

Report to: Planning Applications Committee
Date: 12 January 2022
Application No: LW/21/0705
Location: 3 Homefield Road, Seaford, BN25 3DG
Proposal: Lower ground floor, ground floor and first floor extension and associated internal alterations.
Applicant: Mr J Palmer
Ward: Seaford North
Recommendation: Grant planning permission (subject to conditions).
Contact Officer: **Name:** James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location



1. **Executive Summary**

- 1.1 The proposal seeks householder permission for a lower ground floor, ground floor and first floor extension to the side facing elevation – with associated internal alterations.
- 1.2 Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2: Achieving sustainable development

16: Conserving and enhancing the historic environment

2.2 Lewes District Local Plan

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – DM25 – Design

LDLP: - DM28 – Residential Extensions

2.3 Seaford Neighbourhood Plan

SEA2 - Design.

2.4 Site Description

2.5 The application property is a two-storey detached dwelling located to the south side of Homefield Road in Seaford.

2.6 The property is not listed nor is it located within an area of established character.

2.7 The property borders a Grade II Listed building ("Star House") to the west, and it abuts the Seaford East Blatchington Conservation Area to the north.

2.8 The surrounding area is leafy and residential, featuring detached dwellings set on large plots. Properties feature front and rear gardens with off street parking.

2.9 The application property sits on a generous deep plot, which slopes down such that the front boundary is at a higher elevation than the rear. Boundary treatments to the rear are comprised of close board fencing, with extensive vegetative screening to the sides and rear.

3. **Proposed Development**

3.1 The proposal seeks householder permission for a lower ground floor, ground floor and first floor extension to the east facing elevation – with associated alterations.

3.2 The application is called into the Planning Committee as Seaford Town Council have objected to the proposed development.

- 3.3 At lower ground floor level, a basement is to be excavated to the rear and side of the property which will accommodate a gym, W.C and steam room. It has an inverse L shaped footprint, measuring a maximum of approx. 11.2m in depth by 22.4m in width. Internal ceiling height will be 3.0m.
- 3.4 The lower ground floor extension features a set of rear (south facing) white UPVC sliding doors and a set of side (west facing) doors which will each lead to a set of natural stone steps leading up to the garden. The steps will both feature a 0.9m high stone wall balustrade.
- 3.5 The works to the basement will necessitate underpinning of the foundations, and the installation of a two-layer retaining wall with liquid membrane.
- 3.6 At ground floor a single storey extension is to be erected to accommodate an enlarged family room and kitchen.
- 3.7 It is to project from the (east facing) side elevation by 5.7m with a depth of 17.3m. The single storey elements of the extension have a flat roof, measuring a maximum of 3.85m high and finished in lead.
- 3.8 The ground floor extension is 2.5m from the boundary with the neighbour at 5 Homefield Road and is stepped back from the principal elevation of the property by 0.5m.
- 3.9 The ground floor element of the extension is to be finished in matching materials with white painted render and white UPVC windows. The extension features doors to the rear which open onto a slightly enlarged terrace formed by the roof of the lower ground floor extension.
- 3.10 The existing 6.1m deep by 16.4m wide terrace will be enlarged to measure 7.2m deep by 22.4m wide and is to be finished in matching natural stone. It will feature a 0.9m high stone wall balustrade.
- 3.11 At first floor level stepped back from the principal elevation by 1.5m there are to be two projections from the east facing (side) elevation. To the northern side of the east elevation there is a bedroom with en-suite measuring 4.7m wide by 5.1m deep. To the southern side of the east elevation there will be a dressing room with rear facing balcony measuring 4.7m wide by 7.5m deep.
- 3.12 The first-floor elements are 5.5m high to the eaves, 8.5m high to the ridge (0.2m lower than the existing ridge height). The first-floor projections feature hipped roofs matching those of the host property in material and angle. The first-floor elements are to be finished in matching white rendered brickwork, red clay tile roofs and will feature white UPVC windows and black UPVC rainwater goods.
- 3.13 The first-floor extension requires planning permission due to a proposed rear facing balcony. The balcony measures 3.3m wide by 1.26m deep, inset to the rear of the proposed first floor extension. It features a 1.1m high timber balustrade.
- 3.14 Associated alterations to the property will see internal works not requiring planning permission, and the installation of front facing windows at ground and first floor level to the north facing elevation.

This application was subject to amendments to remove flint detailing and replace with brickwork so that the finish is more in keeping with the character of the existing building.

4. **Relevant Planning History**

- 4.1 LW/21/0278 – Householder application for a lower ground floor, ground floor and first floor extension and demolition of existing garage and boundary wall and construction of new garage and boundary wall. - Refused
- 4.2 LW/10/1558 - Section 73A Retrospective Application for the retention of boundary wall, eight pillars, iron gates and railings. – Approved

5. **Consultations**

5.1 **Seaford Town Council - Objected to the proposals**

RESOLVED to OBJECT to the application on the following grounds:-

'The proposed extension, taking into account the size, scale massing and design would dominate the street scene in this part of Homefield Road. Although it is acknowledged that the proposals relating to the garage and wall in LW/21/0278 have been removed and the area has no special designation, it adjoins the East Blatchington Conservation Area and this part of Homefield Road derives a clear architectural rhythm from houses built of traditional materials set back from the road in large plots.

The proposed building would have an unacceptable impact on this street scene and, contrary to the Seaford Design Guidelines, it would dominate the existing property rather than being subservient to it. The extension would also have an overbearing impact on the smaller property adjoining at no. 5 with significant overlooking and loss of privacy issues arising from the proximity and height of the extension and the proposed additional windows at first floor level. The proposals are therefore contrary to para 134 of the NPPF, Local Plan policy DM28 (ii) and (iv) and to paras SW01 and GB03 of the Design Guidelines incorporated in the Seaford Neighbourhood Plan

N.B

1. There is concern that if consent is granted the excavation required to construct the lower ground floor element is likely to cause significant environmental problems in the area. A condition requiring a comprehensive Construction Management Scheme should therefore be imposed

2. Taking into account the refusal of LW/21/0278 and that the plans submitted under LW/21/0705 and /0712 are the fifth and sixth versions of the development plans submitted this year, the District Council is encouraged to take a firm approach to any future proposals to extend the property in order to ensure the best use of officer time and resources..

5.2 **Design and Conservation Officer – No objection**

Approve subject to conditions - impact will be neutral on the street scene, setting of LB and setting of adjacent CA

The flat roof extension as proposed in both applications is PD and as such this element will not be considered. Nonetheless, the applicant has been asked to remove the flint detail and replace with brickwork or tiles so that the finish is more in keeping with the character of the existing building.

Whilst the building will be larger than it is now, the extension is not considered to be overbearing. The extension has been set back further than in the previously withdrawn applications and is no longer considered to be a dominant feature. The insertion of windows to the two-storey element that faces the street is considered a positive intervention as the building will address the street in a more positive way that it does currently. Currently the windowless elevations are quite alienating. On balance, subject to the successful discharge of conditions, the proposals will have a neutral impact on the street scene.

Suggested Conditions

- 1) Prior to the relevant part of the works being carried out a brick sample and brick panel shall be prepared in accordance with the requirements below and approved in writing by the Local Planning Authority. The approved panel shall be retained on site until completion of the works and the new walling shall be constructed in accordance with the approved panel.
- 2) Prior to the relevant part of the works being carried out a sample of the proposed roof, hip and ridge tiles photographed against the existing roof tiles from both the front and rear together with manufacturer's details. The new tiles to the roof/hanging tiles shall precisely match those of the original tiles in respect of unit dimensions, materiality, colour, and texture and ideally clay.

6. Representations

- 6.1 Representations have been received from the District Councillor Sam Adeniji (Seaford South), offering comments that the proposed development is overbearing through its bulk and scale and that the proposal would introduce unacceptable overlooking onto the neighbouring property at number 5 Homefield Road. The representation continues that the proposals amount to overdevelopment of the plot.
- 6.2 Councillor Carolyn Lambert of East Sussex County Council (Seaford South) also opposed the proposed development, querying the validity of the application and citing that the development is out of character, overbearing and that it will unacceptably harm the street scene.
- 6.3 In total, 43 Representations have been received: objecting to the application for the following reasons:
 - Highway hazards caused during construction.
 - Inadequate access for construction vehicles.
 - Noise and disturbance during construction.
 - Out of character, unneighbourly development.

Overdevelopment of the plot.

Overbearing appearance, due to the location and large mass, amplified by the slope and height differences between neighbouring properties.

Effect on the Conservation Area and the heritage value of Easemore House itself.

Harm to the contextual significance of the area.

Development is contrary to policy.

Loss of trees.

Loss of light.

Validity of the application / missing documents.

Safety concerns regarding excavating a basement in the proposed location.

Concerns over inaccurate drawings.

Overlooking from the single storey element being used as a 'balcony by stealth'.

7. **Appraisal**

7.1 Key Considerations

The key considerations are: principle of development, impact of the design on the character of the property and the wider street scene and the effect on the amenities of adjoining neighbours.

7.2 Principle

- 7.2.1 Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. Underlining that there is to be a presumption in favour of sustainable development.
- 7.2.2 The development site is within the defined planning boundary of Seaford, and it is not subject to any site-specific policies which would preclude development.
- 7.2.3 There is no objection in principle to extensions being made to the dwelling, subject to the proposals being appropriate in their scale, massing and materials and not significantly affecting the amenities of the adjacent residential properties in accordance Local and national policies against which the development will be assessed in the main body of this report.

7.3 Design and Character

- 7.3.1 The application property is not located within a designated conservation area, area of established character, nor is it a listed building. It is not subject to any site-specific policies which would restrict development.

- 7.3.2 Due to the location of the site sharing a boundary with the Grade II Listed Star house, and abutting the Seaford East Blatchington Conservation Area, weight must be applied to the Design and Conservation aspects of the proposed development.
- 7.3.3 It is noted that the single storey element of the proposal falls within permitted development, as it complies with Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015. The reasons for this are given below: -
- 1). The width of the original dwellinghouse is approx. 14.96m and the proposed side extension (width 5.7m) would not have a width greater than half the width of the original dwellinghouse (7.48m).
 - 2). The single storey element would not exceed 4.0m high and would not project beyond a rear wall by more than 3.0m.
 - 3). The single storey element is not within 2.0m of the boundary, and the height of the single storey element is no higher than the eaves height of the existing dwelling, the single storey element does not exceed 4.0m in height.
- 7.3.4 The application property sits on a generous plot, and as such, it is considered that the development can be accommodated without overdeveloping the plot, in accordance with Policy DM25 of the Lewes District Local Plan and SEA2 of the Seaford Neighbourhood Plan.
- 7.3.5 The proposed lower ground floor element is not visible from the public domain as it is rear facing, with openings located in the rear garden of the property, as such it is not considered that this element will unacceptably alter the character or appearance of the host property or the wider street scene, in accordance with policy DM25 of the Lewes District Local Plan and policy SEA2 of the Seaford Neighbourhood Plan.
- 7.3.6 In the consultation comment, the Design and Conservation officer commented that whilst the building will be larger than it is now, the extension is not considered to be overbearing as the extension has been set back further than in the previous application. They continued that the insertion of windows to the two-storey element that faces the street is considered a positive intervention as the building will address the street and conservation area in a more positive way that it does currently.
- 7.3.7 It is considered that the proposed first floor element complies with GB01 of the Seaford Design Guidelines which requires that development be contained within existing building lines, in that the development does not protrude forward of the existing building line and is sited within the extant alignment of properties. Furthermore, the development is not located within 2.0m of any shared boundary.
- 7.3.8 The first-floor element is compliant with GB03 of the Seaford Design Guidelines, Policy SEA2 (Design) of the Seaford Neighbourhood Plan and DM25 (Design) of the Lewes District Local Plan as it

features a subservient ridge height which is 0.2m lower than the ridge of the existing property.

- 7.3.9 Additionally, it is stepped back from the front elevation of the property by 1.5m, there are no side windows in the proposed first floor extension and it is to be finished in matching materials with a sympathetic roof form matching that of the host property.

7.4 Impact Upon Residential Amenity

- 7.4.1 The basement will not add any bulk or massing to the property that would overbear overlook or overshadow any neighbouring property to a degree that would warrant the refusal of the application. Objection comments regarding the safety of excavating the lower ground floor are noted, however these are not within the remit of this planning assessment. It is considered appropriate to require a CEMP is submitted to outline how access, removal of spoil, parking, highway and other issues will be addressed during construction.
- 7.4.2 It is not considered that the proposal will introduce unacceptable overlooking to number 5 Homefield Road, as the proposal represents a net reduction in the amount of side facing windows at first floor level to the shared boundary, and the rear facing balcony is inset to the rear of the first-floor extension, in a manner which precludes direct views back towards number 5 Homefield Road.
- 7.4.3 This application differs from the refused LW/21/0278, in that the overbearing nature of the refused application is addressed by stepping the proposed extensions in from the principal elevation by 1.5m and by breaking up the massing with the introduction of a single storey element with first floor element further stepped in by 1.0m. The flat roof of the proposed ground floor element will be subject to a condition, preventing its use as a seating area or balcony.
- 7.4.4 It is not considered that the enlarged rear terrace will unacceptably increase overshadowing to adjoining properties. Due to the sloping topography of the rear garden, it is considered appropriate to require details of obscure glazed screening to the northeast side of the enlarged terrace, closest to the neighbour at number 5.
- 7.4.5 The proposals comply with Policy DM28 in that they retain a gap exceeding one metre to the nearest side boundary and they are stepped back from the principle elevation of the property. The proposed development would not breach the BRE 45-degree rule for two storey extensions with regard to overshadowing of habitable rooms. It is not considered that the proposal will introduce an unacceptable loss of light to neighbouring properties.
- 7.4.6 The distance between the first-floor extension and the properties on Blatchington close is approximately 32m, which exceeds 20.0m, which is generally accepted as a reasonable separation to mitigate overlooking.
- 7.4.7 Noise and disturbance generated by use of the extensions and enlarged terrace for 'entertaining' is not a sustainable reason for

refusing this application; it would be no worse than the use of the garden for the same purpose, or by having the living room windows open.

7.5 Responses to Objectors Comments

- 7.5.1 **Heritage Impacts:** Objection comments regarding design, overlooking, overshadowing and neighbour amenity have been addressed above.
- 7.5.2 Regarding potential heritage impacts of the development, members are reminded that the application property is not located within a designated conservation area, area of established character, nor is it a listed building. It is not subject to any site-specific policies which would restrict development.
- 7.5.3 It is conceded that the development will be visible from the conservation area, in view of the above design assessment, it is not considered that the proposals will negatively affect the conservation area itself.
- 7.5.4 The impact of the proposals has been commented upon by the Design and Conservation Officer, who offered that the proposals are acceptable, having a neutral effect upon the conservation area, the wider street scene and delivering a positive intervention which allows the application property to address the street in a more positive way that it does currently.
- 7.5.5 The proposed development is located approx. 25.0m away from the Grade II Listed Star House and is on an elevation which cannot be viewed from the listed building, and as such it is not considered to negatively impact upon its setting, in accordance with Policy DM33 (Heritage Assets) of the Lewes District Local Plan.
- 7.5.6 **Land Contamination:** Comments regarding the potential for undiscovered contamination of land to be unearthed are considered to have been addressed by the requirement of a remediation strategy upon the discovery of any land contamination on site.
- 7.5.7 **Site Safety:** Comments regarding the safety of excavating the lower ground floor extension are Building Control considerations, and do not form part of this planning assessment. An informative will be added reminding the applicant of the requirements to comply with Building Regulations.
- 7.5.8 **Loss of Trees/Shrubs:** The applicant has outlined in their design and access statement that all screening is to be maintained. In response to queries regarding any screening removed during construction they have expressed that this will be reinstated and have expressed an openness for this to be imposed by condition should members feel necessary.
- 7.5.9 **Overlooking:** It was noted on a site visit that a good deal of screening is sited on the neighbour's side of the boundary at number 5, and as such is within their control. Nonetheless, the applicant has offered that they would agree to a condition requiring that any

screening to the northeast boundary lost is reinstated should the committee feel necessary.

- 7.5.10 **Validity of the applications:** The Local Validation List Document which is available on our website dated 28/04/2021, outlines which supporting documents are required, and in what circumstances they are required. It is not a requirement to submit all the documents listed on the local validation list for a householder application.

8. Human Rights Implications

- 8.1 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.

9. Recommendation

- 9.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

9.2 Conditions

1. No windows shall be formed in the side walls of any of the extensions hereby approved unless approved in writing by the LPA.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policies DM25 and DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

2. The flat roof of the ground floor extension hereby approved shall not be used as a sitting area or balcony and shall only be accessible for maintenance purposes.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policies DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 178 and 179].

4. No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (CEMP) 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;

Reason: In the interests of amenity of the locality and surrounding neighbours in accordance with Policy DM25.

5. Before the terrace hereby permitted is brought into use, details of obscure glazed boundary screening to the northeast side of the terrace, measuring 1.7 metres from finished floor level shall be submitted to and agreed by the LPA in writing.

Reason: to protect the amenities of current and future neighbouring properties in accordance with Policy DM25.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Class(es) A to E 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 DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

7. Prior to the relevant part of the works being carried out a brick sample and brick panel shall be prepared in accordance with the requirements

below and approved in writing by the Local Planning Authority. The approved panel shall be retained on site until completion of the works and the new walling shall be constructed in accordance with the approved panel.

Reason: In the interests of visual amenity in accordance with Policy DM25.

8. Prior to the relevant part of the works being carried out a sample of the proposed roof, hip and ridge tiles photographed against the existing roof tiles from both the front and rear together with manufacturer's details. The new tiles to the roof/hanging tiles shall precisely match those of the original tiles in respect of unit dimensions, materiality, colour, and texture and ideally clay.

Reason: In the interests of visual amenity in accordance with Policy DM25.

9. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Section CC	1 October 2021	JP/15A
Proposed Section AA and BB	1 October 2021	JP/14A
Proposed Front and Side Elevations	1 October 2021	JP/13A
Proposed Rear and Side Elevations	1 October 2021	JP/12A
Proposed Roof Plan	1 October 2021	JP/11A
Proposed First Floor Plan	1 October 2021	JP/10A
Proposed Ground Floor Plan	1 October 2021	JP/09A
Proposed Basement Plan	1 October 2021	JP/08A
Proposed Block Plan	1 October 2021	JP/07A
Heritage Statement	31 August 2021	
Design and Access Statement	31 August 2021	

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

9.3 Informatives:

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice

service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
4. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

10. Background Papers

10.1 None.