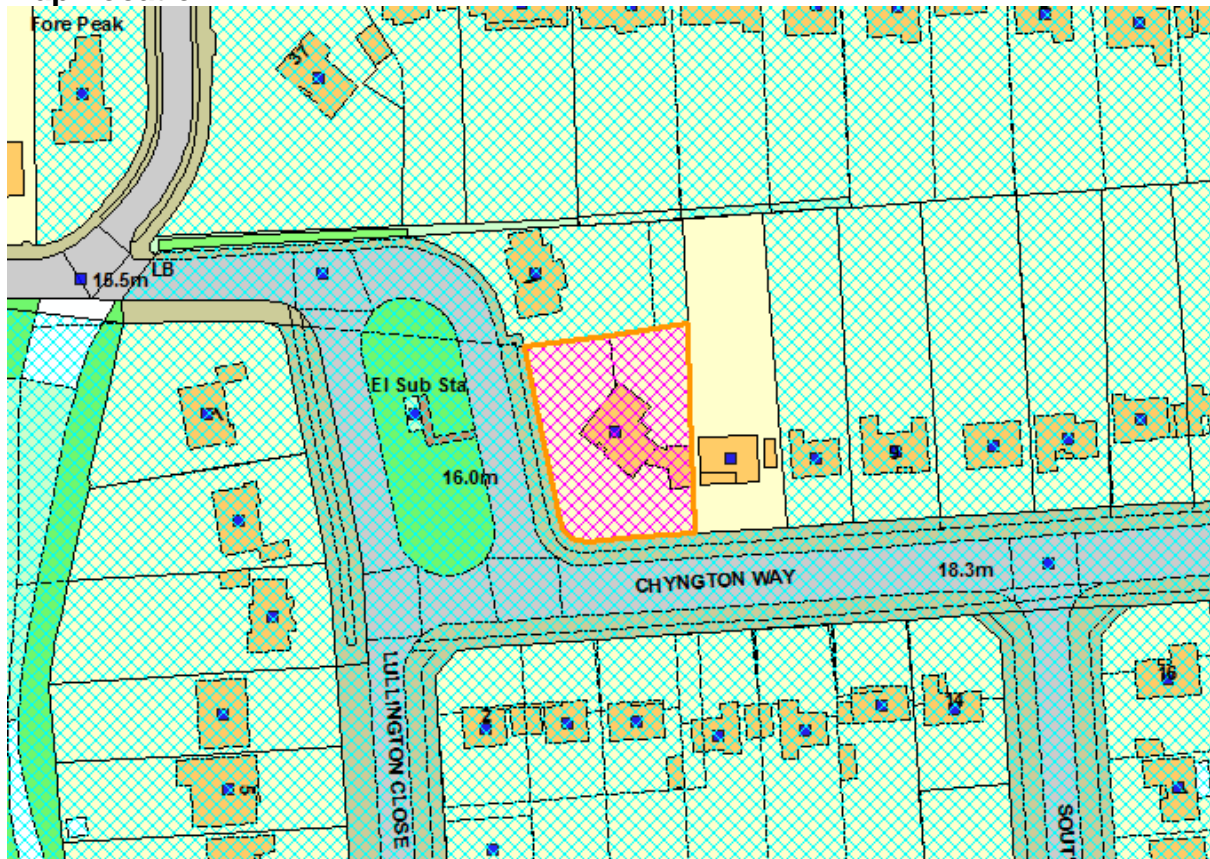


**Report to:** Planning Applications Committee  
**Date:** 21 April 2021  
**Application No:** LW/20/0565  
**Location:** 3 Chyngton Way, Seaford, BN25 4JA  
**Proposal:** Demolition of existing property and erection of 2 x 4-bedroom detached houses.  
**Applicant:** Mr C Bryans  
**Ward:** Seaford East  
**Recommendation:** Grant planning permission subject to conditions.  
**Contact Officer:** **Name:** Julie Cattell  
**E-mail:** [julie.cattell@lewes-eastbourne.gov.uk](mailto:julie.cattell@lewes-eastbourne.gov.uk)

---

**IMPORTANT NOTE: This scheme is CIL Liable.**

**Map Location:**



## 1. **Background and purpose of report**

- 1.1 This application was previously considered at the 31st March committee when the committee resolved to grant planning permission in accordance with the officer's recommendation subject to additional conditions being added. The vote was carried, with 5 members in favour, 2 against and 2 abstentions.
- 1.2 However, after the meeting was closed, and before the decision notice was issued, members of the planning committee received from the owner of the neighbouring property (number 5), a copy of a letter from a Rights of Light Surveyor concerning the impact of the development on his property. A copy of the letter was subsequently forwarded to officers. Regrettably, although this letter was received by Lewes District Council on 29 March 2021, it was not seen by the case officer, nor the presenting officer until after the committee meeting and as such it was not considered in the supplementary report nor referred to at the meeting by officers.
- 1.3 As the letter raises planning considerations about daylight and sunlight to all five windows in the side (west facing) wall of number 5 in relation to the proposed development, officers are of the view that in the interest of natural justice, this aspect of the application should be re-examined in the light of the letter. The Decision Notice has not been issued and Members are being given the opportunity to consider this new information and to decide whether the issues raised in the letter might have changed their decision. Officers have carefully reviewed the submitted information and remain of the view that there is no planning justification to refuse the application on the grounds of loss of light to the neighbouring property at number 5.
- 1.4 It should be noted that the officer's original report at para 8.3.1 did mention potential impact to the two first floor windows in the side wall:  
"There are two windows in the side elevation of number 5 at first floor level; these are understood to be secondary bedroom windows. Some overshadowing may result, but not to the extent that would support a reason for refusal on this ground alone."
- 1.5 This report has been prepared using additional information about the internal layout of number 5 taken from online estate agents details (which have been confirmed by the owner as being accurate) external and internal photos supplied by the applicant, the neighbour and the Rights of Light surveyor. The applicant has also provided a drawing showing additional information based on the Building Research Establishment guidelines which are referred to below. All of this information will be shown to the Committee.
- 1.6 The report that was considered by the Committee on 31st March is attached as appendix 1.

## 2. **Day and sunlight to side facing windows only – additional considerations**

- 2.1 To reiterate, there are five windows in the side wall of number 5, three at ground floor level and two at first floor level. One of the ground floor windows

can be discounted from consideration as it serves the open porch (labelled 'loggia' on the estate agent plans). The other two are secondary windows to the living room. As can be seen from the internal photographs, the current outlook from these windows is directly onto the side wall and roof of the garage to the existing property at number 3. The main outlook to the rear garden and source of daylight and sunlight to the living room is from glazed doors and windows in the rear wall.

- 2.2 At first floor level, the front and rear facing bedrooms (labelled as bedrooms 2 and 3 on the house plans) have front and rear facing dormer windows as the main source of daylight and sunlight. The two side facing windows (one in each room) overlook the roof of number 3. The main outlook from, and source of light to these bedrooms is from the front and rear facing dormer windows.
- 2.3 The letter from the Rights of Light surveyor refers to the Building Research Establishment (BRE) publication "Site Layout Planning for Daylight and Sunlight – a guide to good practice" by Paul Little fair – second edition 2011. This publication is widely used by developers, architects, surveyors and planners to consider the impact of new development on surrounding existing properties with regard to daylight and sunlight.
- 2.4 The BRE Guidelines do suggest that for main living rooms that have an additional window that faces within 90 degrees of due south, then the impact on the secondary window should be assessed. With regard to the living room, the first thing to consider is the current level of sunlight and daylight that is already received via the two side windows. Using the basic indicator from the BRE guidelines, whereby a line is drawn at an angle of 25 degrees from the centre of the affected window, daylight and sunlight to that window would be reduced if that line hits an obstruction. In this case, a 25 degree line drawn from these windows hits the roof of number 3, at distance of 3m from the face of the window.
- 2.5 The same 25 degree line drawn from those windows would over sail the roof of the proposed garage and hit the side wall of the new house at a distance of 5m. Whilst the main roof of the dwelling does break the 25 degree line, the roof pitches away. Therefore, whilst it is accepted that there would be some impact on these ground floor windows when the sun is setting, it has to be factored in that these are not the main windows to the room and are narrow slot windows. It is considered that the impact on these windows from the proposed development is not considered to reduce daylight or sunlight to a level that would detrimentally impact on the amenity or light being received within the room to a level that would justify refusal of permission.
- 2.6 Turning to the secondary windows to bedrooms 2 and 3, using the aforementioned 25 degree line guidance, neither window would be affected by the proposed new house.

### 3. **Conclusion**

- 3.1 To conclude, using additional information provided by the applicant, the neighbour and the Rights of Light surveyor concerning daylight and sunlight to

secondary windows in the side (west facing) wall of number 5, it has been demonstrated that the situation would be slightly impacted in respect of the two windows to the ground floor and would have a neutral effect on the secondary side windows to bedrooms on the first floor.

- 3.2 The recommendation remains to grant planning permission subject to conditions, including the three additional conditions (relating to hours of work, ecology survey for bats and no boundary treatment to the front gardens) suggested at the 31st March committee.

## **APPENDIX 1 – report to the 31 March committee**

### **1. Executive Summary**

- 1.1 The scheme is well designed and will fit in with the existing land pattern and street scene. It meets all relevant planning policies.

- 1.2 Approval is recommended, subject to conditions.

### **2. Relevant Planning Policies**

#### **2.1 National Planning Policy Framework**

2:- Achieving sustainable development

5:-Delivering a sufficient supply of homes

11:-Making effective use of land

12:-Achieving well designed places

#### **2.2 Lewes District Local Plan**

LDLP: – SP2 – Distribution of Housing [Indent 1 style]

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: - DM27 – Landscape Design

LDLP:- DM34 - Areas of Established Character

#### **2.3 Seaford Neighbourhood Plan**

SNP:- SEA2 – Design

SNP:- SEA5 – Areas of Established Character

SNP:- SEA17 – Brownfield Development

### **3. Site Description**

- 3.1 The site is within the Seaford Planning Boundary and located on the north side of Chyngton Way, on the corner as the road turns to the north to meet

Chyngton Road. It is rectangular in shape and covers 0.1054ha. On site at present is a large bungalow with integral garage, dating from the late 1950s, set at an angle to the adjoining houses and faces the south west corner of the site. The current residential density of the site is 9dph.

- 3.2 There is a close boarded timber fence on brick wall running 17m along the western boundary of the site. There is an existing dropped kerb and access off Chyngton Way.
- 3.3 The site falls within the Chyngton Way Area of Special Character. The property is not listed, nor is it noted as a building of local interest.
- 3.4 The north side of Chyngton Way is characterised by large detached two storey houses in generous plots with mainly open frontages, although some properties have low walls, fences or planting to define the front boundary. Plot widths are generally consistent, between 15 and 17m, and building lines are strongly defined at the front and rear. Rear gardens vary from 30 to 40m in depth. The house types are varied and no one architectural style is dominant; some have pitched roofs, others have hipped and pitched roofs or feature gables to the front elevation. Materials are a mix of red and yellow brickwork with red plain tiled roofs, some houses have hanging tiles to the first floor. Almost all have off-street parking and garages, with dropped kerbs. The south side of the road is dominated by bungalows, again detached but with a more consistent typology. All frontages are open.
- 3.5 The key feature of Chyngton Way is its open character, with grass verges between the road and the footpath, punctuated by mature trees at regular intervals.

#### 4. **Proposed Development**

- 4.1 Planning permission is sought for the demolition of the existing bungalow and redevelopment of the site to provide 2 x 2 storey 4-bedroom detached houses.
- 4.2 Each house has at ground floor a living room, kitchen diner opening onto a patio and rear garden, study, utility room and 2 W.C.s. Plot 1 also has an integral garage. At first floor, each house has one double bedroom with en-suite bathroom, three single bedrooms and a separate bathroom. Each house has two parking spaces to the front. The existing access will be adapted and utilised for plot 1 and a new access created along the western boundary for plot 2.
- 4.3 House 1, at 153m<sup>2</sup> and house 2 at 140m<sup>2</sup>, exceed the Nationally Described Space Standard. All bedroom sizes are compliant with the Standard.
- 4.4 The design of the houses is traditional, taking design cues from the houses in the rest of the street, plain tiles to the pitched roofs, brickwork to the walls and hanging tiles to the first-floor front elevation.
- 4.5 Both houses have single storey elements to the side, with single pitched roofs over.
- 4.6 This proposal is an amendment to the previously withdrawn application ref. LW/20/0071. The key changes are: reduction in depth of footprints so that

rear building line is retained; bulk reduced by introduction of single storey elements to the side of each house; increase in distance between the two new houses.

## 5. **Relevant Planning History**

- 5.1 This proposal is an amendment to the previously withdrawn application ref. LW/20/0071. The key changes are: reduction in depth of footprints so that rear building line is retained; bulk reduced by introduction of single storey elements to the side of each house; increase in distance between the two new houses.

## 6. **Consultations**

### 6.1 Environmental Health

- 6.1.1 No response.

### 6.2 ESCC Highways

6.2.1 Although the new access leads onto the roundabout, visibility splays extends to the bend. Considering the alignment of the road it is likely that speeds will be lower than 30mph restriction as such I don't have any significant concerns. Turning has been indicated which will ensure that vehicles will be able to enter and leave in a forward gear; this will also prevent unnecessary manoeuvres on the highway.

6.2.2 Turning should be conditioned for the new access. The position of the highway tree does not appear to be shown correctly, although it is unlikely to have a significant impact on the visibility splays it should be shown correctly to ensure splays can be conditioned.

6.2.3 The existing access does not benefit from turning; given the proximity to the junction, the access and parking area should be increased in width to ensure that both vehicles can enter and leave independently.

6.2.4 The visibility splays should be maximised within the frontage with a condition included for these to be maintained below 600mm given the proximity to the junction and footway along the boundary.

6.2.5 Both accesses will need to a licence for the construction.

### 6.3 County Archaeologist

6.3.1 Although this application is situated within an Archaeological Notification Area, based on the information supplied I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no archaeological recommendations to make in this instance.

### 6.4 Southern Water

6.4.1 Please see the attached extract from Southern Water records showing the approximate position of our existing sewer in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water.

- 6.4.2 The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- 6.4.3 No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- 6.4.4 All existing infrastructure should be protected during the course of construction works. Please refer to:  
[southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf](https://southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf)
- 6.4.5 We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" ([southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf](https://southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](https://water.org.uk/sewerage-sector-guidance-approved-documents/)) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water.

## 6.5 Seaford Town Council

- 6.5.1 It was noted that this application was an amended version of the scheme proposed under LW/20/0071. The Committee had objected to the earlier application at the meeting on 12th March 2020 and the application had later been withdrawn prior to determination.
- 6.5.2 The amendments had been given careful consideration by the Committee but it was considered that the previous strong objections still applied:-
- Notwithstanding the alignment of the rear building line with the adjacent properties in Chyngton Way and the modification of the design to reduce the bulk of the dwellings at first floor level the provision of two dwellings on the site of the existing bungalow was still considered to be over-development.
  - The plot sizes were significantly below the standard plot sizes of adjacent and nearby properties in Chyngton Way. This would lead to a cramped development compared to the rest of Chyngton Way which is within an area designated in the Lewes Local Plan Part 2 and the Seaford Neighbourhood Plan as an Area of Established Character. The area is characterised by detached dwellings on large plots with spacious front and rear gardens. The two proposed dwellings taking up a prominent corner plot currently accommodating a single house.
  - The dwellings would detract from this special open character of the area and therefore be contrary to policies SEA5 of the Seaford Neighbourhood Plan and DM34 of the Lewes Local Plan Part 2.

6.5.3 The proposed access to the island roundabout at the junction of Chyngton Way and Chyngton Road was still considered to be a potential hazard to traffic due to limited visibility notwithstanding the amendment to provide a turning area within the site. It was therefore RESOLVED to OBJECT to the application on these grounds. It was also REQUESTED that should the officers be minded approve the application it should be referred up to the Council's Planning Applications Committee for determination due to the importance of the application and the high level of objections from residents in the area.

## 7. Neighbour Representations

7.1 A total of 35 representations have been received, 31 objecting and 4 in support.

7.2 The objections were on the following grounds:

Two houses on one plot out of character

Overbearing

Over development, cramped on the site

Materials not in keeping

Plot too small

Out of proportion

Not in keeping with building line

Existing house contributes to open character of Chyngton Way, is considered to be a Seaford landmark

Road is a route to a tourist beauty spot

Existing house set at an angle contributes to open character of the area

Adverse impact on Area of Established Character

Would set a precedent

Overlooking and loss of privacy to nearby properties

Loss of daylight

Loss of open space

Two houses would increase noise disturbance

Access dangerous on bend

Road safety hazard for walkers and cyclists

Already a possible accident area

Adverse impact on sightlines

Applicant parks his vehicles on the dangerous bend

Not enough parking or space for deliveries

Current application is little different from previous withdrawn one

Contrary to local and neighbourhood plan policies



Concern that revised plans are not correct and do not address objections

7.3 The following comments were made in support of the application:

- Current property does not make good use of the site
- Plot is big enough for 2 houses and would give an opportunity for new families to move into the area
- Proposal for 2 purpose-built houses would be preferable to extension or adaptation of existing bungalow.

7.4 Cllr Adeniji: I have been approached by residents concerned with the above planning application. I have been to visit the site and do share many of their concerns. I am therefore writing to ask that if you are minded to approve this application, the application should be “called-in” to the Planning Applications Committee” on the following grounds.

- Loss of light or overshadowing (loss of light to the extent that an adjoining property may not get enough daylight to see by)
- Overlooking/loss of privacy in the bedroom and living area of a bordering property
- Visual amenity
- Layout and density of building as the two dominant two storey houses replace the existing single bungalow with its open aspect.
- The proposed development would have an irreversible and detrimental environmental.

## 8. **Appraisal**

### 8.1 Principle

8.1.1 As the site falls within the planning boundary, the principle of development is acceptable in terms of policy DM1, subject to other relevant planning considerations. Policy SEA18 supports development on brownfield sites subject to respecting local character, residential amenity and highway safety.

8.1.2 Policy CP2 requires developments to provide a range of dwelling types and sizes to meet identified local need, including smaller units. However, account will also need to be given to the existing character and housing mix of the vicinity of the site. The prevailing house type in the area is of large, detached properties with 4/5 bedrooms, set in generous plots; the proposed houses are consistent with this and as such is compatible with policy CP2.

### 8.2 Design

8.2.1 The Chyngton Way Area of Established Character is described in the Seaford Neighbourhood Plan is described as:

*‘..an extension of Chyngton Road to the east linking through to Chyngton Lane Conservation Area and the track to South Hill Barn. The area reflects a much later stage of development than Chyngton Road and Cuckmere Road with a much higher density of*

*development, smaller houses on the north side and bungalows on the south, comprehensively laid out with a definite building line in an open plan estate. Nevertheless, the area has a spacious character by virtue of a tree-lined wide grass verges between the highway and the pavements and “open plan” front gardens. The spacious character is accentuated by the proximity of open downland to the south’*

- 8.2.2 The houses have been designed to reflect the key characteristics of the properties in the street, using a similar materials palette and follow the predominant front and rear building lines. The plot widths – at 13m – are comparable with others in the street. The depth of the plots (varying from 14 to 21m) is shorter than most others on this side of the street. However, this is not evident from the public realm and is not noted in the Seaford Neighbourhood Plan as a specific characteristic of the Chyngton Way Area of Established Character. Crucially, the openness of the street will not be compromised by the proposed development.
- 8.2.3 It is considered that the design aspects of policies and CP11, DM25, DM34, SEA2 and SEA5 have been fully complied with and that the Chyngton Way Area of Established Character will be maintained.

### 8.3 Amenity

- 8.3.1 The houses have been designed to avoid any direct overlooking to existing properties. There are two windows in the side elevation of number 5 at first floor level; these are understood to be secondary bedroom windows. Some overshadowing may result, but not to the extent that would support a reason for refusal on this ground alone.
- 8.3.2 The new houses meet the Nationally Described Space Standard in term of overall floor space and bedroom sizes.

### 8.4 Transport and parking

- 8.4.1 The ESCC parking calculator indicates that the need for 4.6 parking spaces would be generated by the proposal. Plot 1 has a garage and space for cars to be parked off street, plot 2 has 2 off-street spaces, thus meeting the required level of parking.
- 8.4.2 ESCC has raised no in principle objection to the proposed access points. The applicant has amended the site plan in response to the requested changes to the parking and access layout.
- 8.4.3 Cycle storage details will be required by condition.
- 8.4.4 The relevant aspects of policy CP13 have been met.

### 8.5 Sustainability

- 8.5.1 Conditions will be attached seeking submission of sustainability measures and electric car charge points in compliance with policies SP13 and SP14.

## 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 The proposed development meets all relevant national and local policies and approval is recommended subject to conditions.

### 10.2 Conditions

1. No development shall take place until details/samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

2. No development shall commence, 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 anticipated number, frequency and types of vehicles used during construction;
  - 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;
  - the storage of plant and materials used in construction of the development;
  - the erection and maintenance of security hoarding;
  - details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway; and other works required to mitigate the impact of construction upon the public

highway (including the provision of temporary Traffic Regulation Orders);

- details of public engagement both prior to and during construction works;
- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
- temporary lighting for construction and security;
- public engagement both prior to and during construction works;
- means of safeguarding public rights of way or providing temporary diversions;
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the occupation of the new house, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

4. No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

5. No part of the development shall be occupied/brought into use until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

6. No part of the development shall be occupied/brought into use until details of the facilities for the storage and removal of refuse from the premises have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

8. 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>
Design & Access Statement	26 August 2020	Design & Access Statement
Planning Statement/Brief	26 August 2020	Planning Statement
Justification / Heritage Statement	14 October 2020	Heritage Statement
Justification / Heritage Statement	14 October 2020	Heritage Statement Appendix
Location Plan	26 August 2020	Location Plan
Proposed Layout Plan	22 February 2021	CB/CW/05 Site Plan
Proposed Floor Plan(s)	22 February 2021	CW/CB/02 House 1
Proposed Elevation(s)	22 February 2021	CW/CB/02 House 1
Proposed Floor Plan(s)	22 February 2021	CW/FB/04 House 2
Proposed Elevation(s)	22 February 2021	CW/FB/04 House 2
Street Scene	26 August 2020	Street Scene and materials

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

11. **Background Papers**

11.1 None.