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## Appeal Decision

Site visit made on 14 November 2017

**by Richard Aston BSc (Hons) DipTP MRTPI**

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

**Decision date: 1<sup>st</sup> December 2017**

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**Appeal Ref: APP/Y9507/W/17/3181633**

**The Volunteer Public House, 12 Eastgate Street, Lewes, Sussex BN7 2LP**

- 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 Mrs Wendy Seals against the decision of South Downs National Park Authority.
  - The application Ref SDNP/17/01886/FUL, dated 4 April 2017, was refused by notice dated 23 May 2017.
  - The development proposed is described as 'Freestanding timber smoking shelter to front courtyard (partial retrospective)'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development applied for has been carried out and I have determined the appeal on this basis.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Lewes Conservation Area.

### Reasons

4. The appeal site consists of a small, open courtyard area to the side of The Volunteer Public House. It is located on a busy approach into the town centre and occupies a prominent location within the Lewes Conservation Area ('LCA'). Immediately abutting the building to the side and fronting onto Eastgate Street is No. 11, a 2 storey white rendered, Georgian/Victorian building.
5. The significance of the LCA appears to mainly derive from its historic plan form with the street pattern reflecting its Saxon, Norman and medieval history. The streets are narrow, twisting and undulating and there are many listed buildings of varying ages and periods lining them. The LCA is characterised by its intimacy, building heights, which are predominantly domestic in scale, with variations in design and styles. The historic groupings of listed and non-listed cultural, residential and commercial buildings of varying sizes, types and from different periods combine to form a tight urban grain with frequent plot divisions.
6. The appellant contends that the proposal has replaced an old established timber structure, is partially retrospective and has less of an impact. However,

I have not been provided with the details of that structure and even though a structure may well have existed, the combination of the materials<sup>1</sup>, appearance and size of the proposal before me sits in stark contrast to its surroundings. On this important approach into the historic town centre, the eye is unacceptably drawn to it and away from the historic vernacular which the LCA derives part of its significance from.

7. In particular, it masks 2 ground floor windows in the front elevation of No. 11 Eastgate Wharf. Although not a listed building, the symmetrical appearance of its fenestration is a key component of its architectural and historic value and its contribution to the significance of the LCA and overall, the structure is an unsympathetic and overly prominent addition that is detrimental to the visual interests of its surroundings. This harm could not be mitigated by a condition requiring the shelter to be painted or an alternative roof treatment.
8. For these reasons, the proposal fails to preserve the character or appearance of the LCA and therefore conflicts with Policies ST3 and H5 of the Lewes District Local Plan 2003. When read as a whole, these require development of a high quality of design that conserve or enhance the special architectural or historic character or appearance of the area.
9. In the context of Paragraph 134 of the National Planning Policy Framework ('the Framework') the harm is less than substantial. Consequently, it requires that I weigh any public benefits, including securing the assets optimum viable use against the less than substantial harm. The Planning Practice Guidance states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in paragraph 7 of the Framework. Public benefits should flow from the proposed development and should be of a nature or scale to benefit the public at large and should not just be a private benefit.
10. I have had regard to the structures importance as a smoking shelter for customers of the public house. I also acknowledge that the proposal is a statutory requirement and complies with public health legislation. However, there is nothing before me to suggest the viability of the public house is at risk or overall, that there are any public benefits that outweigh the great weight that I give to the desirability of preserving or enhancing the character and appearance of the LCA. Accordingly, the proposal would also conflict with the heritage objectives of the Framework.

## **Conclusion**

11. For the reasons set out above, the proposal conflicts with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR

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<sup>1</sup> Untreated timber and a corrugated sheet roof.