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## Appeal Decision

Site visit made on 23 January 2018

**by L Gibbons BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 February 2018**

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**Appeal Ref: APP/P1425/D/17/3190211**

**101 Dorothy Avenue North, Peacehaven BN10 8DP**

- 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 Sharon Vernon against the decision of Lewes District Council.
  - The application Ref LW/17/0403, dated 5 May 2017, was refused by notice dated 12 September 2017.
  - The development proposed is to convert the garage to provide new ground floor wheelchair facilities, which are to include a bedroom and a bathroom as well as a new ramp access to the front door.
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### Decision

1. The appeal is allowed and planning permission is granted to convert the garage to provide new ground floor wheelchair facilities, which are to include a bedroom and a bathroom as well as a new ramp access to the front door at 101 Dorothy Avenue North, Peacehaven BN10 8DP in accordance with the terms of the application, Ref LW/17/0403, dated 5 May 2017, subject to the conditions set out below.
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ca\_101DorAveN 01; ca\_101DorAveN 02 and ca\_101DorAveN 04.
  - 4) Construction works shall take place only between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and Nos 101 and 103 Dorothy Avenue North.

### Reasons

3. The appeal site is located within a residential area. In terms of similar characteristics a number of bungalows have pitched roofs and some link attached properties have some matching design characteristics. However, there is a wide variety of designs and materials with varied house types and

sizes adding to the interesting character of the area. Furthermore, this part of the Avenue on which the appeal site is located has a considerable diversity of styles, sizes and designs of properties with semi-detached and terraced properties displaying variations. There is no definite rhythm.

4. Nos 101 and 103 Dorothy Avenue North are link attached by the garages which have the same roof height. However, the dwellings have some differing detailed design features on the front elevation including windows and doors, and the front porch of No 101 has been enclosed. This means that the properties are not completely identical.
5. The proposal would involve raising the roof of the garage of No 101 Dorothy Avenue North to accommodate specialist health equipment. This would result in the garage roof being higher than that of No 103. I accept that this would result in a slight difference between the properties. However, the increase in height on the front elevation would not be considerable, and the garage would remain significantly subservient to the main dwelling. The proposed front window would match those in the main house. At the rear the detailed design differences between the two properties are very apparent, and the proposal would result in very little change in that respect. Due to the variety in this location the streetscene would be capable of absorbing the changes to the garage with little effect on its overall character and appearance.
6. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of the area and Nos 101 and 103 Dorothy Avenue North. It would not be in conflict with saved Policies ST3 and RES13 of the Lewes Local Plan 2003. These amongst other things seek new development that respects overall scale, height, rhythm and layout of neighbouring buildings and the local area more generally, and that complement the existing building in respect of materials and design.

#### *Other matters*

7. Concerns have been raised that the scheme would have the potential to cause damage to the attached garage in terms of structure and rainwater drainage. However, I have not been provided with evidence to confirm this would be the case. I note that a proposal has been put forward to raise both garage roofs at the same time. These would be private matters between the parties. I have also been referred to a potential for a 'venturi' effect increasing wind. There would remain a considerable gap between the two properties above the ground floor storey, and I consider the increase in height and potential narrowing effect would not be significant.

#### **Conditions**

8. I have considered the conditions in the light of the tests set out in paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty.
9. The Council suggested a condition relating to the use of materials matching those in the existing dwelling and I agree this would be necessary. A condition relating to construction hours has been proposed by the Town Council and in the interests of the living conditions of the neighbours I agree this would be

necessary. Conditions were also suggested in relation to construction traffic and verges. I have not imposed these as I consider these would not be reasonable given the nature of the development proposed. The need for a Waste Minimisation Plan was also referred to. However, I have not been provided with the details of what this would involve or how it would relate to the development proposed, and I have not attached this condition.

### **Conclusion**

10. For the above reasons and having regard to all other matters raised I conclude that subject to the conditions set out above, the appeal should be allowed.

*L Gibbons*

INSPECTOR