

Report to	<b>Planning Applications Committee</b>
Date	<b>7 August 2019</b>
Title of Report	<b>Summary of appeal decisions received from 1/4/19 to 30/6/19</b>
Purpose of Report	<b>To update the Planning Applications Committee Members on appeal decisions received</b>

**Recommendation: To note the outcome of appeal decisions.**

## **I. Overview**

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers those appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority. These decisions will be reported by the SDNP.
- I.2 In summary, in the last 3 months there were:
- 7 appeal decisions, 6 of which were dismissed (85%) and 1 allowed (15%).
  - No award of costs.
  - No Judicial Reviews.
- I.3 The Authority's appeal performance in the financial year to date is 85% of appeals being dismissed.
- I.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

# Key to Appeals Reporting

**Appeal method** All are through written representations unless otherwise specified **Allowed** A  
**Dismissed** D

<b>Planning Appeals</b>			
<b>Planning Application No</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
LW/17/0779  APP/P1425/W/18/3197657	14 The Glade, Newick BN8 4QR	New detached dwelling with new vehicular access to Newick Hill.	<b>A</b>  17 April 2019 committee decision contrary to recommendation
<b>Inspector's Reasoning</b>			
<ul style="list-style-type: none"> <li>• The unusually large size of the existing garden would allow the verdant and open character to be preserved.</li> <li>• The proposed dwelling is of a size and scale that reflects those in the immediate vicinity creating a sympathetic and well-designed addition to the built form of Newick, complementing the prevailing character and appearance.</li> <li>• NNP Policy H01.6 does not specifically state that such development will always be prevented, so whilst acknowledging conflict with the thrust of policy which seeks to avoid developments in existing gardens, there would be no harm to the prevailing pattern of development or to the character and appearance of the area.</li> <li>• The plan also sought to prevent the creation of dwellings with more than 4 bedrooms – there is no policy in the plan which specifically seeks to restrict such development, and it has not been demonstrated that harm would arise from such development on this site.</li> <li>• Also found that the access was acceptable and that there would be no harm to the integrity of the European Site (Ashdown Forest).</li> </ul>			

Planning Application No	Site	Description of Development	Decision
LW/18/0653 APP/P1425/W/18/32215206	The Fielding 18 Firle Road Seaford Bn25 2HY	Construction of a new bungalow at the rear of property and form new vehicular access.	<b>D</b>  30 May 2019 Delegated decision
<b>Inspector's Reasoning</b>			
<ul style="list-style-type: none"> <li>• The dwelling was considered to be modest in size and form, constructed from traditional materials. It would relate appropriately to the existing dwelling and would not result in the loss of shrubs or trees. As a consequence the proposed dwelling would be readily assimilated into the surroundings.</li> <li>• Notwithstanding this the new access and removal of front boundary wall would materially detract from the character and appearance of the street scene, failing to preserve the character and appearance of the conservation area and detract from its significance.</li> <li>• It is not considered that the proposal would not have a material harmful impact on the living conditions of local residents.</li> </ul>			
Planning Application No	Site	Description of Development	Decision
LW/18/0195 APP/P1425/W/18/3218686	The Flat Berrymead Spatham Lane Westmeston BN6 8XL	Replacement dwelling through demolition of the unit and erection of a new detached dwelling	<b>D</b>  31 May 2019 Delegated decision
<b>Inspector's Reasoning</b>			
<ul style="list-style-type: none"> <li>• Whilst the floorspace volume and mass would be similar to the existing buildings, it is located in a field and not within the grounds of the main dwelling and therefore would be visually very different to the existing situation. Therefore it would not be in a similar location to the dwelling it replaces and contrary to adopted policy RES6 and CT1 and not supported by any other locational policies in the development plan or framework, being a new dwelling on a greenfield site and within an area of undeveloped countryside</li> <li>• It has not been demonstrated that it is necessary to relocate the existing dwelling within the paddock and as such would conflict with Policy CT1.</li> <li>• The new dwelling would also be located in close proximity to several large Oak trees resulting in a cramped layout and detracting from the open setting.</li> <li>• The development is considered to conflict with policies ST3, RES6, RES8 and CPI I – in reaching this conclusion it is also contrary to DM25 of the Draft DMP</li> </ul>			

Planning Application No	Site	Description of Development	Decision
LW/18/0319 APP/P1425/W/18/3213605	161 Ambleside Avenue, Telscombe Cliffs BN10 7LH	Change of use of land to residential and erect 6 feet high fence	<b>D</b> 31 May 2019 Delegated decision
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>• Site is characterised by modern detached and semi-detached dwellings in an established residential area. A prominent position adjacent to a road junction with wide verges giving spacious and open quality.</li> <li>• Due to its location at the back edge of the pavement the fence would appear visually stark and utilitarian, it would also detract from the spacious green appearance of the junction and street scene in general, appearing incongruous and out of context.</li> <li>• As a consequence it would undermine and materially harm the open green character of the immediate and wider area.</li> </ul>			
Planning Application No	Site	Description of Development	Decision
LW/18/0402 APP/P1425/W/8/3220596	41 Firle Road Peacehaven BN10 8DB	Single storey rear and two storey side extension to form 2 bed dwelling	<b>D</b> 3 June 2019 Delegated decision
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>• The site lies in an established and accessible residential area with a diverse mix of housing types and designs. The existing dwelling is a modern end of terrace two storey dwelling.</li> <li>• From the front and rear the proposed dwelling would be seen as a continuation of the existing terrace, respecting the character and appearance of the host dwelling and the street scene.</li> <li>• Due to its proximity to the side boundary the development, the combined length and height of the development and the resultant plain flank wall would be visually stark and oppressive within the street scene, with no openings or detailing to add relief, seriously harming the character and appearance of the host terrace and street scene, and as such would result in unacceptable harm to the character and appearance of the area contrary to policies ST3 and CPI I of the LDLP.</li> <li>• It was not considered that the proposal would impact on amenity of neighbours.</li> </ul>			

Planning Application No	Site	Description of Development	Decision
LW/18/0371  APP/P1425/W/18/3218427	South of Shoulders, North Common Road, Wivelsfield RH17 7RJ	2 no. two storey detached houses on existing tennis court	<b>D</b>  10 June 2019 Delegated decision
<b>Inspector's Reasoning</b>			
<ul style="list-style-type: none"> <li>• The main issue is the suitability of the site for housing with particular regard to the effect on the character and appearance of the area and pattern of development.</li> <li>• The site is mainly open land with a tennis court and tree house. Separated from the main dwelling the site has a separate secondary character and appearance compared to the garden more closely associated with the main dwelling, and is more closely associated with the character and openness open rural character of the countryside in which the site sits.</li> <li>• The introduction of two new dwellings with associated car parking and residential paraphernalia would result in an urban developed character to this site. This would be contrary to policies CT1 and SP2 of the LDLP and Policy 1 of the WNP.</li> <li>• No issue on general design form or setting. 5 year HLS was considered but the development was not considered to the sustainable development in terms of the revised Framework.</li> </ul>			
Appeal Reference	Site	Description	Decision
LW/18/0622  APP/P1425/W/18/3216468	24 Blakeney Avenue, Peacehaven BN10 8UY	Change of use to residential dwelling	<b>D</b>  13 June 2019 Delegated decision
<b>Inspector's Reasoning</b>			
<ul style="list-style-type: none"> <li>• The proposal is the change of use of a rural building to a dwelling. The building is already in use as a dwelling with a CLU application having been refused. It is unclear whether the building itself is actually lawful.</li> <li>• The site is located in an area of open countryside south of the A259.the area remains largely undeveloped and therefore contributes to the open and semi-rural open gap adjacent to the coast and between the settlement of Newhaven and Peacehaven. The site consists of paddock, stables, storage building and a mobile home.</li> <li>• It is considered that the development would have a suburbanising effect on the appeal site and the immediate area exacerbated by the existing mobile home.</li> </ul>			

- It is concluded that the proposal would unacceptably harm the open and semi-rural character and appearance of this area of countryside, conflicting with CT1 and CPI0 of the LDLP, as well as conflicting with the Framework. The proposal would conflict with the Council's settlement strategy and harm the character and appearance of the countryside and the environmental objective of sustainable development.
- These conflicts are not outweighed by other material considerations including provisions of the Framework and paragraphs 11, 73, and 74.