

Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 14 March 2018** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

05/03/2018

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the minutes of the meeting held on 21 February 2018 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

6 LW/17/1068 - Caxton House, 143 South Coast Road, Peacehaven, East Sussex (page 5)

7 LW/18/0008 - 32 Cornwall Avenue, Peacehaven, East Sussex, BN10 8SG (page 14)

Non-Planning Application Related Items

8 Outcome of Appeal Decisions from 8 February to 16 February 2018 (page 19)

To receive the report of the Director of Service Delivery (attached herewith).

9 Written Questions from Councillors

To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

10 Date of Next Meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 4 April 2018 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact the Planning team at Southover House, Southover Road, Lewes, East Sussex, BN7 1AB (Tel: 01273 471600) or email planning@lewes-eastbourne.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, L Boorman, S Catlin, P Gardiner, V lent, T Jones, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for

Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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APPLICATION NUMBER:	LW/17/1068	ITEM NUMBER:	6
APPLICANTS NAME(S):	Messrs Chambers & Maskell	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Change of use from office to five self-contained apartments, with stepped front extension, off-road parking and associated hard/soft landscaping		
SITE ADDRESS:	Caxton House 143 South Coast Road Peacehaven East Sussex		
GRID REF:	TQ 41 08		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a two storey detached building with pitched roof and finished in brick. It is located on the southern side of the A259 South Coast Road and adjacent to the grass area and pedestrian link to the coast road from the top end of Slindon Avenue. The building has a detached pitched roof garage to the rear.

1.2 There is a small back garden area to the rear and the property abuts 30 Slindon Avenue, a chalet style bungalow. To the west of the site lies a pair of flat roofed garages, set forward of the building line, and a two storey building with café on the ground floor, again positioned forward of the garages.

1.3 The building is not listed or located in a Conservation Area.

1.4 Former uses of the building are shown by the planning history to have been residential and as a doctors' surgery. The current use of the building is offices on both floors.

PROPOSAL

1.5 The application seeks planning permission for the change of use of the building from office to five self-contained flats together with a stepped front extension, off-road parking and associated hard and soft landscaping.

1.6 The proposed works are as follows:-

- Demolition of existing detached garage.
- A pair of stepped part single and part two storey projections to front elevation with recess in between forming the communal entrance.
- The front projections to line up with the garage building next to the application site.
- The projections to be staggered from 5m and 3.9m, the shorter of which to be adjacent to the top end of Slindon Avenue.
- Three balconies on the front elevation.
- Two storey rear extension.
- Render finish to existing low brick boundary wall.
- 1.8m high close-boarded timber fence to western boundary with 145 South Coast Road.
- Removal of the pitched roofs and the addition of a third storey with flat roof.
- Communal garden to the rear with secure and covered cycle storage structure to house a minimum of five cycles.

1.7 Three off-street car parking spaces to the rear, accessed via Slindon Avenue.

1.8 Ground floor: Two flats (1-bed and 2-bed)

1.9 First floor: Two x 1-bedroom flats

1.10 Second floor: One x 2-bedroom flat

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – SP2 – Distribution of Housing

3. PLANNING HISTORY

E/60/0138 - Outline application to erect one dwellinghouse on plots 37 and 38, block 97. - **Approved**

E/61/0797 - Planning and Building Regulations applications for dwellinghouse, garage and surgery on plots 37 & 38, block 97 (corner of South Coast Road and Slindon Avenue). Building Regulations approved. Completed. - **Approved**

E/61/0792 - Outline application for the erection of a residence and surgery on plots 37 & 38, block 97. - **Approved**

E/61/0195 - Offices with flat over and detached garage on plots 37 & 38, block 97, south-west corner of South Coast Road and Slindon Avenue. Appeal lodged. - **Refused**

LW/03/0139 - Change of use of ground and first floor from residential to office use - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Peacehaven Town – Objection

- Loss of commercial premises, opportunities for local employment should remain in situ to appease the need to travel in and out of Peacehaven to get to work on the heavily congested A259.
- Inadequate parking facilities, there are three spaces for five flats on this application, multi dwelling developments which have already been approved in this locality have sited the public car parks on the A259 as additional parking facilities, this cannot be sustained indefinitely.
- Overdevelopment, the development is too large for the plot and is sited at the end of a cul de sac increasing parking issues in the side roads.
- Out of keeping with local character.
- Lack of infrastructure for size of development.

4.2 Environmental Health Contaminated land – No objection subject to standard land contamination conditions and a Construction Environmental Management Plan (CEMP) as well as hours of construction; management of waste materials; and there being no bonfires on site.

4.3 District Services – No objection subject to standard conditions.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 A representation has been received from 19 Capel Avenue, in support of the application for the following reasons:-

- Huge improvement to use of building
- Vital homes to the town

5.2 A representation has been received from Café 145 South Coast Road, objecting to the application for the below reasons:-

- Drainage
- Inadequate access
- Outside a busy bus stop
- Inconsiderate parking
- Parking issues
- Traffic generation
- Traffic on A259
- Noise and disturbance
- Overshadowing
- Smell/fumes
- Chaos while a building site

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport.

PRINCIPLE

6.2 The application site is within the Planning Boundary of Peacehaven and located in a mixed use area where they are commercial premises and residential uses along South Coast Road and where the side streets are predominantly residential in character. The proposal is to extend and remodel an existing building, which was original in residential use up until 2003 when it was converted into office use. In principle the residential conversion is acceptable and compliant with Spatial Policy 2 of the Joint Core Strategy, the site constituting an unidentified infill development within the existing Planning Boundary.

6.3 The objection from Peacehaven Town Council is noted and Core Policy 4 of the adopted Joint Core Strategy does seek to safeguard employment generating uses unless they are demonstrated to be unsuitable or genuinely redundant. In this instance the building is currently in use by two firms.

6.4 However, the internal layout is relatively cramped due to there being a large number of smaller sized rooms. Each room has a doorway off a narrow hallway and staircase. This layout is not best suited to the needs of modern day businesses.

6.5 In addition, the applicant is proposing to relocate the businesses to other premises still within Peacehaven and the confidential information supplied shows that these premises will be larger and better suited to the business needs of the applicant.

6.6 The proposals will not therefore result in the businesses leaving Peacehaven, and the site will in effect be returned to its former historic use for residential purposes.

6.7 As such the proposed development is considered to be acceptable in principle.

DESIGN

6.8 The development will be three storeys in height, which is marginally taller than the existing two storey dwelling taking into account the height of the ridge to the pitched roof. The development will be stepped, having single and two storey elements, which will help to mitigate the impact of the bulk and massing. There are other three storey buildings within the vicinity of the site, for example along the northern side of South Coast Road, and this scale of development is not out of character for sites which front the A259 in this location.

6.9 The development will use different materials and finishes, which together with the stepped form of the building, will help achieve articulation and visual interest rather than the building have the appearance of a simple rendered block. Along with the variations in the height of the projections and the rear extension, each feature will add to the dynamics of the development and reduce the overall effect of the additional bulk and massing brought about by the extension and the use of a flat roof design.

6.10 In summary, the design and appearance of the building is considered to be interesting and contemporary, and of a sufficient quality in this important street fronting location along the A259.

AMENITY

6.11 The two neighbouring properties which are most likely to be directly affected by the proposed development are 30 Slindon Avenue and 145 South Coast Road.

6.12 There are no windows or other openings on the flank elevation of 30 Slindon Avenue, and a gap of between 5.7m and 7.9m will be maintained between the two buildings. The south facing bedroom window at first floor level will be high-level and the en-suite and bathroom windows on the top floor will be obscure glazed. These measures will ensure that the development does not overlook the neighbouring dwelling.

6.13 There will be a 1.2m wide passageway between the new building and the boundary of the application site with 145 South Coast Road. Taking into account the double garage with flat roof in between the application site and 145 South Coast Road, it is considered that there will be an acceptable degree of separation between the buildings at the upper floor levels, and this will reduce the impact of the development in terms of overshadowing or an overbearing impact. The top floor bedroom window on the western elevation of the development will be high-level and the first floor level bathroom window will be obscure glazed. A condition can be used to ensure that these windows are obscure glazed and non-opening below 1.7m.

6.14 Taking into account the above, whilst acknowledging the comments received from neighbouring residents, the proposed development is not considered likely to have a significant adverse impact on residential amenity.

ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.15 The application site is within walking distance of the shops and facilities along South Coast Road, notably opposite the application site where there is a Post Office, hairdresser, takeaway and convenience store. There is a bus stop adjacent to the application site and there are frequent bus services along the coast road between Brighton, Seaford and Eastbourne.

6.16 In addition, the applicant is proposing one cycle parking space for each of the five flats, and three car parking spaces accessed via Slindon Avenue.

6.17 For the above reasons the application site is considered to be in a sustainable location and future residents need not be solely reliant on private car use for all of their journeys.

6.18 Concerns in respect of congestion and the wider impact of traffic on the A259 coast road are acknowledged. However, the increase in traffic generated by these five small households is not likely to have a significant impact on the existing situation. There are alternative methods of transport available for future occupiers to use so residents will have a choice as to whether they rely solely on use of a private car.

6.19 The objection comments in respect of inconsiderate car parking are noted, but this parking is an existing situation and does not relate to the proposed use of the development. There will be parking spaces to the rear of the building accessed via Slindon Avenue. Future residents will not be permitted to park in front of the neighbouring building, 145 South Coast Road, which on the ground floor is in use as a cafe.

7. RECOMMENDATION

In view of the above approval is recommended.

The application is subject to the following conditions:

1. No development shall take place details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. No development shall take place until the details of the overall height of the proposed development together with the overall ridge heights of 145 South Coast Road and 30 Slindon Avenue, to be measured Above Ordnance Datum (AOD), have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and neighbour amenity, and in order to comply with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. No development shall take place until full details of covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any amendment or replacement thereof), prior to the commencement of any building or engineering operations for the development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- 1) the temporary arrangements for access and turning for construction traffic together with reinstatement as necessary at the end of each construction period;
- 2) the size of vehicles (contractors and deliveries);
- 3) the routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- 4) the temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- 5) a contractors' parking and Travel Plan;
- 6) facilities for the loading and unloading of plant and materials;
- 7) the location(s) for storage of plant and materials used during construction;
- 8) the location(s) of any site huts/cabins/offices
- 9) details of temporary lighting during construction;
- 10) details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- 11) details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- 12) details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- 13) details of off-site monitoring of the CEMP; and
- 14) assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No development shall take place until details of the hard and soft landscaping associated with the development hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details

and retained as such thereafter, unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as managing and mitigating flood risk, in accordance with retained policy ST3 and Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

7. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. The lower sill levels of the high level windows at first floor level on the south facing elevation (bedroom) and on the top floor of the western elevation (bedroom) shall be no less than 1.5m in height above internal finished floor level, and the top floor windows on the south elevation (en-suite and bathroom) and the first floor level window on the western elevation (bathroom) shall be obscure glazed (to a minimum of privacy level 3) and non-opening unless the parts of the windows that can be opened are at least 1.7 metres in height above the internal finished floor level within the rooms served by those windows. The development shall be maintained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and residential amenity of neighbours, particularly those at 30 Slindon Avenue and 145 South Coast Road, having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

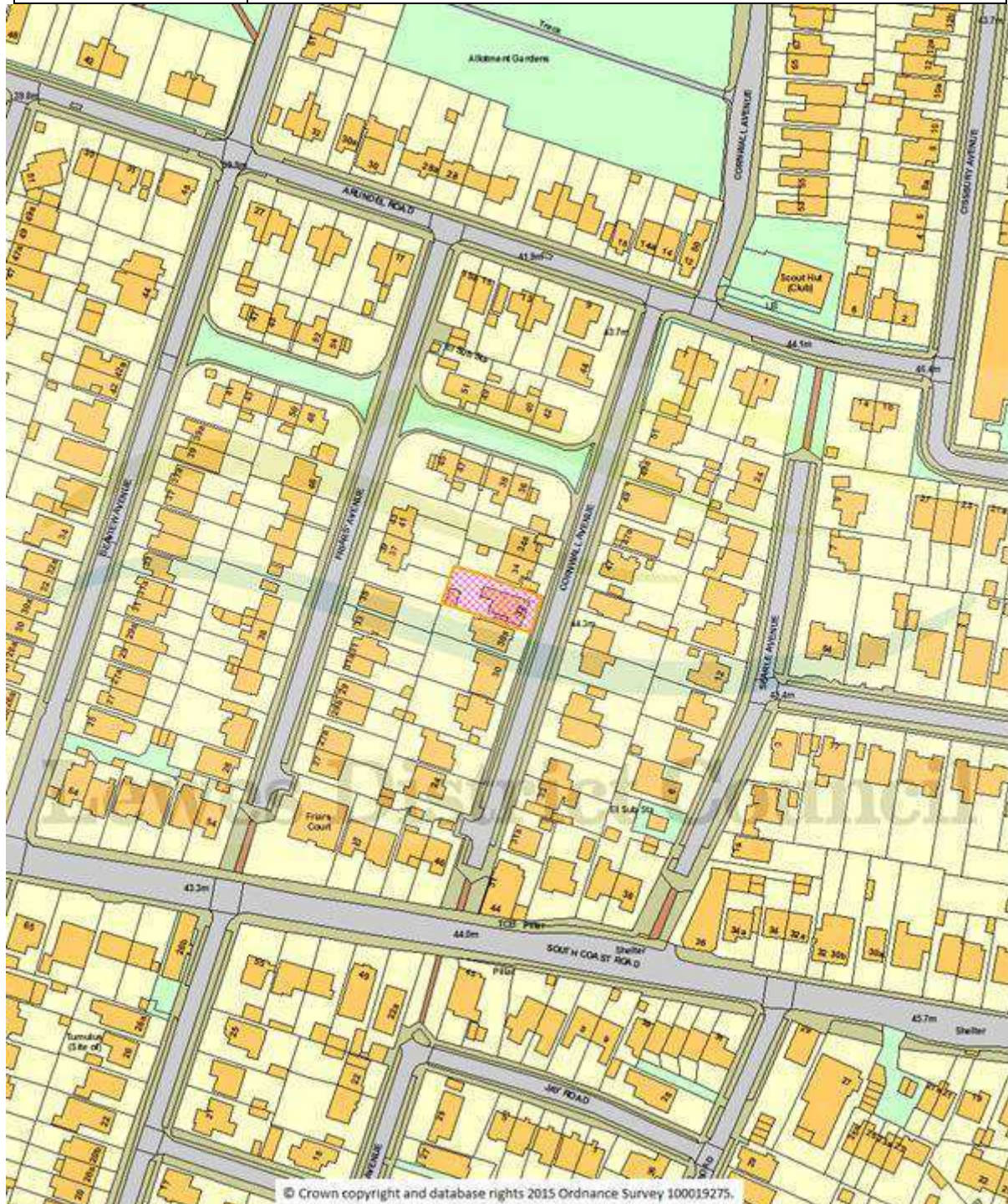
3. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
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Location Plan	21 December 2017	1725LP01 LOCATION
Proposed Layout Plan	21 December 2017	1725PL01 PROPSD GF SITE
Proposed Floor Plan(s)	21 December 2017	1725PL02 PROPOSED GF
Proposed Floor Plan(s)	21 December 2017	1725PL03 PROPOSED FF
Proposed Floor Plan(s)	21 December 2017	1725PL04 PROPOSED FF
Proposed Roof Plan	21 December 2017	1725PL05 PROPOSED RF
Proposed Elevation(s)	21 December 2017	1725PL06 PRPSD ELEVATION
Proposed Elevation(s)	21 December 2017	1725PL07 PRPSD ELEVATION
Proposed Section(s)	21 December 2017	1725PL08 PRPSD SECTIONS
Illustration	21 December 2017	1725PL09 PRPS 3D VISUAL
Existing Layout Plan	21 December 2017	1725S01 EXIST GF SITE PL
Existing Floor Plan(s)	21 December 2017	1725S02 EXISTING GF
Existing Floor Plan(s)	21 December 2017	1725S03 EXISTING FF
Existing Roof Plan	21 December 2017	1725S04 EXISTING RF
Existing Elevation(s)	21 December 2017	1725S05 EXISTING ELEV
Existing Elevation(s)	21 December 2017	1725S06 EXISTING ELEV
Design & Access Statement	21 December 2017	DAS_CAXTON HOUSE

APPLICATION NUMBER:	LW/18/0008	ITEM NUMBER:	7
APPLICANTS NAME(S):	Miss S Briggs	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Roof conversion with raised pitch and flat roof dormer to side roof slope.		
SITE ADDRESS:	32 Cornwall Avenue Peacehaven East Sussex BN10 8SG		
GRID REF:	TQ 42 00		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a detached bungalow with pitched roof, situated on the western side of Cornwall Avenue, a little to the north of the junction with the A259/South Coast Road. The property has a driveway to one side and a coniferous hedge along the front boundary. The building is not Listed or located in a Conservation Area. The application site is within the Planning Boundary of Peacehaven.

1.2 The immediate area is predominantly residential in character. The dwellings are generally set back from the street along a reasonably well established building line. The dwellings are mostly either detached or semi-detached and they have traditional forms with pitched roofs. However, heights and spaces between properties vary, with some dwellings having low pitched roofs, whilst others have taller roofs within accommodation within, some orientated with gables fronting the street. The application site is one of two similar looking bungalows, the neighbouring property having a flat roof side dormer and a different palette of external finishes.

PROPOSAL

1.3 The application seeks planning permission to increase the height of the roof and consequently increase the gradient of the roof slopes. The existing roof is 5.16m to the ridge and 2.49m to the soffits. The new roof will be 5.69m to the ridge and 2.55m to the soffits, and increase of 0.53m. The roof will be finished in tiles to match existing.

1.4 A flat roof dormer is proposed across part of the north facing side roof slope. The dormer will be tile hung and will be 2.3m high, 2.79m deep and 5.06m wide. A rooflight is also proposed on this roof slope.

1.5 On the south facing roof slope four rooflights are proposed.

1.6 The existing ground floor plan comprises three bedrooms; lounge; kitchen; porch to the side; bathroom; and conservatory at the rear.

1.7 The proposed development will provide for two bedrooms in the roof space, each with an en-suite shower/W.C., these to be housed within the flat roof side dormer. The only internal alterations to the ground floor will be the installation of stairs in the lounge and the creation of a new internal doorway to the front bedroom.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – RES13 – All extensions

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/13/0277 - Erection of a single storey rear and side extension - Approved

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Peacehaven Town Council – Objection, due to:

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- The design is top heavy.
- Out of keeping with street scene and other properties.
- Out of keeping with local character.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from 35, 42 and 45 Cornwall Avenue, in support of the application for the following reasons:-

- The proposal will improve the appearance of the property and in turn enhance the street scene.
- Cornwall Avenue is an eclectic mix of bungalows, semi-detached houses, detached houses and a lot of those also have loft conversions already.
- The street's character is an eclectic mix and this conversion is just adding to the mix that is Cornwall Avenue and in fact Peacehaven itself.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the planning application include the design and appearance of the development and the impact on neighbour amenity.

DESIGN AND APPEARANCE

6.2 The objections from Peacehaven Town Council are noted and acknowledged.

6.3 The proposed side dormer would normally, subject to the windows being obscure glazed, constitute permitted development, the volume being 16.2 cubic metres. The neighbouring bungalow, which is nearly identical to the application site in terms of scale and form, has an existing flat roof side dormer, also on the north facing roof slope. Therefore, the proposed dormer would not be out of keeping and in longer distance views of the application site, the two properties would be seen at the same time, thereby granting some degree of uniformity of appearance. The side dormer will also only be visible from angled views of the property, and it will have a limited impact on the immediate street scene in terms of visual amenity.

6.4 The proposed increase in the height of the roof is also considered acceptable. The properties in this street are not all of the same height, and even with the proposed increased, the resulting dwelling will not appear unduly taller than other properties in the vicinity of the application site.

NEIGHBOUR AMENITY

6.5 No details have been submitted as to the heights of the proposed rooflights above internal finished floor level. This will be necessary in order to prevent overlooking of neighbouring properties and these details can be secured by imposing an appropriate condition.

6.6 Similarly, in order to prevent overlooking the two en-suite, windows on the flat roof dormer will need to be obscure glazed and non-opening below 1.7m above internal finished floor level.

6.7 The increased height of the roof will have greatest impact towards the ridge line and it is considered that the relatively small increase in the massing of the new roof will not

have a significant adverse impact on neighbour amenity in terms of overshadowing or an overbearing impact.

7. RECOMMENDATION

In view of the above approval is recommended.

The application is subject to the following conditions:

1. No development shall take place until the details of the overall height of the proposed development together with the overall ridge heights of 30A and 34 Cornwall Avenue, to be measured Above Ordnance Datum (AOD), have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and neighbour amenity, and in order to comply with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. No development shall take place until section drawings showing the heights of the lower sills to the rooflights above internal finished floor level have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding neighbour amenity, and in order to comply with retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. The two en-suite windows on the north facing elevation of the flat roof side dormer hereby permitted shall be obscure glazed (to a minimum of privacy level 3) and non-opening unless the parts of the windows that can be opened are at least 1.7 metres in height above the internal finished floor level within the rooms served by those windows. The development shall be maintained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and residential amenity of neighbouring residents having regard to retained policies ST3 and RES13 and policy CP11 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Unless otherwise agreed in writing by the local planning authority the development hereby approved shall be constructed using external materials and finishes to match those used in the walls and roof of the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Class B, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

4. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	2 January 2018	1:1250
Proposed Block Plan	2 January 2018	1:500
Existing Elevation(s)	2 January 2018	01/020
Existing Floor Plan(s)	2 January 2018	01/020
Proposed Elevation(s)	2 January 2018	02/020
Proposed Floor Plan(s)	2 January 2018	02/020

Agenda Item No: 8

Report Title: Outcome of Appeal Decisions from 8 February to 16 February 2018

Report To: Planning Applications Committee **Date:** 14 March 2018

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer(s):

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Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>The Chalkpit, Hodder Farm, Hodder Farm Lane, Peacehaven BN10 8AR</p> <p>Description:</p> <p><i>Conversion and extension of existing agricultural building to create a new dwelling</i></p>	<p>Application No: SDNP/17/02742/FUL</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 8 February 2018</p>
<p>101 Dorothy Avenue North, Peacehaven BN10 8DP</p> <p>Description:</p> <p><i>Conversion of garage to provide new ground floor wheelchair facilities (to include a bedroom and bathroom as well as a new ramp access to the front door)</i></p>	<p>Application No: LW/17/0403</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 15 February 2018</p>

<p>1 Friars Mews, Pinwell Road, Lewes, East Sussex BN7 2LW</p> <p>Description:</p> <p><i>Replacement of timber windows and doors with UPVC window and doors, replacement bargeboards and fascia, new guttering and downpipe with UPVC</i></p>	<p>Application No: SDNP/17/04188/HOUS</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 15 February 2018</p>
<p>1 Friars Mews, Pinwell Road, Lewes, East Sussex BN7 2LW</p> <p>Description:</p> <p><i>Relocation of garden fence</i></p>	<p>Application No: LW/17/0609</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 16 February 2018</p>

Robert Cottrill

Chief Executive of Lewes District Council and Eastbourne Borough Council

Appeal Decision

Site visit made on 12 January 2018

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/Y9507/W/17/3183111

The Chalkpit, Hoddern Farm, Hoddern Farm Lane, Peacehaven BN10 8AR

- 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 & Mrs E Haunton against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/02742/FUL, dated 26 May 2017, was refused by notice dated 3 August 2017.
 - The development proposed is the conversion and extension of existing agricultural building to create a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the landscape and natural beauty of the National Park.

Reasons

3. Peacehaven as a settlement has a fairly rigid line of development along its north eastern side with very little development evident in the fields to the west. This pattern is slightly broken by a grouping of a small number of dwellings and agricultural/light industrial units opposite the junction of Glynn Road and Pelham Rise; however, the agricultural appearance of many of these buildings and the concrete surface of the access into the site, as well as the visibility of the surrounding fields, gives this grouping the character of a rural enterprise.
4. The access through the cluster carries on to the east, passing through an area of purely open countryside and then heading north east when it comes to a grouping of dwellings based at Hoddern Farm. These dwellings largely appear to have been created as conversions of previous farm buildings. The main access track skirts around the side of these buildings, with a spur at the northern side to access the Farmhouse itself. The spur then heads east between converted farm buildings before tracking north east where it ends in the entrance to an old chalkpit. The chalkpit, as its name suggests, forms a bowl shaped area in the land. The pit is now largely grassed, with a range of scrub and trees located around the fringes and sides of the pit.
5. Within the pit lies an existing building. This is constructed in flint rubble with red brick quoins, with its east elevation, facing into the pit having timber infill.

The building has a hipped tin roof. To the north of the building, and much wider than the structure lies a range of red brick walls. These appear to have previously formed some sort of enclosure.

6. The proposal seeks to convert the building into residential use, extending the property with an extension to the north within the red brick enclosure. The original building would be converted into a kitchen/diner and reception hall and rooms, with the large 2 storey extension to rear housing 4 bedrooms over the 2 floors, as well as various family rooms.
7. As the site is located in a bowl, views of the site and the existing building are hard to come by, and are only really possible from the gated entrance to the site at its southern end. Paragraph 55 of the National Planning Policy Framework (the Framework) says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided unless there are special circumstances, such as the essential need for a rural workers dwelling, where the development would represent the optimal viable use of a heritage asset, where the development would reuse redundant or disused buildings, or the exceptional quality or innovative nature of the design of the dwelling.
8. The decision notice refers to 4 development plan policies. Policies CP10 and CP11 of the Joint Core Strategy¹ together state that within the National Park development will be resisted if it fails to conserve and appropriately enhance its rural and historic landscape qualities and its natural and scenic beauty. High quality design will be sought in all new development which respects, and where appropriate, positively contributes to the character and distinctiveness of the Districts unique built and natural heritage. Policy ST3 of the Local Plan² says that development should respect the scale, height, massing, alignment, site coverage, character of neighbouring buildings, and the local area more generally. Finally policy GP50 of the South Downs Plan³ states that housing development should be closely matched to the social and economic needs of local people and be of a high design and energy efficiency.
9. In relation to paragraph 55 I consider the proposal is in an isolated position. While there is a domestic garden along the western boundary of the site, residential uses at the southern point of the site, and I note the historical status of the chalk pit forming part of the Hoddern Farm area, there are open fields to the north, east, and south east of the pit. The site is physically divorced from the cluster of buildings at Hoddern Farm, and furthermore I consider that the very nature of the chalkpit and its secluded quality set in a bowl with few glimpses of other properties gives the site an air of seclusion and isolation.
10. In reaching this view I have considered an appeal⁴ submitted in evidence, where an Inspector considered that a site on the north east side of Peacehaven was not isolated due to its proximity to the existing settlement. That site was located immediately adjacent to the edge of the main settlement. However, this is a different case from the one before me, where the adjacent domestic

¹ Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, June 2016 (for SDNPA areas)

² Lewes District Local Plan, March 2003

³ South Downs National Park Partnership Management Plan

⁴ APP/P1425/A/14/2214658

uses, such as they exist, form part of a clustering of farm and former farm buildings that are themselves set in the countryside, as opposed to being part of the suburban form of the settlement.

11. The proposal would reuse a largely disused building. A historical assessment has been submitted which considers that the building would have likely been a cart shed, with the east side used to access the buildings by carts which would have been used to carry the chalk from the pit to elsewhere. The assessment contains a range of historical maps, which appear to show the building in place from around 1806. Structures to the north of the building (and south) appear in situ from 1927.
12. The building is clearly of significant age. However it has been much altered over the years, with a mainly modern roof structure, iron sheeting roof and breeze blocks and timber infill to the east side. The flint walls and roof tie beams do appear however to be of considerable age. The building therefore has a degree of historical interest and value, although it is not listed or designated. The significance of the building lies within its historical form, purpose, structure, and setting within the chalkpit.
13. The proposed extensions to the building would be significantly larger than the size of the original structure, with the double plan pitched roof form of the scheme being considerably higher than the cart shed and the plan form of the structure being both longer and wider than the form of the shed. When viewed from the south, east and north, the scale, height, massing, alignment, and site coverage of the proposed extension would dominate and overwhelm the original building, which itself would be significantly altered on its eastern side with flint walling infill and large areas of glazing giving little indication of the previous likely open sided nature of the cart shed. A proposed porch on the south side, while simple in form, would also serve to dilute the simple vernacular form of the hipped roof cart shed.
14. The wide range of glazing and irregular shaped and positioned windows on the east of the proposed new building would also detract from the simple character of the cart shed. In such a way the proposal would cause significant harm to the significance of the original building and would not lead to an enhancement of the immediate setting of the disused building.
15. For similar reasons, while I note the proposed environmental credentials of the proposed building, I do not consider that the dwelling is of exceptional quality or especially innovative, and would not help to raise the standard of design in the area. While I can appreciate that the site itself is reasonably unique, given its location, history and the building within it, I do not consider that the proposal would constitute a special circumstance such as provided for in paragraph 55 of the Framework.
16. The proposal would be sited well within the area delineated by the existing red brick walls to the north of the cart shed. However, the plans within the historical assessment seem to indicate that the structures to the north were offset of the north west corner of the building and were not of significant depth, with walls/enclosures to the south east. It does not appear therefore that the former buildings were of the same footprint of the proposal in this instance; furthermore it appears that such buildings were for agricultural uses and would likely have been characteristic of a rural area. The proposal in constructing a

large domestic dwelling with associated parking and access would domesticate and urbanise much of the chalkpit.

17. The chalkpit, being man-made, is clearly not a natural part of the landscape and I agree that it does not have the characteristics of a field. However, it forms part of the attractive nature of the National Park, the landscape of which itself has been clearly altered by man. While the proposal would not be in view from any public areas, and visible only really from within the pit and its entrance, the scheme would still cause harm not only to the existing building, but also to the intrinsic beauty of the pit itself, domesticating the character of the site. National Parks are landscape designations of national importance. The Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to such matters
18. I note that the appellant is a local resident and business holder and would plan to build the scheme himself. The proposal would lead to economic and social benefits in terms of the construction and residence of the house and would provide a plot for a person willing to build their own home, in line with paragraph 50 of the Framework. However I consider that such benefits would be limited and would not outweigh the harm that I have identified arising from the scheme.
19. I therefore conclude that the proposed development would not provide a suitable site for housing, having regard to the character and appearance of the landscape and natural beauty of the National Park. The proposal would be contrary to the Framework, as well as to policies CP10 and CP11 of the Joint Core Strategy, policy ST3 of the Local Plan and policy GP50 of the South Downs Plan.
20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR



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

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.
-

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 linked 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



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

Appeal Ref: APP/P1425/D/17/3189886

1 Friars Mews, Pinwell Road, Lewes, East Sussex BN7 2LW

- 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 & Mrs Donald Cromarty against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/17/04188/HOUS, dated 18 July 2017, was refused by notice dated 6 October 2017.
 - The development proposed is replacement windows and doors to property, replace bargeboards and fascia to property, new guttering and downpipe.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Lewes Conservation Area.

Reasons

3. The appeal site is located within the Lewes Conservation Area. The area is a mix of commercial and residential uses. It has a generally intimate character but is busy with pedestrians and vehicles. Designs, types and ages of buildings differ including some modern designs. Many of the materials are traditional although there are sufficient modern materials and designs present to add interest and variety to the Conservation Area. The area in which the appeal site is located contains a significant variety of buildings and uses both within and adjoining the Conservation Area. The recently completed cinema includes a very modern extension and the station car park is a dominant feature of the immediate surroundings. To the north are older style mainly residential buildings and to the south much more recent housing development, some just outside the boundary of the Conservation Area. The appeal site is located at the one end of a terrace of three houses adjacent to a public car park.
4. I am mindful of my statutory duty arising under section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
5. I consider that the proportions of the frames and detailed design would be important as there is general uniformity of design between the three properties. In respect of the rear elevation, the detailed design of the large

windows to the rear would be patio doors rather than French windows. Only the upper part of the rear ground floor windows would be visible due to the tall wooden fence on the boundary. However, the first floor is highly visible from the well-used adjacent car park and its entrance from Pinwell Road. The three properties have similar rear elevations at first floor and due to the very differing design of the first floor windows the alterations would look very out of place. This would disrupt the rhythm of that elevation of the terrace, and would cause harm to the appearance of the property, the terrace and the Conservation Area. The front door would have a very different design to the existing door. As it would face towards a private road and the ground floor at the front is set down it would not be highly visible in the street scene, and there would be a small negative impact on the Conservation Area.

6. In terms of the use of UPVC the proposed windows would have a wood effect which would be acceptable given the visible modernity of this terrace, and the change in material would be unnoticeable to passers-by except on very close examination. Having regard to the variety of materials in the immediate area I consider the use of UPVC in this particular instance would be acceptable. The smaller replacement windows would be very similar in design to the originals even with a slightly thicker section, and would not have an impact on the Conservation Area. However, these matters would not outweigh the harm I have found. The conservatory at No 3 Friars Mews referred to by the appellant is not prominent in the street scene, and set away from public views. It is not directly comparable to the scheme before me for these reasons.
7. For the reasons given above I conclude that the proposal would not preserve the appearance of the Lewes Conservation Area. It would be in conflict with Policy H5 (bullet a) and Policy ST3 of the Lewes District Local Plan 2003. These amongst other things seek new development that conserve or enhance the special architectural or historic character or appearance of the area and should respect the character, rhythm and layout of neighbouring buildings and the local area more generally.

Conclusion

8. When the proposed development is considered in the context of harm to the significance of the designated heritage asset, the harm may be considered as less than substantial. The National Planning Policy Framework requires that any such harm be assessed against any public benefits including securing its optimum viable use. The windows appear to be in a poor condition and detract a little from the appearance of the property. I accept that the windows in particular at the first floor have caused significant problems for the owners. The replacement windows would result in increased energy efficiency and very much improved water proofing reducing overall maintenance costs, these in the broadest sense would be public benefits. However, these benefits would not be sufficient to outweigh the harm I have found.
9. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR



Appeal Decision

Site visit made on 22 January 2018

by L Gibbons BA (Hons) MRTPI

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

Decision date: 16 February 2018

Appeal Ref: APP/P1425/D/17/3187965

8 Holters Way, Seaford, East Sussex BN25 3HS

- 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 Michael Buroni against the decision of Lewes District Council.
 - The application Ref LW/17/0609, dated 26 July 2017, was refused by notice dated 21 September 2017.
 - The development proposed is the relocation of garden fence, bringing closer to but not abutting, public pavement/highway of a cul-de-sac road, serving eight (8) properties, including applicants.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site has a planning history that includes an appeal in 1985 for the relocation of the garden fence which was dismissed. Whilst this was some years ago I note that the conclusion of the Inspector was that the proposal would considerably restrict views and detract from the pleasant unenclosed nature of the area to a significant extent. I have considered the previous Inspector's findings and recognise the need for consistency, and where a decision is different to be able to reasonably distinguish between the cases and give explanatory reasons.
3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located within a residential area. The front gardens are mainly open although a number have mature planting which provide interest. The area has a very open quality as the majority of gardens have grass or hardstanding at the front boundaries. There are very few close boarded fences or walls visible on The Holt and Holters Way, with No 8 and No 1 as examples of the few exceptions. These have a fairly dominant presence in the street scene although the set back away from the pavement means that the spacious quality of the street scene is retained. Cars do have a presence in the street scene although this is of a more temporary nature.
5. The proposal is to relocate the existing close boarded fence at No 8 towards the pavement, extending the enclosed garden space to the rear of the property. The area which would be enclosed by the fence is currently open and matches

the overall character of the area. I have been provided with a conceptual image of the fence in place. Nevertheless, the proposal would bring the fence considerably forward of the existing side elevation of the house. I have had regard to the previous Inspector's conclusions. I note that the location of the fence in that case was to be hard up against the pavement. In this case the fence would be set back from the pavement but it would not be by a significant amount. Although the pavement on the west side of the road is very wide the fence would protrude significantly into the open area and it would become a more predominant feature than it is at the moment. The small setback would not help to retain the sense of spaciousness along Holters Way. The fence would be highly visible at the junction with The Holt and would be seen as an intrusive feature from this location.

6. I note that the proposal is to provide extra space for a child with additional needs. However, there is no evidence provided that the existing garden space is not sufficient for the family's needs. The area is gravel and would need some maintenance and the appellant refers to it having no use, but to my mind this is no different to the grassed areas at the front and side gardens elsewhere, and is not a sufficient reason to allow the appeal.
7. Materials of the fence would match the existing, and would be acceptable. I note that the fence is in need of replacement. However, these matters would not outweigh the harm I have found.
8. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with saved Policy ST3 (bullet a) of the Lewes District Local Plan 2003 and Policy CP11 (bullets i and iv) of the Lewes Joint Core Strategy 2016. These amongst other things seek new development that should respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area more generally, and conserve and enhance the high quality and character of the district's towns, villages.

Other matters

9. I have considered the Council's and other interested parties reference that the proposed development could set a precedent for similar development. Each application and appeal must be determined on its individual merits. Nevertheless, No 1 has a close boarded fence this is located adjacent to a narrower pavement than No 8. If proposals were to come forward to enlarge the enclosed rear garden of that property this would further reduce the spacious character of the area. To allow this appeal would make it more difficult to resist any other similar proposals. Although my decision does not turn on this matter, it adds some weight to my conclusions on the main issue.
10. The fence would be set back from the pavement and at the corner to the driveway with No 7, it would be angled slightly. This would allow views of the pavement and road for car users moving on to the road from the driveway. Taking account of the amount of pedestrian and traffic movements, I consider that the scheme would not cause harm to highway safety. However, this does not outweigh the harm I have found.

Conclusion

11. The appellant refers to the proposal being in accordance with a number of other bullet points in Policies ST3 and CP11. However, these would be of a neutral impact and would not be sufficient to weigh in favour of the appeal. I have found that the scheme would cause harm to the character and appearance of the area, and there would be conflict with the development plan when considered as a whole. Taking all matters into consideration including some neighbour support for the scheme I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR