WD/2020/0389/F - 13 VIBURNUM WAY, HAILSHAM, BN27 2FD

Summary of Proposal

Full application for:
SINGLE STOREY SIDE EXTENSION TO CREATE GARAGE AND UTILITY.

Received date: 21 February 2020
8/13 week date: 17 April 2020
Parish: Hailsham
Ward: Hailsham East
Grid Ref: 559410 109705

Link to website:

Recommendation

Full planning permission BE GRANTED, subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted. STD4A

   REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation. MA11

   REASON: To safeguard the appearance of the building and the visual amenities of the locality and to comply with SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 127 of the National Planning Policy Framework 2019.

3. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

   Ref. Date Stamped. STN4
   1954/01/D 21 February 2020

   REASON: For the avoidance of doubt.

The local planning authority’s reasons for its decision to grant planning permission are set out in the officer’s report which can be viewed on the Council’s website at www.planning.wealden.gov.uk
NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Reason for Referral

This application is being referred to this Committee as the applicant is a staff for Wealden District Council.

Executive Summary

The property is a two storey, semi-detached brick built unit with off street parking to the side and a small elevated rear garden. To the rear of the property is a narrow patio from which rises a stairway to a small lawn area with decking. The rear garden is bound by stepped 1.8m panel fencing to either side with close board timber fencing to the rear. The rear lawn sits at first floor level continuing to rise to the southern boundary. To the front of the property, in keeping with the character of the estate, the front garden and parking area is open plan with no high level boundary fencing or garages throughout the development.

Full permission is sought for a single storey side extension to create a garage and utility.

The design, mass, scale and materials are appropriate and sympathetic in relation to the existing property and the adjoining neighbours. The proposal is considered to make efficient use of the land within the site, and conserves the amenities of the area including the character of the property and the residential location, retaining the rhythm of gaps within the recently developed street scene. There is no potential for overlooking by the additional windows therefore the proposal would not have an adverse impact upon neighbouring amenities. Furthermore, the proposed development is not intrusive within the landscape or detrimental to its setting; conserving the character of the area.

The proposed development complies with both national and local policy and accordingly conditional approval is recommended.

1. Statutory Bodies and Residents - Responses

Hailsham Town Council

Hailsham Town Council supports the application as it conforms to guidance within the Wealden Design Guide 2008 chapter 10 paragraphs 4.1 and 4.2.
Response to Town Council

None Required.

Other third party responses (including local residents).

None Received.

2. Other Relevant Responses/Issues

None Received.

Pre-Application Matters

Detailed discussion was undertaken in relation to application WD/2019/2246/F which was subsequently withdrawn. The current submission reflects the outcome of those discussions.

3. Relevant Planning History

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Description</th>
<th>Decision and Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>WD/2006/6502/SO</td>
<td>Proposed residential development, community facilities and open space - Objections</td>
<td>Raise objection 25 May 2006</td>
</tr>
<tr>
<td>WD/2007/6500/SCO</td>
<td>Request for scoping opinion for development of the site to accommodate 250 homes, with a mixture of house types, a health centre and a library</td>
<td>Refused 15 May 2007</td>
</tr>
<tr>
<td>WD/2009/2705/MEA</td>
<td>The erection of a mixed use development comprising up to 170 dwellings, 55 extra care units, an education establishment, up to 4000 sq. m. of office space, health centre, and either a library or alternative provision for another community or recreation</td>
<td>Approved (Cond) 30 June 2010</td>
</tr>
<tr>
<td>WD/2014/2544/MRM</td>
<td>Approval of reserved matters for the layout, scale and appearance of the buildings and landscaping at land north of Marshfoot road, phase 4 for 37 dwellings following outline permission WD/2009/2705/MEA.</td>
<td>Approved (Cond) 10 March 2015</td>
</tr>
<tr>
<td>WD/2019/2246/F</td>
<td>Two storey side extension</td>
<td>Withdrawn 18 February 2020</td>
</tr>
</tbody>
</table>

4. Details of Case

The Application Site

The property is a two storey, semi-detached brick built unit with off street parking to the side and a small elevated rear garden. The plot size is small relative to the footprint of the property and further constrained by the topography of the site. To the rear of the property is a narrow patio from which rises a stairway to a small lawn area with decking. The rear garden is bound by stepped 1.8m panel fencing to either side with close board timber fencing to the rear. The rear lawn sits at first floor level continuing to rise to the southern boundary.
To the front of the property, in keeping with the character of the estate, the front garden and parking area is open plan with no high level boundary fencing or garages throughout the development.

Permitted Development rights were removed from the property within application WD/2014/2544/MRM

"Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, inclusive of
The Development Proposals

Full permission is sought for a single storey side extension to create a garage and utility.

Policy Framework

The up-to-date approved ‘development plan’ for Wealden District Council comprises the following documents:
For: Planning Committee South
Date: 23 April 2020

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19\textsuperscript{th}February 2013)
- The Affordable Housing Delivery Local Plan (May 2016)

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).

Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS\textsuperscript{12} relating to Ashdown Forest.

Prior to the Court of Appeal Judgement Policy WCS\textsuperscript{12} provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation identified in this policy has now been removed. However, all planning applications will continue to be subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA).

The rest of the Core Strategy is unaffected therefore remains intact as part of the adopted development plan for the purposes of this application.

Certain policies of the Wealden Local Plan (1998) have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning & Compulsory Purchase Act 2004. Annex 1 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.

Under ‘saved’ policies EN\textsuperscript{1} (sustainable development) and EN\textsuperscript{27} (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some ‘saved’ policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 216 of the NPPF).
The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn. The Plan was subsequently withdrawn at Full Council, in February 2020.

**Relevant Policies**

The National Planning Policy Framework (NPPF) in force from June 2019 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 8, 11, 124, 125, 126 and 130 of the NPPF 2019.

- Saved Policies GD1, EN8, EN27 and HG10 of the adopted Wealden Local Plan 1998.
- Policies SPO13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapter 10, Parts 2, 3, 4 and 8.

**Principles of Development**

The application site is located outside the defined development boundary for Hailsham within the Low Weald landscape character area.

**Policy Issues**

Saved Policy HG10 of the Wealden Local Plan sets out that within development boundaries, the extension and alterations of existing dwellings will be permitted where the scale, style, design and materials are appropriate and sympathetic in relation to existing buildings, and there is no significant adverse effect on the amenities of occupiers of neighbouring properties.

This is reflected by certain criteria of Saved Policy EN27, which has regard for scale, form, design and neighbouring amenity.

**Design Issues**

The proposed single storey garage and utility room will measure 7.3m x 2.75m with a maximum height of 3.25m. The building will be constructed of materials to match the existing property with a false pitch roof set at an angle that reflects the pitch of the main property. The front of the garage will be set back 4.0m from the front of the property and 9.1m from the road side.

The design, mass, scale and materials are appropriate and sympathetic in relation to the existing property and the adjoining neighbours. The proposal is considered to make efficient use of the land within the site, and conserves the amenities of the area including the character of the property and the residential location. Although located close to the side boundary, the set back from the front elevation by 4m ensures this extension does not compete with the main property.
and remains subservient to it. This set back also retains the rhythm of gaps within the recently developed street scene. Such siting and design features are welcomed, and are a significant improvement on the previously proposed two storey side extension, which was withdrawn following officer advice.

Impact on Street Scene or Wider Landscape

Within the street scene No. 13 is one half of three pairs of similarly designed mirror image semi-detached dwellings. The introduction of a single storey extension incorporating an integral garage, whilst visually unbalancing the existing arrangement, is an appropriate addition within the residential landscape. Although the reduction in the gap between No.13 and No.15 would result in a more enclosed streetscene the fact that it remains at ground floor level and is already backed by steep topography to the rear has little impact on the visual gaps at first floor level thereby conserving the existing character of the estate. The proposal is not atypical of the scale and siting of extensions you would usually see in such a residential setting.

The proposed development is not intrusive within the landscape or detrimental to its setting; conserving the character and appearance of the residential and urban landscape.

Access & Parking

ESCC Minor Planning Application Guidance states garages should be set back at least 5.5m into the site (so vehicles may park in front before opening/closing the door). The garage proposed is set back by approximately 9.1m, which complies with the guidelines allowing for vehicles to pull off from the road completely whilst allowing for the garage door to be opened.

The guidance also states that for single garages, the minimum internal dimensions are 6.0m by 3.0m, with a 2.4m wide garage door. The internal dimensions of the integral garage as proposed are 2.44m x 4.53m. As such, the garage does not comply with the minimum requirements of ESCC’s guidelines in terms of providing a usable parking space. It therefore does not count towards the parking provision of the property.

The original scheme provided two tandem parking spaces with three visitor spaces opposite, whilst the ESCC Parking Calculator advised that this property should retain 1.2 parking spaces with a 0.39 visitor allowance, creating a need of 1.59 parking spaces. This need remains as originally calculated as the number of bedrooms within the property remains static and is unaltered by this proposed extension. The extension does however marginally reduce the on site parking available, by reducing the length of the driveway, but on balance the site is still able to provide the required level of parking with 1 parking space on site and visitor space in excess of 0.39 spaces opposite. As such the proposed development would not have an adverse impact or exacerbate any on street parking issues to a level that would justify refusal of the application.
Impact on Adjoining Properties

The previous scheme which was withdrawn, proposed a two storey side extension. The reduction of the space between the two properties would have had an adverse impact on the rhythm of the street scene gaps and would have also had an overbearing impact on the neighbouring residence. The reduction in height to a single storey provides relief from this issue retaining the appearance of the wider gap giving greater views of the sky, whilst maintaining the space and appearance within the street scene. This reduction in height is welcomed and removes the imposing and dominant character of the previous extension and retains the level of privacy for the neighbouring property. The extension has also been carefully designed in terms of window siting and alignment, to ensure there is no potential for overlooking by the additional windows. Therefore, the proposal would not have an adverse impact upon neighbouring amenities.

Developer's Contributions

The proposed development is a residential extension and has a sq.m. of under 100m². Therefore, the development is not CIL liable.

5. Conclusion

The design, mass, scale and materials are appropriate and sympathetic in relation to the existing property and the adjoining neighbours. The proposal is considered to make efficient use of the land within the site, and conserves the amenities of the area including the character of the property and the residential location, retaining the rhythm of gaps within the recently developed street scene. There is no potential for overlooking by the additional windows therefore the proposal would not have an adverse impact upon neighbouring amenities. Adequate parking provision remains in this case. The application is therefore recommended for approval.

6. Contact points and references

Team Leader (S) Samantha Prior - Tel: 01892 602479
Case Officer: Mrs K Roberts , Assistant Planning Officer – Tel: 01892 602470
Ward Member: Cllr G Blake-Coggins
For: Planning Committee South
Date: 23 April 2020