

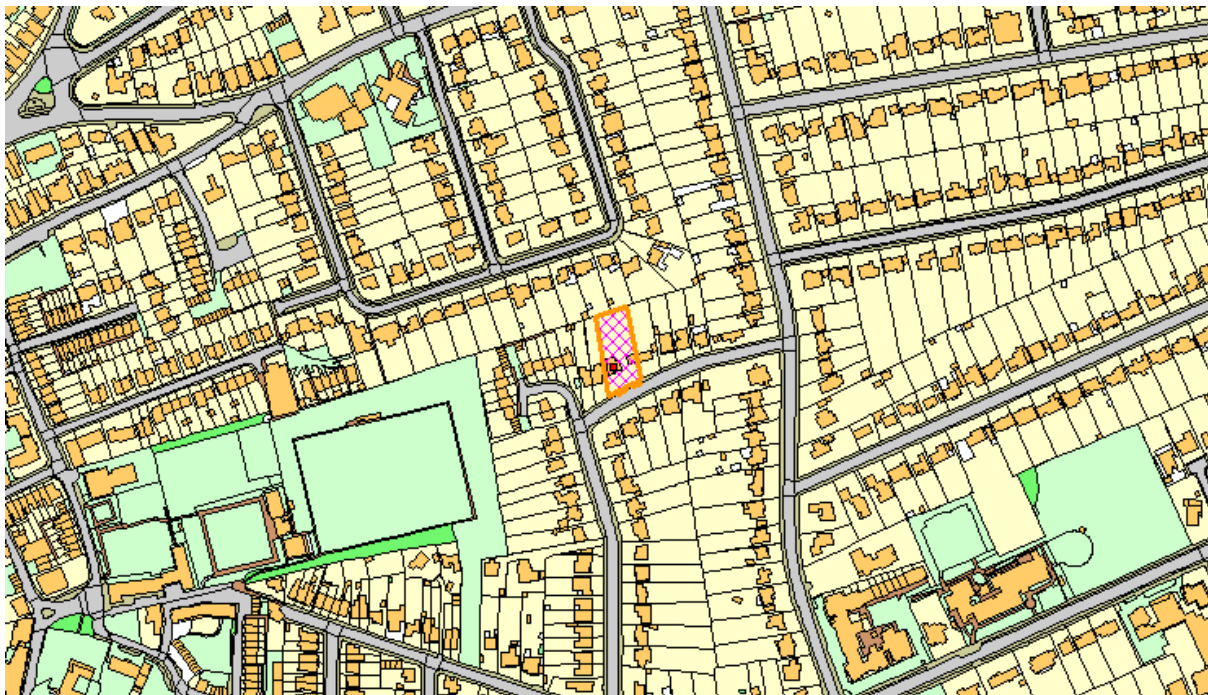
Report to: Planning Applications Committee
Date: 12 July 2023
Application No: LW/22/0659 (Revised 3-3-23)
Location: 35 Heathfield Road, Seaford, BN25 1TJ
Proposal: Erection of 1-no. single storey dwelling and associated hard and soft landscaping within the rear garden area of 35 Heathfield Road.

Material alterations to 35 Heathfield Road to include erection of attached garage and provision of a driveway with vehicular access onto Heathfield Road - Revised Plans.

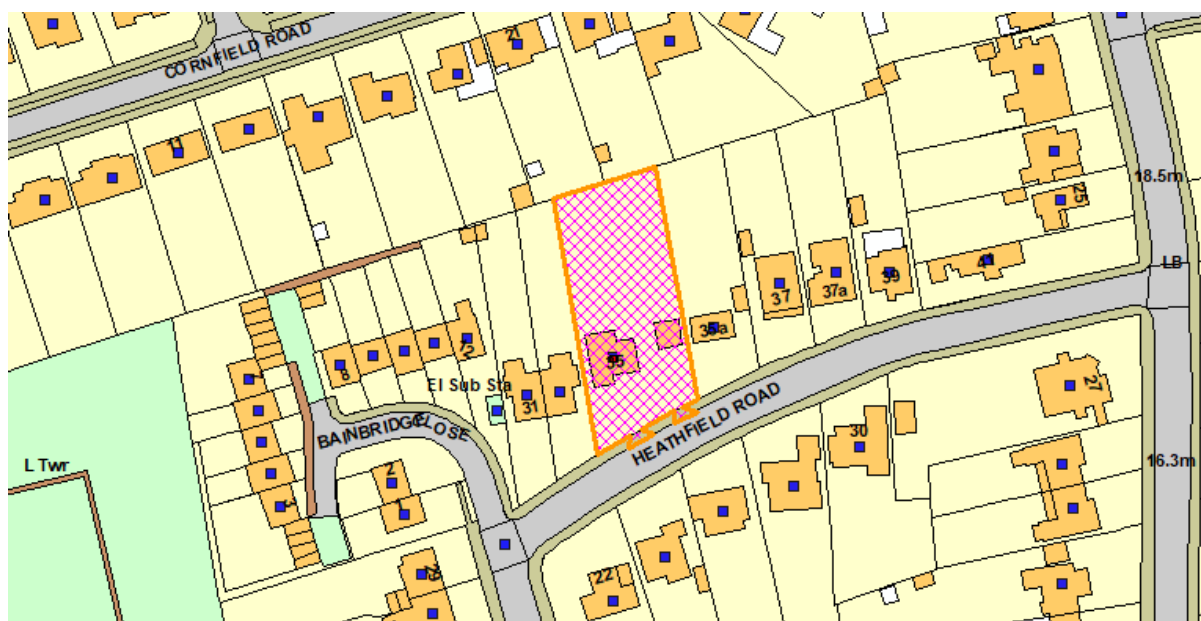
Applicant: Mr S Rigden
Ward: Seaford
Recommendation: Refuse planning permission.
Contact Officer: **Name:** Marc Dorfman
Email: marc.dorfman@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme would be CIL Liabile.

Site Location Plan 1.



Site Location Plan 2.



1.	Executive Summary
1.1	The application is brought to Planning Committee at the discretion of the Head of Planning as the proposal raises several key issues/themes.
1.2	The application is for a “tandem” new dwelling and access in the garden of an existing house. It is located within the settlement boundary of Seaford, (Seaford East). The site with the existing host house is wide and large and in principle could be designed to take further development.
1.3	The report sets out the general and specific policy background to a proposal for a tandem backland development (one dwelling behind another). The report notes that LLP2 DM30 explains that “tandem backland development is rarely satisfactory” because of issues of amenity and character.
1.4	<p>The officer assessment of the 3 tests for LLP2 DM30 Backland Development, finds that on:</p> <p>“Neighbouring amenity and disturbance” - the scheme fails.</p> <p>“Development impact” – the scheme could be supported.</p> <p>“In keeping with character and appearance” – the scheme fails.</p>
1.5	<p>Key “planning weight” issues for this application:</p> <p>The importance of delivering new homes, (in the context of Lewes’s out of date Local Plan for housing delivery)</p>

	<p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes's under supply of new homes. So overall minor positive planning weight.</p> <p>Using land effectively</p> <p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes's under supply of new homes. So overall minor positive planning weight.</p> <p>Ensuring development is well designed and located and respects local character.</p> <p>This is of significant planning importance for this application and the assessment in this report is that the scheme clearly does not comply. Overall, significant adverse planning weight.</p>
1.6	Officers consider that the scheme would be unacceptable and would not, overall, meet the 3 tests set out in LLP 2 DM30 Backland Development. It is therefore recommended that the application is refused for the reasons set out in paragraph 9.
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of home</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: - DM27 – Landscape Design</p> <p>LDLP2: - DM30 – Backland Development</p>
2.3	<p><u>Seaford Neighbourhood Plan 2019:</u></p> <p>SEA2 Design</p>
2.4	<p><u>Seaford General Design Guidelines 2018</u></p> <p>2.3 General Guidelines for Buildings</p> <p>GB01. Building Alignment</p>

	<p>GB06. Outbuildings</p> <p>3.2 Seaford East</p>
3.	Site Description
3.1	<p>The site is an unusually wide plot (15m) located on the north side of Heathfield Road, Seaford. This section of Heathfield Road runs east/west.</p> <p>At the front of the plot is a detached double garage and a detached 2 storey house, front drive, and front garden.</p> <p>A pathway between the two buildings leads to a rear large and deep garden with a range of mature plants and trees. The garden is well screened to the north and east, less so to the west. The garden to the west and east gives onto Heathfield neighbour gardens and to the north, rear gardens of Cornfield Road.</p> <p>Heathfield Road is a suburban residential street with a mixture of 2 storey detached and semi - detached homes, built mainly in the Edwardian era. Parking in the road is unrestricted, but most properties have on-site parking.</p> <p>The site and street are not in a conservation area, nor in a Seaford Neighbourhood Plan “area of established character.”</p>
4.	Proposed Development
4.1	<p>Full planning permission is sort for the demolition of an existing detached double garage to the side of an existing detached 2 storey house. This would provide a new walking and car access route to the rear garden where a new single storey 3 bed dwelling, (“L” shape), would be built directly behind the original host house. The proposed new bungalow would be an uncomplicated design with a part pitch and part gable roof .</p> <p>The site slopes up from south (Heathfield Road) to north (Cornfield Road), so the proposed new bungalow would be sunk into the ground, mainly at the northern end to lower its height with regard to neighbouring gardens, to mitigate intrusion and ensure no overlooking from the new home into other properties. However, the proposed new home’s pitched roof would still be seen projecting above neighbour garden boundaries.</p> <p>The application also proposes the development of a new single storey side garage for the host house and increased hard landscaping to the front of the property, (some loss of the existing garden) to provide car access to the host house. To provide good access to two proposed homes, the “flint and brick” front wall would have to be part demolished.</p> <p>The rear garden would be reduced and then shared between the existing house and the proposed new rear single storey dwelling.</p> <p>Overall, 50% of the plot’s garden would be lost to development/hardscape, including the loss of 25 trees, 2 groups of trees and 2 hedgerows.</p>

5.	Relevant Planning History
5.1	<p>S/57/0125 + S/58/0042: In 1957 and 1958 planning approval was granted for no. 35A Heathfield Road. This has been built, with a large gap between No. 35A Heathfield Road and No 35 to the west of No 35A.</p> <p>S/64/0481 + S/64/0525: Outline application for an additional dwelling and garage at 35 Heathfield Road in 1964, this was refused.</p> <p>LW/88/0167: In 1988 planning was approved for the replacement of the double garage at 35 Heathfield Road.</p>
5.2	<p><u>Pre - Application and Post Application Officer Advice</u></p> <p>PREAPP/21/0170</p> <p>Application for “Backland” tandem new single storey house in the rear garden of No 35 with a new rear garden drive. Support for the “Backland Development” scheme.</p> <p><i>“... The orientation of the proposed dwelling in relation to the host property and its neighbours is favourable.... unlikely to unacceptably harm the amenities of neighbours by introducing unacceptable overshadowing onto neighbouring properties.</i></p> <p><i>“The loss of the mature trees in the rear garden is regrettable, but this could be mitigated by a scheme of soft landscaping to the boundaries of the site to maintain the leafy appearance of the plot.</i></p> <p><i>“....the access to the new property would be shared with the host property, with the existing double garage at the host property demolished to allow access....the existing garage does not make a positive contribution to the streetscape, and its loss is not considered to be detrimental to the street scene and character of the area.</i></p> <p><i>“Concerns about the loss of parking at the host property, and the relative lack of parking at the donor property. Any subsequent application should demonstrate how the proposals will mitigate the loss of parking to the host property.</i></p> <p><i>“Overall...no objection in principle to a new dwelling in this location.... encourage the use of materials which mirror those in the surrounding area and the retention / planting of trees to the boundaries to minimise the impact of the development upon neighbours...”</i></p> <p>2022 Review of PREAPP/21/0170 and submitted Planning Application</p> <p>The review concluded that the 2021 PREAPP had not taken into account “character and appearance” policies as set out in NPPF, Lewes Local Plan, Seaford Neighbourhood Plan and Seaford Design Guidelines. Concern that the proposal would be intrusive in a quiet rear garden zone and would harm the character of the landscape setting contrary to the Lewes LP, Seaford NP, and Seaford Design Guidelines. Important to make “efficient use of</p>

	land,” (and the site is a large plot), and to support the development of new homes - but not at the unacceptable expense of neighbour amenity, local character, and good design. This consideration would lead to an officer recommendation to refuse the Backland Development scheme.
5.3	<p>The Applicant submitted, (June 2023) examples of 11 “Backland Development” schemes in the vicinity of the application site, to support the case for 35 Heathfield – a “tandem backland” scheme.</p> <p>On reviewing these schemes, this officer found the following:</p> <ul style="list-style-type: none"> - It is clear that a number of these are similar to the 35 Heathfield proposal. - However, 5 cases are from the 1960’s, 1 from 1984 and 2 from 2008/9 – so all before the current Local and Neighbourhood Plans were in place. - A 2019 scheme gives directly onto a main road, so is a Backland Development, but, not a “tandem” scheme as proposed at 35 Heathfield. - Two permissions at 15 Heathfield Road in 2018 were granted for 2 new tandem homes – one bungalow and one large 2 storey home. The 2 storey home gives onto a rear public recreation ground and not a secluded, private rear garden zone similar to the 35 Heathfield Road situation. <p>Notwithstanding the above officer review, all application proposals must be considered on their own merits against current planning policy and other material planning matters.</p>
6.	Consultations:
6.1	<p><u>Seaford Town Council</u></p> <p>Support the proposed development.</p> <p>STC held a Council meeting to consider the application at which objections and comments of support were considered. Should the application be approved by LPAC, STC recommended that:</p> <p>Permitted development rights be removed</p> <p>Noise dampening material used for the proposed new rear drive – way</p> <p>Adequate boundary landscaping required to maintain neighbour privacy and mitigate against unacceptable intrusion.</p>
6.2	<p><u>Arboriculture</u></p> <p>No objection. Note the general importance of trees. Should the scheme be approved “replacement planting...to act in a screening capacity.”</p>
6.3	<u>Ecology and Biodiversity</u>

	Insufficient information. No ecological assessment of the site. Should permission be granted, the loss of 25 trees, 2 groups of trees and 2 areas of hedgerow and the double garage would need further consideration in case these supported protected and notable animal species.
6.4	<u>Flood and Drainage</u> No comment
6.5	<u>Highways</u> No comment
6.6	<u>Contamination and Pollution</u> No objection. Should the scheme be approved suggest an “unsuspected contamination” condition.
6.7	<u>Southern Water</u> No objection
7.	Other Representations:
7.1	<u>Neighbour Representations – Support</u> <ul style="list-style-type: none"> - The scheme is the same as 15 Heathfield tandem developments. No 35 is the only other plot where such a development could go. - Neighbouring amenity has been considered – the proposed home will be “sunk down” at the northern end of the garden. - Loss of trees and hedges can be mitigated by new planting. - There is little evidence of local wildlife like badgers and hedgehogs. - There is room for an additional new drive in the street.
7.2	<u>Neighbour Representations – Objections</u> <ul style="list-style-type: none"> - Loss of landscape character, trees, and hedges - Potential loss of wildlife habitat - Development out of keeping, out of character from street and area pattern - Overdevelopment - Highway hazard/parking problems - Overlooking and overshadowing - Neighbour intrusion to an area for tranquil gardens - Noise and disturbance

	<ul style="list-style-type: none"> - Drainage problems - Overbearing design
8.	Appraisal:
8.1	<p><u>Principle:</u></p> <p>The key planning issues for this application are.</p> <ul style="list-style-type: none"> a) the importance of delivering new homes, (in the context of Lewes's out of date Local Plan for housing delivery); b) of using land effectively and c) of ensuring development is well designed and located and respects local character
8.2	<p><u>General Policy Context</u></p> <p><u>National Planning Policy Framework (NPPF)</u> Chapter 11 “Making Effective Use of Land” expects development and housing in particular to be maximised. This should also take into account (para 124) the “desirability of maintaining an area’s prevailing character and setting (including residential gardens)”. NPPF goes on to suggest that guidance to achieve this balance should be in “character assessments and design guides” (para 125).</p> <p><u>LLP1 Strategic Objective 8</u> takes its cue from the NPPF...” maximise opportunities for reusing suitable previously developed land in sustainable locations without adversely affecting the character of the area”.</p> <p><u>LLP1 CP11 High Quality Design</u>, asks that development “respect and positively contribute to character and distinctiveness....and respond sympathetically to local context”.</p> <p><u>LLP2 DM25 Design (1)</u> asks that development “responds sympathetically to the characteristics of the site, its relationship with its immediate surroundings”. (4) And “existing trees and tree groups that contribute positively to an area... should be retained.”</p> <p><u>Seaford Neighbourhood Plan SEA2 Design</u> also asks for development to “contribute to local character and distinctiveness... and have regard to the local setting.... And landscape features” (p32).</p> <p><u>Seaford Design Guidelines</u> (2.3 p26) ask that development “harmonise with adjoining properties and maintain the character of the general streetscene and the character and value of private spaces, (including rear gardens)”. Guidelines explain....” Residents are entitled to a reasonable level of privacy inside their homes and outside in their private gardens”and..”in principle trees should be protected because they play an important role in defining the local character, and are valuable in protecting the appearance of an area”.</p> <p>At GB01 Seaford Guidelines supports the importance of maintaining...” a consistent building line at the front of the property, in relation to neighbouring buildings”.</p>

Specific Policy Context for Assessing the ApplicationLLP 2 - Backland Development DM30

The preamble to DN30 is important, it clearly explains that “Tandem” development, (one house behind another) ...”is rarely satisfactory due to the difficulties of access to the house to the rear and the disturbance and loss of privacy suffered by the house at the front”. This is important because there are many other small sites in residential areas, including in gardens, which can be used for housing schemes but would not be tandem developments.

The Policy DM30 then sets 3 tests to be met for the support of Backland Development:

- (1) safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on neighbour amenity, (noise, light or other)

Assessment: The application site is wide and has sufficient space for an additional access route to the rear of the site. But the design would require some demolition of the frontage wall to increase car access for two homes and the introduction of regular walking, cycling and car trips passed two homes and into the rear gardens of a currently quiet and private zone. Comments by the Town Council and the applicant to investigate “low noise surfaces” for the access demonstrate this amenity concern and at 15 Heathfield Road acoustic barrier fencing and harsh landscaping has been introduced to combat this amenity harm. **Overall, it is considered that this test is not met.**

- (2) mass and scale of the development will not have an overbearing impact on, or result in the loss of privacy to existing homes and gardens.

Assessment: The proposed scheme has done much to reduce its impact on neighbours and the rear garden tranquil zone. The proposed house is single storey. Windows are sufficient for good internal light, but not extensive. There would be no neighbour overshadowing. The rear of the development is proposed to be sunk to ensure no overlooking of neighbour properties. However, the roof of the proposed new home would be seen but no higher than a garden outbuilding. In winter months house lights would shine in the normally dark garden zone. **Overall, it is considered that this test could be met, subject to lighting conditions.**

- (3) the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity.

Assessment: The proposed scheme would result in a significant loss of garden to the front and rear. At the rear, a considerable number of trees would be lost, (though there would be some replanting). And though it is accepted that many of the trees are low category species, this does not take

	<p>away from the importance of their cumulative function within the overall rear garden landscape setting. This landscape setting would be significantly punctured by an incongruous large building that had no relationship to the character, setting and distinctiveness of the local area, (either its garden form or building alignment). A review of the “site location plans” at the front of this report, demonstrates how out of place a house in the rear garden of No 35 would be, (compared for example, to the “principle” of the two garden location opportunities of the western end of Heathfield Road, No 27 and No 41, Site Location Plan 2). <u>Overall, it is considered that this test is not met.</u></p>
8.4	<p><u>Human Rights Implications:</u></p> <p>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.</p> <p>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.</p>
8.5	<p><u>Conclusions:</u></p> <p>a) The importance of delivering new homes, (in the context of Lewes’s out of date Local Plan for housing delivery)</p> <p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes’s under supply of new homes. <u>So overall minor positive planning weight.</u></p> <p>b) Using land effectively</p> <p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes’s under supply of new homes. <u>So overall minor positive planning weight.</u></p> <p>c) Ensuring development is well designed and located and respects local character.</p> <p>This is of significant planning importance and the application is clearly considered not to comply. <u>Overall, significant adverse planning weight.</u></p>
9.	Recommendation
9.1	<p>Refuse planning permission.</p> <p>a) The proposed tandem backland single storey dwelling house would harm the appearance of the rear garden landscape setting by significantly reducing the rear garden and introducing an incongruous substantial new dwelling into what is clearly a distinctive, tranquil private garden character zone.</p>

	<p>b) The proposed new wider access would require the demolition of part of the existing front flint and brick wall which it is considered would harm a distinctive element of the street pattern and design of this part of Heathfield Road</p> <p>c) The scheme would introduce regular car, cycle, and walking access to the rear private garden zone. This would significantly change the existing experience of neighbour amenity and be likely to harm that amenity and risk neighbour security.</p> <p>The above adverse design and environmental impacts would be contrary to:</p> <ul style="list-style-type: none"> - Local Plan Part 1 Strategic Objective 8; CP11 High Quality Design - Local Plan Part 2 DM25 Design; DM30 Backland Development - Seaford Neighbourhood Plan SEA2 Design - Seaford General Design Guidelines 2.3; GB01 and 3.2 		
10.	Plans:		
10.1	This decision relates solely to the following plans		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Design & Access Statement	3-3-23	Rev A
	Arboricultural Survey Report	3-3-23	StA 3099 A Client Rev 1
	Arboricultural Impact Assessment and Method	3-3-23	StA 3099 AIA Heathfield Road Rev 1
	Site Location and Block Plans	3-3-23	2250.LP01A
	Existing Site Layout	3-3-23	2250.S01A
	Existing Landscape Plan	3-3-23	2250.S02A
	Existing Elevations & Site Section	3-3-23	2250.S03A
	Proposed Site Layout	3-3-23	2250.PL01A
	Proposed Landscape Plan	3-3-23	2250.PL02A
	Proposed Ground Floor Plan	3-3-23	2250.PL03A
	Proposed Roof Plan	3-3-23	2250.PL04A
	Proposed Garage Elevations, Section and Site Section	3-3-23	2250.PL05A
	Proposed Dwelling Elevations and Sections	3-3-23	2250.PL06A

11.	Appendices
11.1	None.
12.	Background Papers
12.1	None.