



## Appeal Decision

Site visit made on 15 August 2017

by **J Ayres BA Hons, Solicitor**

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

**Decision date: 11<sup>th</sup> September 2017**

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**Appeal Ref: APP/P1425/W/17/3175679**

**20 The Esplanade, Telscombe Cliffs, East Sussex BN10 7EY**

- 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 Mark Saxby against the decision of Lewes District Council.
  - The application Ref LW/16/0773, dated 20 August 2016, was refused by notice dated 12 December 2016.
  - The development proposed is the demolition of a garage and erection of single storey one bedroom dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of a garage and erection of single storey one bedroom dwelling at 20 The Esplanade, Telscombe Cliffs, East Sussex BN10 7EY in accordance with the terms of the application, Ref LW/16/0773, dated 20 August 2016, subject to the conditions set out in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and with specific regard to the design of the proposal, the effect on parking, and the size of the proposed living space.

### Reasons

3. The appeal site is an end of terrace house which currently has an attached single storey, flat roof garage. The physical gap between the built form at this point is substantial due to the generous grass verge adjacent to the boundary, the width of Sussex Way, the grass verge opposite, and a further gap before residential development recommences. This gap provides a welcome break in the built form, allowing views towards the sea.
4. The proposal would have a slightly larger footprint than the existing garage. Due to the proposal being single storey with a flat roof the main physical change on the site would be the slight increase in width. In my view this would have a minimal impact on the visual gap that is provided between the built form at this point and the open nature of the vista would not be materially harmed by the proposal.
5. I have been referred to an appeal decision relating to the appeal site. The Inspector found that a two storey development would harm the character and appearance of the area and in this regard I agree with the Inspector. However

that appeal was materially different to the proposal before me with regards to its scale and mass. The proposal that I am considering would not increase the height of the development currently on the site, and as required by law I have determined this appeal on its own merits.

6. A significant proportion of the appeal site has been laid out as hardstanding and appears to accommodate a number of vehicles. A photograph provided as part of the evidence shows four vehicles parked on the site. The proposal would utilise the current space on the site for parking, and there is also on street parking available. It appeared to me at my site visit that the appeal site is in a relatively sustainable location with a range of services and facilities and there are opportunities to travel other than by car. The use of sustainable transport should therefore be encouraged.
7. I appreciate that concerns have been raised regarding parking in the area and accessibility for residents. However, there is little evidence provided by the Council to address this and I do not consider that the additional parking associated with a one bedroom flat would have a harmful effect on highway safety. Accordingly the impact of the proposal on the current parking situation would be unlikely to cause a level of harm that would justify dismissing the appeal on that ground.
8. The proposal would provide a bedroom, bathroom, and open kitchen and living area. The dwelling types in this area are varied, and I have not been provided with comparable properties to demonstrate that the space would be significantly smaller than other, modest properties in the area. I have not been provided with any evidence to confirm that larger dwellings remain as single units, or if they have been subdivided to provide smaller units. Accordingly, on the evidence provided and on the basis of my site visit, I consider that although the space provided is limited, the plans demonstrate that the normal domestic activities of the occupier are separated.
9. Accordingly, I find that the proposal would not have a detrimental effect on the character and appearance of the area and would comply with Policy CP11 of the Lewes District Local Plan Part One Joint Core Strategy 2016 with regards to preserving the character and appearance of the area. The proposal would comply with the design aims of saved Policy ST3 of the Lewes District Plan 2003.

### **Other Matters**

10. A number of concerns have been raised through-out the application and appeal process by local residents. Whilst I can understand the concerns raised, they do not lead me to form a different conclusion with regards to the scheme overall.

### **Conditions**

11. I have had regard to the conditions that have been suggested by the Council in accordance with the advice in the Framework and Planning Practice Guidance. The Appellant has had the opportunity to comment on the suggested conditions as part of the appeal process.
12. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition requiring the materials to match the existing dwelling to safeguard the character and appearance of the area.

13. Due to the historical use of the garage I have included the suggested condition relating to contamination in the interests of ensuring a safe environment.
14. I have had regard to the Council's suggested condition restricting permitted development rights. The PPG advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. The site is of a limited size and additional development to that allowed by this appeal may have a detrimental impact on the character and appearance of the area. Accordingly I consider a condition restricting permitted development rights is justified in this instance.

### **Conclusion**

15. For the reasons given above, and having considered all other matters, I conclude that the appeal is allowed.

*J Ayres*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1210/16 Issue B Existing Floor Plans and Elevations; 0207/16 Issue C Proposed Floor Plans and Elevations; Proposed Block Plan and Site Location Plan.
- 3) The external surfaces of the development hereby permitted shall be constructed in materials which are similar in colour and style to No 20 The Esplanade.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Schedule 2 Part 1 Class A of the Order.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

### **END OF CONDITIONS**