
Appeal Decision

Site visit made on 15 October 2019 by Emma Worby BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 3rd December 2019

Appeal Ref: APP/P1425/D/19/3233658

3 East Albany Road, Seaford, BN25 1TU

- 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 Louis Wilkinson against the decision of Lewes District Council.
 - The application Ref LW/19/0282, dated 10 April 2019, was refused by notice dated 4 June 2019.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by Mr Louis Wilkinson against Lewes District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is the impact of the proposed development on the living conditions of the occupiers of the neighbouring dwellings with regard to outlook.

Reasons for the Recommendation

5. The appeal site is occupied by a detached chalet-bungalow style dwelling with dormer windows on the front and the rear elevations. The site is situated within a residential setting with the surrounding dwellings having a varied style and appearance. The proposal includes a slight increase in the overall ridge height of the property and a two-storey extension to the rear with the eaves height to remain below first floor level as existing.
6. The building to the north of the appeal site is also a chalet-bungalow style property, but has been divided into flats. This building sits on a slightly lower ground level than the appeal property and, therefore, its eaves height is lower than the current, and proposed, eaves height of the appeal property.

7. The proposed extension would be located in close proximity to the boundary. It would measure 7.5 metres deep, as shown on the plans, and would extend beyond the south facing living room window of flat 5 in the neighbouring building. It is noted that there is currently a close boarded boundary fence within close proximity to the windows on the southern elevation of the neighbouring property which already blocks some of the neighbouring occupiers outlook. However, due to its greater height and massing than the fence, the proposal would create a harmful sense of enclosure, detrimentally affect the outlook from this window and the daylight received by it. The appellant has stated that the living room of flat 5 is also served by patio doors on the eastern elevation facing the garden. Nevertheless, this would not wholly compensate for the overbearing impact found to be caused by the proposed development.
8. The Council have also raised concerns regarding the loss of light to two rooflights on the southern elevation of the neighbouring property serving Flat 4. However, these would be further from the proposed extension and therefore the loss of light would not be significant.
9. For the reasons above, I consider that the proposed development would be harmful to the living condition of the occupiers of the neighbouring property and therefore would be contrary to Policies ST3 and CP11 of the Lewes District Local Plan (2003) and Joint Core Strategy (2016) which seek to ensure new development respects the amenities of adjoining properties and is well integrated within the surrounding area.

Other Matters

10. The appellant has stated that a development allowed under permitted development rights would also obscure the windows on the southern elevation of the neighbouring property and that this should be given weight. However, the development possible under permitted development rights would be significantly shorter in depth than the appeal proposal before me and therefore would not appear as obtrusive from the neighbouring property. Furthermore, no evidence has been provided to suggest that the appellant is likely to carry out any works under permitted development rights. Therefore, this can only be given minimal weight which would not outweigh the harm found.

Conclusions and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR