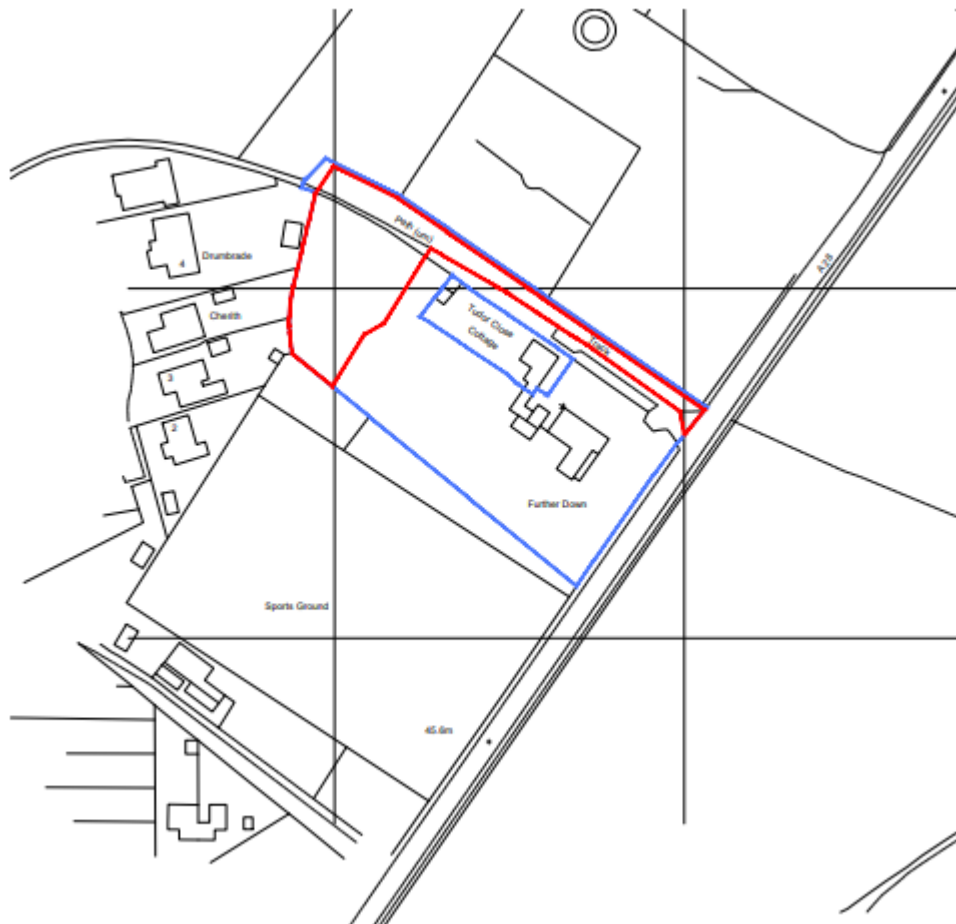


SITE PLAN	WESTFIELD
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Further Down
Main Road



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Not to Scale

Rother District Council

Report to	-	Planning Committee
Date	-	15 December 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/1583/P
Address	-	Further Down, Main Road, Westfield TN35 4SL
Proposal	-	Reserved Matters for the erection of two detached 3-bedroom residential dwellings.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr Waller
Agent: Kent Design Studio Ltd
Case Officer: Mr M. Simmonds
(Email: mark.simmonds@rother.gov.uk)

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

Reason for Committee consideration: Councillor Call-In reason of overdevelopment of site, height and scale of properties.

Statutory 8-week date: 2 September 2022
Extension of time agreed to: 30 December 2022

This application is included in the Committee site inspection list

1.0 SUMMARY

- 1.1 The application provides the details for two dwellings following the grant of outline permission. The proposed footprint is comparable to that indicated at outline stage. The details are considered to be acceptable and to comply with policy.
-

2.0 SITE

- 2.1 The proposal site is located within the development boundary for Westfield and within the High Weald Area of Outstanding Natural Beauty (AONB).

- 2.2 The proposal site is accessed from Main Road and is located to the North West of Tudor Close and Further Down. The site abuts the rear of a row of properties that form a cul-de-sac accessed from Cottage Lane.
- 2.3 The site currently forms part of the curtilage of Further Down, a residential two storey Victorian detached dwelling house set within substantial grounds. Constructed in the late 19th Century, the building was once serviced with outbuildings and stables which have since been converted into a separate dwelling house known as Tudor Close Cottage. There are trees to the west side boundary with the properties off Cottage Lane.
-

3.0 PROPOSAL

- 3.1 The approved outline proposal was to erect 2x two-storey detached dwellings. The dwellings present a gable to the front, a gabled side dormer with a large opening (though labelled obscured). They are rendered at ground level with timber clad at first floor and slate roof tiles.
- 3.2 This application is the detailed design following approval of outline application RR/2019/2723/P. The details are accompanied by tree survey and protection details, access details and a landscaping and biodiversity plan.
-

4.0 HISTORY

- 4.1 RR/2019/2723/P Outline: Erection of two detached 3-bedroom residential dwellings – land at rear of Further Down, Main Road, Westfield. APPROVED CONDITIONAL
-

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
 - OSS4: General Development Considerations
 - RA1: Villages
 - EN3: Design Quality
 - EN1: Landscape Stewardship
 - EN6: Flood Risk Management
 - EN7: Flood Risk and Development
 - TR3: Access and New Development
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DIM2: Development Boundaries
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB
 - DEN4: Biodiversity and Greenspace
 - DHG3: Residential Internal Space Standards
 - DHG7: External Residential Areas

- DHG11: Boundary Treatments
 - DHG12: Accesses and Drives
- 5.3 High Weald AONB Management Plan 2019-2024:
Objective S2: To protect the historic pattern and character of settlement.
Objective S3: 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.
-

6.0 CONSULTATIONS

6.1 Waste and Recycling: **COMMENT**

- 6.1.1 This area is served by a 26 tonne vehicle therefore the bins for both properties will need to be presented at the curtilage with Main Road, they will not drive up to the properties.

6.2 County Archaeologist: **NO OBJECTION**

- 6.2.1 It is noted the application documentation has not met the requirements of Policy 194 of the National Planning Policy Framework. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions. No further comments on re-consultation.

6.3 County Highways: **NO OBJECTION**

- 6.3.1 The details are acceptable subject to compliance with conditions.

6.4 Planning Notice

- 6.4.1 Five letters of objection have been received from the public. The concerns raised are summarised as follows:
- The proposal is clearly substantial detached 4-bedroom houses with generous accommodation and their height and scale are not acceptable for this site. Plot 2, closest to our boundary, will have an overbearing impact on Brumbrade and will ruin the outlook.
 - The hedging on the boundary line is sparse, mainly deciduous and ineffective as a screen.
 - Dead-end access routes longer than 20m require turning facilities and this site is located over 120m from the A28 (Main Road). The plan does not allow for a suitable and compliant turning facility thus making it impossible for a fire appliance to access and turn. In addition, the track would need to be significantly upgraded, taking into account weight, height and width specifications, in order to accommodate a fire appliance of 17 tonnes minimum, in line with current East Sussex Fire and Rescue Service requirements.
 - With regard to the positioning of the soakaway and tree root protection restrictions, we question whether the existing track can be significantly

upgraded to support the weight of fire appliances and refuse/recycling vehicles.

- Badgers and other wildlife such as bats, newts, dormice etc. are prevalent to the area and it is possible that this site forms habitat or foraging grounds to these and others – would therefore expect a Phase One Ecological Appraisal of the site and access track to form part of this planning application.
- Houses too large and out of character with the area. The land is much higher and will dominate the outlook of neighbours.
- Rear windows will invade privacy of neighbours and overlook.
- Rainwater run off may affect neighbouring homes as we are so much lower than the proposed building plot.
- Negative impact on schools, surgeries and wildlife.
- Size of dwellings will be very oppressive for the occupiers of the neighbouring bungalows.

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

6.5 Parish Council: **OBJECT**

6.5.1 Object on the grounds that the proposal is an overdevelopment of the site. The Parish Council objected to the original application No. RR/2019/2723/P and feels this is a further overdevelopment. Rather than it being a 'modest built form, scale and mass' it seems two properties with now an additional two car ports are being squeezed onto the site. The level of density seems far more suited to urban living than in the rural areas. Due to the higher ground here it would seem the neighbours are going to be considerably overlooked.

6.5.2 The design of the properties does not reflect the character of properties within the Parish. White rendered walls and natural vertical cladding is a distinctively urban design rather than reflective of the characteristics within the nearby rural village. There is no mention on how the development meets the design standards of the High Weald Management criteria.

6.5.3 There have been no ecological surveys carried out during the outline planning or this planning application. Any biodiversity net gain cannot be achieved on the site due to the over development of the site.

7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is Community Infrastructure Levy (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 £66,170.62.

8.0 **APPRAISAL**

8.1 The main issues are considered to be:

- Character Impacts of the development
- Residential Amenity
- Landscaping

- Highway Safety
- 8.2 The proposal site is located within the development boundary for Westfield and within the High Weald AONB, as defined in the DaSA, 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 Rother Local Plan 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 National Planning Policy Framework 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 considered to be diverse in appearance and, as a result, there is no single unifying character.
- 8.5 The proposed dwellings are designed to a high standard and are largely sympathetic to the character of the area on this basis the proposal would not have a harmful impact upon the locality by virtue of their scale and siting. The palette of materials which are annotated on plan is also sympathetic and in-keeping.
- 8.6 Given the mix of dwellings in the surrounding area and the mixed palette of materials the design of the dwellings are considered to be in-keeping. Therefore, the proposal is considered acceptable in character terms and would accord with Policies EN3 and OSS4 of the Rother Local Plan Core Strategy.
- 8.7 **Residential Amenity**
Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.
- 8.8 The proposed dwellings are considered to be of a sufficient distance from all other neighbouring properties so as not to result in unacceptable levels of overbearing or overshadowing. One point of contention is the gabled dormers. The plans mark them up as being obscured and should they not then this would lead to unacceptable harm. However, the openings serve secondary living (landing) and a condition reinforcing them to be obscured is sufficient in this instance.
- 8.9 The objections have been fully appraised, and the case officer is mindful that the principle of the development of dwellings on this site has already been established and these reserved matters add the detail of development. In terms of overshadowing and loss of outlook, whilst new additional buildings would have a greater presence than the current undeveloped site, the

proposed dwellings would not, on balance, appear unduly overbearing or cause unacceptable overshadowing to either neighbouring property or other nearby properties. The site levels have been highlighted in objections, however these have been considered in the assessment of the scheme and it is considered that the proposal would not result in a significant erosion of residential amenity in terms of overshadowing/loss of outlook.

8.10 Turning to overlooking, the site is in an area where some mutual overlooking would be unavoidable between neighbours. It is considered that the most sensitive windows and views are protected with the imposition of obscured glass therefore on balance, the proposal would not result in harmful or unacceptable overlooking of neighbouring properties.

8.11 Policy DHG3 of the DaSA is concerned with residential internal space standards. It states that “All new dwellings (including changes of use and houses converted into flats) should provide adequate minimum internal space in line with the standard.” The internal space meets with all of these requirements.

8.12 The Applicant also provides outdoor amenity space. This space is proportionate and would meet with the requirements of DHG7 of the DaSA, which considers external residential areas. The plot sizes are comparable and sympathetic to neighbouring properties.

8.13 **Landscaping**

Policy DEN1 of the DaSA is concerned with maintaining landscape character. It states that:

The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics (see Figure 5 above), in accordance with Core Strategy Policy EN1.

8.14 Policy EN1 of the Rother Local Plan Core Strategy is concerned with Landscape Stewardship. It states that “...*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.*”

8.15 Policy DEN2 is concerned with the High Weald AONB. It states that:

All development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.

8.16 Furthermore, Objectives S2 and S3 of the High Weald AONB Management Plan 2019-2024 are relevant.

8.17 The siting of the dwellings is influenced by the tree report. The retention of these trees along with the works to restore their health result in the wider impacts upon the landscape to be mitigated sufficiently by the development.

Conditions will be attached to ensure that construction works follow the tree protection plans submitted.

- 8.18 The soft and hard landscaping within the site is typical of a residential proposal. Lawned areas to the rear and soft landscaping to the front along with the courtyard and turning area are all acceptable. The site is surrounded by mature hedgerows and boundary fencing which will largely remain and be enhanced with close board fencing to the new boundaries. This provides adequate screening between the neighbouring properties.

8.19 **Highway Safety**

Policy DHG9 of the DaSA is concerned with Accesses and Drives, it states that:

Proposals for new drives and accesses will be supported where:

- i. they are considered acceptable in terms of highway safety, including for pedestrians and cyclists;*
- ii. by virtue of their location and design and materials (including any soft landscaping) they would maintain the character of the locality, particularly in the rural areas;*
- iii. they involve the relocation of an existing access, if there are highway benefits of relocating the existing access, and the existing access will be stopped up; and*
- iv. either, they are constructed of permeable materials, or appropriate drainage is included to manage surface water run-off in accordance with Policy DEN5.*

- 8.20 Policies TR3 and TR4 of the Rother Local Plan Core Strategy are also considered relevant.

- 8.21 The Highways Authority has no objections to the proposal subject to the imposition of conditions. The proposed dwellings are accessed from Main Road through a private drive. The block plan shows that both properties would have sufficient space to enter and leave the site in a forward gear. Furthermore ample parking provision is also proposed on the site. Therefore, subject to the attachment of conditions the proposal would meet with DHG12 of the DaSA and Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 On balance, the design and detail of the proposal with conditions is acceptable as it would reflect the mixed character of the area, would retain trees and would not be overly harmful to the amenity of neighbouring properties. For these reasons planning permission should be granted for this reserved matters application.
- 9.2 The outline application attached numerous planning conditions. The Applicant states that they intend to discharge Conditions 1, 2, 8, 9, 10, 11, 12 & 14 as part of this proposal. Conditions 1 and 2 are standard reserved matters conditions and are discharged through this process. Conditions 8 and 9 are compliance and cannot be discharged but rather adhered to which the design does. The information for Condition 10 is acceptable. Condition 11 requires retention of the turning space so cannot be discharged. The

Construction Management Plan is considered acceptable, despite the lack of commentary from Highways. Condition 14 details are acceptable and a compliance condition will be placed to ensure that the methodology for protecting trees is followed. However, other than reserved matters conditions, conditions cannot be discharged as part of the reserved matters application and a discharge of condition application would still be required.

RECOMMENDATION: GRANT PLANNING PERMISSION

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Location and Block Plan 3996_10
Block Plan 3996_02
Proposed Floor plan 3996_03 Plot 01
Proposed Floor plan 3996_05 Plot 02
Proposed Carports Floor plan 3996_07
Plot 01 Elevation 3996_04
Plot 02 Elevation 3996_06
Proposed Landscaping and Biodiversity Plan 3996_09
Construction Access Plan TPP-CA-001
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The proposed development shall be carried out in accordance with the tree protection plans and tree constraints plan, Drawing No. TCP001 and TPP001.
Reason: To ensure the protection and preservation of trees and thus maintain the landscape within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.
3. At the time of construction and prior to the first occupation or use of the dwellings hereby approved, the dormer windows at first floor level within the side elevations, as indicated on the approved Drawing Nos. 3996_04 and 3996_06 shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.
Reason: To preserve surrounding residential amenity in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9(i) of the Rother 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.

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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.