

Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 16 May 2018** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

02/05/2018

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the minutes of the meetings held on 4 April 2018 and 23 April 2018 (copies previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

6 LW/17/0707 - 10 Blatchington Hill, Seaford, East Sussex, BN25 2AH (page 5)

7 LW/18/0149 - 24 Cornwall Avenue, Peacehaven, East Sussex, BN10 8SG (page 13)

8 LW/18/0169 - 2 Gerald Close, Gerald Road, Seaford, East Sussex, BN25 1BE (page 18)

Planning Applications WITHIN the South Downs National Park

9 SDNP/18/00890/HOUS - 61 North Way, Lewes, BN7 1DJ (page 23)

Non-Planning Application Related Items

10 Outcome of Appeal Decisions from 13 March to 30 April 2018 (page 30)
To receive the report of the Director of Service Delivery (attached herewith).

11 Written Questions from Councillors
To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

12 Date of Next Meeting
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 6 June 2018 in the Council Chamber, County Hall, St Annes Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact the Planning team at Southover House, Southover Road, Lewes, East Sussex, BN7 1AB (Tel: 01273 471600) or email planning@lewes-eastbourne.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, L Boorman, S Catlin, P Gardiner, V lent, T Jones, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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APPLICATION NUMBER:	LW/17/0707	ITEM NUMBER:	6
APPLICANTS NAME(S):	Mr N Amery	PARISH / WARD:	Seaford / Seaford North
PROPOSAL:	Planning Application for Erection of a side extension		
SITE ADDRESS:	10 Blatchington Hill Seaford East Sussex BN25 2AH		
GRID REF:	TQ 48 96		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a two storey detached family dwelling situated on the eastern side of Blatchington Hill, within the Planning Boundary of Seaford town. The property has a vehicular access and parking area to the rear and a vehicular access and garage to the front. The site is located on a hillside and there is an embankment at the front of the property, the house itself being on higher ground level than the street. There are several trees within the site and a considerable amount of space between the neighbouring houses of 6 and 12 Blatchington Hill.

1.2 The property is not Listed, but it is located within the Seaford East Blatchington Conservation Area and an Archaeological Notification Area.

PROPOSAL

1.3 The application seeks planning permission for a two-storey side extension that will be connected to the existing house at ground floor level.

1.4 Unlike the previously refused application, there will be no new vehicular access and lower ground floor garage created on the front elevation.

1.5 The proposed plans include extending the front flint boundary wall and adding planting across the existing vehicular access onto Blatchington Hill and removing the vehicular crossover, in order to create a continuous planted boundary across the front of the site.

1.6 Unlike the previous application the side extension will not project in front of the principal elevation to the existing house, and the extension will be smaller in size,

1.7 The proposed extension will be 3.3m from the boundary with 6 Blatchington Hill, which is delineated by an historic flint wall, and roughly the same distance from the wall as 6 Blatchington Hill on the other side. The rear part of the extension will project 3.7m and will be a slightly lower level than the rest of the extension.

1.8 The proposals will involve the removal of chimney breast from southerly elevation.

1.9 The extension will form a living area with rear conservatory to the ground floor and on the first floor a bedroom with en-suite.

1.10 The form and design detailing of the extension will replicate the traditional appearance of the existing gable façade to the main dwelling, having a pitched roof and a pair of side elements housing the staircase and en-suite, having smaller pitched roofs.

1.11 In respect of external materials and finishes the extension will have exposed oak timber detailing and colour-matched render walls.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – RES13 – All extensions

LDLP: – H05 – Conservation Areas

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/11/0408 - Remove existing single storey extension and construct side/rear extension, install roof-light to rear roof slope and removal of existing detached garage and form driveway/slope with level parking area to front of the site - **Approved**

LW/16/1043 - Erection of two-storey side extension - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Seaford Town Council – It was RESOLVED to OBJECT to the application for the same general reasons as stated in response to the previous application LW/16/1043, i.e. that it constitutes overdevelopment of the property and that the formation of the access and loss of trees would be detrimental to the character of the Conservation Area. There were also concerns that the use of the access could exacerbate the traffic problems in the area.

4.2 ESCC Archaeologist – No objection

4.3 Design & Conservation Officer – No objection

4.4 This application seeks permission to develop a substantial detached property located in a mixed rural conservation area setting by creating a new extension and creating additional off-street parking arrangements. The proposal is ambitious in its scope, effectively crafting a sizeable new build element closely modelled on the existing form to the other side of the property. This delivers visual continuity, balance and a pleasing consistency, to the front elevation whilst also allowing for a more inventive design, in large part defined by its ambitious fenestration, to the side and rear. The plot being developed is substantial and able to comfortably accommodate the scale of the new extension, with very limited impact on the protected streetscape.

4.5 Concern is raised, however, at modifications proposed which see disruption to the verge, trees and pleasing verdant setting that so clearly contribute to the special character and significance of the conservation area. This is unfortunate and a cause for regret, though not sufficient to justify my registering a formal objection.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Representations have been received from 6, Timbers 9, 12, Rookery Cottage, The Well House, Blatchington Hill, objecting to the application for the following reasons:-

- Out of character.
- Loss of character and charm.
- Not dissimilar to previous refusal.
- Over development.
- Unnecessary.
- Unduly dominant.
- Unsympathetic to context.
- Properties are set back within generous green plots.

- Will consume much of front and side garden.
- Within Conservation Area.
- Conservation Significance.
- Contextual significance.
- Loss of trees.
- Loss of embankment.
- Removal of historic flint wall.
- Overbearing building/structure.
- Overlooking, loss of privacy.
- Noise and disturbance.
- Deliveries during building works.
- Highway hazards.
- Dangerous access.
- Excessive provision for vehicles.
- Traffic restriction during building.
- Drainage.
- Contrary to policy.
- Owner may be considering future sub-division to two properties or commercial use.
- Undermining structures, wall stability and utilities .

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the planning application include the design and appearance of the extensions and alterations, the impact on neighbour amenity, and accessibility and highway safety.

Trees

6.2 The existing embankment will be retained but two trees are proposed to be removed: T3 and T4. These trees are not covered by a Tree Preservation Order, aside from the statutory controls over tree works that apply in Conservation Areas. These trees will be replanted and new tree planting is proposed adjacent to the existing garage, the vehicular access to which is to be blocked up and the a new boundary wall and planting added in order to form a continuous planted boundary across the front of the site.

6.3 This approach is considered to be acceptable subject to details of the replanting of T3 and T4 and full details of all additional proposed landscaping. These details can be agreed by imposing a planning condition.

Design and appearance

6.4 The Conservation Area Appraisal describes the locality as having a semi-rural character and a quiet, verdant quality that belies its position hemmed in on all sides by suburban Seaford. The area is exclusively residential, with the majority of houses large, detached and set in generous grounds behind flint walls and dense tree belts. Inappropriate development, which is readily visible from the road, has the potential to detract from the character and appearance of the Conservation Area.

6.5 The current application is substantially improved following the previous application. The design and scale of the proposed extension is subservient and more in keeping with the character of the existing house. The lower ground floor level garage, new vehicular access and resulting loss of trees and planted embankment have all be removed from the scheme, and in fact, the applicant is proposed to close up the existing vehicular access onto Blatchington Hill and enhance the street scene by continuing the boundary

wall and planting right across the site frontage. This is considered to be acceptable and sufficient to justify the removal of T3 and T4, which will be replaced.

Neighbour amenity

6.6 The existing house is positioned well away from the boundaries of the plot, and has plenty of space around it, adding to the setting and open character of housing development in this locality. The application site is also at higher ground level than the nearest neighbouring property, 6 Blatchington Hill, due to the hill side location.

6.7 The proposed extension will come 3.3m from the flint wall marking the boundary between the two properties. The neighbouring house is on a narrower plot and but it is a similar distance from the flint wall boundary.

6.8 It is not considered that the proposed extension will give rise to overshadowing or an overbearing impact. However, the first floor level windows to the side elevation, serving the staircase and the en-suite, will need to be obscure glazed and non-opening to at least 1.7m about internal finished floor height, in order to safeguard neighbour privacy. Accordingly a condition is recommended in this regard and the design of these windows will need to be amended.

Accessibility and highway safety

6.9 Contrary to the previous planning application the current proposals do not include creation of a new vehicular access, and the existing vehicular access onto Blatchington Hill will be blocked up. In view of this the proposals do not raise concerns in respect of highway safety and visibility.

7. RECOMMENDATION

In view of the above approval is recommended.

The application is subject to the following conditions:

1. No development shall be carried out until a Construction Traffic Management Scheme has been submitted to and approved by the Local Planning Authority. This shall include details of the locations for the parking of contractors' and delivery vehicles, and the locations for the stationing of plant/machinery and materials clear of the public highway, and provision for wheel-washing facilities within the application site.

Reason: In the interests of highway safety having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works including new tree planting and the extension to the front boundary wall shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the general appearance of the development and preserve the positive characteristics of the Conservation Area, having regard to retained policies ST3, RES13 and H5 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

4. The materials and finishes of all new external walls and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and enhancing the character and appearance of the Conservation Area having regard to retained policies ST3, H5 and RES13 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors) B or E, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development and the wider Conservation Area, and neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or other openings, other than hereby permitted, shall be constructed on the south-easterly flank elevation of the extension unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: In the interests of safeguarding neighbour privacy and amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. All glazing in the south-easterly flank elevation of the development hereby approved (en-suite and staircase) shall be obscure glazed and the windows shall be non-opening unless those parts of the windows which can be opened are 1.7m or more in height above the internal floor level of the rooms the windows serve.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policies ST3, RES13 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- o Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- o Tree pit and staking/underground guying details
- o A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- o Hard surfacing materials - layout, colour, size, texture, coursing, levels
- o Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- o Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

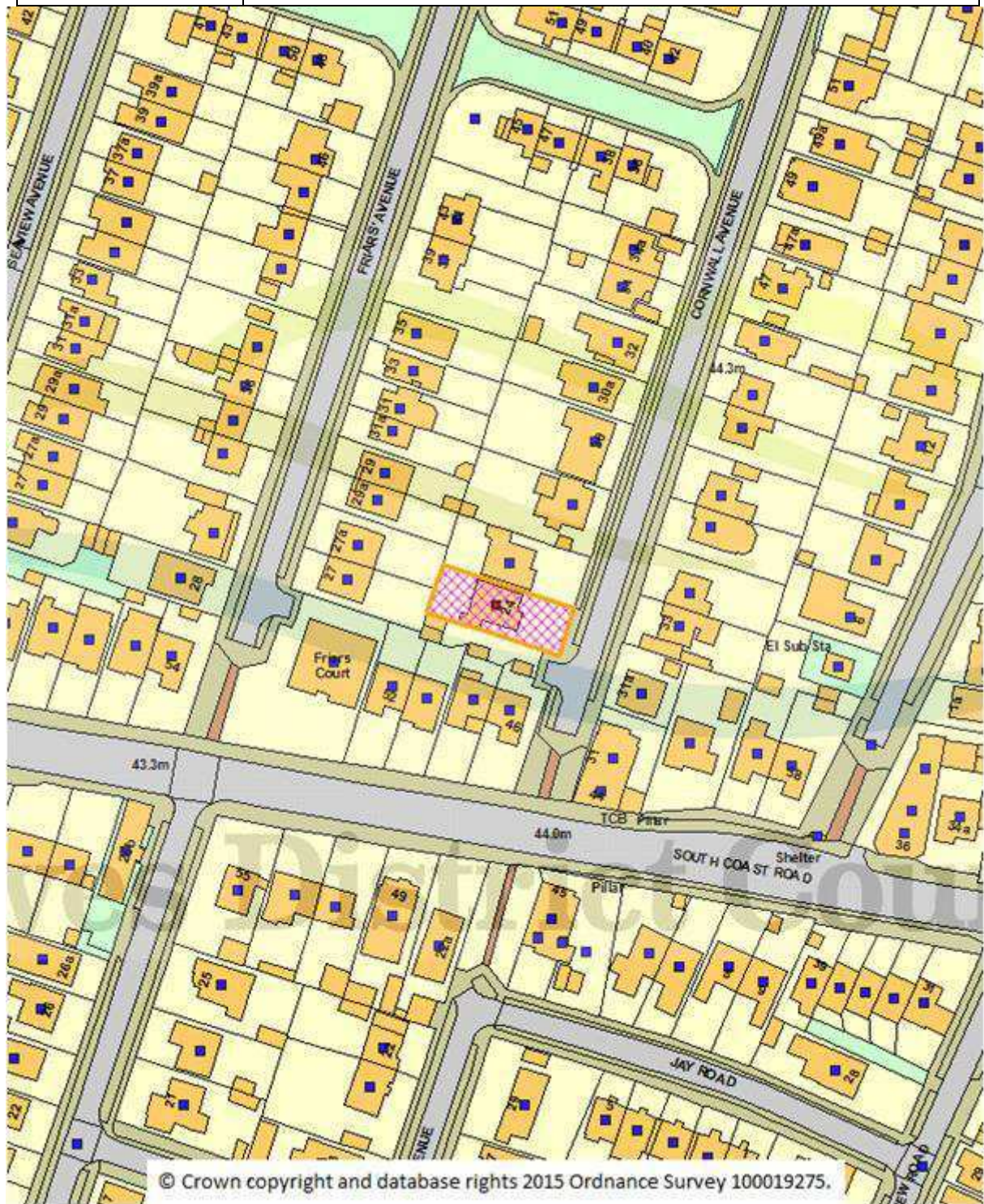
3. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Block Plan	11 August 2017	2016/VIL/01/ A

Existing Elevation(s)	11 August 2017	2016/AME/01/A
Existing Floor Plan(s)	11 August 2017	2016/AME/01 A
Location Plan	11 August 2017	2016/AME/01 A
Existing Roof Plan	11 August 2017	2016/AME/01 A
Location Plan	11 August 2017	2017/NIC/02/ E
Existing Block Plan	9 January 2018	2016/VIL/01 REV A
Proposed Block Plan	9 January 2018	2016/VIL/01 REV A
Proposed Elevation(s)	9 January 2018	2017/NIC/02/ REV E
Proposed Floor Plan(s)	9 January 2018	2017/NIC/02/ REV E
Proposed Elevation(s)	9 January 2018	2017/NIC/02/ REV E
Justification / Heritage Statement	30 August 2017	

APPLICATION NUMBER:	LW/18/0149	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mr & Mrs R Hemchandra	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Erection of front, side and rear extensions, roof extension and internal alterations (resubmission of LW/17/0811)		
SITE ADDRESS:	24 Cornwall Avenue Peacehaven East Sussex BN10 8SG		
GRID REF:	TQ 42 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a detached bungalow at the end of the Cornwall Avenue cul-de-sac, where it is adjacent to the grassed link between the end of Cornwall Avenue and the north side of South Coast Road. The bungalow has a fully hipped roof. The bungalow is bounded to the north by 26 Cornwall Avenue, to the rear by 27 and 27a Friars Avenue and to the south by 46-52 South Coast Road. The character of the locality is relatively close-knit in this location, with buildings quite densely spaced.

1.2 The proposal is to extend at the rear (single storey with a flat roof) to a depth of 4m and at the side to an increased width of 1.5m. The existing roof would be replaced with a new roof spanning the widened building, with a higher ridge height than existing (the plans indicate 0.6m higher), with gable ends at the front and back. Side dormers would be included (serving a landing on the south side and a bathroom on the north side). The staggered front of the bungalow would be brought forward (single storey) by 1.5m. A window would be provided at upper level in the front gable, and in the rear gable (which would be a high level window).

1.3 The extended property would be four-bed (two beds within the new roof space), with study, lounge and kitchen.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – RES13 – All extensions

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/17/0811 - Demolition of existing garage, erection of front and side extensions and conversion of roof including hip to gable extensions and creation of side dormers - Refused

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Peacehaven Town Council – Refusal Recommended due to:-

- Over development.
- Out of keeping with street scene and character of locality.
- Top heavy/poor design.
- Loss of privacy.
- Loss of much needed off road parking.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Objections have been received from six nearby households, on grounds that:

- The proposal would be unneighbourly and would be overdevelopment;
- The extended property would be out of keeping and look out of place in the road;
- There would be extra pressure for parking in the road;
- The dormers would overlook adjacent properties;
- The back window would cause overlooking to properties to the rear;

- The rear extension should be scaled down.

Also:

- Loss of Light.
- Out of Character.
- Over-development.
- Overbearing Building/Structure.
- Overlooking, Loss of Privacy.
- Overshadowing.
- Parking Issues.
- Traffic Generation.

6. PLANNING CONSIDERATIONS

6.1 The application property is a modest bungalow, with no upper floor accommodation. There are a variety of building styles in the vicinity, but the bungalow is one of a pair of near identical properties with neighbouring 26 Cornwall Avenue. To the rear are two bungalows (27 and 27a Friars Avenue) while to the south, across a driveway leading to garages, are a pair of bungalows, one with a dormer serving upper floor accommodation (46 and 48 South Coast Road). Across Cornwall Avenue are semi-detached bungalows with more substantial roofs than the application property.

6.2 A previous application LW/17/0811 proposed a higher ridge (by about 0.5m), greater projections at the front and a longer front to back roof with associated gable ends and ridgeline. There was no single storey rear extension and no upper floor window to the rear gable. That application was refused on 28 November 2017 on grounds that the extended property would have been overlarge, out of keeping and incongruous in the locality, and that the front extension would cause loss of light and be unduly obtrusive to occupiers of 26 Cornwall Avenue.

6.3 In response to subsequent discussions between the case officer and the agent, the agent was advised that the proposal was ambitious for this modest property. The officer suggested that amendments, which have been incorporated in the current application, "offered your client the best chance of officer support...". The amendments included restricting the new roof to the area between the existing main front and rear walls and that the side dormers should be obscure glazed and, preferably, non-opening.

6.4 A main issue is the effect on the character of the locality. The proposal would make the bungalow more conspicuous in the area. This would be principally due to the increased bulk arising from the extra height and the gabled ended roof. The bungalow is, however, at the end of the cul-de-sac rather than within a row of lower properties. 28 Cornwall Avenue, two properties up, is a more substantial gabled ended dwelling. Nearby 46 South Coast Road has a rear dormer facing the application site, and 29 and 29a Friars Avenue (offset to the rear) are two-storey. In this context it is not considered, on balance, that the proposal would not be so out of place as to justify refusal.

6.5 A further main issue is the effect on the living conditions of local occupiers. The single storey rear extension would be 4m deep but could, on its own, be built as 'permitted development' (without planning permission from the Council). The two side dormers are to a landing and bathroom, and planning conditions could require that these windows are obscure glazed and, apart from an opening fanlight, non-opening. This should prevent overlooking of nearby properties from these dormers.

6.6 An upper floor bedroom window at the back was initially included, and would have caused overlooking to 27 and 27a Friars Avenue. This has, however, been amended to a high level window (cill height no lower than 1.7m above floor level of the bedroom) which would prevent overlooking. The bedroom concerned would only have this high level window and a side roof light, and to comply with the Building Act for fire escape purposes, internal fire resistant doors would need to be fitted.

6.7 Objections to the rear have also been lodged about what is seen as the overpowering effect of the enlarged building (with extra height) on nearby properties. This objection is understood, particularly in terms of 27 and 27a Friars Avenue at the rear, as the rear gable would be only about 8.5m from the shared garden boundary. However, the application property and 27 and 27a Friars Avenue are about 22.5m apart, and this distance would tend to mitigate an overpowering effect from occupation within the Friars Avenue bungalows, when looking back towards the new gable end.

6.8 To the south the properties in South Coast Road would be about 12m from the side of the extended building, with the roof pitching away.

6.9 It is not considered that loss of light would justify refusal, given that the increase in ridge height (compared to existing) would be 0.6m. Similarly, the single storey front extensions would not, it is considered, adversely affect the living conditions of occupiers of 26 Cornwall Avenue so as to justify refusal.

6.10 On-site parking is available in the paved front garden.

6.11 Overall, this is an application which is subject to local objection from the Town Council and nearby residents. The issues raised are material planning considerations. However, on assessment, it is considered that the proposal could be accepted without compromise to the character of the local area, nearby living conditions or parking conditions.

6.12 It is recommended that, on balance, planning permission be granted.

7. RECOMMENDATION

That planning permission be

The application is subject to the following conditions:

1. The development hereby approved shall be finished in external materials to match those used in the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Both side dormer windows (to the landing and bathroom as shown on drawing no.R3099/3AB) shall be glazed in obscure glass, and shall be non-opening up to a line 1.7m high above the respective floor level of the said landing and bathroom. The windows shall thereafter be retained as such and any replacement glazing or repair shall also comply with these requirements.

Reason: To prevent overlooking of nearby occupiers, having regard to Policy ST3 of the Lewes District Local Plan.

3. The rear upper floor window (as shown on drawing R3099/3AB) shall be high level only, with its cill not below 1.7m high above the respective floor level of the bedroom. The window shall thereafter be retained as such and any replacement or repair shall comply with this requirement.

Reason: To prevent overlooking of nearby occupiers, having regard to Policy ST3 of the Lewes District Local Plan.

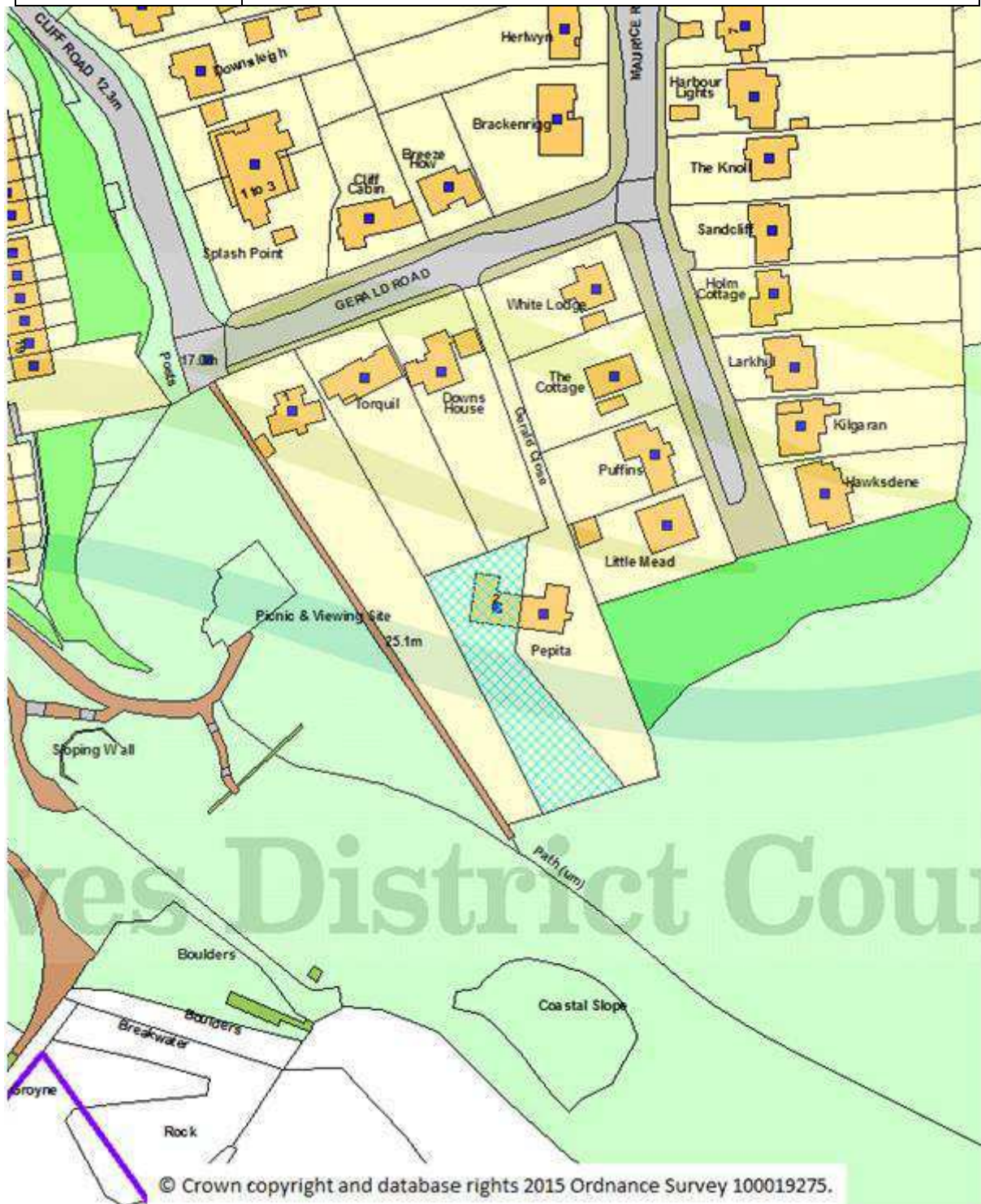
4. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	14 February 2018	1:1250
Proposed Block Plan	14 February 2018	1:500
Proposed Floor Plan(s)	14 February 2018	R3099/2A
Proposed Floor Plan(s)	26 April 2018	R3099/3AB
Proposed Elevation(s)	26 April 2018	R3099/4AB
Existing Floor Plan(s)	14 February 2018	R3099
Existing Elevation(s)	14 February 2018	R3099
Proposed Section(s)	14 February 2018	1:50

APPLICATION NUMBER:	LW/18/0169	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr J Fendick	PARISH / WARD:	Seaford / Seaford South
PROPOSAL:	Planning Application for Variations and design changes to approved LW/10/1584		
SITE ADDRESS:	2 Gerald Close Gerald Road Seaford East Sussex BN25 1BE		
GRID REF:	TQ 48 82		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a split-level-(two-storey at the front, single storey at the back) semi-detached dwelling located in a backland position, accessed by a driveway about 500m long which runs off Gerald Road between Downs House (on Gerald Road) and the back of White Lodge (on Maurice Road).

1.2 The property is located on generally sloping land. At the front, 1-3 Gerald Road are at a lower level and have relatively long back gardens (about 40m) which run up to the application property. The back garden of 1 Gerald Road continues on past the side of the application dwelling (by about a further 50m). Beyond the 'other half' of this semi-detached dwelling are the backs of houses fronting onto Maurice Road. The application property itself has a back garden about 20m, beyond which is rising, open downland forming the SDNP, leading up to Seaford Head. A public footpath runs next to the side garden of 1 Gerald Road, giving access from/to Gerald Road and Seaford Head.

1.3 Planning permission was granted in 2010 (LW/10/1584) for upper floor accommodation in the roof space, and work was commenced in 2013, within the prescribed three year period from the date of that consent. Works then stalled before being re-commenced, it is understood, in the autumn of 2017.

1.4 The works which have emerged, however, are for a design which materially differs from that which was granted permission under LW/10/1584. The proposal now needs to be considered on its own merits. The fact that construction has been undertaken at variance to the 2010 permission is not material to the application. Work has ceased pending the outcome of this planning application.

1.5 The proposal involves the formation of rooms at the upper level of the house, but not exceeding the height of the dwelling.

1.6 At the front an original gable would be retained (albeit with a new window within the gable end). The side roofs of the gable (facing the side garden of 1 Gerald Road) would be retained, with the side facing the rear garden of 1 Gerald Road having a roof light and a sedum finish.

1.7 Behind the front gable would be the bulk of the works. These would constitute flat-roof box-like structures on the rear and rear/side parts of the roof. These would feature full height glazed areas, and a side door leading to an open terrace facing the rear garden of 1 Gerald Road. The walls of the new rooms would be vertical and horizontal chestnut cladding.

1.8 The new rooms would a master bedroom with en-suite, sun lounge and home office.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – RES13 – All extensions

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/10/1584 - Erection of ground floor single storey side and rear extension, extension of existing hipped roof over including new front and side gables, new rear dormer window and rooflights, solar thermal and photovoltaic panels, garden alterations including new front entrance steps and boundary retaining wall & double glazed windows and doors to existing openings - **Approved**

LW/12/0918 - Creation of basement below existing property with new garage doors and window - **Approved**

LW/12/0965 - Amendment to LW/10/1584 for omission of one west facing window to dining areas and replacement with one roof light over the same dining area, with subsequent revisions to photovoltaic panel arrangement – **Not Proceeded With**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Seaford Town Council – Objection. It was considered that the variation to the approved plans was unattractive and had a significant adverse impact on the neighbouring property through overlooking and on general residential and visual amenity in this sensitive location adjacent to well-used footpaths, Seaford Head and the National Park. The design of the addition was also completely out of character with the other houses in the locality which had a distinct visual quality typical of seaside locations.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 The occupiers of 1 and 2 Gerald Road (which lie to the north and which have back gardens which abut the application site) object, on grounds of overlooking and loss of privacy, that the works as built are materially different to what was approved, constitute overdevelopment, are out of character with the style of buildings in this location, have a detrimental effect on the adjacent SDNP where the protection of the landscape is a priority, and that the terrace/balcony would cause noise and disturbance and overlooking.

5.2 11 other representations of objection have been received, largely from occupiers further afield (including, for example, from Firle, East Chiltington and Arlington), on grounds of the detrimental effect on the "AONB" and its special qualities, from being an 'eyesore' or 'blot on the landscape'.

5.3 The occupier of the other half of the semi-detached application property has made a representation in support of the application.

6. PLANNING CONSIDERATIONS

6.1 The appearance of the works as undertaken, and the design of the works as proposed to be finished, is quite striking depending on from where the works are viewed in the locality.

6.2 From the front (north elevation) the works largely resemble those which were approved in 2010, with the retention of the front gable. The approved proposal actually had a 'hip to gable' extension, which is not part of the current proposal. This is the view of the house which is largely seen the town, where glimpsed at longer distances between buildings.

6.3 From the side and rear (west and south elevations), the works are clearly evident. These are views from, for example, 1 Gerald Road and its rear garden, the public footpath to the side of that garden, and from the rising open downland to the rear of the site.

6.4 From 1 Gerald Road itself the works can be clearly seen, particularly from bedroom windows in the rear of that house. The works are seen, however, at a distance of 50m and are not in the forefront of views. While prominent (looking quite isolated in this backland position) the works are not considered to dominate the view or outlook from those windows.

6.5 From closer points up the garden of 1 Gerald Road, the works become nearer in views until, at a point about 40m from the house, one is alongside them. Here the works are clearly obvious. They are, however, set down at a level approximately with the adjacent garden and thus appear above the hedge line between the properties, rather than in a more elevated position.

6.6 The approved scheme constituted a more traditional 'hip to gable' extension, with rear dormer and side balcony (set into the overhang of the gabled roof). It is now proposed that the extensions would have a contemporary character, with extensive glazing, the sedum areas of roof, and a timber cladding finish. The terrace would be similarly located at the side of the dwelling, adjacent to the sloping roof of the front gable. Views over the garden of 1 Gerald Road would be unchanged from the approved proposal which, as indicated above, also included a terrace.

6.7 A small flue has been added to the extensions, but this flue is of a domestic nature and is approximately 50m from 1 Gerald Road.

6.8 From the downland to the rear the works would be seen down the sloping land. While looking different to the more traditional architectural styles in the locality, it is considered that the modern style architecture which is proposed would not detract from the enjoyment of the National Park area by recreational users or the setting of the National Park. The site is not within the National Park itself.

6.9 The 'Representations' section of this report is self-explanatory, recording that the occupiers of 1 and 2 Gerald Road object, but the occupier of the other half of the semi-detached dwelling supports the proposal.

6.10 Overall, the architectural style is not traditional and the contemporary design of the extensions would be a noticeable feature in the landscape from some viewpoints, including from the houses in Gerald Road which back onto the site. However, the design in relation to its context is largely a matter of judgement. In this location the site is in a backland position rather than being, say, within a uniform row of properties where the design may be considered to 'jar' with a prevailing style.

6.1 It is considered that the design can be accepted and is recommended for approval.

7. RECOMMENDATION

That planning permission be granted.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	21 February 2018	1:2500
Existing Block Plan	21 February 2018	1:500
Existing Elevation(s)	21 February 2018	A3 ELEVATIONS E
Proposed Elevation(s)	21 February 2018	A3 ELEVATIONS E
Existing Elevation(s)	21 February 2018	A3 ELEVATIONS S
Proposed Elevation(s)	21 February 2018	A3 ELEVATIONS S
Existing Elevation(s)	21 February 2018	A3 ELEVATIONS N
Proposed Elevation(s)	21 February 2018	A3 ELEVATIONS N
Existing Elevation(s)	21 February 2018	A3 ELEVATIONS W
Proposed Elevation(s)	21 February 2018	A3 ELEVATIONS W
Proposed Block Plan	21 February 2018	APP LW 10_1584
Existing Floor Plan(s)	21 February 2018	APP GAS
Existing Roof Plan	21 February 2018	APP ROOF PLANS
Additional Documents	21 February 2018	CALC U VALUES
Additional Documents	21 February 2018	EBB CERT STATISTICS
Photographs	21 February 2018	1MG_1081
Planning Statement/Brief	21 February 2018	PLANNING REPORT
Proposed Roof Plan	21 February 2018	PROP ROOF PLANS
Other Plan(s)	21 February 2018	REVA SK

Report to **Planning Applications Committee**
Date **16 May 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/00890/HOUS**
Applicant **Mr I Stratton**
Application **Conversion of existing garage to habitable use including alterations to raise the roof**
Address **61 North Way
Lewes
BN7 1DJ**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

1 Site Description

1.1 The application property is a semi-detached dwelling located on the west side of North Way.

2 Proposal

2.1 The proposal is for the conversion of the existing garage to habitable use including alterations to raise the roof.

2.2 The application is being presented to the Committee as the applicant's partner is a member of staff.

3 Relevant Planning History

N/A.

4 Consultations

Parish Council Consultee
No comment.

5 Representations

None received.

6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)
- South Downs National Park Local Plan - Pre-Submission September 2017

Other plans considered:

- Lewes Neighbourhood Plan

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

NPPF - Requiring good design.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** are relevant to this application:

- CP11 - Built and Historic Environment and Design

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development
- RS13 - All Extensions

The following policies of the **South Downs National Park Local Plan - Pre-Submission September 2017** are relevant to this application:

- Strategic Policy SD5 - Design

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

8 Planning Assessment

8.1 The application property is a semi-detached dwelling located on the west side of North Way. The proposal is for the conversion of the existing garage to habitable use including alterations to raise the roof.

8.2 It is proposed to convert the existing attached garage on the south side elevation and raise the roof in order to create habitable rooms. The footprint of the garage will remain unchanged. The roof will be flat with a false dual pitch roof at the front. The site is sloping and the maximum height of the roof is 4.1m, whilst the eaves height is 3.5m. The garage is directly adjacent to the boundary of the property. However, this boundary is an access road to a property at the rear and therefore it is not considered that the proposal will negatively impact on the amenity of any neighbouring properties. The materials used will match those of the existing dwelling. There would be no detrimental impact on the street scene.

8.3 No objections have been received from the neighbouring properties.

8.4 It is considered the proposal will not have a detrimental impact on the character or appearance of the property or conservation area, and will not detrimentally impact on the residential amenities of local residents, in accordance with Policies ST3 (Design, Form and Setting of Development) and RES 13 (Extensions) of the Lewes District Local Plan and SD5 (Design) of the South Downs Local Plan (Pre-submission).

8.5 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part 1 of our Local Plan and sets out the over-arching strategies that all other planning documents will need to be in conformity with. This proposal is considered to accord with Core Policy 11 Built and Historic Environment and Design.

8.6 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

9.1 It is recommended planning permission be granted.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Matthew Kitchener (Lewes DC)
Tel: 01273 471600
email: matthew.kitchener@lewes-eastbourne.gov.uk

Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - LOCATION & BLOCK PLANS	180101/PA/001		15.02.2018	Approved
Plans - EXISTING FLOOR PLANS	180101/PA/010		15.02.2018	Approved
Plans - EXISTING ELEVATIONS	180101/PA/015		15.02.2018	Approved
Plans - PROPOSED FLOOR PLANS	180101/PA/020		15.02.2018	Approved
Plans -	180101/PA/025		15.02.2018	Approved
Application Documents - SITE PHOTOS	SITE PHOTOS		15.02.2018	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Agenda Item No: 10

Report Title: Outcome of Appeal Decisions from 13 March to 30 April 2018

Report To: Planning Applications Committee **Date:** 16 May 2018

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer(s):

Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>Land at Wootton Farm, Novington Lane, East Chiltington, East Sussex</p> <p>Description:</p> <p><i>Use of land for weddings and camping. Mixed use of main dwelling. Livery yard not for full livery only and mobile home on land for livery manager expires in September.</i></p>	<p>Application No: SDNP/16/00462/COU</p> <p>Enforcement Notice</p> <p>Written Reps</p> <p>Appeal is dismissed</p> <p>Decision: 30 April 2018</p>
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Robert Cottrill
Chief Executive of Lewes District Council and Eastbourne Borough Council

Appeal Decision

Site visit made on 12 April 2018

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 30 April 2018

Appeal Ref : APP/Y9507/C/17/3179665

Land at Wootton Farm, Novington Lane, East Chiltington, East Sussex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Sharon Vaisey against an enforcement notice issued by Lewes District Council on behalf of the South Downs National Park Authority.
- The notice was issued on 9 June 2017.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from agricultural use to residential by the siting of a mobile home for use as a residential dwelling, in the approximate position marked with green hatching on the plan attached to the notice.
- The requirements of the notice are (i) cease the use of the land for the siting of a mobile home as a residential dwelling and (ii) remove the mobile home from the land, along with any materials and debris resulting from its removal.
- The period for compliance with the requirements is 3 months for step (i) and 4 months for step (ii).
- The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is dismissed

Preliminary matter

1. An initial ground (a) appeal was withdrawn by the Appellant during the course of the appeal. Accordingly, I shall therefore determine this appeal on ground (g) only.

Ground (g) appeal

2. This ground of appeal is that the period for compliance is too short. The notice includes a compliance period of 3 months for the cessation of the use of the land for siting of a mobile home as a residential dwelling and 4 months to remove the mobile home from the land.
3. The site is a large former farm located within the South Downs National Park. The mobile home the subject of this appeal is situated in a relatively open location that is visible in wider views of the countryside.
4. A series of successive temporary planning permissions have been granted for occupation of the mobile home on an annual basis. The most recent expired on 30 September 2016. In December 2016 in the absence of meaningful progress in finding alternative living accommodation for the

occupier and without special justification for the identified harm to the National Park planning permission was refused.

5. The occupier of the mobile home is the livery manager who has been in occupation since 2012. The Appellant says that she will move into alternative accommodation following the implementation of planning permission (SDNP/17/03957/FUL) which grants consent for the creation of a 1 bedroom dwelling unit. She says that the new accommodation is scheduled to be complete and ready for occupation by no later than 30 April 2018. She seeks variation of the time period for completion of step (i) (cessation of the use of the land for the siting of a mobile home as a residential dwellings) to 30 April 2018 and step (ii) (removal of the mobile home from the land) to 31 May 2018.
6. The Council in its submissions considers the Appellant's request for variation of the period of compliance acceptable subject to the works on the new dwelling being completed as approved by the permission.
7. The requirements of the notice affect the home of an individual and the livery business on the site. Interference with the way the Appellant uses her land must be proportionate taking into account the conflicting considerations of private and public interest.
8. I consider that compliance periods set out in the notice are reasonable and balance business and individual needs with the identified harm to the National Park. They strike the appropriate balance between the conflicting public and private interests and are proportionate so as not to violate the individuals' rights. They take account of the plans for the occupier to move into alternative accommodation.
9. The three and four month compliance periods in the notice do not commence until the notice takes effect. An enforcement notice is of no effect pending the final determination (or withdrawal) of an appeal. Final determination is the date of this decision letter (if there is no further appeal to the High Court). The timing of the appeal means that the Appellant's desired compliance dates (of 30 April 2018 and 31 May 2018) fall within the 3 and 4 months periods set out in the notice.
10. I have considered varying the compliance period to link it to future completion of the new accommodation rather than a specified time period but I consider that would introduce an unnecessary uncertainty.
11. In any event the Council has the power to extend the compliance period whether or not the notice has taken effect by virtue of section 173A of the 1990 Act (as amended) should any relevant changes in circumstances mean that it is reasonable to do so.
12. For the reasons given above, I conclude that the appeal should be dismissed.

Formal Decision

13.The appeal is dismissed.

S.Prail

Inspector