



Appeal Decision

Site visit made on 8 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/P1425/W/19/3233039

8 Capel Avenue, Peacehaven BN10 8NB

- 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 Peter Bell (Bellway Property Ltd) against the decision of Lewes District Council.
 - The application Ref LW/18/0907, dated 13 November 2018, was refused by notice dated 10 January 2019.
 - The development proposed is demolition of the existing bungalow and erection of a pair of semi-detached houses and a detached house together with landscaping and car parking.
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Decision

1. The appeal is allowed. Planning permission is granted for demolition of the existing bungalow and erection of a pair of semi-detached houses and a detached house together with landscaping and car parking at 8 Capel Avenue, Peacehaven BN10 8NB in accordance with the terms of the application, Ref LW/18/0907, dated 13 November 2018, and the plans submitted with it, subject to the conditions set out in Annex A.

Background and Main Issue

2. Whilst no specific reasons for refusal were included on the Council's decision notice dated, 10 January 2019, contained within the officers report there are reasons for refusal which say that 'it is considered that the provision of three dwellings in this area would result in the overdevelopment of the application site to the detriment of the appearance and character of the street-scene and surrounding area. This is reinforced by a further Decision Notice that was issued on 29th July 2019 which states that the Council's decision to refuse the proposal as 'the proposed development, by virtue of the provision of three dwellings in this location would result in the overdevelopment of the application site to the detriment of the appearance and character of the street-scene and surrounding area, contrary to policies ST3 (Design), CP2 (Housing Type, Mix and Density) and CP11 (Built and Historic Environment) of the Lewes District Local Plan Part 1 Joint Core Strategy 2016 (LDJCS). Therefore, looking at the evidence supplied by both main parties I consider the main issue to be:
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

3. The appeal site is located in a residential area of brick and tile, one and two-storey dwellings as part of a string of development either side of A259 coast road which is characterised by a range of building heights in both modern and traditional design styles. Most dwellings, including 8 Capel Avenue, are situated on large plots with deep frontages and/or off-street parking available to them. The existing bungalow would be demolished and replaced with one detached, and two semi-detached 2-storey houses with 6 off-street parking spaces to the front.
4. The appeal site is wide and deep; and despite being flanked by two-storey houses and one-storey bungalows would be sufficient for the development of three dwellings without concern for overdevelopment of the site or erosion of the general openness of the area, as evidenced by the submitted street elevation drawings. The proposal would be constructed in a contemporary design style with parking to the front that, in this particular location, would not be incongruous with the varying street-scene. The parking spaces and front of the development would be softened by the provision of landscaping that would be secured through the imposition of a condition.
5. Therefore, the proposal aligns with Policies ST3 (Design), CP2 (Housing Type, Mix and Density) and CP11 (Built and Historic Environment) of LDJCS, which say amongst other things that new development should respect the overall scale, height, and massing of the local area and should not result in detriment to the character of the area and maintain a 'sense of place'.
6. For similar reasons, the proposal is compliant with Paragraph 127 of the National Planning Policy Framework which requires that development will be sympathetic to local character and create attractive places to live.

Other Matters

7. I acknowledge the concerns raised by interested parties in respect of parking provision. However, Capel Avenue is a residential area where there are no on-street parking restrictions, and many occupants choose to park on a hard-standing to their dwelling frontage. Therefore, the effect of the proposal, which includes on-plot parking, is likely to be limited. Further, the existing separation distances enjoyed along and across Capel Avenue would retain a sense of openness that would not be eroded by the scale of the proposal or its visual appearance. Accordingly, I find no harm to the living conditions of the neighbouring occupiers.

Conditions

8. I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; in the interests of certainty, a standard time limit condition and a condition requiring that the development is carried out in accordance with the approved plans. A condition related to measures to reduce carbon energy use, including details of electric vehicle charging points, and also conditions related to vehicle and cycle parking. This condition will support measures to reduce carbon energy use and facilitate renewable energy installations.

9. A condition related to cycle parking to encourage sustainable forms of transport and a condition to ensure the provision of parking areas for vehicles associated with the development.
10. Conditions related to the hours of operation in association with a Construction Environment Management Plan that will set out the arrangements for managing all environmental effects of the development.
11. In order to protect the appearance of the area, I have imposed a condition requiring that the external materials used in the construction are approved by the council.
12. The imposition of a condition to remove permitted development rights for development on the site is necessary to ensure the site is not further developed, without the agreement of the Local Authority, in such a way that would cause harm to the area or the environment.
13. Finally, a condition in respect of refuse and recycling storage facilities to ensure adequate provision in accordance with standards.
14. The appellant has confirmed in writing in respect of Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 to the imposition of the pre-commencement conditions 7 and 8, set out in Annex A below, related to a Construction Environment Management Plan and the external finishes of the proposal.

Conclusion

15. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

JE JOLLY

INSPECTOR

Annexe A:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1238-01 Location Plan, 1238-02 Street Elevation, 1238-04 Semi-Detached House Floor Plans, Roof Plan and Section, 1238-05 Semi-Detached House Elevations, 1238-06 Detached House Floor and Roof Plans and 1238-07 Detached House Elevations and Section. No windows, doors or openings of any kind shall be inserted in the side elevations of the building hereby approved, other than those expressly permitted by this consent as shown on drawings Nos 1238/05 and 1238/07.
- 3) None of the new dwellings hereby permitted shall be occupied until details of how the development incorporates measures to reduce carbon energy use and facilitate renewable energy installations, including details of the electric vehicle charging points, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of the new dwellings as they are each completed; and shall be retained as such thereafter.
- 4) The development shall not be occupied until cycle parking has been provided in accordance with the approved plans and these areas shall be retained for that use thereafter.
- 5) The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
- 6) All demolition and construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.
- 7) No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including workers travel plans with details of the anticipated number, frequency and types of vehicles used during construction, the method of access and egress and routeing of vehicles during construction, the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development. Details should also include the temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

- 8) Before any external finishes are applied, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with those approved details.
- 9) Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A-H of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.
- 10) The development hereby permitted shall not be occupied until details of the storage of refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

***** End of Conditions *****