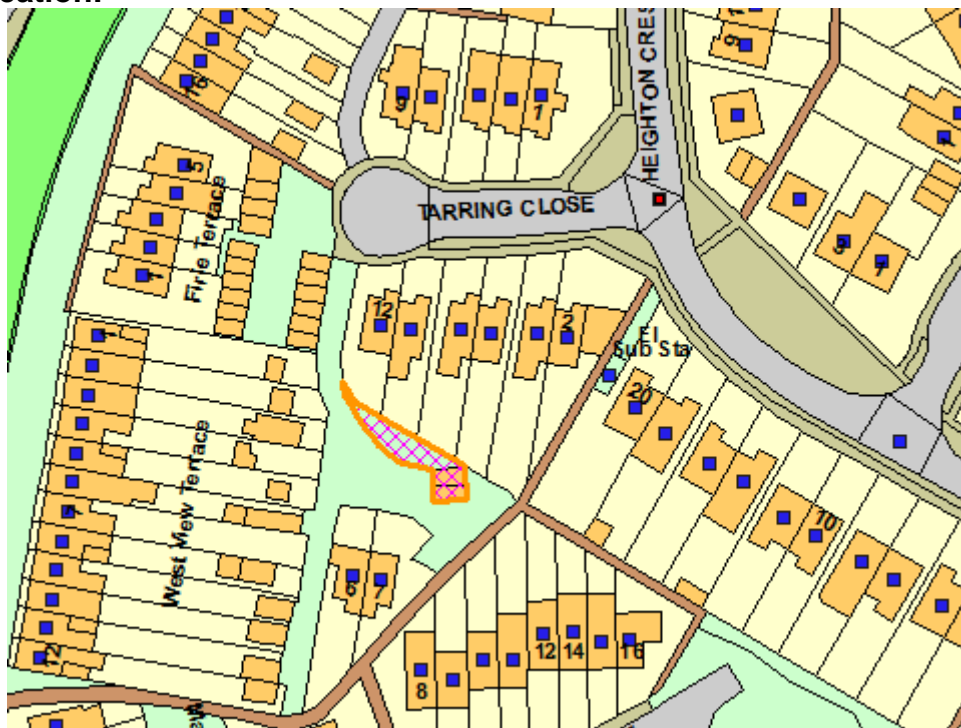


**Report to:** Planning Applications Committee  
**Date:** 10 March 2021  
**Application No:** LW/20/0659  
**Location:** Land to the rear of 6-12 Tarring Close, South Heighton, East Sussex  
**Proposal:** Demolition of existing double garage and erection of 1x two-bedroom dwelling with associated landscaping, off road car parking and cycle parking.  
**Ward:** Ouse Valley and Ringmer  
**Applicant:** Mr Penaluna  
**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)

---

**Map Location:**



**1. Executive Summary**

- 1.1 It is considered that the proposed development would provide a social enhancement by way of providing a small residential unit in an area where there is a limited amount of developable land available.
- 1.2 It is therefore considered that the proposal represents the sustainable development of a previously developed and under-utilised site which currently serves limited purpose. It is therefore recommended that the application is approved, subject to the conditions listed at the end of this report.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places

### 2.2 Lewes District Local Plan

- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon Energy
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM25 – Design
- LDLP: – DM30 – Backland Development

## 3. **Site Description**

- 3.1 The site is currently occupied by a flat roof double garage structure and a grass verge. It is accessed West View Terrace, which is lined by dwellings that back onto the road, which is used to provide vehicular access to parking and garages to the rear of those properties. West View Terrace is not an adopted road although the applicant would have an existing right of access to use the garage. The road is hard surfaced and in a good state of repair. A public footpath (South Heighton 1a) runs to the east of the site.
- 3.2 The site is surrounded by residential development, the rear boundaries of properties on Tarring Close back on to the northern part of the site. To the east and south are the rear gardens of properties on Iford Close whilst to the west are garages and parking spaces serving properties on West View Terrace.
- 3.3 The site is located within the planning boundary of South Heighton Parish and surrounding development is relatively dense. There are no specific planning designations or constraints attached to the site. The rural part of the parish lies to the north.

## 4. **Proposed Development**

- 4.1 The proposal involves the demolition of the existing garage structure and the erection of a wedge shaped part single, part two-storey two bedroom dwelling. The building would have a flat roof which would be used as a terrace where it is over the single-storey part of the dwelling and would be maintained as a green roof on the two-storey element.

- 4.2 The footprint of the dwelling would be approx. 49 m<sup>2</sup> with the two-storey element having a reduced floor area of approx. 30 m<sup>2</sup>. Roof top height of the ground floor element would be approx. 3.1 metres with the two-storey element being approx. 6.2 metres.
- 4.3 A landscaped rear garden of approx. 35 m<sup>2</sup> would be provided to the west of the dwelling. The garden would be enclosed by 1.8 metre high timber fencing. Additional private outdoor amenity space would be provided by terrace areas over the single-storey parts of the building. A 1.8 metre high rendered wall would be constructed along the edge of the terraces on the north-east facing elevation of the dwelling, which flanks the boundaries of rear gardens on Tarring Close. Glass balustrading of approx. 1.3 metres would be provided on the south-east facing edge of the balcony
- 4.4 A single car parking pay would be provided to the west of the dwelling. This would be accessed via West View Terrace.

## 5. **Relevant Planning History**

- 5.1 **LW/01/2182** - First floor extension and conversion of double garage to form two bedroom house – Refused 10<sup>th</sup> January 2002 (overdevelopment, overlooking impact);
- 5.2 **LW/02/1126** - Demolition of double garage and construction of single storey one bedroom house (on existing footprint) – (overdevelopment, unsafe pedestrian access)

## 6. **Consultations**

- 6.1 South Heighton Parish Council - It was RESOLVED to submit a neutral response to the application.

## 7. **Neighbour Representations**

- 7.1 Letters of objection have been received from 22 individuals. A summary of objections made is provided below:-
- Car park is already congested and a new dwelling would cause more parking issues;
  - Concern over suitability of narrow access from a road safety point of views as well as ability of emergency services to reach the site and neighbouring properties;
  - Construction works would cause major disruption and present a hazard to neighbours;
  - Overdevelopment of a small plot;
  - Design is not in keeping with surrounding development;
  - Use of balconies will cause disturbance as a result of noise and light emissions;
  - Proximity to neighbouring dwellings will result in the proposed building appearing overbearing and causing overshadowing and loss of privacy;

- No provision for visitor parking;
- Occupants will use neighbouring parking spaces which are not in their ownership;
- The site has no access to utilities;
- The building is too small for a two bedroom dwelling;
- The building would not provide suitable living conditions;
- Could lead to damage of the access road;
- May result in surface water flooding. There is already a problem with this in the car park;
- Neighbouring parking spaces would not be able to be used during construction works;
- Dust emissions will cause a health hazard;
- The idea isn't bad but the location is unsuitable;

7.2 Letters of support have been received from 10 individuals. Comments provided are summarised below:

- Would provide a much needed home;
- The area is an eyesore and subject to fly tipping;
- I have worked as a paramedic in Newhaven for 33 years and have never had trouble accessing West View Terrace or Iford Close;
- Will revitalise a run-down location and improve security;
- Parking will not be affected as a space is provided within the site;

## 8. **Appraisal**

### 8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the use; the impact upon the character and appearance of the area and neighbour amenities and impacts upon highway safety.

### 8.2 Principle of the proposed use

8.2.1 The site is located within the planning boundary where the principle of new development is accepted provided it complies with relevant policies within the development plan as per policy DM1 of the Lewes District Local Plan Part 2.

8.2.2 Para. 8 of the Revised National Planning Policy Framework defines sustainable development is that which is supportive of economic, social and environmental objectives. Para. 11 maintains that there should be a presumption in favour of sustainable development and that development that accords with an up-to-date development plan should be approved without delay. Para. 12 qualifies this by stating that 'the presumption in favour of sustainable development does not

change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.'

- 8.2.3 Lewes District Council can currently identify a housing land supply for the next 5.42 years and, as such, the development plan is considered up-to-date and full weight can be attributed to policies therein.
- 8.2.4 The development involves a net increase of one dwelling on the plot. It is noted that paras. 122 and 123 of the Revised National Planning Policy Framework encourage the more efficient use of land where this can be achieved in a responsible way. Para. 118 makes specific mention of the redevelopment of under-utilised car parking areas, stating that planning policies and decisions should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)'.
- 8.2.5 The central policy considerations, in this instance, are set out in policy DM25 of the Lewes District Local Plan Part 2. The criteria set out in the policy relates to impact upon character, compatibility with surrounding development in terms of building lines and roofscape, use of appropriate materials, retention of landscaping, circulation and response to climate, accessibility and impact upon neighbour amenities.
- 8.2.6 There is also a specific policy applied to 'backland development', of which the proposed scheme is considered to be an example. This policy, DM30, requires development to be accessible, to be mindful of potential impact upon neighbouring residents and to avoid loss of important landscape features.
- 8.2.7 Two previous schemes for the erection of a new dwelling on the application site have been refused under LW/01/2182 and LW/02/1126. Both refusal notices cited the scheme as being contrived and an example of overdevelopment. There have been significant changes in local and national planning policies since the time of these refusals and there is now a far greater thrust for efficient use of land. This is particularly important when concerning brownfield sites and in areas where suitable land for housing is in short supply.
- 8.2.8 It is noted that the northern part of South Highton is outside of the planning boundary and also within a Conservation Area. This has resulted in sites brought forward for reviews as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA) being rejected as undevelopable. As such, there is limited available space for additional dwellings within the Parish and this is focussed towards the southern part of the village, where development is

already relatively dense. As such, it is considered the site represents an under-utilised portion of land that could make a significant contribution towards sustainable housing development. Provided suitable internal space and outdoor amenity space can be provided, it is not considered that the proposed scheme would represent overdevelopment.

### 8.3 Impact on the character and appearance of the area

- 8.3.1 The proposed dwelling is of contemporary design and its appearance would contrast with that of surrounding residential development, which is fairly uniform in appearance. However, the building footprint is similar to that of neighbouring dwellings, particularly those nearby on Firle Terrace, whilst the plot size, at approx. 87 m<sup>2</sup> (not including the car parking space) is not significantly smaller than neighbouring plots at Firle Terrace and Martello Court. It is therefore not considered that the proposed development would appear cramped when seen in context with surrounding residential development.
- 8.3.2 The appearance of the building, whilst not being consistent with surrounding development, is considered justified in this instance as it would enable a development of the site that maximises sustainability measures (planting on the roof, solar panels), whilst minimising building height and thereby reducing the impact upon neighbouring residents. The site is also relatively self-contained and distinct from the general flow of the street scene, meaning that it merits having a character of its own. To this end, para. 127 of the Revised National Planning Policy Framework states that planning policies and decisions should ensure that developments 'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'. The proposed scheme is considered to represent an example of such a development.
- 8.3.3 Backland development can be at risk of feeling isolated and excluded from the surrounding residential environment. Whilst the proposed dwelling would not have a direct street frontage, the pattern of surrounding development ensures that the site is surrounded by residential development which is within close proximity and would allow for good levels of surveillance of the dwelling from neighbouring properties. The dwelling would also be adjacent to West View Terrace, although it is to the rear of dwellings, this is the only vehicular access to them and, as such, is subject to a level of activity that would ensure the area surrounding the site does not feel isolated.
- 8.3.4 The proposed development would result in the loss of a small amount of the existing grass verge but the majority of this would be maintained as part of the landscaped garden area. The enclosure to form garden land would allow for the grass area to be better maintained and protected from damage by vehicles and would also allow for planting of additional tree and hedge species, providing a

wider habitat. The proposed garden and green roof would therefore introduce additional landscaping to the area and resultant ecological gains as well as drainage benefits.

- 8.3.5 It is therefore considered that the proposed development represents an acceptable and efficient use of the site that would not cause undue harm or disruption to the established character and appearance of the surrounding area.

#### 8.4 Impact upon amenities of neighbouring residents:

- 8.4.1 The proposed dwelling would be positioned to the rear of properties on Tarring Close. Although the split level flat roof design would minimise the overall height of the building, there would still be an approx. 6.2 metre high elevation wall flanking the entire rear boundary of No. 6 Tarring Close and part of the rear boundary of No. 8. With a separation of approx. 15-17 metres, it is considered that an ample distance is maintained between the elevation walls of neighbouring dwellings to prevent an unacceptable sense of overbearing or overshadowing from arising. It is noted that there are similar distances maintained at nearby development between properties on Heighton Crescent and Glynde Close, where there is also window to window views available and the properties on Glynde Close are on significantly higher land.
- 8.4.2 The screening wall on the north-eastern elevation would prevent intrusive views towards neighbouring properties from first floor windows without compromising access to natural light for future occupants. This wall would also screen views from the first floor terrace space, with views only being available to the south-east and north-west, where they would not look directly towards any neighbouring window within close proximity. Some views of neighbouring gardens would be available but this is a common relationship and densely built up areas, including the surrounding residential area.
- 8.4.3 The garden space would be fully enclosed and would flank the far end of neighbouring gardens. The proposed car parking space would be adjacent to the rear boundary of No. 8 Tarring Close but would be screened by existing boundary treatment and it is noted that the use of this area for car parking is well established.
- 8.4.4 It is therefore considered that the relationship between the proposed dwelling and surrounding residential properties would be similar to the existing relationships between dwellings in the surrounding area and that the proposed development would not result in any unacceptable adverse impact upon the amenities of neighbouring residents.

#### 8.5 Living conditions for future occupants

- 8.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external

storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.

- 8.5.2 The proposed dwelling would have its sleeping accommodation at ground floor level. The bedrooms would be served by lightwells provided in the flat roof over them rather than by windows. Whilst this would result in a lack of outlook from the bedrooms it would allow for sufficient access to natural light. High level windows should also be provided to allow for natural ventilation of the bedrooms. It is considered that the layout is uncomplicated and that all parts of the dwelling would be easily accessible and navigable.
- 8.5.3 The proposed dwelling would provide a Gross Internal Area (GIA) of 78 m<sup>2</sup>. This exceeds the 70 m<sup>2</sup> requirement for a two-storey, two-bedroom dwelling (with one single bedroom and one double). The enclosed garden space and the first floor terrace provide a good level of outdoor amenity space for the expected tenure of the dwelling.

## 8.6 Parking and access

- 8.6.1 The proposed dwelling would be provided with a single car parking bay. This is an acceptable quantum of parking for a dwelling occupied by 2 people. The parking bay would be overlooked from the kitchen/living room as well as by surrounding dwellings, ensuring a good level of surveillance.
- 8.6.2 The dwelling would utilise West View Terrace for vehicular access. This is considered an acceptable arrangement. The road is approx. 4.7 metres wide where accessed from Tarring Close, although it does taper towards the east, it is considered that visibility is good as the road is relatively straight, level and free from obstructions. Furthermore, the proposed dwelling would be unlikely to generate any material increase in vehicular traffic over what would be expected should the garage be maintained in use for parking. There is ample space in the existing parking area for vehicles to turn, ensuring they enter and leave the highway in forward gear.
- 8.6.3 It is not considered that the loss of the existing garage parking facility would result in additional parking pressure on the surrounding highway network. A significant number of properties in the surrounding area have access to on site car parking and/or garages. The owner of the garage has hard surfaced parking to the front of the property which would mitigate the loss of the garage as a parking facility. It should also be noted that garages typically have a low usage rate as car parking facilities and this is recognised by ESCC Highways standing advice which only regards a single garage as providing one third of a car parking space (therefore two thirds of a space for a double garage).
- 8.6.4 It is therefore considered that there is suitable vehicular access to the proposed dwelling and that the amount of activity on West View Terrace would not increase to an unsafe or unmanageable level.
- 8.6.5 A previous scheme (LW/02/1126) was refused, in part, due to concerns over pedestrian safety although it should be noted that



ESCC Highways did not raise any concerns in their response at the time. West View Terrace does not have a pedestrian footpath and so is not ideal for pedestrian access. However, there is a public footpath immediately to the east of the site which runs from Heighton Crescent, is hard surfaced, and would provide convenient and safe pedestrian access to the site.

- 8.6.6 The main entrance to the building would open out onto a designated footpath and would not open directly into the garage parking area. As such, it would not present a hazard to motorists or pedestrians. There is footpath access from the parking bay to the dwelling. This footpath runs through the garden and as such, pedestrians would not be moving through the wider parking area.

## 8.7 Sustainability

- 8.7.1 The proposed development would result in the loss of a portion of the existing grass verge although part of it would be maintained for use as a garden. A sedum roof would also be incorporated and this would provide some permeability at the roof level in mitigation of the loss of grass verge. The grass and other planting within the enclosed garden is less likely to be damaged by vehicles and is more likely to be maintained and to support additional planting that would increase biodiversity. It is considered that these measures offer sustainability benefits both in providing permeability and in providing additional habitat. A rainwater crate would also be installed beneath the garden to further control surface water run-off.
- 8.7.2 An array of solar panels would also be mounted discretely on the roof top, with screening provided by a parapet wall. These panels would support the generation of renewable energy and, therefore, contribute towards carbon reduction.
- 8.7.3 A condition will be added to any approval to secure electric vehicle charging facilities in order to support uptake in the use of electric vehicles. It is also noted that cycle storage facilities are provided and that this would help encourage the use of bikes as a mode of transport.

## 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. **Recommendation**

- 10.1 It is recommended that permission is granted subject to the conditions listed below.

## 10.2 Conditions

1. The sedum roof and solar panel array shall be installed prior to the first occupation of the dwelling hereby approved in accordance with full details and specifications to be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure sustainability enhancements are incorporated into the development in accordance with policy CP11 and CP14 of the Lewes District Local Plan Part 1, and paras. 118 and 148 of the Revised National Planning Policy Framework.

2. The dwelling hereby approved shall not be occupied until the car parking space has been surfaced and laid out in accordance with the details provided on approved plan 9277 P01 Rev C and shall be maintained in place thereafter for the lifetime of the development.

Reason: In order to ensure the dwelling is served by suitable parking and access in accordance with policy DM30 of the Lewes District Local Plan Part 1.

3. Prior to the first occupation of the dwelling hereby permitted, an electric vehicle shall be provided for use within the car parking bay and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, para. 110 of the Revised National Planning Policy Framework and the LDC Electric Vehicle Charging Points Technical Guidance Note.

4. Prior to the first occupation of the dwelling hereby approved, secure and covered bin and cycle storage facilities shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policies DM26 and DM30 of the Lewes District Local Plan Part 2 and para. 104 of the Revised National Planning Policy Framework.

5. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 and DM30 of the Lewes District Local Plan Part 2.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without

modification), no buildings, structures or works (including the formation of new windows) as defined within Part 1 of Schedule 2, classes A-F inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 and DM30 of the Lewes District Local Plan Part 2.

7. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory surface water drainage.

8. No development approved by this permission shall be commenced until a construction management plan has been submitted to and approved by the Local Planning Authority. This plan shall include, but not be limited to, the following information:-

- Access arrangements and routes followed by delivery vehicles;
- Number and frequency of deliveries associated with construction;
- Types of vehicles and machinery to be used for construction (including deliveries);
- Details of how noise, air and light emissions would be managed;
- Site security details;
- Details on how materials and waste will be stored and removed from the site;
- Access and parking arrangements for construction workers;
- Hours of working;
- Details of a site manager to act as a liaison with neighbouring residents

Reason: In the interest of environmental and residential amenity on accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM20 and DM25 of the Lewes District Local Plan Part 2.

#### Informatives

1. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, removed from the site and disposed of in an appropriate manner. It is offence to burn trade waste. There should be no bonfires onsite.

2. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting an existing business site to get a better understanding of the operation, identifying matters of concern and negotiating acceptable amendments. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The development hereby permitted shall be carried out in accordance with the following approved drawings:

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Location Plan	29 September 2020	9277 P10 Rev A
Block Plan	29 September 2020	9277 P09 Rev A
Ground Floor Plan	25 February 2021	9277 P01 Rev D
First Floor Plan	25 February 2021	9277 P02 Rev D
Proposed Elevations	25 February 2021	9277 P03 Rev D
Proposed Elevations	25 February 2021	9277 P04 Rev D
Proposed Sections	25 February 2021	9277 P05 Rev D
Proposed Sections	25 February 2021	9277 P06 Rev D
Illustration	25 February 2021	9277 P07 Rev D
Illustration	25 February 2021	9277 P08 Rev D

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

## 11. **Background Papers**

11.1 None.