large box like dormers dominating both the front and rear roof slopes contrary to both local and national planning policies.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASON:

1. The proposed development, by virtue of the proposed roof extension and the addition of large box-dormers across the front and rear roof slopes would appear as top-heavy, dominant and unsympathetic additions to the dwellinghouse. As a result, the extended and altered building would appear as an incongruous and prominent feature within the street scene and the wider landscape setting. The proposed development would therefore be contrary to Policy OSS4 (iii), RA3 (v) and EN3 of the adopted Rother District Local Plan Core Strategy (2014) and Policies DHG9 (ii & iii & vi) and DEN1 of the adopted Development and Site Allocations Local Plan (2019) and paragraph 130 of the National Planning Policy Framework.

NOTE:

1. The development hereby refused is in respect of the following plans:
Site Location and Block Plan, Drawing No. BB_PL_0001 Rev B dated 21.01.22

Proposed Site and Roof Plan, Drawing No. BB_PL_0110 Rev B dated 21.01.22

Proposed Floor Plans, Drawing No. BB_PL_0111 Rev C dated 21.01.22

Proposed West and South Elevations, Drawing No. BB_PL_0120 Rev C dated 21.01.22

Proposed East and North Elevations, Drawing No. BB_PL_0121 Rev C dated 21.01.22

For Information

Proposed 3D Massing, Drawing No. BB_PL_0130 Rev B dated 21.01.22

Proposed Front and Rear Elevations 3D Views, Drawing No. BB_PL_0130 Rev D dated 21.01.22

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 identifying matters of concern with the proposal, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.