

Report to:	Planning Applications Committee
Date:	21 April 2021
Title of report:	Summary of appeal decisions received from 1/10/20 to 31/03/21
Purpose of report:	To update Members of the Planning Applications Committee on appeal decisions received.
Recommendation:	To note the outcome of appeal decisions.

1. 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.
- 1.2 In summary, in the period from October to March, there were:
- 21 appeal decisions, of which 16 were dismissed (76%) and 5 allowed (24%).
 - 1 application for award of costs (included above) which was approved.
 - No Judicial Reviews.
- 1.3 The Authority's appeal performance in the financial year was 65% of appeals being dismissed (17 dismissed, 9 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/19/0839 APP/P1425/W/20/3250 238	Kendal Court Unit 6 Railway Lane Newhaven BN9 0AY	Three-storey extension to existing residential building to provide 8 studio flats.	D 10 Oct 2020 Delegated decision

Inspector's Reasoning

- Issues – effect on living conditions of residents – noise and disturbance, and on the character and appearance of area.
- The building already experiences noise and disturbance due to large number of small units, increasing the number will intensify the issues. No evidence to suggest that this matter can be managed effectively or could be dealt with by condition. Therefore the proposal would result in harm and unacceptable living conditions contrary to DM25 of the LDLP.
- Does not consider that the form of the extension would be detrimental to the character and appearance of the area.

Planning Application No	Site	Description of Development	Decision
LW/19/0920 D/4001094	Oak Tree Farm Cottage, Spithurst Road Barcombe BN85EE	Two storey side extension and rebuilding of rear single storey element.	A 23 Oct 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on character and appearance of area and effect on living conditions of nearby occupiers.
- Considered the design sits comfortably within the context of surroundings represent, conflicts with Policy DM28 but does not harm the character of the area in terms of being close to the boundary. Despite being in excess of 50% floor area it would not harm the character.
- Does not find that the proposal would be harmful to the living conditions of nearby occupiers due to separation distance and natural screening on the boundary.

Planning Application No	Site	Description of Development	Decision
LW/20/0188 D/4001427	Springbank, Slugwash Lane Wivelsfield RH17 7RG	New build development (2 bed bungalow) on garden plot.	D 29 Oct 2020 Delegated decision

Inspector's Reasoning

- Issues – development in the countryside, impact on the character and appearance of the area, and the effect on highway safety.
- Site is located outside of the settlement boundary – does not find any exceptional circumstance, key worker or other housing need, therefore contrary to DM1 as fail to demonstrate locational need.

- Proposal appears cramped on a small and severed garden plot, incongruous and due to positioning , orientation, and bulk would be at odds with the character of the area – contrary to DM25.
- In terms of highway safety the access and egress of vehicles from this corner plot would harm highway safety contrary to DM30.

Planning Application No	Site	Description of Development	Decision
LW/20/0039 W/4001241	14 Montreal Close Peacehaven BN10 8FG	Front boundary wall.	D 3 November 2020 Delegated decision

Inspector’s Reasoning

- Issue – impact on the character and appearance of the area.
- Wall would appear overly prominent and appear out of place in this specific location, it would also enclose a garden in an area typified by open frontages, and would therefore appear incongruous and out of character, contrary to CP11 and DM25 of the LDLP.

Planning Application No	Site	Description of Development	Decision
LW/19/068 W/4001124	20 The Esplanade Telscombe Cliffs BN10 7EY	First floor addition.	D 6 November 2020 Delegated decision

Inspector’s Reasoning

- Issue – impact on character and appearance of the area, and impact on neighbours.
- The Inspector considered that the additional bulk and the addition to the roofline would significantly erode the openness of the area and disrupt the symmetry of the row of terraces, and would therefore be harmful to the character of the area.
- Does not considered that, due to orientation, that the proposal would detrimentally impact on neighbours.

Planning Application No	Site	Description of Development	Decision
LW/19/0657 W/4000689	Uplea, Green Road Wivelsfield Green RH17 7QA	New single dwelling with landscaping and parking.	A 19 November 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of the area, and the living conditions of nearby occupiers.
- Subdivision of the plot would result in two good sized plots commensurate with surrounding plots sizes, and sits comfortably within the surrounding built form, and therefore is compliant with DM25 and DM1 and DM30.
- The proposal is located significant distance from neighbours, and from the boundary, which together with its modest height would not have a material impact on living conditions of the adjacent occupiers.

Planning Application No	Site	Description of Development	Decision
LW/20/0356 D/4001720	52 Rodmell Avenue Saltdean BN2 8PG	Ground floor infill extension, first floor pitched roof, balconies.	D 27 November 2020 Delegated decision

Inspector's Reasoning

- Issue – impact on the character and appearance of the area, living conditions of neighbours.
- Represents a development of considerable scale and mass in comparison to host and neighbouring dwellings, appearing overly prominent and hence incongruous to the surrounding area, contrary to DM25 and CP11.
- The development would be overbearing in nature and diminish the relatively open amenity space of the neighbouring gardens and thus harm the living conditions of the neighbouring occupiers, contrary to CP11 and DM25.

Planning Application No	Site	Description of Development	Decision
LW/20/0386 APP/P1425/W/20/3259 774	10 Banning Vale Saltdean BN2 8DX	Construction of a scooter store.	D 17 December 2020 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of area.
- The Inspector considered that the prominent position on the grass verge and materials to be used would appear obtrusive and visually discordant with the other building and contrary to DM25, DM28 and CP2 of the LDLP.

Planning Application No	Site	Description of Development	Decision
LW/18/0195 APP/P1425/W/18/3218 686	Berrymead, Speatham Lane, Westmeston BN6 8XL	New build replacement dwelling.	D 22 December 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of the area, requirements for replacement dwellings in the countryside, and whether it would be a suitable site for housing.
- Considered that the proposal would, due to its larger footprint and substantial form, have a significant harmful impact on the spatial and landscape character of the area and be visible from rights of way, and therefore be contrary to CP11, DM1 and DM25.
- Due to the separation from existing dwellings, it would harm the landscape and spatial character, and with no clear landscape, access or amenity benefits would not be justified and would therefore be contrary to DM1 and DM5 of the LDLP.

- Does not considered the location so isolated from services to justify refusal.

Planning Application No	Site	Description of Development	Decision
LW/19/0911 APP/P1425/W/20/3253 947	92 Allington Road Newick BN8 4ND	Detached dwelling and extension to existing dwelling and car parking.	A 6 January 20210 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, and effect on the Ashdown Forest SAP and SAC.
- The Inspector considered that having assessed the area that no real visual harm would occur and both remaining gardens would be of an acceptable size. It would cause no harm to the street scene or the wider character and appearance of the area. The proposed frontage parking would not be either unusual or harmful.
- Having considered the measures already in place at Readons Meadow it was considered that the proposal would not adversely affect the SAC or SPA and therefore accorded with policy.

Planning Application No	Site	Description of Development	Decision
LW/20/0058 APP/P1425/W/20/3256 309	Bybuckle Court Marine Parade Seaford BN25 2PZ	Change of use of nursing home to 6 flats.	D 19 November 2020 Committee decision

Inspector's Reasoning

- Issues – whether the design and layout is of an acceptable standard.
- The Inspector questioned whether there was actually any merit in retaining the building as it did not have any townscape value, albeit there would be embedded energy saved by its retention but poor energy efficiency.

- The constraints of the site and the present building results in a building that does not take full advantage of the location and does not reach the standard of design and utility sought in local and national policies.

Planning Application No	Site	Description of Development	Decision
LW/18/0590 APP/P1425/D/20/32459 13	Newhaven Lodge 12 Brighton Road Newhaven BN9 9NB	Bike shed in front garden.	D 4 February 2021 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, the building and street scene.
- The Inspector considered that the bike shed was 'manifestly at odds with the uniform pattern and sequence of the other properties and stands out as an unexpected and unwelcome visually intrusive feature – a clear departure from local distinctiveness that is not compatible with and does not contribute positively to the local area'.
- Therefore harmful to the character and appearance of the area.

Planning Application No	Site	Description of Development	Decision
LW/20/0488 W/20/3261253	11A Nutley Avenue Saltdean BN2 8ED	Demolition of garage and erection of a two storey two bed house.	D 4 February 2021 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of the area, with regards to plot width and form/design.
- Road has an open spacious quality. Siting forward of the front wall makes the proposal appear conspicuous and dominant addition, unsympathetic to the pleasing regular and balanced profile of the neighbouring dwelling. The forward siting would result in the site appearing relatively cramped and fail to relate well to the areas more spacious pattern of development.

Planning Application No	Site	Description of Development	Decision
LW/19/0462 W/4000743	1 Wheatlands Close Telscombe Cliffs BN10 7JF	2 bed detached bungalow.	D 10 February 2021 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, and living conditions of neighbours.
- The Inspector considered that the introduction of a significant level of built form directly adjacent to neighbours amenity space would create an oppressive and dominating environment for the occupiers of neighbouring dwellings.
- The proposal would result in disturbance to neighbours and would be harmful to neighbours living conditions and have an adverse and unacceptable impact on amenities.

Planning Application No	Site	Description of Development	Decision
LW/20/0119 APP/P1425/W/20/3256 832	23 Fairways Road Seaford BN25 4EL	Side extension to create self-contained dwelling.	D 11 February 2021 Delegated decision

Inspector's Reasoning

- Issues – effect on the character and appearance of the area.
- The Inspector considered that the attached design and narrower and smaller plot would appear cramped and squeezed on to the site. As such it would be harmful to the character and appearance of the area and contrary to Policy DM25 and DM28.

Planning Application No	Site	Description of Development	Decision
LW/20/0124 W/4001379	36 The Rough Newick BN8 4NS	Approval of reserved matters (access, appearance, landscaping , layout and scale).	A 22 February 2021 Committee decision

Inspector's Reasoning

- Issues – impact on the living conditions of the surrounding occupiers.
- The inspectors considered that whilst there would be a modest level of overlooking this would not be unusual in a residential area, and it would be reasonable to secure landscaping along the boundary to mitigate any perceived overlooking. With 27m from the dwellings in Oldaker Road I am satisfied that such a distance would protect privacy and would not result in a harmful level of overlooking.
- He found that the proposed dwelling would sit comfortably within the area and would not result in harm to the living conditions of neighbouring occupiers and would therefore comply with Policies DM25 and CP11 of the LDLP and H05 of the Newick NP.

Planning Application No	Site	Description of Development	Decision
LW/20/0124 W/4001379	36 The Rough Newick BN8 4NS	COSTS APPLICATION.	A 22 February 2021 Committee decision

Inspector's Reasoning

- Issue – unreasonable behaviour, refusing the application against the advice of officers, basing their reasons for refusing on vague assertions.
- The Inspector considered that whilst the committee are entitled not to accept professional advice as long as a case could be made for the contrary view. The issue of levels was addressed within the report and could have been dealt with by the imposition of conditions. The Council had not demonstrated that there was any clear evidence how such conditions would not overcome their objections and failed to demonstrate that the proposal would be harmful to the living conditions of

neighbouring occupier. The inspector considered that permission should have been granted and that the refusal therefore constituted unreasonable behaviour resulting in wasted expense.

- A full award of costs was made.

Planning Application No	Site	Description of Development	Decision
LW/20/0216 W/4001464	Oakside Campsite Green Lane Ringmer BN8 5AD	Erection of a detached replacement dwelling and detached garage.	D 5 February 2021 Delegated decision

Inspector's Reasoning

- Issue – whether the dwelling would be acceptable having regard to local and national policy.
- Proposal lies outside of the planning boundaries where DM1 states that the distinctive character and quality of the countryside will be protected and new development only permitted where it is consistent with a specific policy or where there is a need for a countryside location . Policy 4.1 of the Ringmer Neighbourhood Plan sets out a similar thrust.
- The inspector considered that the development would not be consistent with local or national policies.

