
Appeal Decision

Site visit made on 15 May 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/P1425/W/17/3168022

36 Vernon Avenue, Peacehaven, East Sussex BN10 8RT

- 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 Shankar Kanumakala against the decision of Lewes District Council.
 - The application Ref LW/16/0792, dated 13 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed is the demolition of existing bungalow and erection of new building to accommodate 4 x 2 bedroom apartments and 1 x 1 bedroom apartment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the effect on the level of traffic generation and car parking; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 29 and 31 Sunview Avenue in relation to privacy.

Reasons

Character and appearance

3. The proposal is for the redevelopment of the site of No 36 Vernon Avenue with a building comprising five flats. The site, currently occupied by a modest single storey bungalow, forms part of a regular pattern of residential plots along a series of parallel roads on either side of the A259 Coast Road.
4. These roads are lined with a variety of dwelling types including bungalows, chalet bungalows and two storey houses, some detached, some semi-detached and some in short terraces. Vernon Avenue is no exception, with No 34 on one side of the appeal site a small bungalow with a front facing dormer window and on the other side Nos 38/38a, a pair of semi-detached chalet bungalows.
5. From the front the building would have the appearance of a double fronted chalet bungalow, filling the width of the plot with only narrow gaps each side. This would be a similar building form to other redeveloped sites nearby, for example Nos 38/38a and 30/30a, two pairs of semi-detached chalet bungalows which also have narrow gaps on each side. In addition, the building would

- respect the front building line along the road, being set back behind front gardens/parking spaces about the same distance as the others.
6. However, the proposal also includes a large rear wing which would extend deep into the rear garden, well beyond the rear elevation of the dwellings on either side. This wing, about 6 m long and with a high eaves line on each side, higher than that of the front part of the building, would appear over prominent and intrusive when seen from nearby rear gardens and the rear facing windows of the properties in Sunview Avenue behind. As a result, whilst not apparent from the road, the proposal would cause significant harm to the character and appearance of this residential area.
 7. In addition, the proposed group of five flats would represent a more intensive form of development in the road which currently comprises only individual dwellings. Some of the larger plots have been subdivided, but these have been redeveloped with single dwellings including semi-detached houses and short terraces. Whilst the building would have the appearance of a single chalet bungalow it would contain five flats, including four two-bedroom flats, leading to a significant increase in comings and goings from the property.
 8. As a lightly trafficked residential cul-de-sac the increase in vehicle movements would not be significant in highway terms, but it would be noticeable in the immediate vicinity of the property compared to single dwelling use. This would also be the case compared to a redevelopment of the site with a pair of semi-detached houses like Nos 38/38a next door. Flats might be acceptable visually in the street scene but it is the number proposed in relation to the width of the frontage that would result in an over intensive development leading to a level of activity which would be out of character with the remainder of the road. The appellant offers to make two of the flats 'car free', but there is no mechanism suggested to ensure that this is the case.
 9. The appellant states that there are a large number of apartment buildings scattered around Peacehaven, but no details of these are provided and the subdivided plots in the vicinity of the appeal site shown on drawing 1514-F-02 all appear to be redeveloped by single dwellings.
 10. The proposal would also include the creation of five parking spaces along the site frontage. This would involve the loss of the front wall but there is frontage parking of this type elsewhere along the road, including in front of Nos 25, 31, 31a and 33. The Council argue that there would be a lack of spaces for the occupiers of five flats, leading to increased pressure for on-street parking, but this is not supported by reference to any parking standards or surveys and therefore may or may not be the case.
 11. For the reasons explained in paragraphs 6-8 above the proposal would cause significant harm to the character and appearance of the area in conflict with Policy CP11 of the Lewes Joint Core Strategy 2016 and Policies ST3 and PT3 of the Lewes District Local Plan 2003 (LDLP). These seek to ensure that development is designed to a high standard, respects the overall scale, massing, site coverage, character and layout of neighbouring buildings and the local area more generally, and does not result in detriment to the character of the area through increased traffic levels.

Living conditions

12. The rear wing of the proposal would extend to within a few metres of the fence along the common boundary with Nos 29 and 31 Sunview Avenue, the two properties which back onto the site. As a result the two first floor windows in the end of the wing, serving the second bedroom in each of the first floor flats, would overlook the private gardens and rear facing windows of Nos 29 and 31 from close quarters. This would lead to an undue loss of privacy for the occupiers of those properties. The appellant suggests that these windows could be obscure glazed and non-opening, but this would provide unacceptable living conditions for the occupiers of the bedrooms concerned.
13. The proposal would therefore cause significant harm to the living conditions of the occupiers of Nos 29 and 31 Sunview Avenue in relation to privacy. This would be contrary to Policy ST3 of the LDLP which seeks to ensure that development respects the amenities of adjoining properties in terms of privacy.

Other matters

14. The appellant has secured a Certificate of Lawful Development which illustrates the various extensions which could take place under permitted development rights for a single dwelling, including a detached building under Class E in the rear garden. The result would be a disjointed building in design terms but it would not raise the same objections as the current scheme.
15. The Council argue that the proposal would set an undesirable precedent for the redevelopment of other sites in the road, but each case should be considered on its own merits.
16. The side facing window of the second bedroom in flat 1 and to a lesser degree flat 2 on the ground floor would be very close to the side boundary fencing resulting in a poor standard of outlook for the occupiers.

Conclusion

17. The proposal would provide an additional four units of accommodation in a sustainable location, helping meet local housing needs and offering important social and economic benefits for the area. It would be built to higher energy efficiency standards than the existing building. The proposal would also remove the outbuilding in the garden, tidy up the street frontage, improve the relationship with the properties on either side and make more use of the site. However, these benefits, even in combination, do not outweigh the objections to the proposal which have been identified under the two main issues.
18. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR