

Report to **Planning Committee**
Date **11 October 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/02146/HOUS**
Applicant **Mr M Pearce**
Application **Demolition of existing outbuilding and erection of a new garage with storage**
Address **43 High Street
Ditchling
Hassocks
East Sussex
BN6 8SY**

Recommendation: That the application be **Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

1 Site Description

- 1.1 No. 43 High Street, is a Grade II listed, semi-detached property located within the Ditchling Conservation Area and South Downs National Park. It occupies a large plot of approximately two-thirds of an acre, and is bordered to the south by St Margarets's Church graveyard, and to the south-west by Ditchling Museum. The northern boundary is demarcated by No. 47 High Street, and Borers Platt, Boddington's Lane (which also forms footpath 47A), with the western boundary abutting the large pond adjacent to Ditchling Museum.
- 1.2 The proposed garage will replace a timber shed and a small shipping container which are currently used for storage, and do not have planning consent.

2 Proposal

- 2.1 Planning permission is sought for the erection of a four-bay timber framed garage, with storage space above, to house the applicant's car collection. The proposed garage will sit on a brick plinth, with timber weatherboard elevations under a clay tile roof. An external staircase on the eastern elevation will provide access to the storage area within the roof space, and three rooflights, one each to the north and south roof slopes and one to the western roof slope, will provide natural light. The building will have an eaves height of 2.5m on the front (north) elevation, rear catslide with an eaves height of 1.8m, and a ridge height of 5.8m. It will be 11.3m wide x 6.7m deep resulting in a footprint of 75.71sqm.

- 2.2 As stated earlier, the building will replace a shed and small shipping container, and will be partially sited on an existing area of hardstanding.

3 Relevant Planning History

SDNP/12/00067/HOUS - Alterations to roof at rear - Approved 7th June 2012

LW/12/0218/NP - Alterations to roof at rear and internal and external alterations - Approved 2nd May 2012

4 Consultations

LE - Tree & Landscape Officer

4.1 General Comments:

If the Construction Exclusion Zones and Tree Protection Measures, which include the Method Statement, are properly implemented there is no reason why the trees shown for retention would not survive post construction operations.

4.2 Landscape Impact:

I am of the view that the scheme should not have a significant detrimental impact on the first part of the first of the twin purposes of the South Downs National Park, or specifically the scheme should not adversely impact on the wider natural beauty and wildlife of the Park.

- 4.3 Suggested Planning Conditions: In the event planning permission is granted for the development the following condition should be considered.

4.4 Protection of Trees:

The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the Council.

- 4.5 This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

- 4.6 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 1-5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Ditchling Parish Council

- 4.7 Objection- the proposed garage by virtue of its height would adversely affect the character of the conservation area

ESCC - County Archaeologist

- 4.8 Recommends a programme of archaeological works.

LE - Design and Conservation Officer

- 4.9 No objection is raised to the principle of the proposed garage subject to the following considerations.

- 4.10 The scale of the proposed garage, it being four bays, is comparable in its footprint to the existing dwelling. While the garden is generous and the garage is some distance away from the listed

building, comparison between the two can still be made. It should also be noted, while partially obscured by the existing trees, the roof of the garage will be seen from St. Margret's Church. Concern is therefore raised over the scale of the garage. It is important the scale of the garage is reduced to lessen its impact. It is advised the east elevation of the garage be amended from the proposed gable end to a hipped end to mitigate some of this impact.

- 4.11 However, four rooflights on the south elevation facing onto the churchyard is considered excessive and would clutter the roofslope, to the detriment of setting of the St. Margret's Church and the Ditchling Conservation Area. It is advised these be reduced to one on the south elevation and one on the north elevation. A rooflight would also be acceptable within the hipped roof on an amended east elevation. It is important the rooflights are not increased in size. An element of glazing would also be acceptable within the first floor door.
- 4.12 It is recommended the application be approved with the following conditions:
- 4.13 Prior to commencement of works details of materials, to include but not be limited to samples, finishes, product information, etc shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.
- 4.14 Prior to commencement of works details of the doors, garage doors windows, door and rooflights (which shall be a conservation style) to include elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.
- 4.15 Prior to commencement of works details of hard and soft landscaping shall be submitted to, approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

5 Representations

- 5.1 Objections have been received from two neighbouring dwellings concerning the possibility of overlooking, loss of privacy, noise from revving engines, visual impact, visible from public viewpoints, out of character, loss of view. The Turner-Dumbrell Foundation (as owners of Boddington's Lane) have requested that, should permission be granted, that any works vehicles use the existing right of way over the curtilage of No. 45, and do not access Boddington's Lane from the west.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014
- National Planning Policy Framework

Other plans considered:

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The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF07 - Requiring good design

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- H2 - Listed Buildings
- H5 - Within / Affecting Conservation Area

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CPI 1 - Built and Historic Environment and Design

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 50

The following policies of the **National Planning Policy Framework** are relevant to this application:

- NPPF07 - Requiring good design

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

- 8.1 The proposed building will be tucked into an area which abuts the rear (western) boundary of the adjacent dwelling, No. 41 High Street. The rear elevation will be 3m away from the boundary with the churchyard at the south-eastern corner, and 1m away at the south-west corner. A change in levels in this location means the ground level of the building will be approximately 1m below the ground level of the churchyard, and 2.5m below the top of the close board boundary fencing to the east.
- 8.2 As originally submitted, the design incorporated gables at both ends, and the inclusion of four rooflights to the rear. Although the Design and Conservation Officer has raised no objections to the principle of the proposed garage, concerns were raised over the scale and visual impact, with a recommendation that a hipped end be introduced, as well as the reduction in the number of rooflights. These amendments have been agreed and amended plans received.
- 8.3 An objection has been received from the Parish Council on the grounds that the height of the garage would adversely affect the character of the Conservation Area. It is acknowledged that the garage will be visible from the graveyard, with glimpsed views possible from Ditchling Museum. However, as stated earlier, the garage will be set lower than the surrounding ground level, with the rear cat-slide roofslope facing away from the boundary wall, and the visual bulk reduced by the inclusion of the hipped profile. During summer months the boundary trees will provide screening, and a condition is recommended to ensure they are not adversely affected by the proposal. As a result, it is considered there will be no adverse impact on the character and quality of the Conservation Area in accordance with Policy H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan (LDLP).
- 8.4 No objections have been received from the occupiers of the dwelling immediately to the east of the proposal (No. 41). The occupiers of No. 47 have raised concerns regarding overlooking, but these relate to the previously approved scheme which had no rooflights on the front (north) elevation, so it is difficult to see how overlooking and loss of privacy would be an issue over and above the everyday use of the garden. The revised scheme incorporates a single rooflight to the front elevation and, at approximately 2m above floor level in the roof storage space, will not cause any loss of privacy issues. Regarding sound from engines, this could occur in any case as the off-road parking for the dwelling is situated in the rear garden on the site of the proposed garage and is something the planning authority has no control over. Regarding the design and materials of the proposed building, it is considered to be a simple utilitarian design, with the

extensive use of timber and clay tiles totally appropriate in this semi-rural, village location, within the curtilage of a listed building. Finally, the ancillary use of the building can be controlled by an appropriate planning condition, which is recommended.

- 8.5 The comments made by the Turner-Dumbrell Foundation are noted, however issues regarding rights of access are not planning issues and are a private matter between the applicant and the Foundation.
- 8.6 It is considered the revised design of the proposal, with a hipped roof to the western elevation, barn hip to the east, and the reduction in the number of rooflights, as well as the lower ground level of the site, adequately addresses issues of visual dominance and impact on the Conservation Area. In addition, the simple design with the use of timber weatherboarding and clay roof tiles will not have an adverse impact on the character and special qualities of the listed building and wider Conservation Area. As a result, the proposal is in accordance with Policies H2 (Listed Buildings), H5 (Development within or affecting Conservation Areas) and ST3 (Design, Form and Setting of Development) of the LDLP.
- 8.7 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part I of our Local Plan and sets out the over-arching strategies that all other planning documents will need to be in conformity with. This proposal is considered to accord with Core Policy 11 (Built and Historic Environment and High Quality Design).
- 8.8 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.
- 8.9 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

That planning permission be granted.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of works details of materials, to include but not be limited to samples, finishes, product information, etc shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

Reason: To protect the character and setting of the listed building and wider Conservation Area having regard to policies H2 and H5 of the Lewes District Plan.

4. Prior to commencement of works details of the doors, garage doors windows, door and rooflights (which shall be a conservation style) to include elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

Reason: To protect the character and setting of the listed building and wider Conservation Area having regard to policies H2 and H5 of the Lewes District Plan.

5. Prior to commencement of works details of hard and soft landscaping shall be submitted to, approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

Reason: To protect the character and setting of the listed building and wider Conservation Area having regard to policies H2 and H5 of the Lewes District Plan.

6. The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the Council.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 1-5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: To protect the existing trees on the site and in the interest of local amenity having regard to Policies H5 and ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

8. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 43 High Street, Ditchling.

Reason: To prevent the use of the building for any trade or business in the interests of the residential amenities of adjoining occupiers having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. The glazed window in the entrance door set into the eastern elevation shown on drawing No. S004/CS/205 shall be in obscured glass and be permanently fixed shut and shall be maintained as such.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

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.

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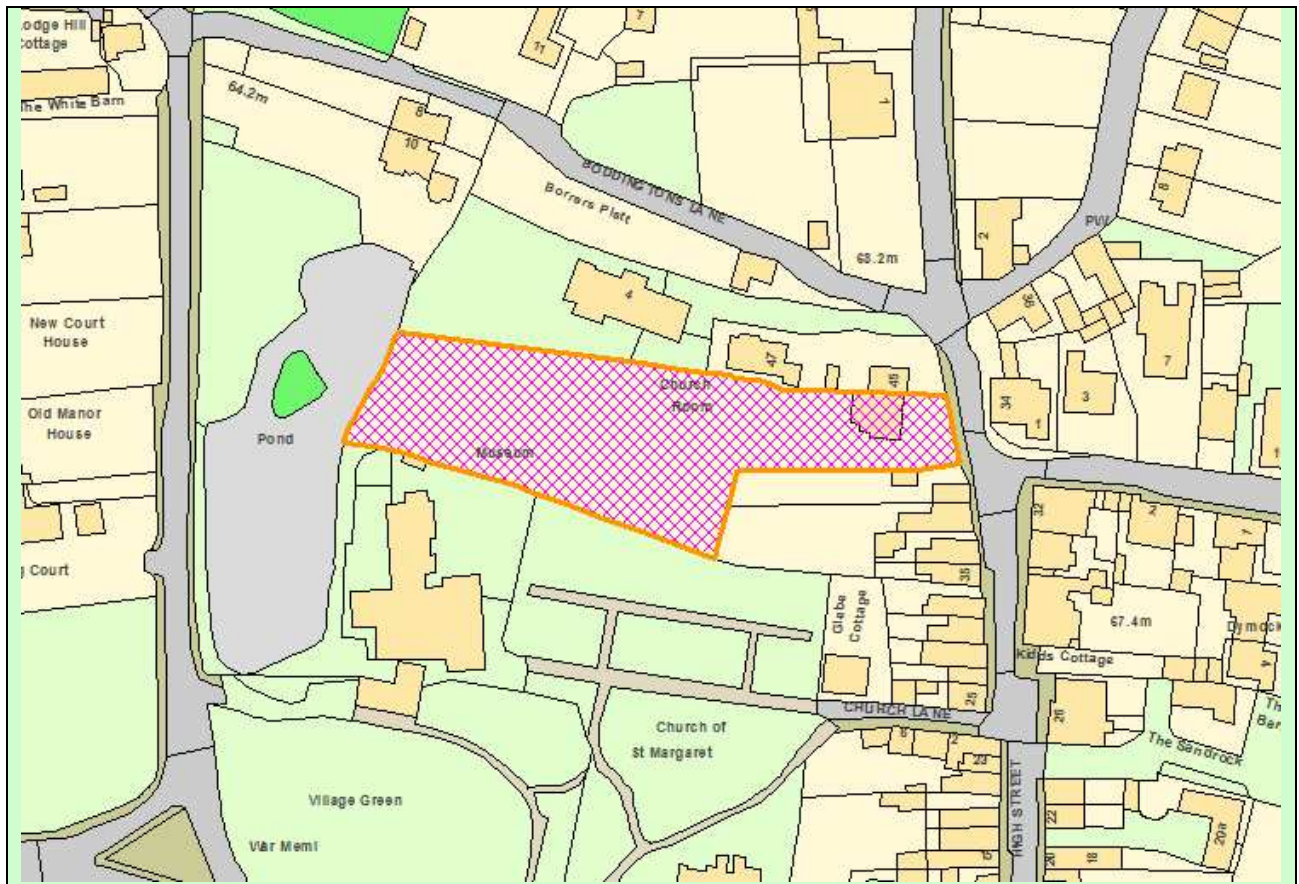
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Application Documents -	ARBORICULTURAL ASSESSMENT		25.04.2017	Approved
Application Documents -	Architectural Report		25.05.2017	Approved
Application Documents -	D&A STATEMENT		25.04.2017	Approved
Application Documents -	HER Consultation Report		25.05.2017	Approved
Application Documents -	HERITAGE STATEMENT		25.04.2017	Approved
Application Documents -	Heritage Statement		25.05.2017	Approved
Plans - Tree Layout Plan	NJCL 052 A		25.04.2017	Approved
Plans - Tree Constraints Plan	NJCL 052 B		25.04.2017	Approved
Application Documents -	Photos of Existing		25.05.2017	Approved
Plans - Site Plan	S004/CS/200 A		25.04.2017	Approved
Plans -	S004/CS/202 A		25.04.2017	Superseded
Plans - Proposed Floor Plans	S004/CS/202 B		21.09.2017	Approved
Plans -	S004/CS/203 A		25.04.2017	Superseded
Plans - Site sections	S004/CS/204 A		11.09.2017	Superseded
Plans - Site Sections	S004/CS/204 B		20.09.2017	Approved
Plans - Proposed elevations	S004/CS/205		20.09.2017	Approved
Application Documents -	Site Notes		25.05.2017	Approved
Plans -	Site Plan		25.05.2017	Approved
Plans -	Topographical survey		16.08.2017	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.