

SITE PLAN

BATTLE

RR/20221232/P

3 VIRGINS CROFT



## Rother District Council

Report to - Planning Committee  
Date - 21 July 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/1232/P  
Address - 3 Virgins Croft  
BATTLE  
Proposal - Upward extension to side and rear of the existing property within footprint of existing single storey extension, and associated works including new windows and doors.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr and Mrs Bryant  
**Agent:** HK Planning Ltd  
**Case Officer:** Miss Harriet Nurse  
(Email: [harriet.nurse@rother.gov.uk](mailto:harriet.nurse@rother.gov.uk))

**Parish:** BATTLE  
**Ward Members:** Councillors Mrs V. Cook and K.M. Field

**Reason for Committee consideration:** Director – Place and Climate Change referral: Councillor Call In

**Statutory 8-week date:** 6 July 2022  
**Extension of time agreed to:** 29 July 2022

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposed upward extension to the side and rear of the existing property within footprint of an existing single storey extension, and associated works including new windows and doors would create an incongruous addition. The first floor would form a prominent addition, would not respect the character or design of these older properties, would not appear visually subservient to the host building and would have a harmful impact on neighbouring amenities, by way of loss of light and being overbearing. The recommendation is to refuse planning permission.

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## 2.0 SITE

- 2.1 The property is a semi-detached cottage situated on the east side of Virgins Croft. To the south of the property is a semi-detached property. Virgins Croft is a narrow un-adopted road off Virgins Lane. The property is within the development boundary for Battle and within the High Weald Area of Outstanding Natural Beauty (AONB).
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## 3.0 PROPOSAL

- 3.1 This application seeks planning permission for the upward extension to side and rear of the existing property within footprint of existing single storey extension, and associated works including new windows and doors. The application is a resubmission of three similar previously refused and one withdrawn scheme.

This resubmission includes the following amendments to the most recently refused proposal:

- Move the first floor element of the extension away from the boundary with No.4 Virgins Croft (0.2m reduction in width).
  - Install an oriel bay window on the side elevation which is partially obscure glazed to eliminate overlooking towards No.2 Virgins Croft.
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## 4.0 HISTORY

- 4.1 *No.3 Virgins Croft:*  
RR/2020/2370/P First floor rear and side extension and new and replaced doors and windows to ground and first floor. Refused.
- RR/2021/1071/P Proposed first floor rear extension and new pitched roof to side porch and new windows and doors. Withdrawn.
- RR/2021/2851/P First floor rear extension and new pitched roof to side porch and new windows and doors. Refused.
- 4.2 *No. 6 Virgins Croft:*  
A/73/1452 Alteration and Additions. Refused.
- RR/74/0089 Proposed alterations and additions to existing Cottage. Refused.
- RR/82/0336 First floor extension to bedrooms. Approved Conditional.
- 4.3 *No. 8 Virgins Croft:*  
A/65/520 Front porch. Approved.
- RR/84/0808 Two storey extension to form living room and bedroom. Approved Conditional.

- 4.4 *No. 10 Virgins Croft:*  
RR/2010/1906/P Proposed side extension to provide utility room and W.C. Approved Conditional.  
RR/2013/97/P Two storey rear extension and loft conversion. Refused.  
RR/2013/569/P Single storey rear extension and loft conversion. Approved Conditional.  
RR/2013/1176/P Erection of first floor side and rear extension. 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
  - BA1: Policy Framework for Battle
- 5.2 The following policies of the Development and Site Allocations Local Plan (DaSA), are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
  - DEN1: Maintaining Landscape Character
  - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- 5.3 The following policies of the adopted Battle Neighbourhood Plan are relevant to the proposal:
- HD4: Quality of Design
- 5.4 The National Planning Policy Framework, Planning Practice Guidance and the High Weald AONB Management Plan 2019-2024 are also material considerations.
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## 6.0 CONSULTATIONS

### 6.1 Sussex Newt Officer – **NO OBJECTION**

6.1.1 The Applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact. The SNO is satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. However, the application site lies within a [red/amber] impact zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, it is recommended that an informative note is put on a decision.

### 6.2 Planning Notice

6.2.1 No comments have been received.

### 6.3 Town/Parish Council – **NO OBJECTION**

### 6.3.1 No objection to this application.

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## 7.0 APPRAISAL

7.1 This application has made some amendments in an attempt to overcome the below reasons for refusal. The main issues for consideration under this application are as before:

- Impacts upon neighbouring and nearby properties
- The effect of the proposal on the host building, visual amenities of the street scene and locality.

7.1.1 The most recently refused application, RR/2021/2851/P was refused on the following grounds:

1. While attempts have been made to amend the proposal, the proposed first floor rear and side extension by reason of its size, height, mass and design, would be an overly large and incongruous addition to the building. The first-floor extension would not respect or respond positively to the scale, proportions or form of the host dwelling and its neighbours. The extension would not appear subservient to the host property, would be out of character with surrounding development and would fail to preserve or enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB, contrary to Policy OSS4(iii), EN1(i) and EN3(i & ii) of the Rother Local Plan Core Strategy, Policy DHG9(iii & vii), DEN1 and DEN2 of the DaSA and paragraph 127 and 172 of the National Planning Policy Framework.
2. The proposal by virtue of its design, height, depth and proximity to the boundary with No. 4 Virgins Croft to the north side, would result in an imposing addition which would be overbearing on this neighbour. The development would have a negative impact on the neighbouring rear garden, with loss of outlook and overshadowing of the garden with potential loss of light, that would harm the residential amenities currently enjoyed at No. 4 Virgins Croft. In addition, the insertion of a first-floor bedroom window to the south side elevation would also increase actual and perceived overlooking detrimental to the residential amenities of No. 2 Virgins Croft. The development would thus be contrary to adopted Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA.

### 7.2 Impacts upon neighbouring and nearby properties:

7.2.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that development should: not detract from the amenities of neighbouring properties.

7.2.2 No. 3 Virgins Croft is situated between two neighbouring dwellings, namely the attached property to the north No. 4 Virgins Croft and a semi-detached property to the south, No. 2 Virgins Croft.

7.2.3 *No. 4 Virgins Croft* - This property is attached to the host dwelling and lies to the north. The proposed first floor extension is situated to the rear/west of the host dwelling; it has been positioned 1m away from the ground floor

addition/shared boundary. As such it would not extend out any closer to this neighbour than the width and depth of the existing ground floor. Although an increased separation the first-floor element would, continue to be very close to this shared boundary. Situated to the south of the neighbour and with the combination of its height, depth and close proximity, it would result in an overbearing structure with a loss of light and outlook. The proposal would be very imposing and severely enclose the rear of the neighbouring property which is very narrow. It would result in a negative impact on and loss of residential amenity for the neighbouring occupiers at No. 4.

7.2.4 Given the size, depth, height, massing, and the close proximity to the south side of the shared boundary, like the previous applications, it would have a harmful impact on the residential amenities of No. 4 Virgins Croft. The revised scheme has only been reduced by 20cm in width and therefore has not overcome the overbearing nature of the proposal on this neighbour of No. 4 Virgins Croft.

7.2.5 *No. 2 Virgins Croft* - This property is positioned to the south side of the application site. The proposed extension would extend out slightly to the side towards this neighbour. The extension itself would be positioned approximately 3.1m in distance from the shared boundary and 7.4m from this neighbour's side conservatory. However, it is proposed to insert a new first floor side window to serve the existing bedroom. This window would be an oriel window with obscured fixed glazing on the side facing south west into the rear garden and conservatory. Views are already partially screened by some thin sparse conifer trees and a low outbuilding to the front side of No. 2 but more open to the rear. There is a degree of mutual overlooking from the rear first floor windows, the insertion of a side first floor window with the obscured glazed to the rear side would overcome the perceived overlooking to No. 2 of the previous refusal.

7.2.6 As such, although the extension itself would not impact on the residential amenities of No. 2 Virgins Croft, the revised proposal would remain to have a harmful impact on the neighbouring amenities to No. 4, in terms of scale and close proximity to No. 4 Virgins Croft.

### 7.3 **Effect on the Visual Amenities of the Street Scene and Locality:**

7.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA together, amongst other things, state that extensions 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.

7.3.2 Policy EN1 states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB.

7.3.3 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.

- 7.3.4 DHG9 of the DaSA states that extensions, alterations and 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.
- 7.3.5 DEN1 of the DaSA seeks to ensure the design of development maintains and reinforces the built landscape character of the area in which it is to be located with DEN2 seeking to conserve and enhance the landscape and scenic beauty of the High Weald AONB.
- 7.3.6 Paragraph 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; and
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.3.7 Paragraph 176 of the National Planning Policy Framework states that: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues.
- 7.3.8 The semi-detached property is set along a narrow un-adopted road, with the south side elevation visible from the street scene. To the rear the ground levels drop away and hence the rear elevation has wider views to the surrounding countryside of the High Weald AONB.
- 7.3.9 The first-floor addition proposed would form an incongruous and prominent addition. It would not respect the character or design of these older properties and would not appear visually subservient to the host building. Although the alteration to increase the separation of the first-floor element from the shared boundary – this is only by an additional 0.2m compared to the refused scheme. The massing of the proposed first floor would continue to have an overbearing nature of the extension and would be out of character with the surrounding development.
- 7.3.10 The agent makes reference to three other developments which they consider comparable to the case in hand. Two were granted planning permission in the 1980s, the other in 2013. However, the more recent case is at the end of the terrace, with no adjoining/immediate neighbour to the north. In respect of the 1980s additions, these were permitted close to 40 years ago. Planning policies and government guidance has changed since that time. Most notably in respect of assessing the impact on neighbouring amenities. The BRE daylight guidance 2011 provides specific technical guidance. It has not been demonstrated that the development would be in accordance with this guidance and therefore is considered harmful to the living conditions of the

occupiers of the adjoining property by reason of loss of light, being overbearing and overshadowing.

7.3.11 The revised proposed extension is out of character with and would cause harm to the host dwelling, locality and area within the AONB, contrary to Development Plan policies and the National Planning Policy Framework.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

8.1 The proposed first floor rear and side extension by reason of its size, height, mass and design, would be an overly large and incongruous addition to the building. The first-floor extension would not respect or respond positively to the scale, proportions or form of the host dwelling and its neighbours. The extension would not appear subservient to the host property, would be out of character with surrounding development and would fail to preserve or enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB.

8.1.1 The proposal by virtue of its design, height, depth and proximity to the boundary with No. 4 Virgins Croft to the north side, would result in an imposing addition which would be overbearing on this neighbour. The development would have a negative impact on the neighbouring rear garden, with loss of outlook and overshadowing of the garden with potential loss of light, that would harm the residential amenities currently enjoyed at No. 4 Virgins Croft.

8.1.2 It is considered that the amendments within this proposal would not overcome the previous reasons for refusal, especially as the width has only been reduced by 0.2m, and would be contrary to relevant policies contained within the Rother Local Plan Core Strategy, DaSA and Neighbourhood plan, together with the various provisions contained within the National Planning Policy Framework.

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

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### **REASONS FOR REFUSAL:**

1. While attempts have been made to amend the proposal, the proposed first floor rear and side extension by reason of its size, height, mass and design, would be an overly large and incongruous addition to the building. The first-floor extension would not respect or respond positively to the scale, proportions or form of the host dwelling and its neighbours. The extension would not appear subservient to the host property, would be out of character with surrounding development and would fail to preserve or enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB, contrary to Policy OSS4(iii), EN1(i) and EN3(i & ii) of the Rother Local Plan Core Strategy, Policy DHG9(iii & vii), DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and paragraph 130 and 176 of the National Planning Policy Framework.



2. The proposal by virtue of its design, height, depth and proximity to the boundary with No. 4 Virgins Croft to the north side, would result in an imposing addition which would be overbearing on this neighbour. The development would have a negative impact on the neighbouring rear garden, with loss of outlook and overshadowing of the garden with potential loss of light, that would harm the residential amenities currently enjoyed at No. 4 Virgins Croft. The development would thus be contrary to adopted Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the Rother Development and Site Allocations Local Plan.

**NOTE:**

1. This refusal relates to the following plans:  
Drawing No. 2089/01 rev E dated April 2022  
Planning Statement dated 10 May 2022

**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 and determining the application within a timely manner, clearly setting out the reason 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.