NOTIFIED ‘D’ REPORT

Application No: RR/2016/3110/P

Site Address: Hilden - Land adj, Rye Hill, Rye

Development: Erection of new dwelling.

CONSULTEES:

<table>
<thead>
<tr>
<th>Rye Town Council:</th>
<th>Objected to the initial scheme due to overdevelopment.</th>
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<tbody>
<tr>
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<td>Objects to the amended scheme (revised design) due to overdevelopment. Recommends that a traffic survey be commissioned to assess safety issues associated with the proposed access on to Rye Hill.</td>
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<td>Highway Authority:</td>
<td>No objection subject to the imposition of conditions.</td>
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<td>County Archaeologist:</td>
<td>Recommend for approval in principle subject to the imposition of conditions.</td>
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<td>Planning Notice:</td>
<td>41 objections relating to the initial scheme and amended scheme (summarised):</td>
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<td>• The Design &amp; Access Statement is riddled with inaccuracy and untruths;</td>
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<td>• Inappropriate design;</td>
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<td>• Out of keeping with the established character and appearance of the area;</td>
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<td>• Loss of outlook;</td>
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<td>• Loss of light;</td>
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<td>• Detrimental to highway safety;</td>
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<td>• Precedent;</td>
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<td>• It is the responsibility of the Council to uphold the Human Rights Act 1998 for its citizens;</td>
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<td>• If permission is granted permitted development rights should be removed;</td>
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<td>• Loss of vegetation;</td>
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<td>• A detailed traffic and road safety study of the immediate area should be conducted before any decision is taken;</td>
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<td>• Loss of habitat for much wildlife;</td>
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• There is a strong likelihood of protected species being present on the site;
• The proposal will conflict with the current Rye Neighbourhood Plan; and
• Development for profit.

3 petitions of objection relating to the initial scheme and amended scheme (summarised):
• The Design & Access Statement is riddled with inaccuracy and untruths;
• Inappropriate design;
• Out of keeping with the established character and appearance of the area;
• Loss of outlook;
• Loss of privacy;
• Loss of visual amenity;
• Loss of view;
• Loss of light;
• Detrimental to highway safety;
• Precedent;
• It is the responsibility of the Council to uphold the Human Rights Act 1998 for its citizens;
• If permission is granted permitted development rights should be removed;
• Loss of vegetation; and
• A detailed traffic and road safety study of the immediate area should be conducted before any decision is taken.

2 letters of support relating to the initial scheme and amended scheme (summarised):
• The proposal will enhance the character of the area; and
• Recommend that access be provided from the private road.

Rye Conservation Society – No objection to the initial scheme subject to neighbours.

“The Society accepts that the current design overcomes the objections that resulted in the refusal of the previous application but has concerns as to the quality of the proposed design.
ESCC acceptance of the access on to Rye Hill is conditional on the provision of 2.4 x 70 metre vision splays and this will require considerable works to the existing planting along Rye Hill which the Society considers to be a significant element in the setting of Rye when approached from the north. We would therefore like to see a full arborial report and landscape scheme as part of any conditions.
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Given the location of the site and the historic finds that have been made in adjacent plots we believe that a full archaeological evaluation should be undertaken.”

The Conservation Society has not commented on the amended scheme.

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<th>Comments:</th>
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<td><strong>SITE</strong></td>
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<td>The application site is the former side garden of the adjacent dwelling Hilden. It is a sloping site bounded by a private road and parking area to the north, Rye Hill (A268) at a lower ground level to the east, a recently constructed two storey dwelling (No. 1 Lancaster Court) at a lower ground level to the south, and Hilden to the west.</td>
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<td>The site is located within the defined development boundary for Rye, under the saved policies of the Rother District Local Plan (2006). It is also situated within an Archaeological Notification Area defining the historic northern extension of settlement on Rye Hill. There are a number of trees and other vegetation along the Rye Hill boundary.</td>
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<td>The surrounding area is residential in character and includes large dwellings on a variety of plot sizes. Recent housing developments, including the three dwellings immediately to the south of the site at Lancaster Court, have resulted in the subdivision of existing gardens.</td>
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**RELEVANT PLANNING HISTORY**


RR/2013/440/P – Variation of condition 2 imposed under RR/2010/2928/P in respect of approved plan to re-site the dwelling in order to accommodate sewer diversion – Granted.


RR/2016/1362/P – Erection of two 3 bed dwellings with access from Rye Hill – Refused.

**PROPOSAL**

Successive planning permissions have been granted for
the construction of a detached 3-bed house at the northern end of the site, adjacent to the boundary with Hilden, and accessed from the private road to the north. The most recent permission expired in March 2014.

A subsequent proposal (Ref: RR/2014/3092/P) for a 4-bed dwelling was withdrawn in 2015 because access to the site from the private road to the north would not have been possible.

In 2016 a proposal (Ref: RR/2016/1362/P) to erect two 3-bed dwellings on the site with access from Rye Hill was refused planning permission, as it would have caused unacceptable harm to the living conditions of the neighbouring occupiers at No. 1 Lancaster Court and Hilden by reason of loss of outlook and loss of privacy.

The current proposal is for the erection of a 4-bed dwelling and single garage with access from Rye Hill. The submitted drawings show that the proposed dwelling would be located at the northern end of the site, adjacent to the boundary with Hilden, in a similar position to the previously approved 3-bed house. A vehicle hard-standing, timber decking and the single garage would be provided in the garden to the south of the new dwelling. Existing mature trees along the Rye Hill boundary are shown to be retained either side of the new access.

The proposed dwelling is designed as a regular two storey brick and clay tile house with gable ends to the front and rear and an outshut on the west elevation. The principal elevation faces south towards the neighbouring property – No. 1 Lancaster Court. The overall dimensions of the dwelling are 12.7 metres width x 9.1 metres depth x 8.5 metres height to ridge.

The proposed garage is a single storey brick and clay tile structure measuring 4.1 metres width x 6.9 metres depth x 4.1 metres height to ridge.

The application has been amended since it was first publicised in response to concerns raised by the local planning authority about the design of the initial scheme. Additionally, the single garage has been enlarged so that it is of sufficient size internally to be considered a parking space. The proposed access is confirmed as being 4.5 metres wide.

POLICIES
The following ‘saved’ policy of the Rother District Local Plan (2006) is relevant to the proposal:

- Policy DS3 (Proposals within Development...
The following policies of the Rother Local Plan Core Strategy (Core Strategy) are relevant to the proposal:

- Policy PC1 (Presumption in Favour of Sustainable Development);
- Policy OSS2 (Use of Development Boundaries);
- Policy OSS3 (Location of Development);
- Policy OSS4 (General Development Considerations);
- Policy RY1 (Policy Framework for Rye and Rye Harbour);
- Policy SRM2 (Water Supply and Wastewater Management);
- Policy CO6 (Community Safety);
- Policy EN2 (Stewardship of the Historic Built Environment);
- Policy EN3 (Design Quality);
- Policy EN5 (Biodiversity and Green Space);
- Policy EN7 (Flood Risk and Development);
- Policy TR3 (Access and New Development); and
- Policy TR4 (Car Parking).

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations.

ISSUES

The application site is located within the defined development boundary for Rye and as such there is a presumption in favour of development, subject to environmental considerations. It is also the case that the principle of a new dwelling on the site has been established by the granting of successive planning permissions for the construction of a detached house at the northern end of the site. The main issues are:

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on the living conditions of the neighbouring occupiers; and
- The effect of the proposed development on highway safety.

APPRAISAL

Character and appearance

Policy OSS4 (iii) of the Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.

The positioning and scale of the proposed dwelling would be similar to that of the previously approved house for which successive planning permissions have been
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granted, and it is also the case that the new dwelling would sit within a plot that is comparable in size to others in the locality.

For the above reasons, there is no objection in principle to the erection of a dwelling on the land, provided it is of an appropriate design.

Policy EN3, amongst other matters, requires development to be of a high design quality, contributing positively to the character of the site and its surroundings. The NPPF also seeks good design. Paragraph 58 sets out that planning decisions should aim to ensure that developments (amongst other things):

- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and
- Are visually attractive as a result of good architecture and appropriate landscaping.

While Paragraph 60 notes that planning decisions should not attempt to impose architectural styles or particular tastes, it also notes that it is proper to seek to promote or reinforce local distinctiveness.

The houses in the surrounding area are predominantly of traditional brick, weatherboard and clay tile construction, with those to the west of the site of the arts and crafts style.

The proposed dwelling is designed as a regular two storey brick and clay tile house with gable ends to the front and rear and an outshut on the west elevation. The Design and Access Statement suggests that it is a ‘traditional’ building whose form is sympathetic to the neighbouring housing. However, whilst its scale would be in keeping, the proposed building lacks the materials and detailing of the neighbouring properties which, amongst other things, employ a mixture of materials to their elevations – as opposed to just brick – and include features such as dormers, chimneys and porches, all of which add visual interest to these buildings. As a result, the proposed dwelling would be bland in appearance and therefore out of place with its surroundings in terms of design. The proposed use of brick detailing between the first floor windows and the insertion of three tall and narrow windows at ground floor level in the east elevation are acknowledged. However, these features would emphasise the regular and more modernist nature of the building, further highlighting the dwelling’s incongruous appearance.

Living conditions
Policy OSS4 (ii) seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.

The critical relationships are with the adjoining dwellings – No. 1 Lancaster Court to the south and Hilden to the west – in relation to outlook, light and privacy.

**Impact on No. 1 Lancaster Court**

In terms of outlook and light, the submitted drawings show that the proposed dwelling and garage would be well separated from the common boundary with the neighbouring property, and would also be positioned to the north, outside of the suns path. For these reasons, the dwelling and garage would not result in loss of outlook or loss of light to the detriment of residential amenity.

In relation to privacy, the front windows of the proposed dwelling would be some 23.5 metres away from the common boundary with No. 1 Lancaster Court. This measure of separation is considered to be sufficient to avoid harmful overlooking.

**Impact on Hilden**

The submitted drawings show that the proposed dwelling would be constructed at a lower ground level to the rear and side (east) of the neighbouring dwelling. At its closest point the new dwelling would be separated from the common boundary with the garden of Hilden by 1.7 metres. As such, the neighbouring occupiers would experience some loss of outlook and there would also be some loss of light in the mornings. However, the positioning, orientation and scale of the proposed dwelling would be similar to that of the previously approved house, when the impact on neighbouring outlook and light was not considered to result in material harm to residential amenity. The previous approval is a material consideration relevant to determining the current application. Therefore, on the basis that the proposed dwelling would have a similar impact on neighbouring outlook and light than the previously approved house, there is no objection to the current proposal in relation to these issues.

In terms of privacy, high level roof lights are shown in the side roof slopes facing Hilden, which would not result in overlooking of the neighbouring property.

The proposed garage is a single storey structure, which would be well separated from the common boundary with the garden of Hilden. As such, it would not result in loss of outlook or loss of light to the detriment of residential amenity.
Highway safety
Policy CO6 (ii) and TR3 of the Core Strategy seek to avoid prejudice to road and/or pedestrian safety by ensuring adequate, safe access arrangements.

The Town Council’s and local residents’ concerns regarding highway safety and the requests for a detailed traffic and road safety study of the immediate area to be carried out are acknowledged. However, in response the Highway Authority has commented as follows:

“When assessing the suitability of a new vehicular access highway safety is paramount. The assessment considers the width, gradient and visibility splays available at the junction with the highway.

In this instance the access serving the site has a width of 4.5m. This is acceptable for a development of this type and size.

Visibility splays either side of the site access should accord with the speed limit as recommend in the Design Manual for Roads and Bridges & Manual for Streets 2. Visibility splays should be provided over land which is either in control of the applicant or forms part of the highway. On roads subject to a 30mph speed limit DMRB recommends visibility splays measuring 2.4m x 70m whilst MFs2 suggests 2.4m x 43m. The A268 serving the site could not be classified as a street and therefore guidance provided by DMRB was considered to appropriate in this instance. I am satisfied that visibility splays measuring 2.4m x 70m are achievable to the north and south of the proposed access.

I note that concerns have been raised by local residents regarding the speed of vehicles travelling on Rye Hill and I acknowledge that due to the character some vehicles may travel in excess of the 30mph speed limit. However, having visited the site it was noted that due to the relatively straight alignment of Rye Hill the sight lines achievable either side of the access are likely to exceed the 2.4m x 70m distance required. With this in mind I remain satisfied that adequate visibility is available to drivers when leaving the site.

The 25m stagger distance between the new access and the junction to the north is also considered to be sufficient, especially when considering that inter-visibility between the two access points is good. The forward visibility for vehicles approaching the access on Rye Hill is also good and as a result drivers will be aware of vehicles joining the
carriageway at both access points in good time. The relatively small number of vehicle trips using the new access (4 to 6 per day) is also taken into account.

The access arrangement proposed is in accordance with the required specifications. The level of parking provided is also considered to be appropriate whilst I am also satisfied that sufficient space is available within the site for vehicles to turn.

I have taken into account the concerns raised by local residents; however, with the above in mind, I have no reasonable grounds for objecting to the planning application."

In light of this advice from the Highway Authority, there is no objection to the proposal on highway grounds, subject to the imposition of the recommended conditions on any planning permission.

Other matters
There is potential for the ground works associated with the development to expose or disturb archaeological deposits and features. This is a matter that can be addressed by the imposition of conditions on any planning permission, as recommended by the County Archaeologist.

Community Infrastructure Levy (CIL)
The proposal is CIL-liable as it is for a new dwelling.

SUMMARY
There is no objection in principle to the provision of a single dwelling on this site. The proposal would make a small contribution to housing land supply in the District and would also have some economic and social benefits. However, these benefits would be limited and would be significantly and demonstrably outweighed by the design of the proposed dwelling, which is considered to be a poor response to site context in terms of building appearance and architectural strategy. Consequently, planning permission should be refused.

The comments from the Town Council, Conservation Society, and local residents have been taken into account in reaching the recommendation to refuse planning permission.
INTENDED DECISION: REFUSE (PLANNING PERMISSION)

1. The design of the proposed dwelling is a poor response to site context in terms of building appearance and architectural strategy, as it would lack the materials and detailing of the neighbouring properties. The proposed dwelling would be bland in appearance in relation to the existing dwellings in the locality and therefore out of place with its surroundings in terms of design, in conflict with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and Paragraphs 58 and 60 of the National Planning Policy Framework.

NOTE: This refusal of planning permission relates to the following drawings:
- No. PL01 Rev No P, dated Nov 2016;
- No. PL02 Rev No A, dated 30/03/17;
- No. PL03 Rev No A, dated 30/03/17;
- No. PL04 Rev No A, dated 30/03/17;
- No. PL05 Rev No A, dated 30/03/17; and
- No. PL06 Rev No A, dated 30/03/17.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting out the reason for refusal, thereby allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

View application/correspondence