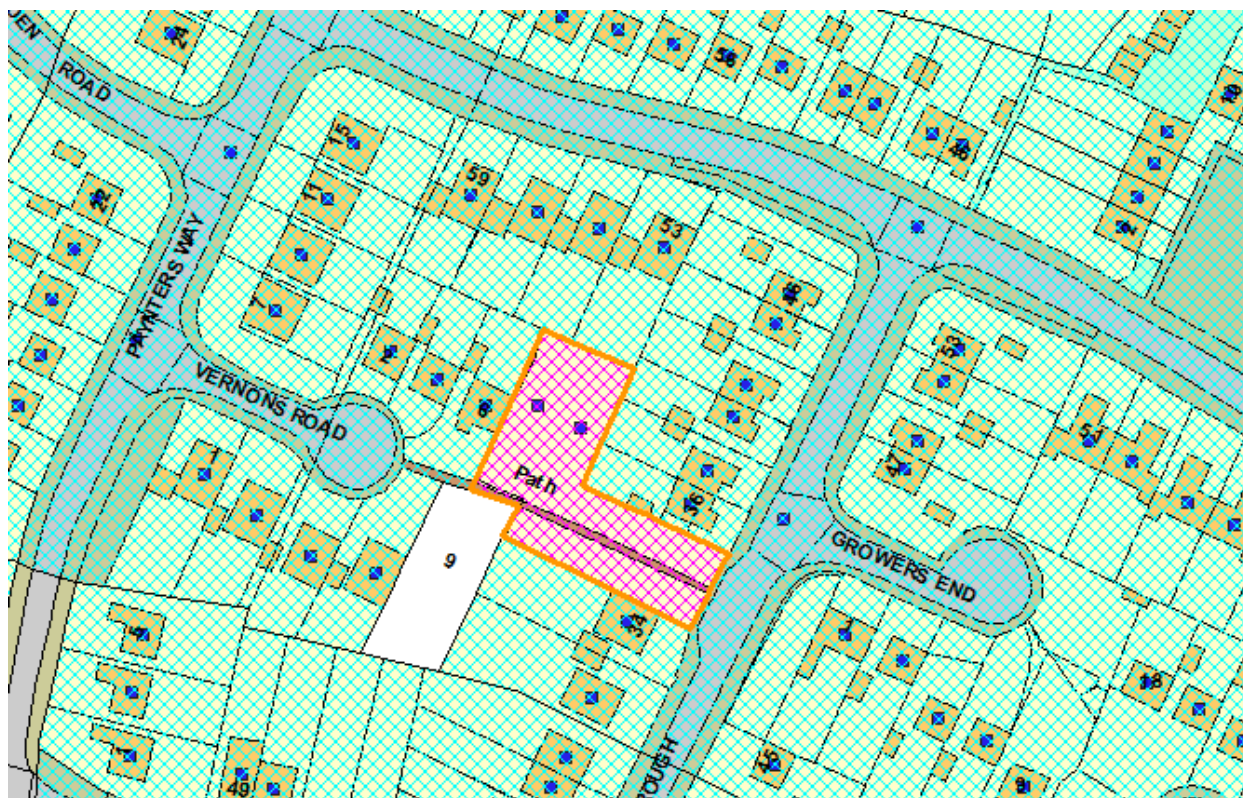


APPLICATION NUMBER:	LW/20/0124		
APPLICANTS NAME(S):	West Construction	PARISH / WARD:	Newick / Newick
PROPOSAL:	Reserved matters application (access, appearance, landscape, layout and scale) following outline approval 18 June 2018 for one pair of semi-detached 3 bedroom houses (Ref: LW/18/0048)		
SITE ADDRESS:	Land adjacent to The Rough and Vernons Road, Newick, East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The site, which previously formed a small pocket of greenspace, has been cleared and building work commenced in the form of foundations and a modest amount of brick courses above slab level. This work has ceased following enforcement action.

1.2 The site is located beside a tway that provides a link between The Rough and Vernons Road. It is flanked by fences serving the rear gardens of dwellings on Oldaker Road and The Rough on the northern and eastern boundaries respectively and the side boundary fence and flank elevation wall of 6 Vernon Road on the western boundary.

1.3 Surrounding development is predominantly residential and formed of a mix of detached and semi-detached two-storey dwellings, interspersed with bungalows. Site frontages are generally open and landscaped, whilst surrounding roads are bordered by grass verging and occasional street trees, generating a semi-rural character and appearance.

1.4 Due to the topography of the surrounding area, which slopes downwards towards the Ouse valley to the north, the site is at a raised level in comparison to those to the north on Oldaker Road.

1.5 The site has outline approval for the provision of a pair of semi-detached three-bedroom dwellings, granted under application LW/18/0048. This followed the allocation of the site for the provision of a pair of semi-detached bungalows or houses within the Newick Neighbourhood Plan (Policy HO5).

1.6 The application seeks approval of reserved matters (layout, scale, appearance, landscaping and access) following the approval of outline permission for a pair of semi-detached three bedroom dwellings occupying the site.

1.7 Three earlier applications for approval of reserved matters, LW/19/0263, LW/19/0517 and LW/19/0809, have previously been refused on account of the scheme being overly bulky, discordant with the appearance of surrounding development and the potential for overlooking and loss of light.

1.8 In response, the applicant has submitted a revised scheme incorporating the following amendments to the building:-

- o Removal of ground floor garage/store
- o Reduction in footprint from 68.5m² to 59m² (per dwelling);
- o Altering the location of the dwellings, moving further south, so the front elevation is level with the neighbouring property (No.6 Vernons Close) , and the rear elevation projects 0.9m further than the rear of the neighbour (previous application projected 3m)

1.9 The footprint of the dwellings on the submitted plan is similar in terms of area, orientation and position to the footprint shown on the indicative layout plan R18.NK.01B which formed part of the outline application. It is also worth noting that Condition 4 of the Outline Consent required the Reserved Matters submitted to be in general conformity with this plan.

2. RELEVANT POLICIES

LDLPP2 – DM25 Design

LDLPP2 – DM26 Refuse and Recycling

3. PLANNING HISTORY

LW/18/0048 - One pair of semi-detached three bedroom houses with integral garages and parking spaces – **Approved**

Whilst this consent was outline with all matters reserved a lot of detail was actually agreed. The submitted layout plan showed a pair of semi-detached properties with the front elevation behind No.6 Vernons Close and projecting beyond the rear of this property into the site. Condition 4 of this consent required the reserved matters to be in general conformity with the approved drawings.

LW/18/0050 - One pair of semi-detached two bedroom bungalows with integral garages and parking spaces – **Withdrawn**
Nothing on the file to indicate why this was withdrawn.

LW/18/0080 - Modification of agreement dated 26 April 1968 pursuant to s37 of the Town and Country Planning Act 1962 to remove restrictive covenant regarding use as a play area - **Approved**

LW/19/0263 - Application in respect of reserved matters including; finished floor levels, boundary treatment confirmation, final design of floor plans and elevations, driveway surfacing, cycle parking, bin storage, CEMP, re-positioning of part of the public footpath within the site. In relation to application LW/18/0048 – **Refused**

Refused for the following reasons:

The proposed development, due to its height and footprint when assessed against the surrounding dwellings is considered overly bulky and large, and which due to its prominent visible location is considered to be detrimental to the street scene; therefore would be contrary to Policies ST3, CP11 and DM25 of the Lewes District Local Plan.

The proposal fails to provide adequate outside amenity space for future occupiers of the three bedroom properties, together with poorly designed and located refuse storage blocking access to the rear gardens, contrary to Policies ST3/DM25 and CP11 of the Lewes District Local Plan.

LW/19/0517 - The erection of a pair of semi-detached houses following Outline Consent granted under LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048 – **Refused**

Refused for the following reasons;

1. The proposed development would, by reason of the scale, bulk and footprint, constitute over development of the site to the detriment of visual amenity and the character of the locality, contrary to saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
2. The proposed development would, by reason of the design and external appearance, have a detrimental impact on visual amenity and the wider street scene, contrary to the aims and objectives of saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
3. The proposed development would, by reason of the scale and siting, give rise to overlooking, loss of privacy and loss of light, to the detriment of the residential amenity of

neighbouring residents, contrary to saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework. An appeal was lodged and subsequently dismissed by decision dated 26 February 2020. The following points are of note from the Inspectors decision.

Paragraph 10 states 'The 2 storey element of the dwellings would not be out of keeping with the character of the area, however due to the semi-detached nature of the development the overall scale and mass of the build form in its entirety would appear as an incongruous addition to the street scene, This would be exasperated by the lack of detailing to the built form, and the failure to incorporate materials into the design that are seen through-out the area such as hung tiles and wood cladding.'

In reference to No.6 Vernons Road paragraph 12 states 'A small gap is retained between the appeal development and the boundary, however the development would still be in close proximity to the boundary. At the rear the development would extend significantly beyond the rear elevation of No 6, at a height of two storeys. Due to the existing staggered nature of Vernons Road this would create a tunnel effect, and the appeal dwelling would create an overbearing and oppressive form of development.'

In terms of the impact on other properties paragraph 13 states 'There are a number of surrounding properties, and the back gardens of these dwellings would have an intimate relationship with the back gardens of the proposed dwellings. However, the distances between the built form would not be uncommon in this setting, and it would be possible to impose landscaping conditions that would secure privacy for surrounding occupiers.'

The Inspector's Decision concludes that permission has been granted for two dwellings on the site, however the current scheme would result in harm to the character of the area, and the living conditions of neighbouring properties and the appeal was dismissed.

LW/19/0809 - Reserved matters application for the approval of layout, scale, landscaping, appearance and access following Outline Consent LW/18/0048 (Part retrospective) – **Refused**

Refused for the following reasons;

1. The proposed development would, by reason of the scale, bulk and footprint, constitute over development of the site to the detriment of visual amenity and the character of the locality, contrary to saved policy ST3 and policy CP11 and DM25 (1 and 2) of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
2. The proposed development would, by reason of the design and external appearance, have a detrimental impact on visual amenity and the wider street scene, contrary to the aims and objectives of saved policy ST3 and policy CP11 (viii), DM25(1) of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
3. The proposed development would, by reason of the scale, siting and overbearing nature, give rise to overlooking, loss of privacy and loss of light, to the detriment of the residential amenity of neighbouring residents, contrary to saved policy ST3 and policy CP11 (viii) and DM25 (7) of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways – COMMENTS AS PER APPLICATION LW/19/0517 - ACCESS ARRANGEMENTS ARE UNCHANGED FROM THE PREVIOUS SCHEME.

This application is for two new dwellings with access from The Rough which already has Outline Planning permission under LW/18/0048, thus the principle has already been approved. The access width is shown to be 4.5m wide for a distance of 6m from its junction with The Rough which is acceptable to the highway authority as it provides for a two way flow of traffic. Two car parking spaces for each dwelling is to be provided together with 2 additional visitor spaces for the development along with a turning area. This provision is in accordance with ESCC's car parking requirements and is therefore acceptable.

There is a footway across the site on the east to west axis which runs alongside the proposed access road. This footway forms part of the adopted public highway which should and will remain as such with this proposed development and will need to remain open to the public during the construction of the development. The creation of the two visitor car parking spaces and turning space will therefore require formal crossovers of this public footway in addition to the access onto The Rough itself and can be secured by condition.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

- 5.1 The following properties have objected to the application;
36, 38, 42 The Rough; 53, 55 Old Acre Road; 6 Vernons Road; 20 Birkbeck Road, Sidcup,
for the following reasons:

Quality of plans/submission

Overbearing on adjacent properties

Height above ground level as site is sloping

Overlooking/privacy impacts

Loss of light to surrounding properties

Impacts on car parking

No change in height from previous refusal

Footprint and therefore bulk has not been reduced just brought forward

Overly bulky design discordant with surrounding properties

No attempt has been made to accommodate the natural gradient of the land.

Given the height above ground level of the finished floor level the development would be oppressive and overbearing

Unacceptable design and external appearance

6. PLANNING CONSIDERATIONS

Principle:

6.1 The principle of providing two semi-detached three bedroom dwellings within the site has been established following the grant of outline permission under application LW/18/0048. The site is allocated for such a development by policy HO5 of the Newick neighbourhood Plan.

6.2 The application for reserved matters relates not to the principle of the development but to its layout, appearance and scale as well as access and landscaping arrangements.

6.3 The proposed scheme will therefore be assessed against relevant local and national policies that seek to prevent unacceptable harm to environmental, visual or residential amenity and to maintain highway safety.

Residential Amenity:

6.4 The site is located within a relatively densely developed residential area where buildings are generally within close proximity to others and gardens are subject to a degree of overlooking.

6.5 The eastern flank elevation of the proposed building is approximately 16.1 metres to the west of the rear elevations of 36 and 38 The Rough. The rear elevation of the building is positioned approximately 27 metres from the rear elevations of properties at 53 and 55 Oldaker Road. This degree of separation is comparable with the relationship between existing buildings nearby.

6.6 Condition 5 of the Original Outline Consent requires details to be submitted of the finished floor levels and ground levels of surrounding properties. A section plan has been submitted with this application showing the different in ground levels.

6.7 The submitted section shows the land falls away from the site towards Oldaker Road, so the dwellings will have an additional impact from being on higher ground and given they are two storey whereas Oldaker are bungalows. However 27m is considered an acceptable distance in this context. Views from first floor windows would be similar to views offered from the rear windows of dwellings on Vernons Road towards properties on Oldaker Road and Paynter Way and, owing to the distances maintained between buildings, it is not considered that these views would be intrusive.

6.8 As acknowledged in the previous appeal decision. The impacts can be mitigated further by way of screening and a condition of the original outline required a landscaping scheme to be submitted. A further condition of this application is recommended to include screening to the boundaries.

6.9 In terms of impact on properties to the east there would be additional overlooking at an angle. Given the built up area it is not considered that this overlooking is significantly more than already exists. Furthermore, any windows in the flank elevations can be required by condition to be obscurely glazed and fixed shut at low level to alleviate overlooking. It is acknowledge that the land falls away to the rear of the site and the eastern dwelling would have a finished floor level 60cm above ground level, therefore the rear doors will have to have stepped access to the rear garden. No decking or terrace is proposed in this application and this would require planning permission. The rear elevation shows doors on the western property to be provided to both the kitchen and living room, this could be reduced to only the living room which is further from the boundary, and therefore reducing the overlooking. Again vegetative screening on this boundary would assist with some overlooking that will result from the use of the rear door.

6.10 Whilst only 1.5 metres would be maintained between the western flank elevation of the dwellings and the eastern flank elevation of 6 Vernons Road (the flank wall forms the boundary), this would be a 'side to side' relationship, the flank elevation of 6 Vernon Road being windowless whilst the western elevation of the proposed dwellings contains only a bathroom window which would be obscurely glazed.

6.11 The proposed dwelling has been altered to reduce the amount the new dwellings extend beyond the rear of 6 Vernons Way, now 0.9m previously proposed 3m. This is consistent with the indicative layout plan, R18:NK:01B which was submitted with the outline application. Condition 4 of the approval of the outline application states that the development 'shall be in general conformity with drawing numbers R18.NK.03A, R18.NK.02A and R18.NK.01B'.

6.12 The building is in line with minimum floor standards, providing 97.5m² floorspace for a 3 bed, 5 person dwelling, the Technical Housing Standards - nationally described space standards recommend an internal floor area of 93m² for this size of property. Therefore it is not really possible to provide a smaller footprint dwelling and meet the size recommendations.

6.13 Whilst it is accepted that the plan submitted with the outline consent was indicative to a certain degree the original conditions did require that the footprint be in line with that shown on the approved plan, and the description indicated the size of property.

6.14 The previously refused scheme (LW/19/0809) proposed an eaves height of 5m with the ridge height of 7.5m, this application retains the same eaves height, but incorporates a hipped roof 7m in height. This would reduce the bulk on the side elevations.

6.15 It is considered that the reduction in the projection beyond the rear elevation of No.6 Vernons Road overcomes concerns raised in previous applications and the Appeal Inspectors decision. Less than 1m project is not considered to result in a tunnelling effect. There will undoubtedly be some impact from the proposal but it is not considered this is sufficient to warrant refusal of the application on this ground.

Living Conditions Future Occupants:

6.16 The proposed dwellings all exceed the minimum Gross Internal Area (GIA) standards for two-storey three bedroom dwellings as defined within the DCLG's Technical housing standards - nationally described space standard (2015).

6.17 All habitable rooms would be well served by clear glazed windows allowing for a good level of access to natural light and ventilation. The layout of each dwelling is considered to be clear and uncluttered, with awkwardly shaped rooms and overly long corridors avoided.

6.18 Each dwelling would have access to private rear amenity space of approximately 110 sqm area which is considered to be of a suitable size for a three bedroom family household and comparable in size to rear gardens serving neighbouring dwellings.

6.19 It is therefore considered that the proposed dwellings would provide good quality living conditions for future occupants.

Design and Visual Impact:

6.20 The wider area is relatively mixed in terms of dwelling sizes/types. To the west are detached properties, to the north bungalows and to the east pairs of semi's. Therefore the pair of semi-detached properties would not be out of character in principle and the footprint is in line with other properties and accords with the original outline approval.

6.21 From previous refusals the design has been re-considered, the properties have a projecting element to the front elevation with a hipped roof slightly lower than the full ridge to reduce the bulk. The first floor is proposed to be tile hung, with the ground floor and side elevations to be stock brick. Brick and tile or cladding at first floor is a prominent feature of the design of surrounding properties and this is in line with the comments of the appeal Inspector.

6.22 It is considered that the overall mass is reduced by reducing the footprint proposed and amending the detailed design and proposed materials. It should be noted that the views of the properties are actually fairly limited, they will not address a street, from Vernons Road the view will be limited and it is considered that the presence of the

dwelling would not appear disruptive when viewed from either end of the twitten. The two-storey scale of the proposed dwelling, including roof eaves and ridge heights and footprint size, is consistent with the scale of neighbouring dwellings, as are the individual plot sizes.

6.23 There is a condition of the original outline which requires details of a treatment of all parts of the site not covered by buildings, this will ensure a sympathetic setting to the development and help preserve a verdant character to the twitten.

6.24 It is therefore considered that the proposed development would be sympathetic towards the visual and spatial characteristics of the surrounding area.

Highways:

6.25 The proposed development would be accessed via a dropped kerb crossover taken from The Rough, which is a 30 mph limit non-classified residential road. Adequate visibility would be available at the crossover to ensure that motorists entering and leaving the site are aware of pedestrians and vehicles. The driveway serving the development would flank the twitten but would not present a danger to pedestrians using it as the driveway width is adequate to prevent vehicles encroaching onto the twitten. The width of the driveway is widened to 4.5 metres at the site entrance in order to allow for vehicles entering and leaving the site to pass whilst the remainder of the track is straight and level, with good visibility, ensuring motorists can see oncoming vehicles and pedestrians. The ongoing use of the twitten will therefore not be compromised.

6.26 Due to the requirement to reduce the building footprint, it is no longer possible for an integral garage to be provided within each dwelling, without compromising living space. The proposed development would incorporate two bay parking spaces to the front of each dwelling as well as an additional three spaces opposite the dwellings available for use by visitors.

6.27 One car parking space on The Rough would be lost as a result of the formation of the dropped kerb crossover. The overall quantum of parking provided for occupants and visitors is considered adequate to serve the development and offset the loss of one on-street car parking space on The Rough. Sufficient space is also provided to allow for vehicles to turn on site and, therefore, enter and leave the site in forward gear.

6.28 East Sussex County Council Highways have raised no objection to the development, subject to conditions which are included in the recommendation.

Sustainability:

6.29 The driveway serving the proposed development would be surfaced using permeable block paving, improving the drainage capacity of the development. This is required to comply with condition 9 of the original outline consent.

6.3 A condition will also be used to ensure that each dwelling is provided with at least one functioning electric vehicle charging point in order to encourage the use of electric vehicles. A storage shed for bicycles will be provided at each property to encourage the use of this form of transport. This is controlled by condition 13 of the Original Outline Consent.

7. RECOMMENDATION

7.1 It is considered that the submitted reserved matters have suitably addressed the reasons for the refusal of the previous applications and those cited by the Inspector. The

proposed development would not result in any unacceptable adverse impact upon environmental, visual or residential amenities nor would it compromise highway and pedestrian safety.

7.2 It is therefore recommended that the application is approved, subject to the conditions attached to this report. It should be noted that the development would still be subject to the conditions of the original Outline Consent.

The application is subject to the following conditions:

1. The first floor level windows in the side (north-west and eastern elevations) of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed, and thereafter permanently retained as such.

Reason: In the interests of the amenities of neighbouring residents.

2. The landscaping plan required by condition 7 of the original outline consent shall include details of vegetation to the northern and eastern boundaries to reduce overlooking, thereafter the approved vegetation shall be planted and retained as such thereafter. Any planting that dies, is removed or becomes severely damaged or diseased within 5 years of planting shall be replaced. Replacement planting shall be in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the amenity of surrounding residential properties.

3. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site, to the approval of the local planning authority, in order to prevent contamination and damage to the adjacent roads

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

4. Prior to the first residential occupation of either dwelling, the new access onto The Rough and the two new accesses across the public footway [running east to west] shall be constructed in the positions and laid out as shown on the submitted plan [number 101 dated February 2020] and constructed in accordance with the relevant standards set out by the highway authority and all works undertaken shall be executed and completed by the Applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

5. Prior to the first residential occupation of the development hereby permitted, the northern edge of the public footway crossing the site east to west shall be made good with kerbing provided along the length of the new access road and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

6. Prior to the first residential occupation of either new dwelling pedestrian visibility splays of 2 metres by 2 metres shall be provided either side of the proposed 2 new acceses across the public footway [running east to west across the site] in accordance with the approved plan 101. These visibility splays shall thereafter be kept free of all obstructions.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

7. Prior to the first residential occupation of either new dwelling the parking areas shall be provided in accordance with the approved plan [No.101] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles by residents and visitors to the development hereby permitted.

Reason: In the interests of highway safety and amenity .

8. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan [No. 101] and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

9. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

10. Prior to the occupation of the development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

11. Prior to the first occupation of either of the dwelling hereby approved, a minimum of one functioning electric vehicle charging point shall be installed for use by the occupant of each dwelling and maintained in place thereafter.

Reason: In order to encourage use of more sustainable forms of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy and the Lewes District Council Electric Vehicle Charging Points Technical Guidance Notes.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	28 February 2020	101/1 - Site Plan
Other Plan(s)	28 February 2020	101/2 - Proposed Elevations
Other Plan(s)	28 February 2020	101/3 - Proposed Ground Floor and First Floor Plans
Proposed Section(s)		