
Appeal Decision

Site visit made on 30 September 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/Y9507/D/19/3232170
27 Newton Road, Lewes BN7 2SH

- 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 Ms Alina Sigaro [and Guillermo Raffo] against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/01867/HOUS, dated 15 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is the construction of a separate timber framed garden studio [annexe] within the rear garden of the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined the Authority has now adopted the South Downs Local Plan 2014-33 (2019) (SDLP). The form and wording of Policies SD4, SD5, SD7 and SD11 of the SDLP have not materially changed from when the planning application was determined by the Authority.
3. In their refusal notice, the Authority has also referred to Policy CP11 of the Lewes District Joint Core Strategy (JCS) as a reason for refusal. However, as noted above, the Authority has now adopted the SDLP and therefore the policies in the SDLP replace those in the JCS. Hence, although the Authority's refusal notice refers to a JCS policy, it is no longer relevant to the determination of this appeal.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) trees and shrubs.

Reasons

Character and appearance

5. No 27 Newton Road forms the right-hand half of a pair of two-storey semi-detached houses positioned on the corner of Newton Road and New Road. New Road is a relatively short and steep link road between Newton Road and Stansfield Road. The rear garden of No 27, which slopes steeply downwards towards Stansfield Road, has extensive trees, shrubs and other foliage and is enclosed along New Road by a wooden boundary fence on top of a low wall.

6. The appeal property is typical of the development in the surrounding area, the street scene of which is characterised by evenly spaced pairs of semi-detached and rows of terraced houses that are aligned in an ordered manner. These characteristics combine to give the street scene a balanced appearance and strong rhythm of development, which the appeal site makes a positive contribution towards. The presence of grass verges, trees and mature landscaping in the gardens of some properties, add positively and distinctively to the character and appearance of the area.
7. The proposed flat roof building would be approximately 4.6 metres wide and 6.1 metres deep. The existing trees and shrubs within the garden along the south east boundary would be removed and the building would be positioned approximately 1.3 metres from the north east corner of the house and close to the boundary. The height of the building above the floor level would be approximately 2.8 metres, with a raised roof section approximately 4.2 metres above the floor level: this section of the building would be approximately 0.5 metre lower than the eaves level of the house. The existing planting in the northern part of the garden would restrict views of the building when looking south west from Stansfield Road. However, it would protrude above the boundary fence by a minimum of approximately 2.0 metres and the raised roof section by approximately 3.0 metres so would be very readily visible in local public views from New Road in the vicinity of the junction with Newton Road.
8. Taking into account the position, scale, mass and somewhat unusual shape of the building, it would visually dominate the vista in local views. It would therefore be conspicuous and incongruous when viewed from the street and upset the overall balance and rhythm of development in the surrounding area.
9. I acknowledge the appellant has sought to position the building away from neighbouring properties and include additional planting to help reduce the visual impact of the proposal. However, for the above reasons, the development would be readily apparent from the public domain and so would have a significant adverse influence on the street scene. For these reasons, therefore, the proposed building would be significantly harmful to the character and appearance of the area.
10. Consequently, in this regard, the proposal would not accord with Policies SD4, SD5 and SD7 of the SDLP, Policy PL2 of the Lewes Neighbourhood Plan (2019) and Friends of Lewes: The Design of Garden Rooms Planning Advice Note which, amongst other things, seek to ensure that the scale and overall design of proposals respect the character and appearance of existing development in the surrounding area.

Trees and shrubs

11. The development would lead to the removal of some trees and shrubs. However, new trees would be planted as part of the proposal and I am therefore satisfied that any harm by way of a loss of existing trees and shrubs could be off-set in this manner. Full details in respect of the provision and retention of landscaping could be suitably secured by condition.
12. Thus, I therefore find no harm in terms of a loss of trees and shrubs and as such no conflict with Policy SD11 of the SDLP which, amongst other things, seeks to ensure the management, including conservation and enhancement, of existing trees and opportunities for new planting is realised.

Other Matters

13. The appellant points out that the development by virtue of its position would not have an adverse impact on neighbouring properties with respect to amenity, privacy, overlooking, overshadowing or noise. However, these are not matters in dispute and thus do not alter or outweigh my overall conclusions set out above.
14. I acknowledge the proposed building would be an isolated and insulated studio space away from the spatial constraints and limited acoustic performance of the house. I have taken these considerations into account, however they do not outweigh the harm I have found in respect of character and appearance.

Conclusion

15. Whilst I have found no harm in regard to trees and shrubs, this would not overcome the significant harm that would be caused to the character and appearance of the area. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR