

## Appeal Decision

Site visit made on 19 April 2017

by **AJ Steen BA (Hons) DipTP MRTPI**

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

Decision date: 3 May 2017

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**Appeal Ref: APP/P1425/W/16/3166243**

**Rear of 28 Crowborough Road, Saltdean BN2 8EA**

- 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 D Burnett against the decision of Lewes District Council.
  - The application Ref LW/16/0698, dated 11 August 2016, was refused by notice dated 4 November 2016.
  - The development proposed is 2 bed detached chalet bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed chalet bungalow on the character and appearance of the surrounding area; and
  - the effect of the proposed chalet bungalow on the living conditions of neighbouring occupiers of 26 and 28 Crowborough Road with particular regard to outlook and outdoor amenity space.

### Reasons

#### *Character and appearance*

3. 28 Crowborough Road is located on the junction with Brambletyne Avenue. Surrounding development comprises a mix of detached and semi-detached bungalows, chalet bungalows and two storey houses, with limited gaps between dwellings. This results in a varied character to the area. Development is on the side of a hill, with properties stepping down the hill such that the garden of the attached 26 Crowborough Road is at a significantly lower level than that of no. 28. No. 28 has an open rear garden and single storey garage to the rear, which reflects the layout of the property over Brambletyne Avenue, with a two storey property beyond.
  4. It is proposed to construct a chalet bungalow of a modern design that would take up most of the depth of the existing rear garden of this corner plot and would be set forward of the building line of dwellings fronting Brambletyne Avenue behind, in line with the side of 28 Crowborough Road. Although set lower than the level of the road on the slope of the hill, the proposed dwelling would substantially fill the gap between the rear of the existing bungalow and dwelling to the rear and would be set forward of the consistent building line.
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This would result in the proposed dwelling appearing cramped, prominent and incongruous within the street scene.

5. For these reasons, I conclude that the proposed chalet bungalow would harm the character and appearance of the area. As such, it would be contrary to Policy ST3 of the Lewes District Local Plan (LP), Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy (CS) and the National Planning Policy Framework (the Framework) that seek design of a high standard that respects the scale, site coverage, character and layout of the surrounding area.

#### *Living conditions*

6. The proposed chalet bungalow would be located in close proximity to the boundaries of neighbouring properties at 26 and 28 Crowborough Road. Given the slope of the land down to no. 26, this would result in the proposed dwelling dominating that neighbouring rear garden and the conservatory on the boundary. The flat gable end of the roof would be located in close proximity to the rear windows and patio door of the existing dwelling at no. 28, dominating the remaining rear garden area. As such, the proposed dwelling would be overbearing and would harm the living conditions of occupiers of nos. 26 and 28.
7. On that basis, I conclude that the proposed chalet bungalow would be overbearing to occupiers of 26 and 28 Crowborough Road, unacceptably harming their living conditions. The proposed development would be contrary to Policy ST3 of the LP and the Framework that seek to protect the living conditions of occupiers of adjoining properties. Whilst Core Policy 11 of the CS has been drawn to my attention in relation to this issue, it relates to the character and appearance of development and does not appear to be directly related to the effect of development on living conditions.

#### *Other matters*

8. The proposed chalet bungalow would reduce the size of the existing outside amenity space related to no. 28 substantially. However, a modest area would remain to the rear and side of the existing dwelling that would provide some outside amenity space, sufficient to meet the needs of occupiers. Whilst the outside amenity space for the proposed dwelling would be small, it would be sufficient to meet the needs of occupiers of that dwelling. The layout of the proposed development and use of obscure glazed windows to the rear would ensure that it would not cause overlooking of the neighbouring rear garden.
9. My attention has been drawn to other dwellings located on small plots with modest outside amenity spaces. 11 Nutley Avenue is an older property that appears not to have any private rear garden and 17a Nutley Avenue is between dwellings fronting the road on a narrow plot, with a deep rear garden. Other examples are located some distance away, in Peacehaven, and have a different relationship with their surroundings. Limited information is provided as to the history of these properties and I have assessed the proposed development on its own merits.
10. I understand the appellant wishes to provide space for his family in the two properties and that they have received support from neighbouring occupiers.
11. Reference is made in the appeal documents to the presumption in favour of sustainable development referred to in the Framework. This confirms that

development proposals that accord with the development plan, such as the LP and CS, should be approved without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental. Whilst the proposed development would have modest economic benefits as residents would support local services and facilities and modest social benefits from the provision of a single dwelling, this would be outweighed by the environmental harm to the character and appearance of the area and living conditions of neighbouring occupiers. Consequently, the development proposed would not be considered sustainable development.

12. While I have taken these matters into account they do not outweigh my conclusions on the main issues.

### **Conclusion**

13. On the basis of the above considerations, I conclude that the appeal should be dismissed.

*AJ Steen*

INSPECTOR