

**Report to:** Planning Applications Committee

**Date:** 14 October 2020

**Title of report:** Summary of appeal decisions received from 1/4/20 to 30/9/20

**Purpose of report:** To update Members of the Planning Applications Committee on appeal decisions received.

**Recommendation:** To note the outcome of appeal decisions.

### Overview

- 1.1 The attached table (Appendix 1), 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. There were no decisions in the SDNP area during this period relating to Lewes District area.
- 1.2 In summary, in the last 6 months there were:
- 5 appeal decisions, 1 of which was dismissed (20%) and 4 allowed (80%).
  - 1 application for award of cost, this was dismissed as no unreasonable behaviour found.
  - No Judicial Reviews.
- 1.3 The Authority's appeal performance in the financial year to date is 20% of appeals being dismissed (1 dismissed, 4 approved).
- 1.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

## Key to Appeals Reporting

### Planning Appeals

**Appeal method – All are through written representations unless otherwise specified.**

A – Appeal is allowed.

B – Appeal is dismissed.

Planning Application No	Site	Description of Development	Decision
LW/19/0680  APP/P1425/D/19/32400 86	31 Oakmead Way Ringmer BN8 5JL	Single storey side annex.	<b>A</b>  6 May 2020 Delegated decision

### Inspector's Reasoning

- Issues – impact on the character and appearance of area, and whether it provides a satisfactory living environment for future occupants specifically in relation to parking and amenity space.
- The building would clearly function as an extension to the host dwelling and would not alter the planned structure and layout of the estate. Therefore no harm to the character or appearance of the host building or the surrounding area.
- Considered that as an annex the development would provide an appropriate level of parking and not lead to an increase of on-street parking demand. Considered that the development was acceptable in all respects and would not lead to unacceptable harm to the living conditions of existing residents.

Planning Application No	Site	Description of Development	Decision
LW/19/0902  W/4000865	33 Sherwood Road Seaford BN25 3EH	Two storey rear extension and detached garage in rear garden.	<b>D</b>  3 July 2020 Delegated decision

#### Inspector's Reasoning

- Issues – highway safety and effect on living conditions of occupiers of 31 Sherwood Road.
- Poor design and layout of the double garage would detrimentally impact on highway safety as vehicles would be unable to safely pull away from the garage entrance due to lack of distance between the garage and the highway.
- The design of the garage would mitigate any adverse overbearing or overshadowing effect on the adjacent occupier and therefore there would be no harmful effect on living conditions.

Planning Application No	Site	Description of Development	Decision
LW/19/0523  APP/P1425/W/19/3242 486	7 Romney Close Seaford BN25 3TR	Erection of a garden outbuilding	<b>A</b>  3 July 2020 Delegated decision

#### Inspector's Reasoning

- Issues - the effect on the character and appearance of the area, effect on living conditions of neighbour with regards to outlook, and the effect on highway safety.
- Site is residential garden with many sheds and outbuildings. Located in the rear garden and some distance from neighbours it is not considered that the proposal would harm the character and appearance of the area.
- Due to the relatively small size it has a limited effect on overlooking or overshadowing and therefore would not impact on the living conditions of neighbours.
- The use for dog grooming would not result in highway safety issues due to availability of spaces on street, and the low number of visitors to the business.

Planning Application No	Site	Description of Development	Decision
LW/19/0750  APP/P1425/W/20/3245 997	53 Hillcrest Road Newhaven BN9 9EE	First floor rear	<b>A</b>  7 September 2020 Committee decision

#### Inspector's Reasoning

- Issue – whether the development would have a harmful impact on neighbouring amenity.
- Balcony would afford views into the neighbour garden which would be harmful to privacy,
- In relation to the adjacent window, due to the distance and use of a privacy screen, the balcony would not be restrictive to outlook from the neighbour's window and therefore would not be harmful to the existing living conditions from noise or outlook. A condition to require the retention of a privacy screen is required.

Planning Application No	Site	Description of Development	Decision
Linked enforcement appeal  APP/P1425/C/20/32463 52	53 Hillcrest Road Newhaven BN9 9EE	Linked appeal enforcement - requiring balcony to be removed	<b>A</b>  7 September 2020 Committee decision

#### Inspector's Reasoning

- Issue – impact on neighbours
- The Inspector considered that neither the original application or the amended scheme that there would be a significantly harmful impact on the privacy of neighbouring occupiers and felt that the appeal should succeed and planning permission should be granted.
- A costs application was made but the Inspector did not find that unreasonable behaviour resulting in unnecessary or waste expense described in the PPG had been demonstrated.