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## Appeal Decision

Site visit made on 21 November 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10<sup>th</sup> January 2017**

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**Appeal Ref: APP/P1425/W/16/3153694**

**7 Heighton Crescent, South Heighton, East Sussex BN9 0QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr C Cole against the decision of Lewes District Council.
  - The application Ref LW/16/0113, dated 12 February 2016, was refused by notice dated 9 May 2016.
  - The development proposed is subdivision of the existing property into two separate one bedroom flats, together with the formation of a new two bedroom property adjoining the side.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of 5 Heighton Crescent (No 5), with particular regard to privacy and overshadowing.

### Reasons

3. The development would comprise two elements, firstly the conversion of the appeal property (No 7) into two flats and secondly the construction of a two storey side extension. The side extension would replace No 7's garage and would accommodate a two bedroom house, as opposed to a flat as referred in some of the reasons for refusal.

### *Character and Appearance*

4. The extension would have an irregular floorplan given its siting relative to No 7 and the fact it would wrap around No 5's retained garage. The irregular shape of the extension would mean that part of its roof would have a splayed hip, which would be in marked contrast to the simple gable ended roofs of No 7 and the other properties in Heighton Crescent. I find that the roof of the extension would have an awkward relationship with the host property's roof and that this element of the dwelling's design would have an incongruous appearance that would not integrate well into the streetscene. The extension's incongruity would in part be due to the resulting building extending across the full width of No 7's plot and its wrapping around No 5's garage.
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5. The development would result in No 7's plot being occupied on a much more intensive basis, with the plots sizes for both the flats and the houses being comparatively small for the area. The limited external areas that would be available to both elements of the development and the extension's incongruous appearance, are both indicative of this development amounting to an unduly intense and thus cramped form of development.
6. While the side extension would result in the infilling of the space to the side of No 7, I did not find this space to be making a particularly significant contribution to the streetscene, given that Heighton Crescent has a quite tight knit layout. Accordingly I am not persuaded that the reduction in the space to the side of No 7 would of itself be harmful to the streetscene.
7. The development would involve the majority of the area in front of the existing house becoming hard surfaced to enable parking to be provided for the flats. However, while those works would result in the hardening of No 7's frontage this element of the development would be in keeping with Heighton Crescent's streetscene, with the majority of the properties to the north of No 7 having comparatively extensive hard surfaced frontages.
8. For the reasons given above I conclude that the extension would be of a poor design and that the development would be unduly intense resulting in harm to the character and appearance of the area. The development would therefore conflict with Policy ST3 of the Lewes District Local Plan of 2003 (the Local Plan), Policy 11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 of 2016 (the Core Strategy) and paragraph 58 of National Planning Policy Framework (the Framework) because it would neither be of a high standard of design or add to the overall quality of the area and would be of an unacceptable density.

#### *Living Conditions*

9. Some overlooking of No 5's rear garden is possible from the No 7's bedroom windows, however, that overlooking is quite oblique. However, the rear bedroom window of the new house would be closer to No 5 and the views of the neighbouring garden from that window would be much more direct than is currently possible, allowing for the public footpath separating Nos 5 and 7 from one another. I therefore consider that the presence of the new bedroom window has the potential to result in overlooking of the neighbouring garden at a level that would cause an unacceptable loss of privacy for the occupiers of No 5.
10. The side extension's presence because of its siting relative to No 5's rear garden has some potential to cause overshadowing of the neighbouring property. However, I consider that any increase in overshadowing that might arise from the development would be quite modest, compared to that already arising from No 7's presence, and that it would not give rise to harm to the living conditions for the occupiers of No 5.
11. For the reasons given above I conclude that an unacceptable loss of privacy would arise and that this would be harmful to the living conditions of the occupiers of No 5. The loss of privacy would therefore give rise to conflict with Policy ST3 of the Local Plan.

## **Other Matters**

12. I recognise that the development would make a contribution to boosting the supply of smaller sized housing units in the area, however, that contribution would be very modest. The appellant contends that the Council cannot demonstrate the availability of a five year supply of deliverable housing sites (HLS), albeit he has not provided any evidence in support of that claim. The Council has not submitted an appeal statement and consequently there is no evidence relating to its assessment of the current HLS position. However, the application was determined in the same month that the Core Strategy was adopted, which suggests that the Council considered it had an HLS at that time.
13. In any event the reasons for refusal refer to conflict with saved Policy ST3 of the Local Plan and Policy 11 of the Core Strategy. Both of those policies address matters of detailed design rather than the quantity or location of new housing and I therefore consider that they are not relevant policies for the supply of housing for the purposes of paragraph 49 of the Framework. I also consider Policy ST3 and Policy 11 are consistent with the Framework's policies relating to matters of detailed design.
14. I recognise that the Council does not have an in principle objection to No 7 being converted into flats and I see no reason to adopt a contrary view. I also acknowledge that the dwellings would be energy efficient and that there would be no adverse effect upon natural beauty, wildlife or heritage assets in the area. While all of those matters weigh to some degree in favour of the development I find them to be outweighed by the harm to the character and appearance of the area and the living conditions of the occupiers of No 5 that I have identified.
15. Even if the appellant is correct on the matter of the HLS, I consider that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I therefore find this scheme would not be a sustainable form of development.

## **Conclusion**

16. For the reasons given above the appeal is dismissed.

*Grahame Gould*

INSPECTOR