

Report to:	PLANNING COMMITTEE
Date of Meeting:	19 January 2022
Report from:	Assistant Director of Housing and Built Environment
Application address:	Dingle Cottage, Jenners Lane, Hastings, TN35 4LH
Proposal:	Erection of single storey garden office
Application No:	HS/FA/21/01055
Recommendation:	Grant permission
Ward:	ORE 2018
Conservation Area:	No
Listed Building:	No
Applicant:	Mr Evans Dingle Cottage Jenners Lane Hastings TN35 4LH
Public Consultation	
Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0
Application status:	Not delegated - Application submitted on behalf of a serving employee in a restricted post.

1. Site and surrounding area

The application site is located on the outskirts of Hastings, on Jenners Lane, which is off of Winchelsea Lane. The site is occupied by a two storey semi-detached dwelling, which occupies a corner position on Jenners Lane. The garden (to which the proposed outbuilding relates) extends southwards and is raised slightly higher than the house and Lane.

The boundary treatment alongside Jenners Lane enclosing the property and its garden comprises low level picket fencing. The southern boundary of the site is formed by mature

hedging in excess of 2m and a brick wall having a height of some 1.7m (taken from the ground level of the raised bed adjacent to the wall) being located along the western boundary.

A mature Ornamental Plum tree is located within the garden adjacent to the picket fence.

To the north of the site is Fairview, located some 30m away. To the east, Jenners Lane, beyond which is a field, to the south, a field, and directly to the west is Bartons Cottage. Bartons Cottage is a chalet bungalow with rooms in the roof.

The surrounding buildings are all different in design, scale and form, meaning the dwelling is unique in the street scene.

Constraints

- High Weald Area of Outstanding Natural Beauty (AONB)

2. Proposed development

It is proposed to erect an outbuilding to be used as an office, incidental and ancillary to the main residential dwelling. This will be fixed to an existing concrete base, approximately 15cm in height.

This is a re-submission of a previous consent for a similar development, granted planning permission by Planning Committee in May 2021. The application proposes minor variations to that approved, including the inclusion of a gable wall on either side, and a slight increase in footprint. To accommodate the change without harm to the neighbouring properties, the building is also to be moved further away from the boundary of Barton's Cottage.

The detailed elements of the revised scheme are as follows:

- Outbuilding to be 5.6m long and 3.458m deep
- Eaves height - 2.175m
- Ridge height - 3.158m, from the concrete base.
- Hipped roof to the front and rear with gable ends on either side.
- Elevations - treated softwood featheredge boarding finished in green
- Roof - black bitumen shingles
- Black PVCu guttering leading to a water butt.
- Black upvc fascia & soffits
- Black upvc french doors and upvc windows

The application is supported by the following documents:

- Arboricultural Report (Barry Holdsworth Ltd, November 2020)
- Existing and Proposed Drainage (Simon Dent Associates, December 2020)
- Phase 1 Ecology Report (Ecology and Habitat Management Ltd, December 2020)
- Planning Statement
- Materials Schedule
- Site Waste Management Plan

Relevant planning history

HS/FA/21/00203 Erection of a single storey outbuilding to be used as a home office, incidental to the principal residential use of the house
GRANTED 26 May 2021

HS/FA/19/00487 Installation of first floor side (north east) elevation window
GRANTED 15 August 2019

HS/FA/79/00607 Erection of detached garage
GRANTED 27 September 1979

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN7 - Conservation and Enhancement of Landscape

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HN9 - Areas of Landscape Value

Other policies/guidance

- National Design Guide
- High Weald AONB Management Plan
- High Weald AONB Legislation and Planning advice note

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

High Weald AONB Unit - **no comment received**

The High Weald AONB Unit do not usually comment on applications of this minor scale and defer the assessment of the impact of the works on the AONB to the Local Planning Authority, taking account of the AONB Management Plan and associated guidance notes.

Hastings Borough Council (Natural Environment and Resources Manager) - **no comment received**

The application is substantially the same as that already approved. The ecological implications will remain unaffected by the minor amendments proposed, subject to the imposition of conditions as previously proposed (Condition 4).

Hastings Borough Council (Arboriculturalist) - **no comment received**

The application is substantially the same as that already approved. The arboricultural implications will remain unaffected by the minor amendments proposed, subject to the imposition of conditions as previously proposed (Conditions 4 and 5).

4. Representations

In respect of this application a site notice was displayed at the front of the site fronting Jenners Lane in clear public view of the adjacent public footpath. No responses were received.

5. Determining issues

The main issues to consider are the impact on the character and appearance of the area, the impact on neighbouring residential amenities and the impact on the High Weald Area of Outstanding Natural Beauty (AONB).

