



Appeal Decision

Site visit made on 18 June 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/P1425/W/19/3225258

Thelkenber, Green Lane, South Street BN8 4BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Smith (Hill in the Fold Ltd) against the decision of Lewes District Council.
 - The application Ref LW/18/0989, dated 12 December 2018, was refused by notice dated 26 February 2019.
 - The development proposed is demolition of existing dwelling and erection of 5 x 2 storey houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal upon the living conditions of the neighbouring occupiers of The Dell, having particular regard to outlook and privacy;
 - Whether satisfactory living conditions would be provided for future occupiers of the development, having particular regard to the size of the accommodation; and
 - Whether the proposal would include adequate cycle and car parking provision.

Reasons

Character and appearance

4. The appeal site comprises a bungalow which is to a large extent screened by a mature hedge along the front boundary, and set within a proportionately sized plot. It is located within an area of primarily residential character, which comprises dwellings of various types and designs. Properties are typically set back from the road frontage, behind small front gardens and car parking areas.

5. The appeal scheme would result in a significant intensification of development within the plot, by reason of the site coverage of the new dwellings and associated car parking areas. The degree of spacing either side of the existing building, which currently provides visual relief to the street scene and contributes to the semi-rural setting of the locality, would be significantly reduced. The scale and bulk of the proposal would look excessive and disproportionate to the size of the plot, thus imparting a cramped appearance to the site. The detached dwelling would appear particularly squeezed into a narrow plot, which is exemplified by the limited width of the building.
6. The proposal would appear as an overly intensive form of development, which would exceed the capabilities of the existing plot to comfortably accommodate five dwellings, causing harm to the character and appearance of the area. This would be exacerbated by the proximity of the buildings to the road frontage, resulting in an unduly prominent form of development within the street scene. This would leave little space to the front of the site to provide any meaningful landscaping to help softening the impact of the proposal.
7. The appeal scheme would also include large hardstanding areas for the provision of car parking spaces and associated vehicular accesses. The harm would be further compounded by the removal of the mature hedge along the front boundary of the site. Cumulatively, these elements would significantly erode the spacious nature of the appeal site, and lead to an urbanisation of the plot which would appear out of keeping with the semi-rural character which defines this area. Whilst I note that the appellant would be willing to accept a condition requiring the submission of materials to be agreed with the Local Planning Authority, this would not overcome the harm which I have identified.
8. For the foregoing reasons, I conclude that the proposal would unacceptably harm the character and appearance of the area. It would subsequently conflict with the design aims of Policy ST3 of the Lewes District Local Plan – March 2003 (LP) and Policy CP11 of the Lewes District Local Plan Part 1 – Joint Core Strategy – May 2016 (JCS), as well as the Framework, which emphasises the importance of creating high quality buildings and places.

Living conditions – Neighbouring occupiers of the Dell

9. This neighbouring bungalow is located to the north of Thelkenber, and includes several windows on the side elevation facing towards the appeal site. The appeal scheme would notably entail the construction of a pair of semi-detached dwellings within proximity to the boundary shared with the Dell, and on higher ground than this neighbouring bungalow.
10. The pair of semi-detached properties, which would be adjacent to this neighbouring property would not project further to the rear or front than the existing bungalow. However, by reason of the height and bulk of the new building, but also the changes in level between the appeal site and this neighbouring property, the proposal would introduce an oppressive form of development, which would appear overbearing and visually intrusive to the occupiers of this neighbouring property.
11. The proposed development would not include any windows on the side elevation facing towards this neighbouring site, and would therefore not cause any harmful loss of privacy for its occupiers. Nevertheless, by reason of the changes in level, and the relative proximity of plot 1 to the northern boundary

of the site, the proposal would give rise to increased levels of perceived and actual overlooking into the private rear garden of this neighbouring property, which would be detrimental to the living conditions of its occupiers.

12. The proposal would be harmful to the living conditions of the neighbouring occupiers of the Dell, with particular regard to outlook and privacy. It would subsequently fail to accord with LP Policy ST3, which notably seeks to ensure that development proposals respect the amenities of adjoining properties. For similar reasons, the appeal scheme would not accord with the Framework, particularly paragraph 127, which requires development to provide a high standard of amenity for existing and future users.

Living conditions – Future occupiers of the development

13. The Council is concerned that several properties would not provide satisfactory living environments for future occupiers. In that particular regard, my attention has been drawn to the *Technical housing standards – nationally described space standard*¹. Whilst I have no evidence that the Council has adopted these or any other standards, the liveability of the proposed dwellings constitutes an important consideration to establish whether a good standard of accommodation would be provided, having notably regard to the size and configuration of the units.
14. The bedrooms to plots 1 and 2 would be particularly small. Whilst typical sections are shown alongside the floor plans, this is not sufficient to establish whether the usable headroom space within these habitable areas would be adequate. More generally, in the absence of details showing elements such as furniture and storage areas, I am unable to ascertain whether the bedrooms for the five dwellings would provide satisfactory living spaces, despite their restricted sizes.
15. In conclusion, I find that the proposal would not provide adequate living conditions for future occupiers, having regard to the size and internal arrangement of the bedrooms in particular. It would therefore not accord with JCS Policy CP11, which notably requires development proposals to be designed to a high standard. There would also be conflict with the Framework, particularly paragraph 127.

Car and cycle parking provision

16. The proposal would include tandem parking arrangements for the new dwellings. As part of the proposal, two on-street parking bays would also be provided for visitors. It is not suggested that the proposed spaces would be substandard in size or that it would not be possible to manoeuvre in or out of them. Whilst it is argued that the proposed tandem parking arrangements would be unlikely to be used to their full potential, no detailed information has been presented to demonstrate with any degree of certainty that this would occur in practice.
17. The Case Officer's report refers to the East Sussex County Council's 2017 Guidance for parking and parking demand calculator, which are used by the Local Highway Authority. No evidence has however been submitted to demonstrate that this guidance has been subject to a period of public

¹ Department for Communities and Local Government, March 2015.

consultation and formally adopted by the Council, thus limiting the weight which can be ascribed to it.

18. I accept that tandem parking arrangements may not be ideal, but this is not a sufficient reason to dismiss the appeal. In respect of the effect on visibility, the provision of laybys would not be any different from vehicles parked adjacent to the footpath. An appropriately worded condition would suffice to ensure that pedestrian inter-visibility splays are implemented and maintained, to ensure that drivers are able to leave the site in a safe manner. Furthermore, whilst the appeal scheme would not include the provision of electric vehicle charging points, this is something that could also have been conditioned, had the proposal been considered acceptable in all other respects.
19. The provision of two car parking spaces per dwelling, albeit in a tandem arrangement, is therefore considered acceptable, and would not give rise to highway safety issues. The proposal would subsequently accord with JCS Policy CP13 and the Framework, which seek to promote sustainable modes of transport.
20. LP Policy T7 requires development proposals to provide cycle parking, where appropriate. Whilst the appeal scheme would not include the provision of cycle parking facilities, the proposed dwellings would all benefit from private gardens, where bicycles could be securely stored. Having regard to the size and layout of the appeal site and the additional space likely to be required to accommodate cycle storage provision for the proposed dwellings, this matter could be addressed by the imposition of a suitably worded condition, to encourage sustainable modes of transport. This would ensure the proposal's compliance with the development plan and the Framework in that particular regard.

Conclusion

21. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR