

SITE PLAN

BATTLE

RR/2023/1630/P

21 Starrs Mead  
Jaysperch  
Battle



## Rother District Council

Report to - Planning Committee  
Date - 14 December 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/1630/P  
Address - 21 Starrs Mead, Jaysperch  
BATTLE  
Proposal - Extend veranda and step access to the garden via garage and utility room; lay decking on the original upper level of garden (Retrospective).

[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 Lee Dean  
**Agent:** -  
**Case Officer:** Oliver Hurst  
(Email: [oliver.hurst@rother.gov.uk](mailto:oliver.hurst@rother.gov.uk))

**Parish:** BATTLE (SOUTH BATTLE & TELHAM)  
**Ward Members:** Councillor Mrs V. Cook

**Reason for Committee consideration:** Councillor call-in with regard to impact on neighbouring amenity.

**Extension of time agreed to: 21 December 2023**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposal is retrospective but to be considered on its planning merits and in regard to the relevant policy considerations. It seeks to retain an extension of a raised veranda and decking at the rear of the property. It is considered to be acceptable in principle as it causes no harm to the character and appearance of the locality and wider Area of Outstanding Natural Beauty (AONB). The proposal also does not introduce any new harmful viewpoints that would cause unacceptable impacts on neighbouring amenity.

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## 2.0 SITE

- 2.1 The application site is a detached two storey dwelling situated in the north west side of Starrs Mead. It is within a residential area on a sloping site, with neighbours to the rear north and west side boundaries. The road adjoins to the east side boundary. It lies within the Development Boundary for Battle and the High Weald AONB. The extended veranda is situated within the rear elevation away from the side boundaries. The decking is located within the rear northeast corner of the garden adjacent to the road. The rear garden is bounded by fencing varying in height to reflect the sloping ground levels.
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## 3.0 PROPOSAL

- 3.1 This application is a retrospective application for the extension of the veranda and step access to the garden from the utility room of the dwelling. The application also includes the laying of decking, which in one part exceeds 300mm, on the eastern side of the garden adjacent to the existing conservatory.
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## 4.0 HISTORY

- 4.1 RR/87/1873 Outline application for 13 Dwellings, Garages, parking spaces with estate road. APPEAL ALLOWED.
- 4.2 ENF/349/22/BAT New French doors, balcony and raised patio area created overlooking neighbouring properties.
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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
- 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 AONB
- 5.3 The following policies of the adopted Battle Civil Parish Neighbourhood Plan are relevant to the proposal:
- HD4: Quality of Design
- 5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations along with the High Weald AONB Management Plan.
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## 6.0 CONSULTATIONS

### 6.1 Planning Notice

6.1.1 Three letters of objection have been received (from three representatives). The concerns raised are summarised as follows:

- Impact on neighbouring amenity.
- Similar works had been undertaken nearby that was refused planning permission.
- Ground levels have been built up.
- Fence on northern boundary of garden tall and requires planning permission.
- Decking orientated for views toward No. 20 and No. 19
- The enlargement of the original access staircase has the potential for leisure use and seating, not the intended use as originally built.
- Screening is unsightly and out of keeping.

### 6.2 Town Council – **NO OBJECTION**

6.2.1 Subject to a minimum 10% biodiversity net gain.

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## 7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is not Community Infrastructure Levy liable.

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## 8.0 APPRAISAL

8.1 The main issues to consider in the determination of this application include:

- The impact of the proposal on the character and appearance of the locality and AONB.
- The impact of the proposal on neighbouring amenities.

### 8.2 The impact of the proposal on the character and appearance of the locality and AONB

8.2.1 Policy DHG9 of the DaSA states that: ‘extensions, alterations and outbuildings to existing dwellings will be permitted where: (i) they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling; (ii) 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.’

8.2.2 Rother Local Plan Core Strategy Policy OSS4(iii) states that: ‘development should respect and not detract from the character and appearance of the locality.’

8.2.3 21 Starrs Mead is adjacent to public highways to the south and east of the dwelling. The rear garden of the dwelling subject of this application is not viewable from the front of the dwelling and is only visible from the highway to

the east by viewing through trellis on the fence separating No. 21 from No. 22 Starrs Mead. It is not considered that the proposal would cause harm to the character and appearance of the locality and AONB as views of the proposal are very limited, and it is seen in context with the surrounding dwellings.

8.2.4 The Applicant has erected timber screening to the west side of the small veranda to obscure views and it is affixed to the original railings. The screening is not visible in the street scene and is not considered to be harmful.

8.2.5 It has been noted that the fence on the northern boundary of the site may exceed 2m in height in places and therefore may require planning permission. However, it is not part of this retrospective application and is a separate matter.

### 8.3 The impact of the proposal on neighbouring amenities

8.3.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA requires development to not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.

8.3.2 The veranda originally served as a means of access to the rear garden from the utility room of the dwelling and consisted of a level area adjacent to the door with steps leading down to the ground level of the garden. The veranda and steps are orientated from east to west, away from the neighbouring dwelling No. 20.

8.3.3 This retrospective application seeks permission to retain an extension to the veranda, which has been built up to the level of the original veranda in place of the existing steps and new steps built on the eastern side. The extended veranda and steps now serve new French doors that have been installed in the kitchen of the dwelling further away from the boundary with No.20. While the veranda has increased in length away from the boundary it remains the same depth of approximately 1.3m. This depth would not ordinarily afford space for seating.

8.3.4 Prior to the erection of screening, the original veranda and associated steps afforded clear views into the garden and kitchen entrance of No. 20 Starrs Mead, which is at a lower ground level to the application site. The original area of the veranda (closest to No. 20) is still in place complete with the original safety railings. The new extension to the veranda has been built further from the boundary, therefore views from the extended veranda are no more harmful than the original views that existed prior to the development.

8.3.5 Views over No. 22 Starrs Mead to the rear of the dwelling are not considered to be exacerbated as views from the original veranda are from a very similar viewpoint.

8.3.6 Comparisons have been drawn between this proposal and the recently refused retrospective application at a neighbouring dwelling, No. 19 Starrs Mead. These proposals are not considered to be comparable as the other application proposed an extension of an existing access to form a large raised terrace. This raised terrace was of a much larger size and was built up to and towered above the adjoining boundary fence of the neighbour, introducing a large seating area and unacceptable levels of overlooking. The extended

veranda in this application is of a much smaller size, unable to accommodate seating as such and built away from the adjoining neighbour, centrally located within the rear garden.

- 8.3.7 Objections have also been raised regarding the use of the extended veranda. Whilst no material change of use has occurred, concerns have been raised regarding the use of the area for seating and recreational purposes. The extended veranda is not considered large enough to use for these purposes and a suitable screening solution would alleviate any overlooking, although overlooking from this area already existed.
- 8.3.8 The decking has been constructed on the eastern side of the garden of the dwelling and is built to the same level as the existing conservatory. The majority of the decking is no greater than 300mm from ground level and has been in part built over existing paving and rockery. There are no immediate neighbours to the east that would be impacted by the proposal. An area of garden at the front of No. 22 Starrs Mead and the side of the dwelling can be viewed from the proposed decking. These views are open to view from the road and thus views from the decking are not considered harmful due to screening from a tall fence with trellis.
- 8.3.9 There are views over the rear of No. 20 Starrs Mead from the proposed decking. These views are not considered to cause unacceptable impacts on neighbouring amenity due to the separation distance between the decking and No. 20 and the majority of the decking being no greater than 300mm from ground level. The decking matches the floor level of the adjacent conservatory, from which views previously existed.
- 8.3.10 Having regard to the extremely limited size of the veranda extension, separation distances from the decking and pre-existing overlooking between the properties, the proposals are not considered to result in overtly harmful overlooking that would justify a refusal of the proposals.

#### 8.4 Other Matters

- 8.4.1 The comments of the Town Council have been noted however 10% Biodiversity net gain is not considered justifiable with regard to this minor householder application.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposed decking and extension of an existing veranda is not considered to cause unacceptable harm to the character and appearance of the locality and AONB or neighbouring amenity. The proposal is not visible from the street scene and viewpoints introduced from the extended veranda and decking are not considered to be any more harmful than viewpoints that existed prior to the development. Existing ground levels at Starrs Mead slope from east to west, creating a natural presence of overlooking.
- 9.2 For the reasons explained, the proposal would comply with the Rother Local Plan Core Strategy and DaSA policies. The application is therefore recommended for approval.

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

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### **CONDITIONS:**

1. The development hereby permitted shall be retained in accordance with the following approved plans and details:  
Location Plan Drawing No. 7778/LBP dated 11.09.23  
Existing Layout Drawing No. 7778/EX/A dated 08/09/23  
Proposed Layout Drawing No. 7778/1/A dated 08.09.23  
Reason: For the avoidance of doubt and in the interests of proper planning.

**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.