

Report to: **Planning Applications Committee**  
Date: **1 July 2020**  
By: **Director of Planning**  
Local Authority: **Lewes District Council**  
Application Number: **SDNP/20/00069/HOUS**  
Applicant: **Mr & Mrs May**  
Application: **Remodelling to form a two-storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage.**

Address: **26 Shirleys  
Ditchling  
Hassocks  
East Sussex  
BN6 8UD**

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**Recommendation: That the application be refused for the reasons set out in paragraph 10 of this report.**

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

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## **Executive Summary**

The development relates to the remodelling of an existing three-bedroom bungalow into a four-bedroom, two storey dwelling, which is on a site located outside of but adjacent to the defined development boundary where development should be resisted unless other material considerations dictate otherwise.

### **1 Site Description**

1.1 The application site is an existing single storey, detached dwelling located on the eastern side of Shirleys, Ditchling, a private residential street comprised predominantly of large detached dwellings, set within substantial plots. There is no uniformity to the design for the properties, with each being of different appearance and constructed using a variety of materials.

1.2 No. 26 is unique in that it is the only bungalow style dwelling in the immediate vicinity. A front dormer window gives a false impression of a first floor but, in reality, it serves a high ceiling entrance hall. All other buildings in the immediate vicinity are a minimum of two storeys. The application property is finished in render with some brickwork to the front. It has metal crital style windows throughout and a clay tile roof.

1.3 This application has been 'called-in' to committee by Cllr Jones due to the particular circumstances of the case and the character of the surrounding area.

### **2 Proposal**

2.1 The proposal is to convert the existing 3 bedroom bungalow into a 4 bedroom two storey dwelling. This would include the erection of single storey front, side and rear extensions, and raising the ridge height of the existing roof to create a first floor. The existing detached rear garage/outbuilding would be demolished as part of the works, and a rear patio area created.

### **3 Relevant Planning History**

SDNP/19/03651/HOUS - Remodelling to form a two storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage - Refused

E/58/0141 - Planning and Building Regs application for proposed garage - Approved

E/54/0006 - Planning and Building Regs application for proposed bungalow - Approved

### **4 Consultations**

#### **Parish Council Consultee**

The Parish Council made no comment on this application.

#### **SDNPA Planning Policy**

In the South Downs Local Plan, paragraph 7.91 sets out the purpose of policy SD31, which is to protect the limited supply of small and medium-sized homes in the National Park, and to avoid adverse impact on character and appearance of both settlements and the countryside. It is noted that the proposal is not likely to have adverse impacts on character and therefore the key matter is with regard to the protection of small and medium-sized homes.

The Strategic Housing Market Assessment (SHMA) and the Housing and Economic Development Needs Assessment (HEDNA) identified that supply of small to medium sized homes is a key matter, and this has informed the development of policies in the SDLP including Policy SD27 Mix of Homes which requires a higher % for 2 and 3 bedroom dwellings as part of addressing this - the supporting text of policy SD31 in paragraph 7.91 states that policy SD31 is consistent with Policy SD27 seeking to protect the limited supply of small and medium-sized homes in the National Park.

The existing dwelling in this application, a three bedroom bungalow, would be considered a medium sized dwelling. The development proposals of this application would present a sizeable extension (approximately 115% or 150% depending on approach to calculation) and would result in a loss of a small-medium home. Consideration has been given to the submissions from the applicant/agent and given the exceptional circumstances outlined, a pragmatic approach, and some flex in the 30% is justified in order to facilitate a substantial overhaul to create a healthy and workable environment but still within the scope of being a medium sized dwelling.

The Park has subsequently clarified that 'an increase of over 30% might be acceptable for the site, but that the current proposal is considered excessive.

### **5 Representations**

In total 59 letters of support have been received from local neighbours, local residents and further afield. Their comments can be summarised along the following points:

- o The existing dwelling does not fulfil the needs of the current residents as it is not large enough
- o The family are unable to move within the village, due to property prices of larger dwellings, and they would be forced to move out of the village
- o The Ditchling Neighbourhood Plan highlights the need and desire to keep young families in the village
- o Current property is in a poor state of repair and suffers from damp, which is detrimental to the health of the occupants
- o Existing property is not in keeping with neighbouring properties

- o Unfair to refuse this development when similar schemes have been allowed in neighbouring properties
- o The proposal would improve the family life of the occupants
- o The bungalow was all the existing residents could afford when they purchased it, with the intention of developing it later
- o That the 'exceptional circumstances' provision of the relevant planning policies should be applied in this instance

## 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 **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- Ditchling, Westmeston & Streat Neighbourhood Plan

The development plan policies and other material considerations considered relevant 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), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should 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:

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 **South Downs Local Plan** are relevant to this application:

- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD5 - Design
- Strategic Policy SD27 - Mix of Homes

- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

### Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

## **8 Planning Assessment**

8.1 Strategic Policy SD5: Design of the South Downs Local Plan states that development proposals will only be permitted where they adopt a landscape led approach and respect local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. Furthermore, proposals should utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials etc. Similarly, Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings states that proposals should respect the established character of the local area, and not be overbearing or of a form which would be detrimental to the amenity of nearby residents.

8.2 The current property is in a poor state of repair and in need of modernisation to bring it up to a reasonable habitable standard. The exterior is finished in render with a part brick façade at the front. All the windows are of metal crital type, and the roof is clay tiled. From the road, the property has a tired/dated appearance, and internally it suffers from water increase, condensation and damp. It is proposed to transform the property into a large two storey dwelling, with four bedrooms. To achieve this, the footprint of the building would be enlarged with extensions built to the north (side) elevation and rear elevation, and an infill extension to the existing front porch area. To create the new first floor the existing roof would be completely remodelled, with the ridge height being raised by approx. 1.85m, gable ends created on the existing front projection and on the south (side) elevation, and a cat-slide roof on the north (side) elevation. The eaves height on the south elevation would be raised from 2.2m to 5.2m at its highest point. The overall effect of these proposed works would be of an entirely new, large, modern dwelling of brick/weatherboard construction.

8.3 Shirleys is a private road consisting entirely of large detached dwellings set within generous plots. The existing property is unique in that it is the only single storey dwelling in the immediate vicinity, and is surrounded by substantial two storey dwellings of varying designs and finishes. The neighbouring property, immediately adjacent to the application site to the north, benefitted from planning permission in 2018 for a similar scheme, to convert it from a chalet bungalow into a two storey dwelling. The construction work for this scheme is currently ongoing.

8.4 The conversion of the application property into a two storey dwelling would therefore bring it in line with the majority of other properties in Shirleys. The lack of uniformity and materials within the street means that the proposed design of the development, and the use of brick and ground floor and weatherboard and first floor, would respect the character of the area. It would not be overbearing or of a form detrimental to the immediate vicinity, and would allow the property to sit comfortably within the streetscene. Furthermore, the effect on the amenity of neighbouring properties would be minimal. The size of the individual plots means that the potential for overlooking is reduced, and the inclusion of the catslide roof to the proposed north

elevation lessens the impact on the adjacent property. There has been widespread support for the proposal from residents of the street, including from the immediate neighbour to the north. Therefore the proposed extension and alterations to the property are compliant with Policy SD5 and the amenity element of Policy SD31 of the South Downs Local Plan.

#### Extension of Residential Dwelling

8.5 The extension of residential dwellings within the South Downs National Park is governed by Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings. One of the main drivers of this policy is to prevent the loss of small/medium size dwellings across the park through over-extension of existing dwellings. The National Park has a higher than average proportion of large dwellings and so it is necessary to protect the existing stock of small/medium size dwellings, where possible. This is also echoed in the accompanying text of Policy DSI: Development Strategy, of the Ditchling Neighbourhood Plan, which states that the village "has a preponderance of large expensive houses, giving few opportunities for the young, the less affluent, and the elderly, to find homes within their means".

8.6 To help prevent the loss of small/medium size dwellings, Policy SD31 limits residential extensions to an increase of no more than approx. 30% of the floor area of the existing dwelling. For the purposes of the South Downs Local Plan, the National Park has defined small and medium sized dwellings as those properties that have 1-3 bedrooms. Therefore the existing property is defined as a medium sized dwelling.

8.7 The existing floor area of the property is approx. 133sqm. This includes the detached garage/outbuilding to the rear. The total floor area of the proposed works would be approx. 352sqm, This is an increase of approx. 164%. This is obviously significantly over the 30% allowed by Policy SD31. Furthermore, the proposed works would see the property converted from a three-bedroom to a four-bedroom dwelling.

8.8 However, Policy SD31 does allow for extensions above the 30% "where it can be clearly demonstrated that there will be no harmful intrusive impact on the landscape and that there is an enhancement in the appearance of the host dwelling", or where extensions "are needed to accommodate exceptional family needs, for example, arising from a disabled or elderly member of the family".

8.9 It has already been demonstrated that the proposal would not impact on the local landscape and that it would enhance the appearance of the existing building. It is accepted that, in this instance, a proposed increase above 30% is probably necessary to bring the existing building up to a modern, habitable standard, in line with the exceptions in the policy text. Notwithstanding this, it is felt that the increase proposed in this application, 164% on the existing floor area, is excessive, and could be reduced significantly and still be well above the 30% allowed by Policy SD31. An increase of up to 60-70% may be acceptable in these specific circumstances. The comments of the SDNP Policy Team echo this, and they agree that an extension above 30% is justified in this instance.

8.10 This was discussed with the applicant/agent, and the opportunity to submit an amended scheme to reduce the floor area was given. However, no amended scheme has been forthcoming, and so the application has been assessed against the 164% increase in floor area.

8.11 Despite the justification in increased floor area, the proposal also includes the addition of an extra bedroom, changing the property from a three bed to a four bed dwelling. This is contrary to one of the primary drivers of Policy SD31. As discussed, both the South Downs Local Plan and Ditchling Neighbourhood Plan highlight the lack of 1-3 bedroom dwellings, and the need to preserve and enhance the stock of small/medium sized properties. The conversion of the application dwelling to a substantial four-bedroom house would further erode the stock of properties available to those wishing to purchase homes of this size, a problem specifically highlighted by the Neighbourhood plan as being of concern in Ditchling.

8.12 This problem is further highlighted in correspondence received from the applicants and agent, and in a large number of the representations received from local residents. They all state that the existing property was the only one of this size available for the current occupiers to purchase when they were looking to buy a property in the village, due to the limited number of small/medium houses in the village. It could be argued that, by allowing this conversion to a large, four-bedroom dwelling, the opportunity to purchase a medium sized property would be reduced for future buyers. This is contrary to Policy SD31.

8.13 This application is an identical submission to a previously refused application determined in November 2019. The applicants have resubmitted the same proposal without any amendments. The original application was refused on the grounds that the proposed additions to the property were too large, and therefore not compliant with Policy SD31. The supporting documents for this application state that the proposal has been resubmitted as they believe that the 'exceptional circumstances' provision should have been applied in the original application. The applicant and agent have provided additional statements to support this, and the majority of neighbour letters highlight a similar theme.

8.14 The main thrust of this argument is that the size of the applicant's family has increased since the property was purchased, and that the property no longer suits the needs of a family of their size. Their belief is that if the property is not developed in line with the amount submitted, then the family would be forced to move out.

8.15 This would not fall within the allowances of 'exceptional circumstances', as laid out in the supporting text of Policy SD31. The examples listed in the local plan are for dependents with additional care needs, such as elderly or disabled relatives, and that robust evidence should be submitted to justify the additional need. Redeveloping a dwelling, to allow a growing family to remain in it, is a common reason for submitting a proposal and could not be justified as exceptional.

8.16 An allowance above 30% has already been agreed as acceptable for this property, and this has been confirmed by the comments from the SDNP Policy Team. However, they are very explicit that this increase should ensure that the property remains "within the scope of being a medium sized dwelling", i.e. a three-bedroom property.

8.17 Much has been made in the submissions from the applicant, agent and local residents that the current occupiers are a young family, with ties to the village, both applicants having grown up in the vicinity. The South Downs Local Plan and Ditchling Neighbourhood Plan both highlight a desire to support young, working families, and to try and prevent them from having to leave their local area, by providing opportunities that would encourage them to stay. There can be some sympathy for the applicants in this respect. Ditchling does have a large proportion of large, expensive dwellings, which can make it difficult for younger families to purchase in the area.

However, by converting the property on the scale proposed, the applicants would be adding to this issue by creating another large, four-bedroom dwelling, and removing the existing three-bedroom dwelling from the mix of housing stock locally, contrary to Policy SD31 and Policy SD27: Mix of Homes.

8.18 Policy SD2: Ecosystem Services requires development proposals to include elements that would help conserve and enhance ecosystem services, which are the goods and services that the natural environment provides. This application includes various features that would help develop ecosystem services locally, including the provision of rainwater butts to ensure efficient drainage and additional planting around the garden perimeter to provide support of local wildlife. Therefore the proposal is compliant with Policy SD2 of the South Downs Local Plan

8.19 As mentioned above, this proposal is an identical submission to a previously refused application. It is therefore a test of whether the 'exceptional circumstances' provision can be applied in this instance, and whether that is enough to justify a development on the scale submitted.

## **9 Conclusion**

9.1 The proposed works would bring the property in line with the majority of dwellings in the street and immediate surroundings, in terms of height, bulk and appearance. Therefore there would be no detriment to the streetscene and no loss of residential amenity for any neighbouring properties, in accordance with Policy SD5: Design of the South Downs Local Plan. However, this must be weighed against the loss of a three-bedroom dwelling, and whether the circumstances warrant a conversion of the size proposed. It has been accepted that the property is in need of repair and remodelling to bring it up to a habitable standard. To this end, alterations above the 30% allowed by Policy SD31 have been accepted. This is reinforced by the comments from the SDNP Policy Team. However, a development on the size proposed, some 164% above the existing floorspace, is unacceptable and, despite discussions, no attempt to reduce this has been forthcoming from the applicants. This, coupled with the fact that the proposal includes the loss of a three-bedroom house, means that it is contrary to Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings. This is supported by the comments from the SDNP Policy Team.

9.2 Whilst it is possible to sympathise with the situation of the applicants, being that the house no longer fulfils the need of their family, and is in need of substantial works to bring it up to a liveable standard, this does not qualify as an 'exceptional circumstance' as described in the supporting text of Policy SD31. The desire to remain in the village is also understandable, but by allowing the proposed development, there would be a further reduction in the number of small/medium houses in Ditchling, thus eroding future possibilities for families wishing to buy within the village, a problem highlighted by the adopted Neighbourhood Plan.

9.3 Therefore, whilst the development may be acceptable in terms of scale and setting, the loss of a medium sized home, with no exceptional circumstances in evidence, means that the proposal is contrary Policy SD31 and one of the main drivers of the South Downs Local Plan, that being the prevention of small/medium sized dwellings being lost through overdevelopment of existing properties, and Policy DSI: Development Strategy of the Ditchling, Street and Westmeston Neighbourhood Plan..

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Refused for the reasons set out below.

1. The application has been assessed and determined on the basis of the plans noted below.  
Reason: For the avoidance of doubt and in the interests of proper planning.

2. The proposed development would, by the overall increase in total floor area and bedrooms result in the loss of a medium sized dwelling, as defined by the South Downs Local Plan, be contrary to Policy SD3 I: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings of the South Downs Local Plan which aims to protect the limited supply of small and medium-sized homes in the National Park.

## **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**

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

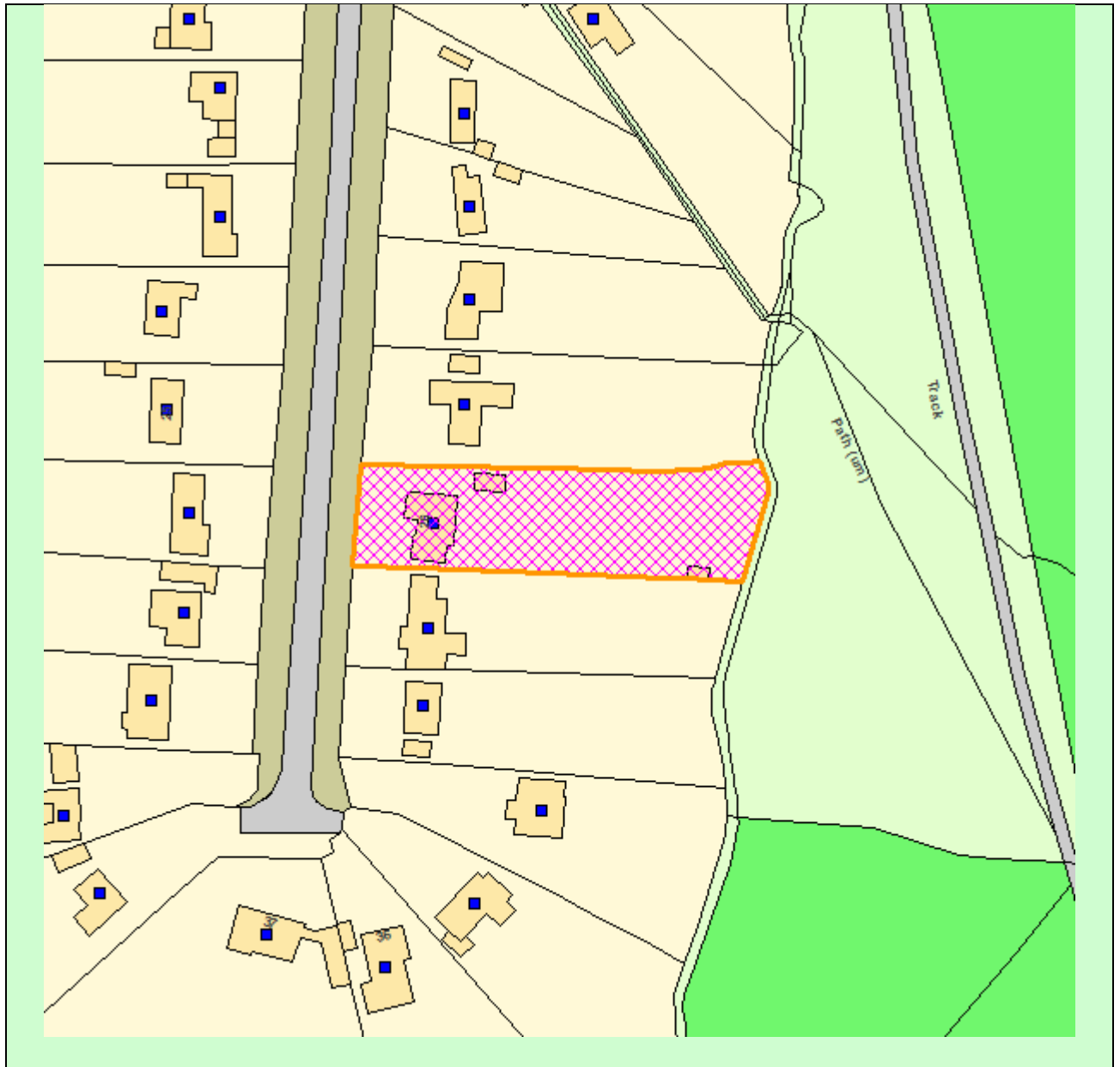
## **15. Appendices**

Appendix 1 – Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application



## 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 -	ECOSYSTEM SERVICES STATEMENT		16.01.2020	Not Approved
Plans - Location/Proposed Block	2019/62		09.01.2020	Not Approved
Application Documents -	COVERING LETTER		09.01.2020	Not Approved
Plans - Existing Elevations/Floor	2019/62		09.01.2020	Not Approved
Plans - Proposed Elevations/Floor	2019/62		09.01.2020	Not Approved
Plans - Proposed Street Scene/Floor/Roof Plan	2019/62		09.01.2020	Not Approved

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