

Report to	<b>Planning Applications Committee</b>
Date	<b>29 January 2020</b>
Title of Report	<b>Summary of appeal decisions received from 1/10/19 to 31/12/19</b>
Purpose of Report	<b>To update Planning Applications Committee Members on appeal decisions received.</b>
<b>Recommendation: To note the outcome of appeal decisions.</b>	

## **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:
  - 11 appeal decisions, 8 of which were dismissed (73%) and 3 allowed (27%).
  - No award of costs. (2 Costs applications – both dismissed)
  - No Judicial Reviews.
- I.3 The Authority's appeal performance in the financial year to date is 78% of appeals being dismissed (18 dismissed, 5 approved).
- 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/17/0930 APP/PI425/W/18/3208624	Pellingbrook, Lewes Road, Scaynes Hill RH17 7NG	1 x 6 bed dwelling.	<b>D</b> 2 Oct 2019 Delegated decision
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>Issues – accord with policies relating to location of residential development, and effect on character and appearance of area.</li> <li>Site located in countryside and therefore does not accord with policy CT1. HDT figures indicate policy is up to date. Site is not isolated in that it sits amongst other dwellings but it is isolated in that it is located away from a settlement and all services.</li> <li>Design is good but the existing character of the area is sparse and in an open rural area and therefore the development would be intrusive and out of character. It would therefore result in unacceptable harm to the character and appearance of the area.</li> <li>The Inspector weighed up the benefits – create employment during building, increase housing stock but these did not outweigh the harm.</li> </ul>			
Planning Application No	Site	Description of Development	Decision
LW/19/0343 APP/PI425/W/19/3232379	3 Sherwood Road, Seaford BN25 3EH	Conversion of house into 3 flats.	<b>A</b> 10 Oct 2019 Delegated decision
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>Issues – effect on the character of the development on the character and appearance of the area.</li> <li>Established residential area, chalet bungalow with roof dormers. No alteration to the external appearance of the building.</li> <li>Considered that the change to the parking arrangement to the front of the dwelling would create a visually harsh environment, but there are no</li> </ul>			

restrictions to prevent this being provided to the front of the dwelling with its current use, and therefore does not consider that the proposal would result in detrimental harm to the area.

Planning Application No	Site	Description of Development	Decision
LW/18/0907 APP/PI425/W/19/3233039	8 Capel Avenue, Peacehaven BN10 8NB	Demolish existing bungalow and erection of a pair of semi - detached houses	<b>A</b> 8 Nov 2019 Delegated decision

#### Inspector's Reasoning

- Issue – effect on the character and appearance of the area
- Site located in a residential area, large plot both wide and deep, sufficient to accommodate the three dwellings without appearing overdeveloped or eroding the general openness of the site. Contemporary design would not appear incongruous within the varied street scene.
- Considered that the dwellings would be sympathetic to the local character and maintain a sense of place.

Planning Application No	Site	Description of Development	Decision
LW/17/0422 APP/PI425/D/19/3231482	1 The Denes, Laughton Rd, Ringmer BN8 5NG	Creation of a driveway by dropping the kerb.	<b>D</b> 14 Nov 2019 Delegated decision

#### Inspector's Reasoning

- Issue – effect on safety and convenience of users of the adjacent highway network.
- Semi-detached dwelling set back from Laughton Road. Concerned that there is insufficient room to enter the property and exist in a forward gear. A reversing vehicle would be dangerous to the occupants of the vehicle carrying out such a manoeuvre. Shares the highway authority's concerns.
- Would create a substandard access and no mitigation measures to alleviate concerns. Therefore contrary to both local and national policy.

Planning Application No	Site	Description of Development	Decision
LW/19/0106  APP/PI425/W/19/3234824	Land at r/o the Oaks, Lower Station Road, Newick BN8 4HU	Building 3x4 bed dwellings	<b>D</b>  29 Nov 2019 Delegated decision
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>• Issue – effect on the character and appearance of the area.</li> <li>• Located in the countryside in ribbon development between settlements. Site enclosed by trees and vacant grassland.</li> <li>• Scale of buildings and proximity to each other together with shared courtyard exaggerates the visual effect of the built form which allows the presence of the buildings to be emphasised, and thus represents an intrusion into the countryside. Conspicuous from adjacent footpaths.</li> <li>• Considered to have harmful effect on the character and appearance of the countryside, contrary to policies CP2, CP10 and CP11 of the JCS and CT1 and ST3 of the LDLP, as well as to the NPPF which requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.</li> </ul>			
Planning Application No	Site	Description of Development	Decision
LW/19/0282  APP/PI425/D/19/3233658	3 East Albany Road, Seaford BN25 1TU	2 storey rear extension	<b>D</b>  3 Dec 2019 Delegated decision
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>• Issue - impact of the development on the living conditions of the occupiers of the neighbouring dwellings in terms of outlook.</li> <li>• Chalet bungalow in an established residential area. Proposal involves a 2 storey rear extension.</li> <li>• Considered that due to the fact that the extension has a greater height and massing than an existing fence which already blocks some light, it would create a harmful sense of enclosure, detrimentally impacting on the outlook and daylight received by the neighbours window.</li> <li>• Considered that the proposal would be harmful to the living condition of the occupiers of the neighbouring dwelling, contrary to ST3 and CP11 of the LDLP.</li> <li>• <b>Application for costs</b> was dismissed, the Council having been considered to not have acted unreasonably in refusing the application, and that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated.</li> </ul>			

Appeal Reference	Site	Description	Decision
LW/19/0129  APP/PI425/W/19/3234681	Point House 104 Allington Rd, Newick BN8 4NH	Erection of 5 dwellings and two new vehicles access points	<b>D</b>  3 Dec 2019 Delegated decision

#### Inspector's Reasoning

- Issues – effect on the character and appearance of the surrounding area, and whether it is a suitable location for the proposed development.
- Site located on edge of settlement outside the settlement boundary, site occupied by a single dwelling within large plot. 5 dwelling would represent substantial increase in built form making the site appear as part of the settlement rather than as a transitional part of the urban fringe. The effect of 5 dwellings would have an adverse effect on the transition from settlement to countryside. Effect would be relatively localised but this does not diminish the effect on vantage points from where it would be seen.
- Policy Ho1.6 of the NNP does not support development in gardens, but that does not mean that developments should be prevented where they represent sustainable development.
- In terms of suitability of the location, the site is located outside of the settlement boundary and in the countryside, and as such is contrary to CT1. The benefits of the development are modest and do not outweigh the harm that has been identified. The site does not represent a suitable location for the development and would be harmful to the character and appearance of the area, and the benefits that would arise do not outweigh the identified harm.

Appeal Reference	Site	Description	Decision
LW/19/0087  APP/PI425/W/19/3231655	Marchants Lower Station Road Newick BN84HT	Erection of a 3 bed dwelling, garage and associated landscaping	<b>D</b>  12 Dec 2019 Delegated decision

#### Inspector's Reasoning

- Issues – principle of development, effect on the character and appearance of the surrounding area, and whether the site lies in an area of good accessibility.
- Site located on corner of two roads, on the edge of a ribbon of development in the countryside. Previous scheme for a 6 bed dwelling dismissed on appeal.

- Council is able to show a 5 year housing land supply and therefore the principle of development does not accord with saved policy CT1 as the site is located outside of a settlement boundary. The development would result in the loss of openness in the garden on this prominent garden site and would harm the semi-rural character. The site is also located away from day to day services and facilities and occupiers would be dependent on a car and as such would not contribute to a sustainable pattern of growth and reduce the need to travel. Whilst making a small contribution to housing supply and having a limited social and economic benefit, these do not outweigh the adverse impacts.
- **An application for costs** was also dismissed, the Council having been considered to not have acted unreasonably in refusing the application, and that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated.

Appeal Reference	Site	Description	Decision
LW/19/0030  APP/P1425/W/19/3235962	2 Bromley Road Seaford BN25 3ES	Erection of new dwelling to side of 2 Bromley Road	<b>D</b>  13 Dec 2019 Delegated decision

#### Inspector's Reasoning

- Issues – effect on the character and appearance of the surrounding area, living conditions of occupiers of neighbouring and future occupiers, and highway safety.
- Site located on corner of two roads in an established residential area. Proposed to construct a new dwelling in the back garden.
- New dwelling occupies full width of the new plot, smaller than prevailing pattern of development. Openness of the area would be exacerbated by the siting and would be harmful to the character and appearance of the area.
- The reduction in the size of the existing garden together with the small courtyard associated with the new dwelling would afford a poor level of amenity and would be harmful to the living conditions of the occupiers of the existing dwelling and those occupying the new dwelling and be detrimental to the visual amenities of the area, contrary to ST3 of the LDLP.
- The inspector did not consider that the proposal, in view of the lack of objection from the highway authority, would increase highway hazards.

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Appeal Reference	Site	Description	Decision
LW/19/0293  APP/PI425/W/19/3234597	15 High Hurst Close Newick BN8 4NJ	Alterations to existing dwelling and erection of new dwelling to rear	<b>D</b>  18 Dec 2019 Delegated decision

#### Inspector's Reasoning

- Issues – spatial character of the local area and appearance on the site and the wider street-scene, and the living conditions of 15 High Hurst Close specifically with regard to outlook.
- Area characterised by detached dwellings, substantial plot sizes, general sense of spaciousness. Proposal to construct a two storey chalet style dwelling in rear garden.
- New dwelling substantially larger than existing dwelling, with the subdivision of the garden resulting in smaller plot sizes than surrounding area. Due to cramped appearance, proximity to boundaries and small plot sizes the proposal would fail to respect the sense of spaciousness and fail to integrate with the wider street scene and cause harm to the character and appearance of the area. Contrary to CPII, ST3, ST4 of the LDLP and Ho1.6 of the NNP
- The design and location of the dwelling to the existing property would cause unacceptable harm to the living conditions of the existing occupiers, reduction in the size of the existing garden together with the small courtyard associated with the new dwelling would afford a poor level of amenity and would be harmful to the living conditions of the occupiers of the existing dwelling and those occupying the new dwelling and be detrimental to the visual amenities of the area, contrary to ST3 of the LDLP, and contrary to the NPPF in that it doesn't create a high standard of amenity. .

Appeal Reference	Site	Description	Decision
LW/18/0533  APP/PI425/W/19/3223445	Clearview Strood Farm Wivelsfield Green RH17 7RB	Change of use from ancillary accommodation to independent dwelling and changes to fenestration	<b>A</b>  31 Dec 2019 Delegated decision

#### Inspector's Reasoning

- Issues – whether there is conflict with development plan policies, impact on character and appearance of the area and whether the site would be

suitable with regard to reliance on private car.

- Large detached building used as ancillary accommodation. Site located in countryside, proposal would involve some alterations to the building including new rooflights and glazing.
- The proposal clearly conflicts with LDLP and Wivelsfield Neighbourhood Plan. Therefore need to identify whether there are other material considerations that indicate that a decision other than in accordance with policies should be made.
- Considered that the changes to the buildings appearance would be compatible with the immediate character of the area and that no harm would be caused, and would not appear out of place in the rural setting.
- In terms of reliance on a private vehicle, the site is appropriately sustainable and enough of the day to day needs of future residents could be achieved without reliance on the private car. Without any harm to the character and appearance of the area, being in a sustainable location, and the small scale of the development, the proposal despite conflicting with the policies it does not seriously undermine the objectives of policy and therefore the policy conflicts do not result in any harm and the proposal can therefore be approved.