
Appeal Decision

Site visit made on 14 February 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/P1425/D/16/3161762

24 Bannings Vale, Saltdean, Brighton BN2 8DB

- 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 D Parrish against the decision of Lewes District Council.
 - The application, Ref. LW/16/0567, dated 12 April 2016, was refused by notice dated 21 September 2016.
 - The development proposed is a two storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for adjoining occupiers at No. 26 as regards outlook and light.

Reasons

3. I saw on my visit that the extension to the rear of No. 26 has resulted in a rear elevation some distance beyond the rear wall of No. 24 and thereby affords an opportunity for the latter to also extend to an equivalent distance without any adverse effect in terms of the main issue.
 4. However, the appeal scheme is to widen the building on part of the flank closest to No. 26 and then project that increased width for a further 7.8m at the rear, thereby extending some way beyond the extended No. 26. I consider this has a significant potential to unduly affect the light and outlook for No. 26 and do not consider that the appellant's 45 degree line satisfactorily demonstrates otherwise.
 5. I agree with the point that the high boundary hedging would currently negate much of any adverse effect, although the increased width of the extension compared with the existing house could result in its substantial thinning or even loss. In any event, it would be unwise to allow an extension that would be too large for its context on an assumption that the screening effect of existing planting could be relied upon in perpetuity.
 6. This was the view of the Planning Committee on the first application and I consider that it remains relevant for the current proposal. The trees / hedge could be removed at some time in the future and even a condition requiring
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their retention would be of little or no effect were the vegetation to become seriously diseased or die.

7. I have used the term 'significant potential' in paragraph 4 above because with the hedge in the way it was not possible to accurately assess all the circumstances at Nos. 24 and 26, including their relative land levels. Nonetheless from the submitted plans I consider it reasonable to reach the conclusion that the bulk and proximity of the proposed extension would be likely to have an unacceptable effect on the living conditions for adjoining occupiers at No. 26 as regards outlook and light.
8. This would conflict with Retained Policies ST3 and RES13 of the Lewes District Local Plan 2003, as included in the Lewes District Council & South Downs NPA Lewes District Local Plan Part 1 Joint Core Strategy (JCS) 2010-2030 adopted in May 2016 - (Policy CP11 of the JCS mentioned in the Notice of Refusal does not appear particularly relevant). It would also conflict with Section 7: 'Requiring Good Design' and the core planning principles of the National Planning Policy Framework 2012.
9. I have carefully noted all the other matters referred to in the Grounds of Appeal. However, I have found nothing to alter my conclusion on the main issue. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR