



**Late Observations Sheet**  
**DEVELOPMENT CONTROL COMMITTEE**  
**28 January 2016 at 7.00 pm**

Late Observations

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**DEVELOPMENT CONTROL COMMITTEE**

**Thursday 28 January 2016**

**LATE OBSERVATION SHEET**

**4.1 - SE/15/03115/FUL Fairlight, Badgers Road, Badgers Mount TN14 7AZ**

**Officer clarification:**

Paragraph 5 should read: *“within the built confines of **Badgers Mount.**”*

The applicant has submitted information stating that, of the eleven signatories to a petition against the proposal, eight no longer object and have signed statements to confirm this.

Amend wording of condition 7 further to Members Site Inspection, as detailed at the recommendation section below

A further letter of objection from Cotswolds was sent to all the Members of the Development Control Committee and forwarded to officers. I have included the full text below to the points raised and have provided the officer’s response in bold beneath.

- 1) Condition 7 is incorrect. The window which serves the shower room to bedroom 5 is on the SECOND floor and not the first as stated in this condition. Also this condition has not been applied to the two roof lights in the west facing roof slopes, one of which is in the ensuite serving bedroom 3, and has also not been applied to the dining room window in the west facing elevation.

**Condition 7 has been amended, as detailed below to refer to the second floor window and the bathroom rooflight. The privacy of the neighbouring properties will be protected.**

- 2) Incorrect number of representations (Item 4.1/20). A continuation sheet of the petition was presented to Councillor John Grint on 16/11/2015 incorporating a further 10 signatures. This brought the total number of households objecting to this proposal to 34.

**The Local Planning Authority has only received a single petition with 11 signatures objecting the scheme on the 9 November 2015. No further petition or continuation of the petition has been submitted to the Local Planning Authority. Therefore the number of representations in the application papers is correct as presented to the LPA.**

- 3) Misleading estimation of the area of the original footprint (Item 4.1/24). The proposed dwelling including patio will have a footprint which is approximately twice the size of the original footprint and is therefore NOT “largely located on the footprint of the original dwelling” as suggested in the planning officer’s report. I would suggest that the site would NOT be

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considered as previously developed land when assessed against the wording of the NPPF.

The proposed replacement dwelling essentially sits over the siting of the existing bungalow and extends further into the back of the site. It is fully acknowledged that the footprint of the proposed dwelling doubles the size of the existing dwelling, however, this is not a test of acceptability, as the site lies within the built confines of Badgers Mount, not Green Belt. The test is whether the proposal would fit in the local area, in terms of size and scale. However the extended part of the new footprint covers paved areas, a shed and a garage. As such the proposed replacement dwelling is being carried out on previously developed in line with the NPPF.

4) Incorrect statement regarding second storey accommodation in the local vicinity (Item 4.1/36). There is NOT any second storey accommodation in the roof at Cotswolds. This area is open attic space used for storage only and is accessed via a loft hatch using a ladder stored in the garage. Indeed there is actually a condition in the original planning permission document prohibiting such use. Furthermore there are no dwellings at all in Badgers Road with second storey accommodation in the roof.

There are two second floor windows in the rear elevation of the neighbouring property Cotswolds used for an attic and storage. The original planning permission SE/00/02106/FUL did not include any second floor windows Cotswolds. Permitted development rights for roof alterations was removed under the 2000 consent. Therefore it appears that the second floor rooflights at Cotswolds appear to have been installed without the benefit of planning permission.

It should also be noted that accommodation within the second floor has been approved in close proximity to the application site. At Wildwood (SE/08/01094) which is only approximately 80m away on the opposite side of the road and Charis House (SE/03/00889) slightly further to the east.

5) Misleading statement regarding the use the flat (table top) roof in the vicinity (Item 4.1/38). Ringwood and Whipsiderry are actually some distance from Badgers Road and can therefore not be considered as being “located in the wider context of the application site”.

Whilst Ringwood and Whipsiderry are located in Highland Road, they are only sited approximately 100m from the application site Fairlight, so are relevant to the context of the local area.

6) Incorrect statement regarding the distance between proposed and existing dwellings (Item 4.1/41). The distance between the east elevation of the proposed dwelling and the boundary with the neighbouring property (Rozel) is shown to be 1m on the plan. However the chimney breast of the proposed dwelling juts out so much towards Rozel into this 1m that it would not be possible to move the two dustbins also shown on the plan past it on refuse collection day. Therefore it could be said that a satisfactory distance has NOT been maintained between the proposed and existing dwellings.

