

Report to **Planning Committee**  
Date **10 January 2018**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/05815/HOUS**  
Applicant **Mr D Ling**  
Application **Increase in the length of the existing rear extension, addition of a second storey over, installation of a bike shed and a wooden gate in front garden and internal alterations**  
Address **16 St Annes Crescent  
Lewes  
East Sussex  
BN7 1SB**

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

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## **Executive Summary**

### **1 Site Description**

1.1 No 16 St Annes Crescent is a four storey dwelling (lower ground floor, ground floor, first and second floors) which forms part of a terrace of similar dwellings within Lewes Conservation Area and Article 4 Area. The dwellings are characterised by narrow elevations with deep front gardens, and tightly constrained rear gardens which are overlooked by the rear elevations of dwellings along the southern side of Western Road to the rear (north).

### **2 Proposal**

2.1 This application is submitted following the refusal of two applications earlier this year: SDNP/17/02835/HOUS - Two storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations, and SDNP/17/02836/HOUS - Three storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations.

2.2 The works proposed as part of this current application are similar to the previous application for a two storey extension, including the extension of the lower ground floor (basement) area, but slightly reduced in height and depth, with the installation of a bike shed and wooden gate remaining unchanged.

2.3 As submitted under SDNP/17/02835/HOUS the proposal included a 3m deep x 2.27m wide extension at first floor, over the existing 1.95m deep x 2.27m wide ground floor projection, with the overall height being 5.67m. This revised scheme proposes a decrease in depth of the first floor element by 0.53m - to 2.47m, providing a new bathroom; an increase in the depth of the existing ground floor element by 0.52m to match the overall 2.47m depth, providing a new

shower; and the reduction in overall height of the extension by 0.62m - to 5.05m. The lower ground floor, adjacent to the rear light well will be extended out to a depth of 1.95m x 2.27m wide to provide a utility room.

2.4 The bike shed will be constructed from timber, and will also incorporate a bin store. It will be 2.88m wide x 1.66m deep x 1.5m high and will be situated behind the evergreen hedge which forms the front boundary. The solid timber gate will have a curved top, and be approximately 2m high.

### 3 Relevant Planning History

SDNP/17/02835/HOUS - Two storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations, refused 4th August 2017 under delegated powers.

SDNP/17/02836/HOUS - Three storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations, refused 4th August 2017 under delegated powers.

### 4 Consultations

#### 4.1 Parish Council Consultee

4.2 Members considered comments from a near neighbour of this application and re-iterated their comments made on 25th July 2017

4.3 *'Members heard the concerns of a neighbouring householder, who cited several aspects of the proposed development which would be detrimental to everyday use and enjoyment of her home and were believed to represent overdevelopment of the site.'*

4.4 *The size and positioning of proposed extension would severely compromise the already limited light available due to the orientation of the properties. This already necessitated the use of artificial light in some rooms throughout the day. The building would be overbearing and dominate her small garden, and alter the look of the Crescent. There were serious concerns over the effect on the structural integrity of adjoining properties, due to the proposed removal of internal elements. Issues also giving cause for concern included the inflationary effect on the property value and the wider implications for affordability in the area. Members concurred with these points and OBJECT to the proposals; suggesting that the application should be called-in for consideration by the District Planning Committee.'*

4.5 It was noted that the overall works proposed seem smaller, but more alterations were planned to lower levels, and these caused concern. The neighbour reported that some work appeared to be underway, and reported movement in her property which had caused a window pane to break. Other neighbours cited the effects on the green infrastructure of the area, and Members saw some merit in these arguments.

4.6 It was agreed that Cllr Catlin would seek to have this application called-in for scrutiny by Lewes District Council's Planning Committee.

#### 4.7 LE - Design and Conservation Officer

4.8 Comments from previous applications are still relevant, i.e. no observations.

### 5 Representations

5.1 At the time of writing, three letters of objection have been received from the next door neighbour (No. 17), No. 110 Western Road, and No. 13 St Annes Crescent.

5.2 The letter from the occupiers of No. 17 is available to view on the South Downs National Park website, but is summarised thus:

- Issues regarding loss of light - "Light is already restricted due to the congested site and any further diminution of light to our back windows is unreasonable. Our main light

comes from the west for most of the working day. Lack of light results regrettably in the use of electric lights inside.

- Basement - a main living and working room; our existing tiny window is already affected by the existing extension- heightening this in any way will exacerbate this.
- First floor - a living room with light also already affected by the existing extension - the same will apply.
- Second floor - is the only back room with a larger window with at present unimpaired light - this may be slightly affected.
- Garden - our limited amount of sunlight would be further reduced by this application, with respect also to drying washing, flowering plants etc - see ecological effects.
- Outside - enclosure and lack of sunlight on the back of the house causes damp problems - every bit of sunlight and circulating air is necessary to keep the back walls dry.
- As an artist I am extremely anxious about loss of light, once gone from these buildings it will never be easily reclaimed by future generations."

5.3 In addition, the letter takes issue with loss of garden space; potential for overlooking from the rear facing window; structural concerns; precedent; access during construction works and ongoing maintenance; disruption during development.

5.4 One letter, from 110 Western Road to the rear (north) cites loss of light to their kitchen extension, and loss of a valuable wildlife corridor as grounds for objection, with the objection from No. 13 St Annes Crescent citing loss of light, loss of green infrastructure and potential structural damage as grounds for objection.

5.5 Friends of Lewes have objected to the gate and bike shed, considering them to be, "unsympathetic to the site and its local context".

## 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

Other plans considered:

- Lewes Neighbourhood Plan

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:

- H5 - Within / Affecting Conservation Area
- RS13 - All Extensions
- ST3 - Design, Form and Setting of Development

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

- CPI1 - Built and Historic Environment and Design

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

### 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:

### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with

the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

## 8 Planning Assessment

8.1 The earlier planning application incorporating a rear two storey extension (SDNP/17/02835/HOUS) was refused for the following reasons:

8.2 *"The proposed two storey extension would result in an overbearing and dominant structure that would result in loss of light and overshadowing to the adjacent dwelling, No. 17 St Annes Crescent, to the detriment of the residential amenities of the occupiers thereof. Accordingly the proposal is considered to be contrary to Policies RES13 and ST3 of the Lewes District Local Plan."*

8.3 *"As a result of the restricted open space to the rear of the dwelling, the proposed two storey extension would result in overdevelopment to the detriment of the character of the existing dwelling and wider terrace. Accordingly the proposal is considered to be contrary to Policies RES13 and ST3 of the Lewes District Local Plan."*

8.4 Consequently, this planning application should be assessed on whether or not the above points have been addressed sufficiently enough to warrant a recommendation of approval.

8.5 Policy RES13 (Extensions) of the Lewes District Local Plan states that all extensions and alterations will be required to, *"(c) ensure that any extension to the rear of the building should not excessively enclose or seriously affect the daylight in an adjoining owners nearest habitable room or garden. Extensions should generally be restricted to within a line drawn from the mid-point of the nearest ground floor window opening to a habitable room of neighbouring properties. The line should be projected at 60 degrees and 45 degrees for single and double storey extensions respectively. With respect to two storey extensions usually a distance of at least one metre will be required between the extension and a boundary to prevent the creation of a terraced appearance"*. The refused application fell foul of this 45 degree rule. However, the reduction in depth of this revised proposal has brought the proposed rear elevation within these parameters. However, this does not automatically render the proposal acceptable as the restricted space and layout at the rear of the properties is also a determining factor.

8.6 As stated earlier, the proposed extension has been reduced in depth by 0.53m from the original submission, with the ground floor extension being increased in depth by 0.52m to provide an aligned rear elevation. This is coupled with a reduction in overall height of 0.62m. The adjacent dwelling to the north-east (No. 17) is effectively the last dwelling in this terrace as, although joined at the front to No. 18, Nos 18 to 24 are tilted away from Nos 1 to 17. This means that the potential for overshadowing and loss light is partially mitigated by the more open eastern boundary between Nos. 17 and 18, addressing the first reason for refusal, and the objections of the next door neighbour.

8.7 The adjacent dwelling to the west (No. 15), and No. 13 have first floor extensions of a similar size to the proposed, although these are of an indeterminate age and may not have required planning permission at the time of construction. As the proposed is similar in dimensions to other extension, it is considered an objection on grounds of character cannot be maintained and the second reason for approval has been addressed.

8.8 The objections of local residents are noted, and the issue of loss of light is addressed above. However, the loss of any green corridor is not an issue in this case as the footprint of the dwelling is only increased by 1.18 sqm. Regarding loss of light to the kitchen extension at No. 110 Western Road, it is difficult to see how this is a potential issue, compromised as it is at present by the extremely large and deep rear extension at Nos 106 - 108 Western Road adjacent. Issues regarding structural matters raised by the occupiers of No. 17 are not planning matters and should be addressed under Party Wall legislation. An informative setting this out is recommended. It is considered the insertion of a window in the rear elevation will have no greater impact from overlooking than the existing first floor rear window. In addition, the window serves a bathroom and is not classed as a 'habitable' room.

8.9 The previous comments of the Design and Conservation Officer (DCO) are just as valid for this proposal. The position of the extension at the rear of the property means the proposal is not visible from the public realm. Therefore, the only element of the scheme that may have an impact on the Conservation Area is the bike shed and wooden gate to the front garden. The DCO had no observations to make on the proposal. In addition, the shed will be tucked behind the coniferous front hedge which will provide a year-round screen.

8.10 It is considered the proposal has addressed the issues raised within the previously refused applications. Although there are issues with the constrained dimensions of the rear elevations and rear amenity space, it is considered the proposal has gone some way to reduce any adverse impact on the adjoining dwellings and that, on balance, planning permission should be granted.

## 9 Conclusion

9.1 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. The development hereby approved shall be finished in external materials to match those used in the existing building.

Reason: To ensure a satisfactory development in keeping with the locality 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.

4. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3; of the Lewes District Local Plan.

## 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 assessing the proposal against all material considerations, including planning policies and any representations that may 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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Mrs Alyson Smith  
Tel: 01273 471600  
email: [alyson.smith@lewes.gov.uk](mailto:alyson.smith@lewes.gov.uk)

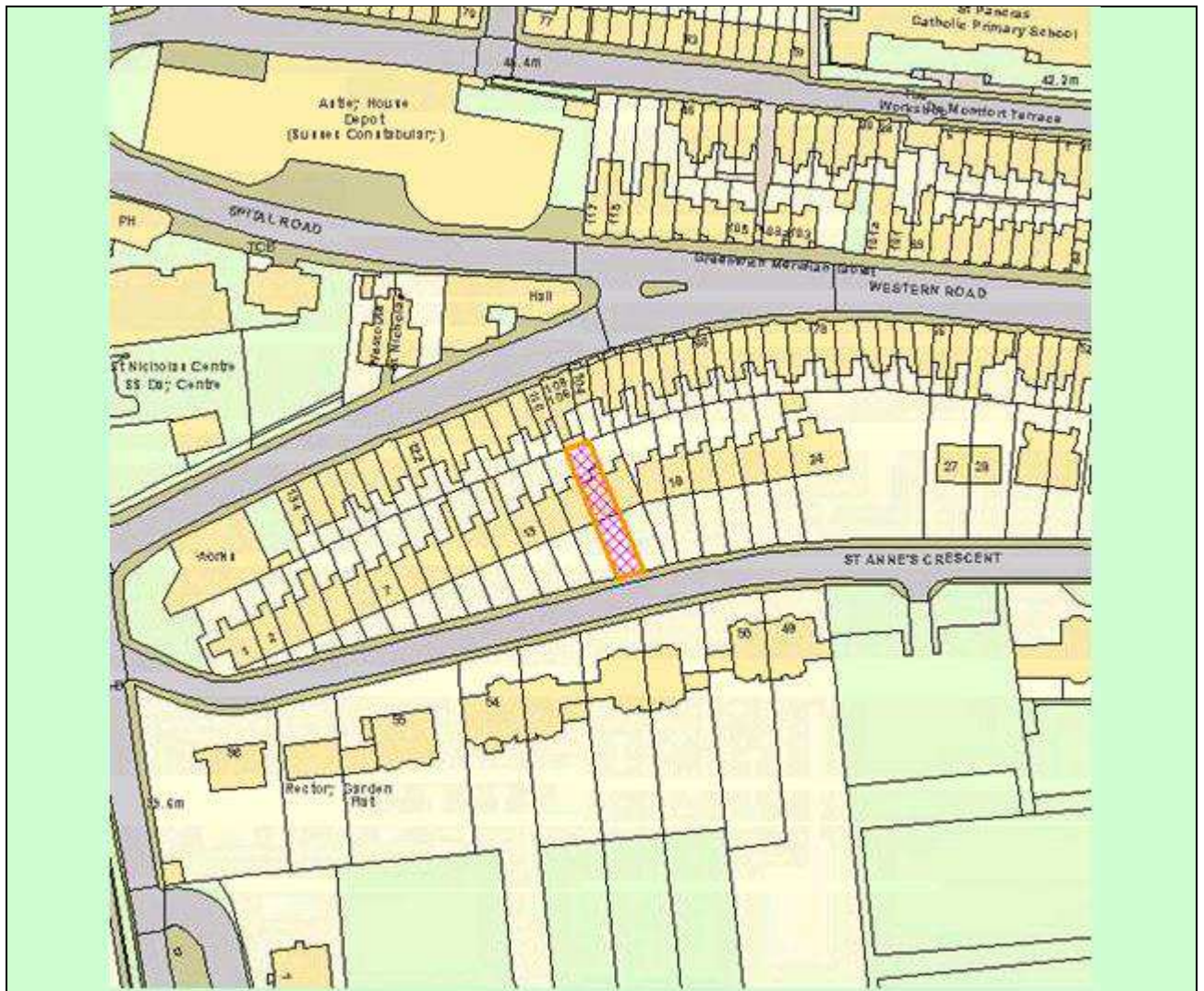
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

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
Plans - EXISTING ELEVATIONS, SECTIONS, LOCATION AND BLOCK	633/100 C		13.11.2017	Approved
Plans - EXISTING LOWER GROUND, GROUND, FIRST, SECOND FLOOR & ROOF PLAN	633/101 B		13.11.2017	Approved
Plans - EXISTING PARTIAL SIDE (EAST) ELEVATION & SECTION C-C	633/102 A		13.11.2017	Approved
Plans - PROPOSED ELEVATIONS, TYPICAL SECTION A-A & PARTIAL SECTION B-B	633/200 E		13.11.2017	Approved
Plans - PROPOSED FLOOR PLANS & ROOF PLAN	633/201 F		13.11.2017	Approved
Plans - PROPOSED SECTION B-B	633/202 E		13.11.2017	Approved
Application Documents -	HERITAGE STATEMENT		13.11.2017	Approved
Application Documents -	INSTALLATION INSTRUCTIONS		13.11.2017	Approved

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