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, and acceptable in principle subject to other Local Plan policies.

b) Impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan 2015 states that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

The proposed outbuilding is to be located in the south- western corner of the application site on an existing area of vacant hardstanding. Until relatively recently, a shed was located in this location. Whilst the new outbuilding will be visible from the public realm, it is tucked away behind the existing detached garage thereby limiting some views. Furthermore, the proposed outbuilding is of a generally good design and externally finished with treated softwood featheredge boarding in a green colour, consistent with the requirements of the High Weald AONB Management Plan.

The proposed works are therefore considered acceptable and will not result in an undue impact on the character and appearance of the area, in accordance with Policy DM1 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Fields are located to the south of the application site and to the east of the proposed outbuilding. As such no neighbours to the south or opposite the application site are affected

by the proposed development. Furthermore, a hedge having a height in excess of 2.5m is located along the southern boundary which would significantly screen the views of the outbuilding from the southern side.

A brick wall having a height of some 1.7m is located along the north-western boundary/party wall boundary with the neighbouring semi at Barton's Cottage. The proposed outbuilding is to be located 0.8m from this boundary, over 0.5m further than previously approved. In addition, the eaves height has been lowered from 2.3m to 2.175m and the ridge height from 3.4m to 3.158m, further reducing impact on this neighbour. Given the presence of the brick wall already obscuring views, and the previous siting of a shed on the site, it is not considered that the proposed outbuilding would result in any undue impact on the amenity of this neighbour.

Taking the above into account, it is not considered that the proposal will result in any negative impact to neighbouring residential amenity with regards to over shadowing or loss of daylight. The proposed works are therefore considered acceptable in this respect and are in accordance with Policy DM3 of the Development Management Plan 2015.

d) Archaeology

Whilst the Local Plan Proposals Map shows part of the application site within an area of Archaeological Notification Area, this is no longer the case. As such the proposed development will not have an impact on heritage assets.

e) Impact on landscape

The site is located within the High Weald Area of Outstanding Natural Beauty (AONB). Policy HN9 of the Development Management Plan 2015, states that areas of landscape value comprise AONBs and the Combe Valley Countryside Park. The inherent visual qualities and distinctive character of these areas will be protected. Development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of these areas. Policy EN7 of the Hastings Planning Strategy 2014 seeks to protect and enhance the town's landscape including the High Weald Area of Outstanding Natural Beauty

The High Weald AONB Unit will only provide detailed comments on planning applications if they are major developments (such as 10 or more dwellings) or they directly impact on one of the landscape character components identified in the High Weald AONB Management Plan's statement of significance. However, it is still the responsibility of the Local Planning Authority, in this case Hastings Borough Council, to decide whether the application meets legislative and policy requirements in respect of AONBs, specifically taking into regards NPPF paragraph 172, which requires great weight be given to conserving and enhancing landscape and scenic beauty in AONBs, and the High Weald AONB Management Plan.

There are seven defining components which should be assessed against when considering any application which may have an effect on the High Weald AONB:

- I. Geology, landform and water systems
- II. Settlement
- III. Routeways
- IV. Woodland
- V. Field and heath
- VI. Land-based economy and related rural life
- VII. Other qualities (features that are connected to the interaction between the landscape and

people and which enrich character components)

It is considered that the proposal need only be assessed against one of these components, specifically 'Settlement'. When assessing against this component there are three objectives which need to be considered, these are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.
- Objective S2: To protect the historic pattern and character of settlement.
- Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

It is considered that only Objective S3 need be assessed when considering this proposal due to the nature of the development. When assessing the impact of a development against this objective, it should be considered as to whether the proposal maintains and enhances the local distinctiveness, the build environment character, and the 'sense of place' of the High Weald AONB.

The front boundary treatment, alongside Jenners Lane comprises a low level picket fence, this and the raised garden level, relative to the lane, is such that the proposed outbuilding will be visible when viewed from the lane, albeit that those views will be slightly limited by an existing mature Plum Tree, proposed to be retained (see Arboricultural Report). However, this will only apply when standing directly in front of the garden, at the point of the existing parking area. There will be no other points from the public realm where the outbuilding could be seen. There may be some limited views of the roof of the outbuilding above the hedge along the south west boundary from the adjacent field however most views including longer distance views across the AONB will not be able to distinguish or see the outbuilding from the enclave of built form around it, namely Dingle Cottage itself, Bartons Cottage and other neighbouring buildings and outbuildings. Under the circumstances, it is considered that the proposed outbuilding/home office will have a negligible impact on the character of the area and the intrinsic qualities of the High Weald AONB.

The proposed outbuilding/home office is to be finished in treated softwood featheredge boarding finished in green and the roof is proposed to be finished in black bitumen shingles. The proposed use of featheredge boarding is considered appropriate and acceptable in the High Weald AONB. Whilst the existing dwelling has the provision of slates above the main dwelling, the nature of the revised roofing materials, given their colour and appearance, and similarity to the existing garage, are not considered to be out of keeping. Under the circumstances therefore, it is considered that the proposed materials are sympathetic to requirements of High Weald AONB Management Plan.

The proposed works are therefore considered acceptable in this respect and in accordance with Policy HN9 of the Development Management Plan 2015, Policy EN7 of the Hastings Planning Strategy 2014, and the High Weald AONB Management Plan.

f) Ecology

A Phase 1 survey and report commissioned by the applicant and compiled by Ecology & Habitat Management Ltd provides an assessment of the site, reporting on the current conditions of the habitats present and their potential to support protected and notable species.

The Phase 1 assessment does not identify any likely impacts on protected species, but does recommend methods to ensure construction is compliant, and ensure features that are likely to be providing an ecological resource are protected. These mitigation measures are identified in the following areas:

- Protection of breeding birds,
- Protection of wider habitats
- Appropriate lighting for bats
- Adequate Pollution Control

Subject to the ecological measures and/or works being carried out in accordance with the details contained in the submitted Ecology Report, the development is considered acceptable and complies with Policy HN8 of the Development Management Plan (2015).

g) Impact on Great Crested Newts

The development falls within the white impact risk zone for great crested newts and as the application is a household one, there is no requirement to consult NatureSpace in respect of Great Crested Newts. An informative is added should Great Crested Newts be found on site at any stage of the development works (Informative 5).

h) Trees

A mature Ornamental Plum tree is located within the front garden however as shown from the Arboricultural Report, the outbuilding will be located outside of the root protection area of that tree. No tree removal is proposed. No foundations are proposed, the shelter being placed on an existing concrete base. The weight of the structure is not sufficient to compact the ground therefore no trees or their roots systems will be affected by this proposal.

An Arboricultural Report composed of Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan produced by Barry Holdsworth Ltd is submitted with this application. The report concludes the tree will not present a planning constraint to the erection of the outbuilding and recommends that tree retention and protection within this report are adhered to.

Taking the above into account, subject to the implementation of mitigation methods and recommendations contained within the submitted Arboricultural Report, there is not considered to be any adverse impact on trees or level of screening provided. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

i) Flooding and drainage

Policy SC7 of the Hastings Local Plan – Planning Strategy (2014), states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The site is not in an area of groundwater or surface water flood risk. Given the minor scale of the proposal, and the fact that it will be constructed on an existing concrete base, it is not considered that there will be a significant impact on surface water drainage. Nonetheless, a drainage scheme has been submitted with the application which shows guttering to the outbuilding feeding into a water butt. A rainwater pipe will be installed that will connect the water butt to the rainwater pipes at the house. This rainwater pipe will run alongside the

boundary wall of the property, positioned behind existing vegetation, and connecting to the existing rainwater pipe at the house, which terminates in the combined chamber. This will effectively mean that in events of heavy rainfall, the water butt will not overflow. This method of addressing any displaced water will ensure there is no harm arising in terms of ground or surface water flooding.

Taking the above into account, it is not considered that the proposed development will increase the risk of flooding, and therefore is in compliance with Policy SC7 of the Hastings Planning Strategy 2014.

j) Environmental Impact Assessment

National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) requires the Local Planning Authority to determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If the site is listed in Schedule 1 an Environmental Impact Assessment is required in every case. If the project is listed in Schedule 2, the Local Planning Authority should consider whether it is likely to have significant effects on the environment.

This development is within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore no screening opinion is required.

6. Conclusion

The proposed outbuilding/home office is considered to be of an appropriate design. The proposal would not cause harm to the character or appearance of the area, would not harm residential amenities and would not cause harm to the High Weald AONB.

The proposal therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Location and block plan - es 1825/21/02

Proposed layout and elevations - es 1825/21/01

Existing and proposed drainage - 1646-100 P1

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. No development shall take place until the measures outlined in the submitted ecological and arboricultural statements and reports as set out below have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
- (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

The submitted reports are:

- Arboricultural Report (Barry Holdsworth Ltd, November 2020)
- Phase 1 Ecology Report (Ecology and Habitat Management Ltd, December 2020)

5. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
6. The development hereby permitted shall only be used in conjunction with the existing dwelling and shall not, at any time, be used for separate business, commercial or industrial purposes or as an independent residential unit.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To protect features of recognised nature conservation importance.
5. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
6. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. The current condition of the drainage system should be investigated and any maintenance or rehabilitation completed should it be required.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/21/01055 including all letters and documents