**The Residential Extensions SPD states that there should normally be a minimum gap of 1 metre between the side wall and boundary line, not a chimney stack.**

7) Misleading statement regarding the ground level of Cotswolds relative to the proposed dwelling (Item 4.1/51). Cotswolds is actually located on ground which is CONSIDERABLY lower than Fairlight and not "slightly lower" as stated. This means that the proposed dwelling will have to be "sunk" into the ground in order to achieve a similar ground level to Cotswolds as shown in the street scene. The planning officer has recommended a levels condition be included (Item 4.1/51) but Condition 12 (Item 4.1) does not go far enough. Instead the levels are to be determined after permission has been granted which I think is completely unacceptable. It is crucial that the floor level of the proposed dwelling be conditioned at the time permission is granted to ensure that the material considerations of overbearing and overshadowing are addressed.

**The existing drawings show the ground levels slope down from Rozel to Cotswolds, with Fairlight in the middle. They show that Fairlight to be 1m lower than Rozel and 0.5m higher than Cotswold. The proposal involves dropping the ground levels for the replacement dwelling, so that the slab level is constructed at the same as Cotswolds, therefore the proposed new dwelling will be 0.5m lower than the existing Fairlight house. Therefore the proposal will be 1.5m lower than Rozel and at the same level as Cotswolds.**

**Condition 12 requires full details of the existing and proposed floor levels and any changes to ground levels. This is a standard condition and is entirely appropriate in the circumstances.**

8) Incorrect statement regarding the loss of light to rooms in Cotswolds which have side windows facing the proposed development (Item 4.1/60). In every case each room is served by a larger primary window positioned in the FRONT ELEVATION ONLY and not in the front and rear elevation as stated. This is important because these are north facing windows and will therefore receive less light and no direct sunlight. Also the "larger" window in the first floor bedroom is actually only a small dormer to conserve the street scene so obstructing the side window will have a very significant negative effect on the light levels in this room which is also used as a workspace by my eldest son. Also we are currently able to see the sky above the existing garage at Fairlight through the top part of the downstairs side windows but this will be blocked out by the proposed development. Consequently I DO consider that impact to light or outlook from these windows would be affected to a degree which would be so harmful as to justify refusing planning permission.

**In reviewing the plans for Cotswold the two secondary ground floor side windows serve the sitting room which possesses the principal window in the front elevation. Therefore the proposed would not result in a significant loss of daylight to the sitting room.**

**As detailed in the officer's report, the first floor bedroom in the side elevation is a secondary window, with a principal window in the front**

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**elevation. Therefore the proposal would not result in a significant loss of daylight to this bedroom.**

9) Incorrect statement regarding loss of light to the office window on the ground floor at the rear of Cotswolds (Item 4.1/61). The entire window DOES fall within the line drawn diagonally back at an angle of 45 degrees towards the window wall from the end of the rear single storey extension. Therefore there IS sufficient harm arising from the proposal to justify its refusal.

**For a significant loss of light to occur to justify a refusal, a proposal must fail both 45 degree daylight tests, ie, on plan and on elevation. The single storey rear element fails on plan, but not on elevation and as such the proposal would not result in a significant loss of light to justify a refusal. It should be noted that the single storey rear element will be constructed at the same ground level as Cotswolds to a height of 3.3m As such the single storey element will not harm the loss of daylight.**

**It should also be noted that the office room at Cotswolds is south facing and the proposed single storey element will only a minimal impact during the very early hours of the morning.**

10) Incorrect statement regarding the height of the fence between the proposed dwelling and Cotswolds (Item 4.1/64). The height of the fence is only 1.8m and not 2 metres as stated resulting in less privacy than previously stated.

**The fence is raised up upon a small wall and accordingly is 2m above ground level, as seen this morning at the Members site inspection.**

11) Incorrect statement regarding loss of privacy (Item 4.1/66). The planning officer states that she finds that "the proposal would be acceptable in respect of amenity in accordance with the relevant policy criteria". This is untrue. The first floor rear windows of the proposed development will overlook the 5m protected area at the rear of Cotswolds as laid out in Item 4.1/63. These windows should therefore be obscurely glazed and non-opening too.

**The first floor rear windows will look down the garden, typical for two storey accommodation in this locality. The first floor windows will not be able to look into the private amenity space of the neighbouring properties, which is defined as 5m from the rear wall of the house. Any views towards this are too acute and therefore the proposal will not result in the loss of privacy to neighbouring properties.**

## Recommendation

**Amend recommendation to alter Condition 7 as follows:**

7. At the time of development, the first floor windows in the east elevation shown as serving the dressing room and en-suite to bedroom 1 and en-suite to bedroom 2 and the second floor window in the rear south elevation shown as serving the shower room to bedroom 5 and the lower rooflight on the western elevation shall be fitted with

obscured glass of a type that is impenetrable to sight and shall be non-opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

Reason: To safeguard the privacy of neighbouring residents as supported by Policy EN2 of the Allocations and Development Management Plan

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