
Appeal Decision

Site visit made on 26 November 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/P1425/W/19/3235962

2 Bromley Road, Seaford, BN25 3ES

- 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 Mrs Sarah Bissitt against the decision of Lewes District Council.
 - The application Ref: LW/19/0030 dated 11 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is a dwelling to the side land of 2 Bromley Road, Seaford.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area
 - b) the living conditions of the occupiers of neighbouring properties and of the future occupiers of the proposed dwelling and
 - c) highway safety.

Reasons

Character and appearance

3. The appeal property is located on the corner of Bromley Road and Sandore Road, both established residential areas. Bromley Road has both 2-storey dwellings and single-storey bungalows, the latter including 5 and 7 Bromley Road close to the appeal site. The dwellings are set back from the road with predominantly open frontages comprising lawns and hardstandings, giving the road a spacious feel.
4. The single-storey form of the proposed dwelling would not be at odds with other development on Bromley Road. However, although the side / rear garden of the appeal property along Bromley Road is bounded by alternate sections of brick wall and wooden fencing approximately 1.8 m high, the openness of the rear garden contributes to the spacious character of the road. The proposed dwelling would occupy a substantial proportion of the existing rear garden of 2 Bromley Road, eroding this characteristic spaciousness. The dwelling would also occupy virtually the full width of the plot, which would itself be smaller than the prevailing pattern of development in the area, between walls / fences approximately 1.8 m high, resulting in a cramped appearance.
5. This effect on the openness of the area would be exacerbated by the fact that the proposed dwelling would be sited between 2-storey dwellings. I observed during my site visit that there are existing single-storey dwellings adjacent to 2-storey dwellings

elsewhere on Bromley Road, including 10 and 12 Bromley Road to which the appellant draws my attention. However, these existing single-storey dwellings are adjacent to another single-storey dwelling to one or both sides or are sited on a corner, which maintains the sense of openness. This would not be the case with the proposed development.

6. Although described as 'side land' in the description of development on the application form, as used in the banner heading above, the appeal site currently forms part of the rear garden of No. 2. However, as the proposed dwelling would have a frontage to and direct access off Bromley Road, separate from that to No. 2, it would not in my view be backland or tandem development. Accordingly, I do not consider Policy ST4 of the Lewes District Local Plan (2003) (LDLP) to be relevant to this proposed development as it relates specifically to backland and tandem developments.
7. Nevertheless, I conclude that the proposed development would be harmful to the character and appearance of the area and would conflict in this respect with criterion (a) of Policy ST3 of the Lewes District Local Plan (2003) (LDLP) which requires development to, amongst other things, respect the character of the local area.

Living conditions

8. The proposed development would be close to the rear elevation of No. 2 and the side elevation of 4 Bromley Road. The relationship with No. 4 would be similar to that which already exists between 10 and 12 and between 16 and 18 Bromley Road and, being single-storey with the roof sloping away from the side elevation of No. 4, I do not consider that it would be overbearing for the occupiers of that property. I note that no objection to the proposed development was raised by the occupiers of No. 4. I also noted at my site visit that there are large conifers along the existing rear boundary of No. 2 which restrict the existing outlook from the side elevation of No. 4.
9. The parking area for the proposed development would be forward of and not immediately adjacent to No. 4 so activity associated with the use of the parking area would not be harmful to the living conditions of the occupiers of that dwelling through noise disturbance.
10. However, the proposed dwelling would be in a direct line of sight from the windows in the rear elevation of No. 2 and be just approximately 1 m from its repositioned rear garden boundary. Although the roof would slope away from No. 2, and the current outlook from the rear elevation and rear garden of No. 2 is restricted by the side elevation of No. 4 and the existing conifers, the proximity of the proposed dwelling to No. 2 would result in its being overbearing and a harmful loss of outlook for the occupiers of No. 2.
11. The proposed development would also result in a substantial reduction in the size of the rear garden of No. 2. Although the property has a front garden, a significant proportion of this is the driveway and parking / turning area. I therefore do not consider it an acceptable alternative to the existing rear garden for private family use. I acknowledge that 1 Harison Road and 1 and 2 Sandore Close, to which the appellant draws my attention, do not have rear gardens but all three benefit from a reasonable private garden area to the side which differentiate these properties from No. 2. The proposed dwelling would have a small courtyard to the rear as its private garden area. Although this would be physically capable of allowing sitting out, its restricted depth and overall size would afford a poor level of amenity.
12. I therefore conclude that the proposed development would be harmful to the living conditions of the occupiers of No. 2 and the future occupiers of the proposed dwelling. It would thus conflict in these respects with criterion (c) of Policy ST3 of the LDLP which requires development to respect, amongst other things, the visual amenities of adjoining properties and clause f) of paragraph 127 of the National Planning Policy

Framework which requires planning decisions to ensure that developments create places with a high standard of amenity for existing and future users.

Highway safety

13. The retention of sections of wall approximately 1.8 m high abutting the proposed access would restrict visibility along the footway to either side when exiting. However, I have no evidence that the pedestrian use of the footway is particularly intensive or that the access to the proposed dwelling would be intensively used. Drivers of vehicles exiting the property would be aware of the potential for pedestrians to be passing and could reasonably be expected to be cautious when exiting. I therefore consider that the potential for conflict between vehicles exiting the property and pedestrians on the footway to be low.
14. Although visibility along Bromley Road to the north would be restricted by the curvature of the road, as a residential street with the potential for vehicles accessing driveways along its length, the speed of passing vehicles is limited. I therefore also consider the potential for conflict between vehicles accessing the proposed dwelling and vehicles on Bromley Road to be low. I have no evidence that the Highway Authority raised an objection to the proposed development.
15. Accordingly, I find no conflict in this respect with criterion (d) of Policy ST3 of the LDLP, which requires, amongst other things, development not to result in detriment to the amenities of the area through increased hazards.

Other Matters

16. I note the appellant's particular health issues and the consequent need for a single-storey dwelling. However, these personal circumstances do not outweigh the harm to the character and appearance of the area and living conditions of the occupiers of No 2 and of the future occupiers of the proposed dwelling I have identified above given the permanence of the proposed development.
17. The appellant contends that the proposed development would not be much larger than an outbuilding that could be erected as permitted development. However, no evidence has been provided to demonstrate the comparison although the indication is that such an outbuilding would be smaller than the proposal before me. Accordingly, it would be likely to be less harmful than the proposed development. Furthermore, I have no substantive evidence to indicate that there is a significant probability that such an outbuilding would be constructed should this appeal be dismissed. These factors limit the weight I can attach to the construction of an outbuilding as permitted development as a fallback position.

Conclusion

18. For the reasons given above, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR