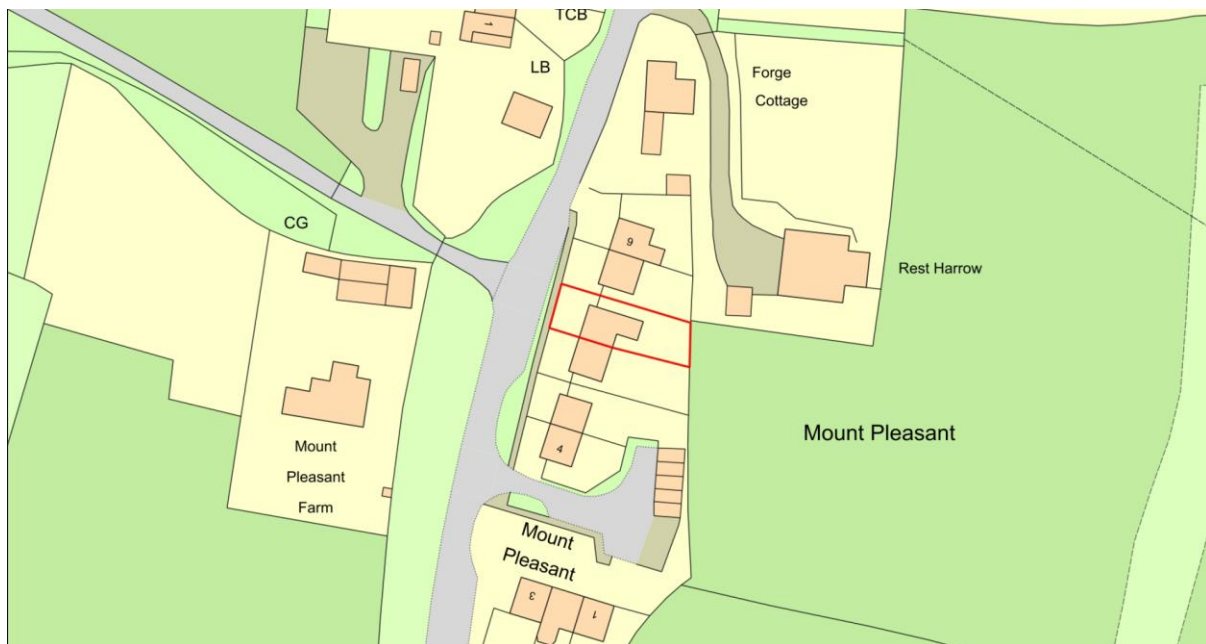


**Report to:** Planning Applications Committee  
**Date:** 4<sup>th</sup> September 2024  
**Application No:** LW/24/0344  
**Location:** 7 Mount Pleasant, Spithurst Road, Barcombe  
**Proposal:** Creation of front driveway with drop kerb and glass balustrade balcony to the rear first floor  
**Applicant:** Ms J Black  
**Ward:** Chailey, Barcombe & Hamsey  
**Recommendation:** Approve subject to conditions.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

**IMPORTANT NOTE: This scheme is CIL Liable.**  
**Site Location Plan: (Below)**



1	<b>Executive Summary</b>
1.1	The application has been brought to committee as the applicant is a member of staff at Lewes District Council.
1.2	The proposed development would be consistent with similar development nearby and would not appear incongruous, harmful to the character of the surrounding area or to the amenities of neighbouring residents.
2.	<b>Relevant Planning Policies</b>
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>12. Achieving well-designed and beautiful places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP10 – Natural Environment and Landscape</p> <p>CP11 – Built and Historic Environment &amp; Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP13 – Sustainable Travel</p>
2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM25 – Design</p> <p>DM28 – Residential Extensions</p>

3.	<b>Site Description</b>
3.1	The site is occupied by a semi-detached two-storey dwelling which forms part of a row of similar properties, built in the late 1960's, that flank the eastern side of Spithurst Road. The dwelling is set back from the road with an open lawn area to the front. There is a communal layby car parking area to the front. A two-storey extension was added to the rear of the dwelling approximately 20 years ago.
3.2	Although falling outside of the settlement boundary, the site forms part of an established group of dwellings and other buildings distributed in a broadly linear manner along Spithurst Road that are collectively referred to as Mount Pleasant/Spithurst. The rear garden of the site backs onto a grazing field beyond which is the open countryside of the Ouse valley.

3.3	Other than its location outside of the settlement boundary, there are no specific planning designations or constraints attached to the site or the immediate surrounding area.
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4.	<b>Proposed Development</b>
4.1	<p>The proposed development involves the formation of a hard surfaced parking area on the lawn space to the front of the dwelling and the provision of a first floor level balcony, mounted on a metal frame, to the rear of the dwelling, attached to the existing projecting two-storey extension.</p> <p>The balcony platform would be approx. 2.7 metres above ground level. It would project approx. 1.25 metres from the existing rear extension, at a width of approx. 2.75 metres and would be accessed by glazed doors which would replace an existing bedroom window. 1.8 metre high obscure glass screens would be installed on the northern and southern sides of the balcony.</p> <p>The parking area would measure approx. 14 m<sup>2</sup>.</p>

5.	<b>Relevant Planning History:</b>
5.1	<b>LW/02/1639</b> – Two storey rear extension and various internal alterations – Approved Conditionally 6 <sup>th</sup> November 2002

6.	<b>Consultations:</b>
6.1	<p><b>Barcombe Parish Council</b></p> <p>Barcombe Parish Council is positive towards this application. The council would request that a permeable surface is used for the driveway.</p>
6.2	<p><b>Contaminated Land Officer</b></p> <p>Informatives recommended.</p>

7.	<b>Other Representations:</b>
7.1	<p>One letter of objection has been received, material planning matters raised are summarised below:-</p> <ul style="list-style-type: none"> <li>• The balcony would overlook neighbouring property;</li> <li>• No objection to the parking area provided appropriate drainage is in place;</li> </ul> <p>OFFICER COMMENT: As set out in the main body of the report, it is considered appropriate balcony screening would protect the privacy of neighbouring residents.</p>

8.	<b>Appraisal:</b>
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to</p> <ul style="list-style-type: none"> <li>• the principle of the development.</li> <li>• the impact upon the character and appearance of the area</li> <li>• neighbour amenities,</li> <li>• impacts upon highway/pedestrian safety.</li> <li>• flood risk,</li> </ul>
8.2	<p><u>Principle of Development</u></p> <p>The site is located outside of the planning boundary. Policy DM28 of the Lewes Local Plan Part 2 states that outside the planning boundaries, as defined on the Policies Map, extensions and alterations to dwellings will only be permitted where there would be no harmful impact on the surrounding landscape.</p> <p>Impact on surrounding landscape will be assessed within the main body of this report, as well as other relevant considerations, including impact upon neighbour amenity and the more immediate visual impact upon the original dwelling, street scene and surrounding built environment as set out in LLP1 policies CP10 and CP11 and LLP2 policy DM25.</p>
8.3	<p><u>Design and Impact upon Character of the Surrounding Area</u></p> <p>The proposed balcony would be positioned to the rear of the dwelling and, as it would not protrude beyond the existing side elevation or above the roof line, it would have a negligible impact upon the street scene. It would be viewed, from distance, from the public footpath that runs along the northern edge of the fields to the rear of the site but, in these views, it would clearly relate to the existing dwelling and be consistent with the general characteristics of existing development, including a similar glazed balcony at the neighbouring property No. 8 Mount Pleasant.</p> <p>The proposed driveway would result in the loss of existing lawn space to the front of the dwelling as well as a section of grass verge where the crossover is in place. Whilst this is regrettable, it is noted that these works, on their own, could be carried out under permitted development rights provided appropriate drainage arrangements are in place. Furthermore,</p>

	<p>neighbouring properties at No. 8 and No. 9 have similar hard surfaced parking areas to the front and there is potential for landscaping to be retained around the parking area, to be secured by condition.</p> <p>A new dropped kerb will be required to provide access to the proposed driveway. This would be dealt with by separate legislation by way of a crossover agreement with ESCC, who will ensure the crossover is constructed to appropriate standards.</p>
8.4	<p><u>Impact upon Neighbour Amenity</u></p> <p>The proposed balcony would have the potential to allow for intrusive views back towards rear facing windows at neighbouring properties. It is considered that the presence of the obscure glazed screens on the northern end southern edges would address this concern, noting a similar arrangement was deemed acceptable for the balcony erected at No. 8 following approval under LW/20/0688. Views would therefore be directed eastward, over the rear garden area and the countryside that extends toward the settlement of Isfield some 2.5km away.</p> <p>The balcony would not be directly adjacent to any site boundaries and is of modest size, thereby preventing its use by large congregations of people. It is therefore considered that its use would not result in unacceptable disturbance towards neighbouring residents.</p> <p>The metal frame of the structure and the obscure glazed screens would allow natural light to permeate and it is considered that this, along with the modest height of the structure, minimal projection and stepping in from site boundaries would prevent it from appearing unacceptably overbearing or from generating undue levels of overshadowing.</p> <p>The car parking area would be relatively close to the front of the neighbouring dwelling at No. 6. In order to minimise impact of parked cars upon the occupants of the neighbouring dwelling, it is considered that a suitable fence and landscaped buffer should be provided between the sites so as to provide a screen to headlights as well as minimise visual impact.</p>
8.5	<p><u>Flood Risk</u></p> <p>A condition will be sued to ensure the proposed parking area is surfaced in permeable materials so as to prevent the risk of surface water running off either onto neighbouring properties or onto the public highway. It is noted that the garden currently slopes back towards the dwelling.</p>
8.6	<p><u>Biodiversity</u></p> <p>Although the Environment Act has made amendments to the Town and Country Planning Act that impose a mandatory requirement for development to deliver a 10% biodiversity net gain, this does not apply to householder applications. Nevertheless, the LDC Biodiversity Net Gain Technical Advice Note (TAN) does encourage some net gain to be achieved as part of householder developments and it is considered that,</p>

	due to the loss of lawn and grass verge, a condition for additional planting to compensate for this should be applied.
8.7	<p><u>Highways and Access</u></p> <p>As stated earlier in this report, the provision of a crossover to access the site is managed separately by ESCC. It is noted however that the site is in an area where there is existing parking facilities and good visibility of the road in either direction.</p> <p>The provision of dropped kerb access would reduce parking capacity in the layby by one space but it is considered that this would be mitigated through the delivery of on-site parking at No. 7.</p> <p>ESCC parking standards recommend a parking space is a minimum of 5 metres in length, with an additional 0.5 metres added where the space is directly adjacent to a building as is the case with the current application. It is crucial that parked cars do not overhang the passing pavement. The existing garden is less than 5 metres in length. However, the parking area would be able to accommodate larger cars parked at an angle with smaller cars being able to park perpendicular to the road without overhanging the pavement. It is considered that this arrangement is acceptable.</p>
8.8	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.9	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would relate sympathetically to the existing dwelling and the surrounding built and natural environment and would not result in any unacceptable harm to the amenities of neighbouring residents.</p>

9.	<b>Recommendations</b>
9.1	Approve subject to the conditions listed below.

10.	<b>Conditions:</b>
10.1	<p><b>Time Limit</b></p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>

10.2	<p><b>Obscure Screening</b></p> <p>Prior to the first use of the balcony hereby approved, 1.8 metre high obscure screening shall be installed on the northern and southern sides of the balcony in accordance with manufacturer details to be submitted to and approved by the Local Planning Authority. This obscure screening shall thereafter be maintained in place at all times throughout the lifetime of the development.</p> <p>Reason: In the interest of maintaining the privacy of neighbouring residents in accordance with LLP1 policy CP11, LLP2 policies DM25 and DM28 and para. 135 of the NPPF.</p>
10.3	<p><b>Hard and Soft Landscaping</b></p> <p>Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include: -</p> <ul style="list-style-type: none"> <li>a) details of all hard surfacing (and any drainage arrangements required);</li> <li>b) details of screening to be erected between the parking area and the southern boundary of the site;</li> <li>c) details of all proposed planting to the front of the site;</li> </ul> <p>All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>All surfacing and boundary treatments shall be provided prior to the first use of the parking area and maintained in place thereafter.</p> <p>Reason: In the interest of visual and residential amenity and biodiversity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM25 and DM28 and para. 135 and 180 of the NPPF.</p>
11.	<p><b>Informatives</b></p>
11.1	<p><b>Highway Works</b></p> <p>The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.</p>
11.2	<p>The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <a href="http://www.hse.gov.uk/Asbestos/regulations.htm">http://www.hse.gov.uk/Asbestos/regulations.htm</a></p>

11.3	All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, remove from the site and disposed of in an appropriate manner.
11.4	The applicant is reminded that according to NPPF where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.	Plans:
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12.1	This decision relates solely to the following plans:
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	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	27.06.2024	
	Proposed 1:200 Block Plan	27.06.2024	
	Proposed East Elevation	27.06.2024	
	Proposed North Elevation	27.06.2024	

13.	Appendices
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13.1	None.
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14.	Background Papers
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14.1	None.
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