
Appeal Decision

Site visit made on 15 May 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 30 May 2017

Appeal Ref: APP/P1425/W/17/3166916

Land rear of 45 Chyngton Way, Seaford, East Sussex BN25 4JD

- 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 Ms C Elliott against the decision of Lewes District Council.
 - The application Ref LW/16/0723, dated 22 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is the erection of a single detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 2 and 3 Newick Close in relation to noise and disturbance.

Reasons

Character and appearance

3. The proposal is for a detached chalet bungalow in the large rear garden of No 45, a two storey detached house on the northern side of Chyngton Way. The property would be accessed from Newick Close, a short cul-de-sac lined with bungalows, between Nos 2 and 3 which are situated at right angles to each other in the south west corner of the Close.
4. The bungalow would have a similar width and depth as the other bungalows in the Close and would appear similar in design with a low eaves line and simple pitched roof. The front facing roof slope would have a number of rooflights, but these would be relatively unobtrusive. The property would also be in line with Nos 1 and 2 on the southern side of the Close, and the separation distance from the nearest bungalow would be similar to others in the immediate area.
5. However, the new bungalow would not front onto Newick Close directly like the others, but instead would be set back from the corner, facing the side elevation of No 3. In contrast to the others, when seen from the Close it would not sit comfortably within the existing group of bungalows, but appear awkwardly as an extra bungalow inserted as an afterthought between Nos 2 and 3. The

existing bungalows are neatly positioned directly fronting the three sides of the Close. The proposal however would be at odds with this existing layout, thus appearing cramped within the street scene and an incongruous form of development in the context of the Close.

6. For these reasons the proposal would cause significant harm to the character and appearance of the area and would conflict with Core Policy 11 of the Lewes District Joint Core Strategy 2016 (LDJCS) and Policies ST3 and ST4 of the Lewes District Local Plan 2003 (LDLP). These seek to ensure development is designed to a high standard, respects the rhythm and layout of neighbouring buildings, and does not erode the essential elements of the character and appearance of the area.
7. The appellant draws attention to the recently permitted bungalow to the rear of No 29 Chyngton Road. However, that bungalow is discreetly located within an irregular group of properties at the end of a long private drive and sits directly alongside its only neighbour, No 5 Chyngton Place. The circumstances are not directly comparable and therefore the case does not represent a precedent in support of the current appeal.

Living conditions

8. A licence for a new vehicle crossing over the footway to serve a parking space in front of No 3 has recently been granted, which demonstrates that access can be achieved from the corner of the Close. The proposal would use the same crossover to access vehicle parking spaces to the side of the new bungalow (alongside No 2) and a parking/turning space to the side of No 3.
9. This would involve car movements making a sharp 90° turn awkwardly across the frontage of No 3 just a few metres away from the front facing windows of that property. In order for cars to leave in forward gear, the proposal would also require vehicles to reverse 90° around the front corner of the bungalow in order to turn adjacent to the side of No 3, then passing again close to the front facing windows of No 3. If the turning space is not used, vehicles would need to reverse a longer distance across the front of No 3 into the end of the cul-de-sac, entering it at an awkward angle.
10. Although the number of vehicle movements would be relatively low, with no opportunity for any screening their close proximity to important living room windows of No 3 would cause an undue level of noise and disturbance to the occupiers of that property, including from headlights at night. The movements would be further from the nearest front facing window of No 2 having a lesser but still noticeable impact on the occupiers of that property.
11. As the appellant points out, driveways serving the bungalows in the area are in many cases adjacent to the flank walls of the neighbouring bungalow, leading to vehicles coming and going in close proximity to main front facing windows. However, these movements are directly to and from the road, and do not cross the front gardens in front of the windows. The appeal proposal differs in this respect with movements across the front of No 3, both nearer to the windows and turning, not just parking, immediately adjacent to the side elevation.
12. For these reasons the proposal would cause significant harm to the living conditions of the occupiers of No 3 and to a lesser extent No 2 Newick Close in relation to noise and disturbance contrary to Policies ST3 and ST4 of the LDLP.

These seek to ensure development respects the amenities of adjoining properties in terms of noise and new dwellings include safe and convenient access without causing noise and disturbance to occupiers of other dwellings.

Conclusion

13. The proposal would provide an additional windfall dwelling in a sustainable location which would make a small but useful contribution to housing land supply. It would also have measurable economic and social benefits for the area and be built to high environmental standards. However, these benefits, even in combination, are outweighed by the objections to the proposal that have been identified under the two main issues.
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR