

SITE PLAN RR/2022/1587/P	WESTFIELD Springfield Sprays Lane
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## Rother District Council

Report to - Planning Committee  
Date - 13 October 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/1587/P  
Address - Springfield, Sprays Lane, Westfield, TN33 0RU  
Proposal - Construction of a new 3-bay garage/garden store with ancillary accommodation above. (Alternative to extant planning permission RR/2020/1372/P.)

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr & Mrs F. Ham  
**Agent:** Mr Andrew Gerken  
**Case Officer:** Michel Vladeanu  
(Email: [Michael.vladeanu@rother.gov.uk](mailto:Michael.vladeanu@rother.gov.uk))

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

**Reason for Committee consideration:** Application called in by Councillor Maynard due to concern over conditions i.e. no Section 106 tying the building to the main dwelling and overdevelopment of the site.

**Statutory 8-week date: 23 August 2022**  
**Extension of time agreed to: 20 October 2022**

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This application is included in the Committee site inspection list.

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### **1.0 SUMMARY**

- 1.1 This application seeks permission for the construction of a new 3-bay garage/garden store with ancillary accommodation above. (Alternative to extant planning permission RR/2020/1372/P).
- 1.2 The view is taken that the proposed development would have an acceptable impact on the character and appearance of the site and is not expected to give rise to harm to neighbouring amenity. It is, accordingly, recommended that planning permission be granted.
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## **2.0 SITE**

- 2.1 The site is located outside of the development boundary for Westfield on the eastern side of Sprays Lane. The property is within the High Weald Area of Outstanding Natural Beauty (AONB) with woodland to the south and east.
- 2.2 The site contains a chalet bungalow that was subject to extension and modernisation following permissions in 2003/4. It sits within a spacious plot and is surrounded by lawn areas to the rear (south) and side (east), with a large, gravelled surface to the front of the property (north). The site is accessed to the northwest of the property, with mature hedgerows along the boundaries with Sprays Lane and Wheel Lane to the north. The property faces north, with a brick ground floor elevation and a deep roof profile with dormer windows within the roof void. The property sits at a higher level, with the levels dropping to the north.
- 2.3 The property lies within a cluster of properties, in a rural location, off Sprays Lane, and forms the corner plot at the junction of Sprays Lane and Wheel Lane to the north.
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## **3.0 PROPOSAL**

- 3.1 This application seeks permission for the construction of a new 3-bay garage/garden store with ancillary accommodation above. (Alternative to extant planning permission RR/2020/1372/P).
- 3.2 The main differences between this proposal and the previously approved proposal are that 2 No. dormers have been added to the rear elevation in place of 2 No. roof lights, a first-floor window is also included within the northeast side gable and the other change relates to the external materials with brickwork being proposed to match the house rather than the elevations being fully weatherboarded.
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## **4.0 HISTORY**

- 4.1 RR/2020/1372/P Construction of new 3-bay garage/garden store with ancillary accommodation above. Approved conditionally.
- 4.2 RR/2004/1089/P External alterations to scheme approved under planning application RR/2003/3054/P – Approved conditionally.
- 4.3 RR/2003/3054/P External alterations to scheme approved under planning application RR/2002/2789/P - Approved conditionally.
- 4.4 RR/2002/2789/P Erection of extension and roof alteration – Approved conditionally.
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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:

- PC1: Presumption in Favour of Sustainable Development
- OSS1: Overall Spatial Development Strategy
- OSS3: Location of Development
- OSS4: General Development Considerations
- RA2: General Strategy for the Countryside
- RA3: Development in the Countryside
- CO6: Community Safety
- EN1: Land Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- EN7: Flood Risk and Development
- TR4: Car Parking
- SRM2: Water Supply and Wastewater Management

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
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable drainage
- DIM2: Development Boundaries

5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

## 6.0 CONSULTATIONS

6.1 [RDC Waste & Recycling](#) – **NO OBJECTION**

6.2 [Planning Notice](#)

6.2.1 No letters of representation have been received.

6.3 [Westfield Parish Council](#) – **OBJECTION**

6.3.1 The ancillary accommodation above would be an overdevelopment of the site. Detrimental impact on the AONB and setting a precedent for similar large-scale developments which could be converted into separate dwellings.

## 7.0 LOCAL FINANCE CONSIDERATIONS

7.1 As the application is for a residential annex/extension for use by the Applicant/owner, they have claimed an exemption to Community Infrastructure Levy.

## 8.0 APPRAISAL

8.1 The main issues for consideration are:

- Principle of development

- Impact upon the character and appearance of the area
- Impact upon the amenities of neighbouring properties
- Use of conditions
- Drainage

## 8.2 Principle of development

8.2.1 Policies OSS1, OSS2 and OSS3 of the Rother Local Plan Core Strategy are concerned with the distribution of development, the use of development boundaries and the location of development, respectively. Collectively they encourage sustainable patterns of development with most development directed to within existing development boundaries around settlements.

8.2.2 By way of context the previous application at the site (RR/2020/1372/P) for the same nature and footprint of development was approved subject to amendment to remove excessive numbers of dormers, six were originally proposed. The principle of the use of the building as a garage with ancillary home office/living accommodation above has already been established under this extant planning permission. There has been no change in the footprint of the building, site circumstances or material policy considerations since the previous permission was granted, to justify an alternative decision. Given this it is considered that the principle of development is considered acceptable, as with other similar proposals throughout the district.

## 8.3 Impact upon the character and appearance of the area

8.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.

8.3.2 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the countryside is to (viii) conserve the intrinsic value, locally distinctive rural character and landscape features of the countryside.

8.3.3 Policy RA3 of the Rother Local Plan Core Strategy states that (v) all development should be of an appropriate scale and will not adversely impact on the landscape character of the countryside.

8.3.4 Policy EN1 of the Rother Local Plan Core Strategy requires the protection and enhancement of the districts nationally and locally distinctive landscapes, including (i) and (ii) tranquil and remote areas, including the dark night sky.

8.3.5 This is further expanded in Policies DEN1 and DEN2 of the DaSA. These policies are also supported by paragraph 172 of the National Planning Policy Framework, which states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs.

8.3.6 Policy DHG9 (vii) states that in the case of outbuildings, they respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the wider street-scene or general locality, through their siting, scale and massing, design, appearance and materials.

- 8.3.7 The existing site is well screened by existing trees and hedgerows which essentially screens the site from public view. In any case, the building will be seen within the context of the existing dwelling and the surrounding residential gardens. The proposed works are considered to be of a modest size in association with the chalet dwelling and provide a neutral improvement to the subject property, but which would benefit the current occupants and any future occupants.
- 8.3.8 This application does not propose to install a larger building on site when compared to the previous approval at the site but seeks to change the external materials to brick with the addition of two dormers to the rear and a first-floor window is also proposed within the northeast side gable.
- 8.3.9 In the previous application the Case Officer concluded by stating *“the siting, design, massing, size, scale, appearance and materials of the proposed works as amended are considered to be sympathetic to the existing property and surrounding area. The proposed works fit in with the character of the locality. They are not considered to cause material harm to the wider countryside character of the area generally or to the setting of the High Weald AONB, Brede Landscape Character Area.”*
- 8.3.10 In regard to the change in materials this is considered acceptable as the brickwork will match that of the main dwelling and would be in keeping with the locality.
- 8.3.11 2 No. dormers are proposed on the rear elevation of the garage which would match that of the two dormers on the front elevation. The two dormers would be set down from the ridge and set in from the sides and would form a subservient addition to the garage building. Due to the location of the dormers to the rear of the building, which reflect the use of dormers on the main dwelling and which would be out of public view, it is not considered that the dormers would have a detrimental impact upon the character and appearance of the area within the AONB.
- 8.3.12 Overall, the proposed works are considered to be of a modest size in association with the chalet dwelling and provide an improvement to the subject property for the current occupants and any future occupants.
- 8.4 Impact upon the amenities of neighbouring properties
- 8.4.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties.
- 8.4.2 2 No. dormers would be installed to the rear of the building. The outlook from these dormers would be onto the rear garden of the host property and hence no concern is raised. A first-floor window is also included within the northeast side gable this again would face onto an open field to the north of the site.
- 8.4.3 The proposal is located at a sufficient distance from neighbours and of a modest scale and in regards of impact relating to overlooking, overshadowing and overbearing upon neighbouring properties it is considered acceptable.

8.4.4 A condition would be placed on any permission, as previously applied, to ensure the outbuilding shall be used only for purposes incidental to the occupation and enjoyment of the existing dwelling (Springfield) as such, and not for any business, commercial industrial purposes and to preclude the creation of a new dwelling within the countryside. This is to protect the character of the area and residential amenities of neighbouring properties.

#### 8.5 Use of conditions

8.5.1 Government guidance is very clear that conditions should be used where appropriate and that a Section 106 agreement should only rarely be utilised where conditions cannot achieve the required controls.

8.5.2 The proposed outbuilding sits adjacent the existing dwelling, utilising the same access, parking arrangements and garden areas. A condition to control the use and preclude use as a dwelling is appropriate in this situation and is as utilised on the previous application and for others throughout the district. A Section 106 which would replicate the conditions is not justified in this instance.

#### 8.5 Drainage

8.5.1 Policy EN7(iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the DaSA seek to secure effective management of water resources

8.5.2 The proposed extended driveway would consist of chippings to match the existing driveway (permeable).

8.5.3 If the current drainage system is to be utilised, to ensure surface water drainage is appropriate for this countryside area, a condition should be imposed on the decision notice to make sure the current drainage system is investigated, and maintenance or rehabilitation carried out should it be required, as imposed on the previous permission.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 For the above reasons the proposed works are considered to be in keeping with the existing property, would preserve the character and appearance of the street-scene, and will not materially harm the amenity of neighbouring residents, setting of the High Weald AONB or surrounding countryside area. There is no change to the size of the development, the footprint and height of which is as previously approved. The development complies with the above-described planning policies and guidance and planning permission subject to conditions should again be granted.

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

### **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:  
Site Location Plan, Drawing No. 6593/22/LBP, dated June 2022  
Proposed Elevations and floor plans, Drawing No. 6593/22/1/A, dated 22/06/2022  
Reason: For the avoidance of doubt and in the interests of proper planning
3. The materials to be used in the construction of the external surfaces of the proposal hereby permitted shall match in materials, colour and texture those submitted with this application unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that the development is in character with its surroundings in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9(ii) of the Rother Development and Site Allocations Plan.
4. The building hereby permitted shall only be used for incidental use in association with the existing dwelling (Springfield) and shall not be used as a separate dwelling unit.  
Reason: To protect the character and appearance of the area and to preclude the creation of a new dwelling within the countryside in accordance with Policies OSS4 (iii) and RA3 of the Rother Local Plan Core Strategy and DEN1 and DHG10 of the Rother Development and Site Allocations Local Plan.
5. The building hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the existing dwelling (Springfield) as such, and not for any business, commercial or industrial purposes.  
Reason: In the interests of protecting the character of the area and the residential amenities of neighbouring properties in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and Policy DEN1 of the Rother Development and Site Allocations Local Plan.
6. No outdoor/exterior lighting shall be installed on or adjacent the building hereby approved unless details have first been submitted to and approved in writing by the Local Planning Authority. Any outdoor/exterior lighting scheme shall be maintained and implemented in accordance with the approved details and all features shall be retained in that manner thereafter.  
Reason: To prevent light pollution and to protect the dark night skies and local ecology of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Rother Development and Site Allocations Local Plan.
7. If the current drainage system is to be utilised, the system must be investigated, and maintenance or rehabilitation carried out should it be required.  
Reason: To ensure satisfactory surface water drainage of the site, in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and Policy DEN5 of the Rother Development and Site Allocations Local Plan.



**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.