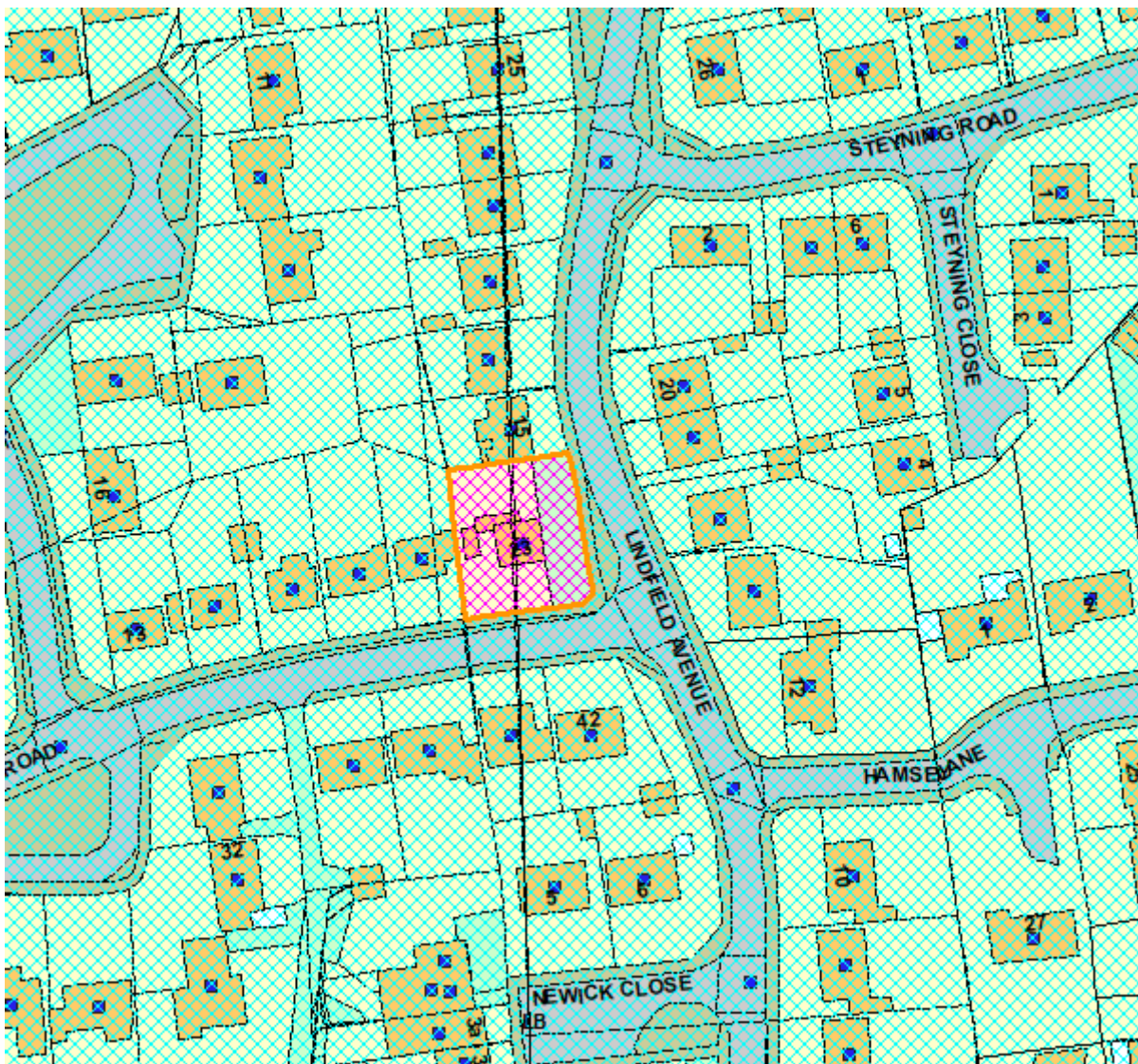


Report to: Planning Applications Committee
Date: 12 January 2022
Application No: LW/21/0615
Location: 23 Fairways Road, Seaford, East Sussex, BN25 4EL
Proposal: Erection of garage and two-storey side extension annex.
Applicant: K Keen
Ward: Seaford
Recommendation: Grant planning permission.
Contact Officer: **Name:** Tom Bagshaw
E-mail: tom.bagshaw@lewes-eastbourne.gov.uk



IMPORTANT NOTE: This scheme is not CIL Liabale as the development does not create net additional floor space of 100 square metres or more.

Map Location:

1. Executive Summary

- 1.1 The proposed development is considered to meet all relevant local and national planning policies.
- 1.2 Approval is recommended, subject to conditions

2. Relevant Planning Policies

2.1 National Planning Policy Framework

Achieving well designed places

2.2 Lewes District Local Plan

LDLP: - CP10 – Natural Environment and Landscape Character

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: - DM28 – Residential Extensions

2.3 Seaford Neighbourhood Plan

SEA2 Design

2.4 Site Description

- 2.5 The property is a two-storey detached property on the northern side of Fairways Road. The property forms the corner plot on the junction with Lindfield Avenue. The property has a detached garage on the western boundary with No.21 Fairways Road, with a driveway with vehicular access onto Fairways Road.
- 2.6 The site is situated within the Planning Boundaries of Seaford. The site is not listed nor is it situated within a conservation area, or area of established character.

3. Proposed Development

- 3.1 The application seeks planning permission for the erection of garage and two-storey side extension annex.
- 3.2 The application is called in to planning committee as Seaford Town Council have objected to the proposal.
- 3.3 The proposed two storey side extension would be 4.8 metres in height to the eaves; 7.6 metres in height to the roof ridge; 4.6 metres in width; and 8.4 metres in depth.
- 3.4 The proposed garage would be 2.3 metres in height to the eaves; 4.8 metres in height to the roof ridge; 2.8 metres in width; and 6.2 metres in depth.
- 3.5 The single storey conservatory to the rear would be replaced by a single storey rear extension which would retain approximately the same depth and width. The front porch would include a minor extension.

4. **Relevant Planning History**

- 4.1 LW/20/0119 - Demolition of existing detached garage and shed and erection of side extension to form a self-contained dwelling - Refused

5. **Consultations**

5.1 Seaford Town Council Comments:

At last night's Planning and Highways Committee meeting it was RESOLVED to OBJECT to the application.

The Committee acknowledged that the proposals had been amended following the dismissal of the appeal against the refusal of the application for the provision of a separate dwelling. However the side extension was still considered to be an over-development of the plot and out of scale and character with the existing street scene which was of attractive detached houses on generous plots with gaps in between properties to enhance the spacious character.

The extension would also, through its height and mass, be overbearing as regards the neighbouring property at no.21.

The construction of the replacement garage on the eastern elevation would also have an adverse impact on the character of the area by encroaching on the existing gap between the property and the Lindfield Avenue frontage and the vehicle access would cause highway/traffic problems through its proximity to the road junction.

The proposals would therefore be in contravention of policies DM 25 & 28 of the Lewes Local Plan Part 2 and SEA2 and SE01 of the Seaford Neighbourhood Plan and Design Guidelines

6. **Neighbour Representations**

- 6.1 Letters were sent to 8 properties and the applications were advertised via site notice and on the Council's website.

- 6.2 We received 7 letters of objection and 2 letters of support

- 6.3 The objections related to the following issues:

- Highway Hazards
- Out of Character
- Over-development
- Overbearing Building/Structure
- Overbearing
- Overshadowing
- Loss of Outlook
- Loss of Light

6.4 The letters of support related to the following:

- Good Design
- Needed to Support Growing Family

Appraisal

6.5 Key Considerations

6.5.1 The key considerations are: principle of development, design, effect on residential amenity of adjoining occupants.

6.6 Principle

6.6.1 The site falls within the Seaford Planning Boundary and would not be resisted in principle.

6.6.2 Policy DM28 supports residential extensions.

6.6.3 The site was subject to an application to erect a new house which was dismissed in appeal decision APP/P1425/W/20/3256832. The inspector stated that the dwelling would be designed to appear as an extension yet would clearly be its own unit. The resulting property would appear cramped into the site and it would give the impression of a cramped property in an area where properties sit on spacious plots. The inspector does not reference the size of the extension in their decision being harmful, only that the creation of a new dwelling would be out of character. Therefore, any permission will include a condition which requires the extension to remain as ancillary to the main property.

6.6.4 Therefore, the principle of development is considered acceptable subject to the proposal not resulting in unacceptable harm to the character of the area or the amenity of neighbouring properties.

6.7 Design and Character

6.7.1 Policy DM28 (Residential Extensions) of the Lewes District Local Plan - February 2020 (Part 2) Site Allocations and Development Management Policies, states that extensions and alterations to dwellings will only be permitted where the following criteria are met:

- 1) the materials and design, including the pitch, style and span of the roof, complement and enhance the character and appearance of the host building;
- 2) the design respects and responds positively to the scale, height, site coverage, bulk, massing and character of the adjacent properties and the wider street scene – in streets which have a definite architectural rhythm and similar style of dwelling, front extensions will not normally be acceptable;
- 3) two storey or second storey extensions at first floor level will normally be required to retain at least a one metre gap to the side boundary to prevent the creation of a ‘terraced’ appearance;

- 4) extensions would not result in unacceptable overlooking of, or loss of daylight to, the nearest habitable rooms or private amenity space of neighbouring dwellings. They should normally be restricted to within a line drawn from the mid-point of the nearest ground floor window of a habitable room of the neighbouring property. The line should be projected 60° for single storey extensions and 45° degrees for two storey extensions.

6.7.2 The proposed development should comply with the provisions of Policy DM25 of the Lewes District Local Plan (part 2) sets out that development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:

- 1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
- 2) its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
- 3) it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
- 4) existing individual trees or tree groups that contribute positively to the area are retained;
- 5) adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;
- 6) any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm;

And that outside the planning boundaries, as defined on the Policies Map, dwelling extensions will only be permitted where there would be no harmful impact on the surrounding landscape

6.7.3 DM28 permits extensions that complement and enhance the character and appearance of the host building, respects and responds positively to wider street scene in terms of scale, height, site coverage and bulk.

6.7.4 Seaford Town Council have objected to the proposal on the grounds that it is out of keeping with its surroundings and would be an overdevelopment of the site.

- 6.7.5 The proposed two storey side extension would be designed to appear subordinate to the main dwelling. It would be set back from the front of the property and set down from the roof ridge. The proposal would retain a 1 metre separation distance to the boundary of the neighbouring property and would maintain characteristic gaps between the dwellings and avoid creating a terracing effect.
- 6.7.6 Whilst the width of the extension would retain the same width as the dismissed appeal scheme in which its scale was not stated as a significant harm but rather the impact upon the streetscene of creating an additional dwelling. Overall, the proposed two storey side extension would be in keeping with the main property, subordinate to the dwelling, and would be acceptable in terms of design.
- 6.7.7 The proposed single storey porch extension would be designed to appear as a porch. It would command little visual presence in the streetscene as porches are not an uncommon feature of the area. Overall, the proposed single storey porch extension would not unacceptably dominate the front elevation of the property and is considered to be in accordance with Policies SEA2, DM25 and DM28.
- 6.7.8 The proposed single storey extension would have limited impact on the streetscene and would not unacceptably impact the character of the property. Therefore, it would be acceptable in terms of design.
- 6.7.9 In appeal APP/P1425/W/20/3256832 the proposed garage was not raised as an issue and the inspector states ' I have also noted the appellants submissions with regard to the replacement garage for No 23 and agree that this element alone is unobjectionable'. The garage is a modest addition to the property and would not unduly harm the character or appearance of the area or streetscene
- 6.7.10 Overall, the proposal is considered to be acceptable in terms of design and visual amenity.

6.8 Impact Upon Residential Amenity

- 6.8.1 Policy DM25 of the Lewes District Local Plan (part 2) sets out that proposals seeking new development will not be approved unless it can be shown that there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
- 6.8.2 Neighbour objections have raised concerns regarding loss of light and overbearing caused by the two-storey side extension. The proposed two storey side extension would not project beyond the rear of the neighbouring property and would be located adjacent to a side passageway and would retain one metre separation distance to the boundary of the property. The proposed two storey side extension would include two side facing windows above ground floor level however these will be obscurely glazed via condition to prevent overlooking. Therefore, the proposed two storey side extension would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overlooking, overshadowing or daylighting/sunlighting.

- 6.8.3 The proposed single storey front extension would be located at the front of the property and would not be located in close proximity to the boundary of either neighbouring residential property. The proposed single storey front extension would not include any side facing windows above ground floor level. Therefore, the proposed extension would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overlooking, overshadowing or daylighting/sunlighting.
- 6.8.4 The proposed garage extension would not be situated adjacent to any residential properties and would be a single storey extension. The proposed garage would not be considered to have any unacceptable impacts in terms of overbearing, overshadowing overlooking or daylighting/sunlighting.
- 6.8.5 The proposed single storey rear extension would be situated approximately one metre from the site boundary and would be a modest height and depth. Therefore, the proposed single storey rear extension would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overlooking, overshadowing or daylighting/sunlighting.

6.9 Conclusion

- 6.9.1 The application would not result in unacceptable harm to the character of the property, the street scene or the surrounding landscape and resolve the concerns raised by the inspector in appeal decision APP/P1425/W/20/3256832 .
- 6.9.2 The proposals have been designed in such a way that they would not unacceptably harm the amenity of any neighbouring property in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 6.9.3 The proposal is therefore considered to be acceptable.

7. Human Rights Implications

- 7.1 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.

8. Recommendation

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

8.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Existing and Proposed Floor Plans, Roof Plans and Elevations	17 February 2021	2036 / P01 Rev. A
Proposed Block Plan and Site Location Plan	4 May 2021	2036 / P02

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

2. The development hereby approved shall be finished in external materials which are those stated on the application form.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. The proposed extension shall only be used as an ancillary accommodation to the main dwelling and shall hereafter be retained as such. The proposal shall not be occupied as an individual planning unit.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank elevations of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the privacy and amenity of the neighbouring residents having regard to policies ST3 and CP11 of the Lewes District Local Plan Part 1 and the National Planning Policy Framework.

5. Before occupation of the extension hereby permitted the first-floor side windows proposed in the two-storey side extension shall be obscurely glazed and non-opening below 1.7 metres from finished floor level. The window glazing treatments shall thereafter be retained.

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

8.3 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".

9. Background Papers

9.1 None.