Planning Application No	Site	Description of Development	Decision
LW/14/0703 APP/P1425/W/15/3119 171	Mitchelswood Farm, Allington Road, Newick BN8 4NH	50 residential dwellings, open space , new accesses.	D 16 February 2021 Delegated decision

Inspector's Reasoning

- Issues – location of housing (conflict with local plan), effect on character and appearance of the landscape (substantial visual harm to the character and appearance of the landscape and village setting), housing (considered that the genuine need for

affordable housing should command significant weight), effect on Ashdown Forest (would not be likely to have any significant effect on Ashdown Forest SPA or SAC or the conservation objectives).

- The Secretary of State agreed with the inspector and dismissed the appeal.

Planning Application No	Site	Description of Development	Decision
LW/19/0385 W/4000788	55 Allington Road Newick BN8 4NB	Construction of 9 bungalows.	D 15 March 2021 Delegated decision

Inspector’s Reasoning

- Issue – impact on character and appearance of the area, whether the site is suitable for the proposed development.
- The Inspector considered that the development would have a significant harmful impact on the spatial and landscape character of the area which reflects the undeveloped open character of the countryside, contrary to Policies CP10, CP11 and DM25 as well as EN1 and HO1.1 of the Newick NP.
- Being located outside of the settlement boundary it conflicts with policy DM1.
- Being self-build would not overcome the considerable and significant effect on the character of the area both spatially and visually.
- Did not consider that there would be any impact on the Ashdown Forest.

Planning Application No	Site	Description of Development	Decision
LW/20//0583 APP/P1425/D/21/32682 46	17 Springfield Av Telscombe BN10 7AR	Rear extension and loft conversion	D 31March 2021 Delegated decision

Inspector’s Reasoning

- Issue – impact on character and appearance of the area, living conditions of neighbours and privacy.

- The Inspector considered that the dormer windows would harm the character and appearance of the area, unsympathetic with the host building.
- The windows would introduce overlooking and hence a loss of privacy to neighbours.

Relevant SDNP appeal dealt with by Lewes having been refused by the Lewes Planning Applications Committee

Planning Application No	Site	Description of Development	Decision
SDNP/20/01311/FUL APP/Y9507/W/20/3261 128	South of 46 Beacon Road Ditchling BN6 8UL	Erection of detached dwelling and garage with new access and landscaping.	D 10 February 2021 Committee decision

Inspector's Reasoning

- Issue – whether the proposal would result in inappropriate and inefficient use of land with regards to settlement boundary policies.
- The Inspector considered that the land was previously development but that the change to residential land would not satisfy the exceptions for development outside the settlement boundary as listed in policies SD25 and DS1.
- The house would be a remote outlier, does not reflect low density housing on the along Beacon Road, the dwelling would still be seen from the public realm, the siting would not be appropriate being outside the settlement confirmed in the recent neighbourhood plan process.
- The proposal would result in inappropriate residential use outside of the settlement boundary , not relating well to the context of the settlement.

Planning Application No	Site	Description of Development	Decision
SDNP/20/00069/HOUS D/4001789	26 Shirleys Ditchling BN6 8UD	Remodelling dwelling to form a 2-storey dwelling with single storey rear extension 2 storey side extension and raising ridge to create a first floor.	D 1 March 2021 Committee decision

Inspector's Reasoning

- Issues – effect on supply of small/medium dwellings having regard to SDNP's strategy.
- Uplift in size would significantly exceed the 30% imposed by policy SD31, also increase number of bedrooms from 3 to 4 taking it outside the definition of a medium sized dwelling, the fact that the family has grown in size is not considered to be exceptional circumstances and no evidence to show that this proposal was the only way of improving the living conditions.
- The proposal would lead to the unacceptable loss of a medium sized dwelling by over-extending the building. There are no exceptional circumstances. The proposal would be in clear conflict with SDLP Policy SD31 and fail to achieve a sustainable form of development.