



Appeal Decision

Site visit made on 5 November 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019.

Appeal Ref: APP/P1425/W/19/3234597

15 High Hurst Close, Newick BN8 4NJ

- 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 S Callf against the decision of Lewes District Council.
 - The application Ref LW/19/0293, dated 12 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is alterations to existing dwelling and erection of new dwelling to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the spatial character of the local area and the appearance of the appeal site and the wider street-scene; and
 - the living conditions of the occupiers of No 15 High Hurst Close with particular regard to outlook.

Reasons

3. The appeal property, No 15 High Hurst Close, is a detached chalet bungalow situated within a fairly large plot. The wider area is predominantly characterised by detached dwellings with front garden areas bordered by mature hedges, trees and vegetation. Plot sizes in the area generally appear to be relatively substantial. As a result of these characteristics, the area overall has a sense of spaciousness. No 15 is typical of this and is set back from the road behind a gravelled driveway and boundary vegetation.
4. The proposal is to construct a new four bedroom, two storey, chalet style dwelling in the rear garden area of No 15. Alterations to reduce the size of the existing dwelling to facilitate access to the proposed dwelling are also included as part of the scheme.

Character and appearance

5. The proposed dwelling would be substantially larger than the existing dwelling at No 15, even more so as result of the proposed reduction in size of No 15, and would be sited extremely close to the rear boundary of the site. The proposed

dwelling would also be close to the boundary with No 17 High Hurst Close and the garage belonging to that property.

6. The proposal would include the subdivision of the rear garden of No 15 to form two smaller plots. The proposed plot sizes would be smaller than others in the area and would fail to sit comfortably with the prevailing pattern of development. Whilst I note that the existing plot occupied by No 15 is slightly larger and wider than others nearby, the remaining plots, once subdivided, would be significantly smaller than those which typify the character of the area.
7. Due to its cramped appearance, proximity to the boundaries and smaller than usual plot size, the proposal would fail to respect the sense of spaciousness which characterises the area. As such the proposal would not integrate successfully with the wider street scene and would cause harm to the character and appearance of the area.
8. I note that the appellant has taken care to ensure that the overall design of the proposed dwelling would sit well amongst other properties in the area. The fact that the design of the proposed dwelling would be acceptable in some respects, however, does not mitigate the harm I have set out above. I also acknowledge that, due to its location, the dwelling would not be readily visible from the street. However, the dwelling would be prominent when viewed from other nearby properties and gardens.
9. Accordingly, the proposal would cause harm to the spatial character of the local area and the appearance of the appeal site and the wider street-scene. Consequently, the proposed development would be at odds with Policy CP11 of the Lewes District Local Plan, Part 1, Joint Core Strategy 2010-2030, 2016 (CS) and with Saved Policy ST3 of the Lewes District Local Plan, 2003 (LP). Amongst other things, these policies seek to conserve and enhance the high quality and character of the district by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements.
10. The proposal would also fail to accord with Saved Policy ST4 of the LP which specifically states that applications for backland and tandem developments will be refused unless they provide no erosion of the essential character and appearance of the area.
11. Furthermore, there appears to be no dispute between the parties that a development of this type would fail to accord with Policy HO1.6 of the Newick Neighbourhood Plan 2015 (NP) which indicates that the construction of additional homes in the gardens of Newick's existing homes will not be supported.
12. The proposal would also fail to accord with the National Planning Policy Framework (The Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

13. The proposed dwelling would be larger than the dwelling at No 15 and would be sited in close proximity to the rear garden area of the altered dwelling. The proposed dwelling would be an almost "T-shape" and would include a substantial projection towards the rear of No 15 which would be closer than the main bulk of the proposed dwelling. The proximity and scale of the proposed dwelling,

particularly its two storey design and projection towards No 15, would be such that it would dominate views from the rear of No 15 and would appear overbearing. As a result, the proposed dwelling would create an oppressive environment for the occupiers of No 15, particularly within the rear garden area.

14. I note that the ground levels slope downwards towards the rear of the site and the proposed four bedroom dwelling and also acknowledge the opportunities for the occupiers of both dwellings to use planting to soften any harmful effects. This difference in ground levels and increased screening/softening would assist with lessening the impact of the proposed dwelling on the occupiers of No 15. However, this would not be to a sufficient degree so as to alleviate the harm I have outlined above.
15. Therefore, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 15 High Hurst Close with particular regard to outlook. Accordingly, the proposal would conflict with Saved Policy ST3 of the LP. This policy, amongst other things, states that development should respect the amenities of adjoining properties. There would also be a failure to conform with The Framework which states that developments should create a high standard of amenity for existing and future users.

Other matters

16. I acknowledge that the dwelling would be in a location well served by existing facilities and infrastructure. I also recognise that the proposal would provide some, limited, benefits for example by providing a new family home which would be self-built. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwelling utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context. I also concur with the view that, considered separately, the proposed alterations to the main dwelling would not cause unacceptable harm to the character and appearance of the area.
17. Whilst the appellant makes reference to the existence of other properties which could be considered similar no particular details surrounding the planning history or specifics of many of these examples have been provided. Each case must be determined on its individual merits and the circumstances in each case are likely to be different. For example, the dwelling at 16a Allington Road is a bungalow and smaller than the dwelling proposed in this instance. The relationship between the dwelling it sits behind is also somewhat different to that which is proposed in this appeal. Moreover, the application and appeal appear to have been determined within a different policy context.
18. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area and the living conditions of the residents of No 15.
19. I have noted a number of other issues raised; including the effect on the living conditions of other nearby residents, the potential effect on trees, flooding of the area, and highway safety and parking. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issue, it is not necessary for these to be explored further as part of this appeal.

Conclusion

20. For the reasons set out above, I conclude that the proposal would cause harm to the character and appearance of the area and to the living conditions of the residents of 15 High Hurst Close. Therefore, I dismiss the appeal.

L J O'Brien

INSPECTOR