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## Appeal Decision

Site visit made on 1 March 2018

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

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**Appeal Ref: APP/P1425/D/17/3189775**

**Upper Lodge Roeheath, Cinder Hill, Chailey, Lewes, East Sussex, BN8 4HR.**

- 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 and Mrs S Thompson against the decision of Lewes District Council.
  - The application ref: LW/17/0578, dated 30 June 2017, was refused by notice dated 25 August 2017.
  - The development proposed is two storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at Upper Lodge Roeheath, Cinder Hill, Chailey, Lewes, East Sussex, BN8 4HR, in accordance with the terms of the application ref: LW/17/0578, dated 30 June 2017, subject to the following conditions:

- 1) The development hereby permitted shall begin not 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:

Drawing no. 2017-ULR-001: Existing Elevations – scale 1:100.

Drawing no. 2017-ULR-002: Existing Floor Plans – scale 1:100.

Drawing no. 2017-ULR-003: Proposed Elevations – scale 1:100.

Drawing no. 2017-ULR-004: Proposed Floor Plans – scale 1:100.

Drawing no. 2017-ULR-005: Existing and Proposed Roof Plans – scale 1:100.

Drawing no. 2017-ULR-006: Location Plan – scale 1:1250; Block Plan – scale 1:500.

### Main Issue

2. The main issue in this case is the impact of the two storey side extension upon the character and appearance of the host building and that of the surrounding area.

## Reasons

3. This property comprises a detached dwelling that was originally constructed in 1900 as a lodge to Roeheath. Whilst retaining its original frontage, it has been considerably extended to both the rear and the west side. It is located beyond the settlements of Chailey and North Chailey within open countryside. Cinder Hill is in a cutting at this point and the property is set back from the road and screened by mature trees and undergrowth.
4. National policy at Chapter 7 (Requiring good design) of the National Planning Policy Framework ('the Framework') attaches great importance to the design of the built environment. Nevertheless, Local Authorities should avoid design policies that impose unnecessary prescription or detail (paragraph 59).
5. Chapter 11 (Conserving and enhancing the natural environment) sets out the aim of protecting and enhancing valued landscape. The surrounding countryside is not within a designated landscape; neither does it fall within the South Downs National Park.
6. The Lewes District Local Plan was adopted in 2003. I note that its remaining "saved" policies are currently under review and will eventually be replaced by the Local Plan Part 2: Site Allocations and Development Management Policies DPD.
7. Policy ST3 of the Local Plan sets out detailed criteria for all new development, including the need to respect the overall scale, height, massing and layout of neighbouring buildings and the local area more generally. Policy RES13 relates to all extensions, which should complement the existing building in respect of materials and design. They should also respect the street scene.
8. Policy RES14 is appropriate in this case as it applies to extensions within the countryside. It sets out a number of criteria, including the need to ensure that any extensions do not result in loss of character of the main building. Extensions in excess of 50 per cent of the original floorspace will not normally be granted.
9. The policy makes clear that extensions constructed after September 1988 will be excluded from the calculation of the "original" floorspace. Therefore, taking into account the extension constructed in 1990 the current proposal would result in a 90 per cent increase in floorspace over that of the original building. Such an increase would be in breach of Policy RES14.
10. I have also had regard to Core Policy 11 of the Council's Core Strategy<sup>1</sup>. This seeks to conserve and enhance the high quality and character of the District's towns, villages and rural environment by ensuring that all forms of development are designed to a high standard and maintain and enhance the local vernacular and sense of place of individual settlements.
11. I note from the appellants' grounds of appeal that a large single storey extension could be constructed at the property without the need for planning permission by virtue of the Town and Country Planning (General Permitted Development) Order 2015.

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<sup>1</sup> The Lewes District Local Plan: Joint Core Strategy (May 2016).

12. There is a distinct possibility that the appellants could proceed to construct such an extension in the event that the present appeal fails. That alternative would be less desirable than the two storey extension the subject of this appeal, which has been carefully designed so as to reflect the original dwelling as extended by the previous planning permissions in the late 1950's and 1990's. The 'fall back' position is therefore a material consideration in my determination of this appeal.
13. In arriving at my decision I have had particular regard to the fact that the extension would largely mimic the 'west wing' in terms of its design, materials and fenestration. These factors will ensure that the appearance of the host building, which is currently unbalanced as viewed from the front elevation, would be enhanced.
14. In this regard I note that the west wing, which was constructed with the benefit of planning permission in the 1990's, has had a profound effect upon the appearance of the original small lodge as constructed in 1900. The current scheme is aimed at creating a more appropriate and balanced appearance to the dwelling as a whole.
15. The extension would be set into an embankment and, given its set back from Cinder Hill and the intervening trees and undergrowth, little if any of it would be visible from the public domain. In views from open countryside to the south the extension would be largely screened by the detached garage serving the property, which has a pitched and tiled roof.
16. For these reasons, whilst the extension would breach a strict interpretation of Policy RES14, I have concluded that the benefits of the scheme are such as to tip the balance in its favour.
17. I have therefore found on the main issue that development as proposed would enhance the appearance of the host building and not result in any unacceptable harm to the character or appearance of the surrounding area, such that it will accord with national policy in the Framework as referred to above, Policies ST3 and RES13 of the Local Plan and Core Policy 11 of the Council's adopted Core Strategy.

### **Conditions**

18. The Council has put forward a total of three conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Planning Practice Guidance issued on 6 March 2014.
19. The materials to be used in constructing the external surfaces of the extension are specified on the approved drawings and also in Section 11 of the planning application form. They match those used in the existing building, such that Condition 2 as suggested by the Council is not necessary.
20. My reasons for the balance of the conditions are as follows:
21. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2, which requires the development to be carried out in accordance with the approved plans, provides certainty.

**Conclusion**

22. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR