

Report to	Planning Applications Committee
Date	20 November 2019
Title of Report	Summary of appeal decisions received from 1/7/19 to 30/9/19
Purpose of Report	To update members of the Planning Applications Committee on appeal decisions received.
Recommendation: To note the outcome of appeal decisions.	

I. Overview

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers those appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority. These decisions will be reported by the SDNP.
- I.2 In summary, in the last 3 months there were:
 - 5 appeal decisions, 4 of which were dismissed (80%) and 1 allowed (20%).
 - No award of costs.
 - No Judicial Reviews.
- I.3 The Authority's appeal performance in the financial year to date is 83% of appeals being dismissed.
- I.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

Key to Appeals Reporting

Appeal method

All are through written representations unless otherwise specified

Allowed A
Dismissed D

Planning Appeals			
Planning Application No	Site	Description of Development	Decision
LW/18/0513 APP/P1425/D/19/3224993	5A Stanley Road Peacehaven BN10 7SP	Extension to existing flat roof to provide additional living space.	D 2 July 2019 Delegated decision
Inspector's Reasoning <ul style="list-style-type: none"> Property sits below road level, road has variety of architectural styles, new development create eclectic streetscape. The proposed form, roof and architectural expression would be radically different from the host of the pair of semis and would read as a separate dwelling. Due to levels and prominent location the proposal would result in a bulky and overbearing appearance in relation to the host dwelling and the surroundings. The overbearing scale and design would be discordant with the host dwelling and appear incongruous within the street scene, contrary to ST3 and RES13. The proposal would also result in overshadowing and loss of light and be detrimental to the living conditions of the adjacent dwelling. It would also impact on overlooking and privacy to number 31 being detrimental to their living conditions. 			
Planning Application No	Site	Description of Development	Decision
LW/19/0066 APP/P1425/D/19/3228210	9 Carey Down, Telscombe Cliffs, Peacehaven BN10 7LF	Construction of a 3 storey side extension to an existing 3 storey split level detached house.	D 1 July 2019 Delegated decision
Inspector's Reasoning <ul style="list-style-type: none"> Whilst the elevations, fenestration and materials would match the existing, the increase in size would result in a cramped development, prominent within the street scene and at odds with the wider area, and not subsidiary to the host dwelling. It would be detrimental to the character and appearance of the area. 			

- The proposal would harm the living conditions of adjacent occupiers and result in the loss of 2 protected trees which make an important contribution to the character of the area.
- Did not consider that the increase in the number of bedrooms would result in increased parking demand or that the level of off street parking was unable to meet future needs.

Planning Application No	Site	Description of Development	Decision
LW/18/0989 APP/P1425/W/19/3225258	Thelkenber, Green Lane, South Street, Chailey BN8 4BT	Demolish existing dwelling and construct 5 x 2 storey houses	D 18 July 2019 Delegated decision

Inspector's Reasoning

- Result in significant intensification of the plot, significantly reduce the spacing either side of the plot giving a cramped appearance. Overly intensive development causing harm to the character and appearance of the area, unduly prominent within the street scene. Leads to unacceptable urbanisation of the plot out of keeping with the semi-rural character.
- It would be prejudicial to neighbouring occupiers through perceived and actual overlooking into private rear gardens. It would also not provide adequate living conditions for future occupiers due to size and internal arrangement.
- The inspector accepted the parking arrangement (tandem spaces).
- Considered the proposal would be contrary to ST3 CPI I and para 127 of the NPPF.

Planning Application No	Site	Description of Development	Decision
LW/19/0065 APP/P1425/W/19/3229364	45 Cliff Gardens Telscombe Cliffs BN10 7BX	Erection of a one bed house.	A 30 August 2019 Delegated decision

Inspector's Reasoning

- Site is occupied by a two storey semi-detached dwelling located in a quiet residential area. Permission refused due to impact on residential amenity, and impact on highway safety.
- It was not considered that the subdivision of the garden would not impact on privacy of neighbouring occupiers and the use would not impact on noise or disturbance. There would be no material harm to the living conditions of neighbours or future occupiers.

- The proposed parking arrangement would not have an unacceptable effect on highway safety.
- Whilst the narrower dwelling of differing design and appearance, as the area has a range of architectural style it was not considered that the proposed would appear incongruous when viewed from the public realm.

Planning Application No	Site	Description of Development	Decision
LW/18/0854 APP/PI425/W/19/3231717	Plot at end of Ringmer Road, Newhaven BN9 9TN	Building a 2 bedroom house	D 25 September 2019 Delegated decision

Inspector's Reasoning

- The site lies outside of the planning boundary and within the countryside. Well screened from public views by mature trees and dense foliage.
- Inspector considered that whilst the proposed dwelling would be well located in relation to the accessibility requirements within the NPPF, these would not overcome or out-weigh conflict with CTI which seeks to control development in the countryside and which would lead to the erection of an isolated home and not accord with any of the requirements of para 79 (a) to (e)
- The inspector did not agree with officers that the scheme would not be capable of providing adequate access parking and cycle storage.

Planning Application No	Site	Description of Development	Decision

Inspector's Reasoning

Appeal Reference	Site	Description	Decision

Inspector's Reasoning