

Report to: Planning Applications Committee
Date: 17 February 2021
Application No: SDNP/20/04009/HOUS
Location: Cedar Cottage
Church Lane
Kingston
BN7 3LW
Proposal: Demolition of single storey addition, proposed replacement two-storey side extension with associated landscaping, change to cladding colour, replacement windows and new rooflights, new balcony to south elevation, and new outbuilding.
Applicant: Mrs V Holden
Ward: Kingston Ward
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** Russell Pilfold
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IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. Executive Summary

- 1.1 The proposed development is acceptable in principle.
- 1.2 Accordingly approval is recommended, subject to conditions.

2. Relevant Planning Policies

2.1 South Downs Local Plan

Core Policy SD2 - Ecosystems Services

Strategic Policy SD5 - Design

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

3. Site Description

- 3.1 The application property is a detached dwelling located on the north-west side of Church Lane, an unmade, private track accessed from The Avenue, Kingston. It sits within a large plot and is set back and above the highway, due to the fall in level from the front of the property. All properties in the immediate vicinity are set within their own large plots, with no uniformity in design. The dwelling itself consists of two prominent gable ended sections, linked by a pitched roof between the two. The elevations are clad in timber with a tiled roof. The property is not a listed building or within a conservation area, but is within the South Downs National Park.

4. Proposed Development

- 4.1 It is proposed to demolish the existing single storey addition to the side and erect a two storey replacement extension, of similar appearance to the existing gable ended projections, with a first floor balcony, repaint the existing cladding and replace the existing windows, and erect a detached garden building adjacent to the existing driveway.

5. Relevant Planning History

- 5.1 LW/09/0243 - Erection of single storey side & rear extensions, conversion of garage to form habitable room, installation of juliet balcony at first floor at front and alterations to retaining wall at front – Approved
- 5.2 LW/76/1330 - Formation of new bedrooms on first floor with single private bathroom. Front porch on ground floor and minor alterations – Approved

6. Consultations

6.1 Kingston Parish Council – Objection

- 6.2 It is accepted that the proposal has been revised following the Planning Officer's comments but it is still felt that the two-storey extension is bulky, substantially enlarging the current building from what was once a small cottage. It is very close to the boundary with the neighbouring property, Dormers, and will substantially affect the light in Dormer's garden.

- 6.3 It is said that the zinc cladding would pick up on the local agricultural setting, but there is little zinc in the area so this seems to be rather far-fetched. Indeed, it is felt by some neighbours that the zinc could be more of a fire risk in direct sunlight than wood cladding.
- 6.4 It is not clear from the plans about the exact site of the proposed one storey outbuilding. It is difficult to judge the height of this but its bulk and proposed colour will have a direct effect on the neighbouring property Well Barr, which enjoys the afternoon sun in the family room. A plan showing the cross sections down the slope would be useful to help judge the impact of the building. On the block plan it appears to cross the site boundary (although this may merely be a drawing issue).
- 6.5 Finally, it is essential that a building management plan could be produced which recognises the particular issues of the site access. The bridle way is very popular with walkers accessing the Downs, children use it to get to and from the village school, as well as delivery vans. We would suggest that any management plan should include: details of the number, frequency and type of vehicles used in the building work; details of how the safety of other users along the bridle way can be protected; details of the routing of vehicles during construction through Kingston; details of how the vehicles will be loaded, unloaded and parked; and details of how the neighbours will be kept informed and engaged.

7. Neighbour Representations

- 7.1 Four objections received from neighbouring properties, which can be summarised as follows:
- Highways issues during construction, due to lack of room for construction vehicles, with the potential to block access for other residents and be dangerous for users of the bridle path.
 - The height of the proposed outbuilding adjacent to Church Lane
 - Ownership Issues relating to the access drive, and the location of services
 - The proposed works would be overbearing, reduce the view of the South Downs, and cause loss of light and privacy issues to the adjoining property, Dormers.
 - The works would be out of keeping with other properties in the immediate vicinity
- 7.2 One letter of support received from a neighbouring property, which comments positively on the location/design/appearance of the proposed scheme, the minimal impact on appearance due to existing lack of uniformity between neighbouring properties, recent work carried out at nearby dwellings and the use of the access for construction purposes, and the location of the proposed outbuilding, which will improve the appearance of the immediate area.

8. Appraisal

- 8.1 The application property is a two-storey detached dwelling set back from the highway. Due to a fall in land height, the properties along this side of Church Lane are all raised above, and prominent within the street scene. Church Lane itself is a private, unmade track, which also serves as a public bridleway. Cedar cottage is accessed from a spur off of the main track, which serves six properties, itself sharing a further access driveway with the property immediately adjacent.
- 8.2 The proposed works include the erection of a two-storey side extension, including balcony to front, and a detached, single-storey garden room/office along the access driveway, along with various repair/improvement works to the main property.
- 8.3 Policy SD31 (Extensions to existing dwellings and provision of annexes and outbuildings) of the South Downs Local Plan governs the size of residential extensions, seeking to keep them to a maximum of a 30% increase in the total floor area of the dwelling. The main driver for this policy is to prevent the loss of small/medium size dwellings across the National Park.
- 8.4 The demolition of the existing, single storey side extension, and erection of a two-storey replacement extension, would only create approx. 7% additional floor space within the main dwelling, well within the amount allowed by policy SD31.
- 8.5 Furthermore, the property would remain a four-bedroom dwelling, and therefore there would be no loss of a small/medium size dwelling, in accordance with Policy SD31. The proposed outbuilding would create a further 24sqm of floor space, but this is not required to be included within the calculation of percentage increase, in accordance with the Technical Advice Note produced by the National Park.
- 8.6 The Parish Council's comment that the proposed extension would convert 'what was once a small cottage' with a bulky extension is therefore, largely, unfounded, being that works would only add an additional 7% to the existing dwelling.
- 8.7 Policy SD31 also states that proposed extensions should respect the established character of the area and not be overbearing or be detrimental to the amenity of nearby residents. Similarly, Policy SD5 (Design) requires development proposals to utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing.
- 8.8 The proposed two storey extension replaces an existing single storey addition, which was originally an attached garage, later converted to a habitable room. The footprint of the proposed extension would be slightly smaller than the existing, as the front elevation would be set back. The form/style of the proposed extension largely copies that of the existing 'saw-tooth' gable ended roof form. However, it was requested at pre-application stage, that the roofline and elevation be lower and set back compared to the existing dwelling, so that the proposed extension could be

read as a modern addition, and demarcated from the original dwelling. This advice has been adopted in the submitted design.

- 8.9 The applicant has chosen to clad the proposed extension in zinc. This would be a stark contrast to the existing dark-stained timber cladding, but would also help demarcate it from existing building. There is no uniformity in design or building materials along Church Lane, with a contemporary dwelling recently erected immediately adjacent to the application property. The application property itself is of distinctive appearance, with its two prominent gable ends and wood cladding, and is clearly visible from the access track. However, views to the wider public would be limited, as the access track is only used by those properties situated along it, and the dwelling is not visible from the public bridleway. That being said, the use of zinc to clad the proposed extension would be a positive contribution to the property, enhancing the already unique appearance of the building through the use of sustainable materials. This largely mitigates the objections of the Parish Council, who have objected to the use of zinc to clad the proposed extension. Whilst the material would be unique to this specific area of Church Lane, the varying styles of design and use of materials in the neighbouring properties, and the limited visibility to the wider public, ensures that the use of zinc complies with Policy SD5.
- 8.10 The owners of the neighbouring property, 'Dormers', which is situated immediately adjacent to the proposed extension, have raised concerns regarding the height, massing and style of the extension, and the impact this will have on overshadowing, privacy and the views from their property. Similar concerns have been raised from the Parish Council.
- 8.11 The proposed extension replaces an existing ground floor extension, and so it is only the proposed second-floor/roofline that makes a material difference to the neighbouring property. The roofline is in keeping with the existing roof, in that it has a tall gable, with the roofslope angled away from the neighbouring property. Having visited the neighbouring property, it is clear that, whilst the proposed roof would be clearly visible, the existing roofline is already similarly visible, and there would be minimal impact on the outlook, or loss of privacy/light to the property. From ground floor level, the proposed extension would be largely shielded from view by existing hedging and trees on the boundary, and from second floor level, the extension would only be visible from a spare bedroom. Loss of view cannot be taken into consideration as part of determining an application, however, there would only be a slight loss of a small part of a much wider vista, at an oblique angle from the bedroom window.
- 8.12 Similarly, whilst the proposed extension would be visible in the rear garden of the neighbouring property, it would have little to no impact on the amount of light that would reach what is a sizable sloping rear garden.
- 8.13 Therefore, the objections of both the neighbouring property and Parish Council can largely be assuaged, as the creation of a second floor adjacent to 'Dormers' would have a minimal impact on the residential amenity of the neighbours, in accordance with Policy SD31.
- 8.14 The proposed rooflight to the side and rear window, which would be the only windows with the risk of overlooking to the neighbouring property, are to serve a dressing room and en suite bathroom, and therefore it is

reasonable to suggest they would be obscure glazed, but this can be secured by condition.

- 8.15 The proposed balcony at first floor level would be situated to the front of the property, overlooking the front garden. Due to existing trees/hedging, there would be no loss of privacy for the neighbouring dwellings.
- 8.16 For the above reasons, the proposed extension is deemed to comply with Policies SD5 and SD31 of the South Downs Local Plan.
- 8.17 Policy SD31 (Extensions to Existing Dwellings and Provision of Annexes and Outbuildings) of the South downs Local Plan allows for the erection of buildings within the curtilage of an existing dwelling, provided they demonstrate that they are required for a use incidental to the use of the host dwelling. Furthermore, Policy SD31 only allows development where there would not be an adverse impact on neighbouring residential amenity and the proposal respects the character of the area.
- 8.18 The proposed out building would be constructed on a strip of land that could currently be described as 'scrubland', located between the access drive to the application property and the access lane to other properties further down. It would consist of a single storey building with a pitched roof, constructed of timber cladding with a tiled roof, with glazing on the northern side facing the garden.
- 8.19 Concerns have been raised by the Parish Council, neighbouring properties and the property on the other side of the access track about the height of the proposed outbuilding against the access track, and also about the ownership of the land it is to be constructed on. The ownership issue is not something it is possible to comment on as part of the planning application, but the applicants have confirmed that the land that the garden building is to be located on sits wholly within the site of Cedar Cottage and is set 0.7-1m from the boundary with Church Lane.
- 8.20 The proposed outbuilding would be set in a location that currently has an 'open feel', in that there are no buildings of any substance located against this part of the access track, when viewed from the bridleway. However, neighbouring properties further down do benefit from garaging at highway level. The impact of the proposed garaging on neighbouring properties would be minimal. The property on the other side of the access track, is some distance from the proposed carport, with it only being visible from the side elevation. It's debatable that they would be able to see the carport from ground floor/rear garden level, due to existing hedging, and so there would be no impact on light that property.
- 8.21 More important is the appearance of the outbuilding from the track itself, and from the adjoining bridleway. As previous mentioned, the access track is only used by those properties located along it, and so the structure would only be visible to the wider public when viewed down the access track, from the adjoin bridleway. Whilst it would encroach on the open feel of this part of the access track, there is little reason to believe this would cause substantial harm to the appearance of the immediate vicinity. The scrubland is not especially attractive and, whilst the proposed building would break up the green hedge line along this part of the track, it would only be a small part of it. The use of cladding and the angle of the pitched

roof would also help soften the impact, creating a sustainable, functional building. Therefore the objections from neighbouring residents and the Parish Council can largely be mitigated, and the outbuilding is deemed to be in accordance with Policy SD31 of the South Downs Local Plan.

- 8.22 The Parish Council and neighbouring residents have raised concerns about construction traffic and the safety of bridleway users, if permission were to be granted. However, as previously mentioned, a new build dwelling has recently been completed next door to the property in question, and this is the property that shares an access track with the application property. Clearly there is room for large vehicles to access the site via the bridleway, although, it may be useful for the applicants to submit a 'Construction Management Plan' prior to the commencement of works, to help mitigate any issues surrounding safety of other bridleway users. This should help address the concerns of residents and the Parish Council, and isn't reason to refuse the application itself.
- 8.23 Policy SD2 (Ecosystem Services) seeks to ensure new development contributes positively to the goods and services that we receive from the natural environment through delivering on a number of different opportunities.
- 8.24 The applicants have committed to installing water butts to collect water from the pitched roofs, for use in the garden, along with the installation of permeable surfacing, creation of a compost heap and selective planting. Therefore the proposal accords with Policy SD2.
- 8.25 The erection of a two storey side extension and detached carport would not impact on neighbouring residential amenity or the wider public, and has the potential to create an impressive addition to an already unique building, in accordance with Policies SD5 (Design), SD2 (Ecosystem Services) and SD31 (Extensions to Existing Dwellings and Provision of Annexes and Outbuildings) of the South Downs Local Plan.

9. Human Rights Implications

- 9.1 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 taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. Crime and Disorder Implications

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

11. Human Rights Implications

- 11.1 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.

12. Equality Act 2010

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

13. Proactive Working

- 13.1 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.

14. Recommendation

- 14.1 It is recommended that planning permission be granted, subject to the following conditions.

14.2 Conditions

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 of the Town and Country Planning Act 1990 (as amended).

2. 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. Before the first occupation of the building/extension hereby permitted the new window/windows(s) on the roof slope and first floor level rear elevation shall be fitted with obscure glazing. The window(s) shall be non-opening below 1.7 metres from the finished floor level of the room in which the window is installed. The window(s) shall be permanently retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property.

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway/public safety and the amenities of the area, in accordance with Policy SD5 of the South Downs Local Plan and to

comply with National Policy Guidance contained in the National Planning Policy Framework.

15. 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 - LOCATION & BLOCK PLANS	1614/E/100		21.09.2020	Submitted
Plans - EXISTING GROUND FLOOR PLAN	1614/E/101		21.09.2020	Approved
Plans - EXISTING FIRST FLOOR/ROOF PLANS	1614/E/102		21.09.2020	Approved
Plans - EXISTING SECTIONS	1614/E/103		21.09.2020	Approved
Plans - EXISTING ELEVATIONS	1614/E/104		21.09.2020	Approved
Plans - PROPOSED SITE PLAN	1614/P/100		21.09.2020	Approved
Plans - PROPOSED GROUND FLOOR PLAN	1614/P/101		21.09.2020	Approved
Plans - PROPOSED FIRST FLOOR & ROOF PLANS	1614/P/102		21.09.2020	Approved
Plans - PROPOSED SECTIONS	1614/P/103		21.09.2020	Approved
Plans - PROPOSED ELEVATIONS	1614/P/104		21.09.2020	Approved
Plans - PROPOSED OUTBUILDING DETAILS	1614/P/105		21.09.2020	Approved
Application Documents -	PLANNING SUPPORTIN G STATEMENT		21.09.2020	Approved
Application Documents -	BASELINE ASSESSME NT CHECKLIST		21.09.2020	Approved

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