

Appeal Decision

Site visit made on 28 February 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 13 March 2017

Appeal Ref: APP/P1425/W/16/3163961

16 Rustic Road, Peacehaven, East Sussex BN10 7SS

- 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 Jon Dudley against the decision of Lewes District Council.
 - The application Ref LW/16/0160, dated 3 March 2016, was refused by notice dated 28 June 2016.
 - The development proposed is the demolition of existing double garage and erection of no.1 two storey, three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of existing occupiers; and
 - (c) Parking provision for existing occupiers.

Reasons

Character and appearance of the area

3. The area is predominantly residential in character comprising a mix of bungalows and detached two-storey dwellings. I observed that the existing plot size is generally wider than those of properties to the north, south and west of the appeal site, although I note the properties to the east have longer rear gardens. I acknowledge the appellant has made an assessment of the sizes of the plots in the vicinity of the appeal site. The land level increases in height west to east. Whilst development would normally also rise incrementally in height following the inclining topography of the land, this has not happened here. The existing bungalow and garage are lower in height than the two-storey dwellings either side.
 4. The subdivision of the site and resulting plot width for the proposal would be narrower than those generally in the area. In addition, the width of the proposed dwelling is also narrower than the properties within the vicinity of the appeal site. I observed that whilst the two-storey dwellings in the area are positioned close to the side boundaries, their juxtaposition with one another
-

- maintains a sense of space between them. The dwellings to the east have greater separation between dwellings.
5. The footprint of the proposed dwelling would be positioned close to the side boundaries of the site and would be in close proximity to the adjoining bungalow. I note that there would be space between the existing bungalow and the proposed development to provide side access. However, the proposed dwelling would be constrained within the restricted width of the appeal site and would appear cramped when viewed in the context of the surrounding existing development.
 6. The height of the proposed dwelling would be around 1m taller than the two-storey property of No 18 Rustic Road and 3m taller than the bungalow of No 16 Rustic Road, and 4.5m higher than the existing garage. The proposed dwelling would appear tall between these adjoining dwellings. Furthermore, the proposed narrow two-storey frontage elevation with mono-pitch roof would project forward of No 18. This projection and overall height would appear particularly conspicuous adjacent to the existing bungalow and would be uncharacteristically visually dominant between these adjoining dwellings. The height of the proposed dwelling and the close proximity of the adjoining dwellings would amplify the constrained appearance of the proposal within the street scene.
 7. I acknowledge the existing bungalow and garage are lower in height than the mainly two-storey dwellings in the vicinity of the appeal site and that development in this location would normally rise incrementally following the inclining gradient of the land. The new house would be of contemporary design incorporating an asymmetric roof form, glazed balconies to the front, slate and cedar cladding elevations. I do not find, taken on its own merit, this design approach to be unacceptable. However, the proposed dwelling would appear cramped within the appeal site and its layout, form and height would be out of keeping and visually intrusive in this part of the street scene.
 8. For the above reasons the proposed development would be harmful to the character and appearance of the area, and would be contrary to Policies CP2 and CP11 of the Lewes District Joint Core Strategy and saved Policy ST3 of the Lewes District Local Plan, which seek development to respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area, amongst other matters. The proposal would also conflict with the aims of paragraphs 17, 56 and 58 of the National Planning Policy Framework (the Framework) that aims to provide high quality homes.

Living conditions of existing occupiers

9. The subdivision of the plot would remove the outdoor amenity space behind the existing garage to the side of the existing dwelling and would result in a smaller plot for the existing dwelling. The existing bungalow is of modest size and the existing side garden remains important for use by the occupants of this bungalow as an outdoor amenity space. Such space would normally be used by occupants for sitting out, drying clothes, storing bicycles and outbuildings, general outdoor recreation, and so on. Although the appellant considers sufficient amenity space would be provided for both the existing and proposed dwellings, I do not consider that the resulting plot size would provide adequate

space to accommodate such activities for the existing dwelling. This would be detrimental to the living conditions of the occupiers of this existing dwelling.

10. The proposed siting of the eastern elevation of the proposed dwelling would be in a similar position to that of the existing garage but it would, as noted above, project further forward and be two-storey. The eaves are high but there would be separation between the existing bungalow and proposed dwelling. The proposed development would be more noticeable to the existing occupiers of No 16. However, I do not consider the proposal to be substantially more oppressive in outlook to that of the garage. Furthermore, due to the positioning of the proposed dwelling, it would not be dominant in outlook when viewed from the rear garden area of No 16.
11. Notwithstanding this, for the previously given reasons the proposed development with insufficient rear outdoor amenity space would be harmful to the living conditions of existing occupiers, and would be contrary to saved Policy ST3 of the Lewes District Local Plan, which seeks to respect the amenities of adjoining properties, amongst other matters. The proposal would also conflict with the aims of paragraphs 17 and 57 of the Framework that seek to provide high quality homes and to secure a good standard of amenity for all future occupants of land and buildings.

Parking provision for existing occupiers

12. The proposal illustrates four parking spaces along the frontage of the appeal site. The Council is concerned that the proposal does not show any of these parking spaces to be linked with the existing dwelling. I consider that this matter could be adequately dealt with by an appropriately worded condition that would ensure that off-road parking would be provided for both the existing and proposed dwellings.
13. Overall, I conclude that the parking provision for existing occupiers could be secured, and, for the reasons given, the proposed development would not materially conflict with saved Policy ST3 of the Lewes District Local Plan.

Other Matters

14. The Framework and Policy CP2 of the Lewes District Joint Core Strategy set out the presumption in favour of sustainable development. The proposal would optimise previously developed land maximising its potential and would be a preferable option to using a greenfield site. It would also provide an additional three-bedroom dwelling contributing to the Council's Core Strategy housing target. Although the appellant suggested the housing target has consistently not been met and the proposal would go some way to meeting the increased demand for residential dwellings this would, in my opinion, be very modest. In any event, these benefits would not overcome the harm that I have identified.

Conclusions

15. Having regard to the above findings and the other concerns relating to the proposed development raised by nearby residents, the appeal should be dismissed.

Nicola Davies

INSPECTOR