

Rother District Council

Report to	-	Planning Committee
Date	-	21 July 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application RR/2022/1113/P
Address	-	Land at 1 Stablefields Cottage Lane, Westfield, TN35 4QW
Proposal	-	Variation of Condition 2 imposed on RR/2021/1197/P to reposition garage and create a first-floor dressing room and en-suite.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Davison Oxley Homes Ltd
Agent: Mr Andrew Gerken
Case Officer: Mr Michael Vladeanu
(Email: Michael.vladeanu@rother.gov.uk)

Parish: WESTFIELD
Ward Members: Councillors C.R. Maynard and J Vine-Hall

Reason for Committee consideration: Director - Place and Climate Change referral: Overdevelopment of the site, over urbanisation of the area and the roof line seems incredibly steep not in keeping with the area.

Statutory 8-week date: 28 June 2022
Extension of time agreed to: 28 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The proposed variation of Condition 2 imposed on RR/2021/1197/P to allow for the relocation of the proposed garage would not result in the development having an unacceptable impact on; the landscape within the High Weald Area of Outstanding Natural Beauty (AONB) or on neighbouring residential amenity and as such the proposals are considered acceptable.
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2.0 SITE

- 2.1 The application site is located in an irregular shaped plot between two roads, the A26 and Cottage Lane. Planning permission was granted on the site for the erection of a three-bedroom chalet style dwelling, associated driveway and garage.
- 2.2 The site is located within the High Weald AONB and within the Westfield Development boundary as outlined in the Development and Site Allocations (DaSA) Local Plan.
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3.0 PROPOSAL

- 3.1 This application seeks the variation of Condition 2 imposed on RR/2021/1197/P, which relates to the approved drawings to allow for the relocation of the approved garage to be attached to the side of the approved house.
- 3.2 The garage approved under RR/2021/1197/P measured 4.5m width x 6.5m depth with a ridge height of 4.5m. The proposed garage would measure 3.9m width x 6.8m depth with a pitched roof ridge height of 6.2m. The garage would provide additional living space at first floor level which would be used for a dressing room and en-suite for bedroom one. The materials would remain unchanged from those previously approved. The application also proposes to replace two rooflights on the front elevation with two dormers that would measure 2.6m width x 1.9m depth with a ridge height of 2.7m.
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4.0 HISTORY

- 4.1 RR/2021/1197/P Construction of 1 No. detached dwellinghouse with garage. 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
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - TR3: Access and New Development
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG3: Residential Internal Space Standards
 - DHG7: External Residential Areas
 - DHG9: Extensions, Alterations and Outbuildings
 - DHG11: Boundary Treatments
 - DHG12: Accesses and Drives
 - DEN1: Maintaining Landscape Character

- DEN2: The High Weald AONB
- 5.3 The following objectives of the adopted High Weald AONB Management Plan 2019-2024 are relevant to the proposal:
- Objective 3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- 5.4 The 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 letter of objection have been received (from one representatives). The concerns raised are summarised as follows:
- Description is not accurate
 - Will bring the building closer to the boundary with neighbours
 - Out of keeping with other properties in the area due to scale
 - Overbearing
 - Would affect the amenity of neighbouring properties
 - Loss of hedgerow

6.2 Town/Parish Council – **OBJECTION**

- 6.2.1 The proposal is an overdevelopment and inappropriate for this area. The development would also have a negative impact on the surrounding properties by overlooking these properties and impacting on their light and privacy. The proposal to increase any more traffic on this road the Parish Council strongly objects to. The recent proposed variation would move the garage but also add in yet another upstairs space to a house which is already an overdevelopment of the site, and this proposed variation would exasperate this. Moving the garage would remove this and make this site look even more urban in no way reflecting the characteristic of the local parish nor enhance the AONB.
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7.0 APPRAISAL

- 7.1 The main issues for consideration are:
- Principle of development
 - The impact upon the character and appearance of the locality within the AONB
 - Amenity of neighbouring occupiers
- 7.2 Planning permission has already been granted under RR/2021/1197/P for the erection of a dwelling, new access, landscaping and a detached garage. Therefore, the principle of the new dwelling, the effect of the development on the landscape within the High Weald AONB and the effect on residential amenity has already been found acceptable.

7.2.1 This application however seeks permission to vary the approved plans to allow for the repositioning of the detached garage to the side of the house, alongside the erection of two dormers.

7.3 Impact on the character and appearance of the area

7.3.1 Policy OSS4 of the Rother Local Plan Core Strategy states that all development should respect and not detract from the character and appearance of the locality.

7.3.2 Policy EN3 of the Rother Local Plan Core Strategy states that new development will be required to be of high design quality by contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.

7.3.3 Policy DHG9 of the DaSA states that alterations and extensions to dwellings will be permitted where they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling; they do not detract from the character and appearance of the wider street-scene, settlement or countryside location, as appropriate, in terms of built density, form and scale; 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 and function and the cumulative impact of extensions.

7.3.4 Cottage Lane contains a mixture of properties with mainly two-storey houses and chalet bungalows. Most properties on the eastern side of Cottage Lane have integral garages including the existing garages at 1 & 2 Stablefields.

7.3.5 The proposed garage would be modest in scale and would be set down and back from the principal elevations of the dwelling appearing as a subservient addition to the main house. It would be visible from the street scene but would be partly screened by neighbouring dwellings and boundary treatment. Concern has been raised by the parish council that the pitch of the roof would be steep however, the roof pitch and form would match that of the main roof and would be set down. Its modest scale and subservient nature would not result in any harm to the character of the building or street scene.

7.3.6 Concern has also been raised by the Parish Council regarding over urbanisation of the site however, although the garage would be larger than previously approved it would be better situated on the plot attached to the dwelling and the removal of the detached garage would reduce the spread of built form on the site reducing the overall urbanising effect on the site. The extent of built form on the site would be like for like, and while the garage would be slightly larger, it would be contained within the footprint of the dwelling and therefore seen as a seamless addition.

7.3.7 The proposed materials would match the dwellinghouse and would therefore result in the proposed garage being a cohesive design and would not detract from the character of the dwelling. The proposed variations would not cause any harm to the locality within the AONB location.

7.4 The effect on the living conditions of neighbouring properties

- 7.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 7.4.2 Policy DHG9 (i) of the DaSA states that extensions will be permitted where they do not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.
- 7.4.3 Concern has been raised by neighbours and the Parish Council that the relocation of the garage would have an unacceptable impact on the amenities of neighbouring properties. Whilst it is noted that the built form would be brought closer to properties 1 & 2 Stablefields it is considered that there is enough separation distance between the garage and these properties and hence the garage would not appear dominating or overbearing.
- 7.4.4 Due to the separation distance between properties and the height and scale of the garage it is not considered that the relocation of the detached garage would cause significant loss of light received to the neighbouring properties.
- 7.4.5 The application also proposes to replace two rooflights on the front elevation with two dormers which would face towards the dwellings to the south of the site. The dormer windows would serve habitable rooms and would face onto the two properties to the rear of the site (Crossways & Old Surgery). However, there would be a separation distance of over 25m between the dormers and habitable rooms of these two properties and over a 10m distance from the dormers to the rear garden of these properties. As such, it is considered that there is adequate separation distance and overlooking and loss of privacy would not be so materially harmful over and above the approved situation as to warrant refusal of the application.

7.5 Other matters

- 7.5.1 The Parish Council have raised concerns regarding access to the site and highway safety. It is noted that in the previous application the Highway Authority were consulted on the application and raised no concern over the access to the site and parking. As the access and parking facilities are remaining the same no concern is raised over highway safety.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed variation of Condition 2 imposed on RR/2021/1197/P to allow for the relocation of the proposed garage would not result in the development having an unacceptable impact on; the landscape within the High Weald AONB or on neighbouring residential amenity and as such the proposals are considered acceptable.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original permission **RR/2021/1197/P dated 10 February 2022**, i.e. before 10 February 2025.

Reason: This permission is granted pursuant to planning permission RR/2021/1197/P dated 10 February 2022 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 is varied as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Detailed on RR/2021/1197/P:-

Existing Layout Plan, Drawing No. 676/EX, dated January 2021

Detailed on RR/2022/1113/P:-

Proposed Location Block Plan, Drawing No. 6760/200/LBP, dated April 2022

Amended Proposed Block Plan, Drawing No. 6760/200/2/A, dated June 2022

Proposed Elevations and Block Plan, Drawing No. 6760/200/1/A, dated April 2022

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

The following conditions remain extant:

3. No development above ground level of the site shall take place until samples of the materials to be used in construction of the dwelling 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 ensure that the development is in character with its surroundings and to maintain the visual amenities of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

4. The development shall not be occupied until the boundary walls and fences shown on the permitted plans have been constructed. They shall thereafter be retained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garage hereby approved shall be retained for such use and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to preclude the creation of a separate dwelling and to accord with Policy TR4 and RA3 of the Rother Local Plan Core Strategy.

6. Prior to occupation of the development hereby permitted, the reconstructed access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form and all works

undertaken shall be executed and completed by the Applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

7. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
8. No part of the development shall be first occupied until pedestrian visibility splays of 2m x 2m have been provided either side of the proposed site vehicular access onto Cottage Lane. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
9. The gate shall be positioned at least 5.5m back from the edge of the highway (and open inwards) in order that a vehicle may wait clear of the highway whilst the gate is being operated.
Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
10. The development shall not be occupied until parking area have been provided in accordance with the approved plans which has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
11. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
12. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan which has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

13. 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 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.
14. The dwelling hereby permitted shall not be occupied until it has 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 in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations 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 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.
3. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

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.