
Appeal Decision

Site visit made on 2 June 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/P1425/W/19/3242486

7 Romney Close, Seaford BN25 3TR

- 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 Maxine Hutchinson against the decision of Lewes District Council.
 - The application Ref LW/19/0523, dated 25 July 2019, was refused by notice dated 8 October 2019.
 - The development is the erection of a garden outbuilding.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a garden outbuilding at 7 Romney Close, Seaford BN25 3TR in accordance with the terms of the application Ref LW/19/0523, dated 25 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan Ref 177.19.01.
 - 2) The use hereby permitted shall only take place between the following hours: 1000 - 1500 Mondays – Fridays.

Preliminary Matters

2. The description of development on the decision notice includes a reference to a s73 application. This is not the case and the application the subject of the appeal was made as a stand-alone planning application. I have not therefore adopted this element of the description.
3. The application was made retrospectively. The outbuilding is the same as that shown on drawing Ref 177.19.01 although constructed in a slightly different location, orientated more directly towards the host house than as shown on the drawing. This slight discrepancy does not have a bearing on the main issues of the appeal.

Main Issues

4. The main issues in this case are:
 - the effect of the appearance of the outbuilding on the character and appearance of the area;
 - the effect of the development on the living conditions of neighbouring occupiers, with particular respect to outlook; and

- the effect of the development on highway safety.

Reasons

Character and appearance

5. 7 Romney Close is a semi-detached property, with an off-street car parking space to the front, situated in a small cul-de-sac within a suburban area of Seaford. The cul-de-sac is surrounded by a number of similar residential properties. The outbuilding is towards the back of the rear garden of the appeal property, surrounded by the gardens to neighbouring properties. A public footpath runs alongside the garden providing a cut-through from Romney Close to Perth Close to the south.
6. There are a number of sheds and outbuildings in many of the other gardens in the vicinity of the site. The appeal outbuilding is one of the larger outbuildings or garden structures, but it does not feel out of keeping with the existing outbuildings. This is because of its location to the rear of the garden, a fair distance from the host and neighbouring dwellings, helping to visually divorce it from them. The outbuilding is of a comfortable size in its location and is clearly subordinate to its host and other neighbouring dwellings.
7. Consequently, the works do not harm the character and appearance of the area, and they comply with relevant parts of Policies ST3, CP11 and RES18 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 Adopted 2016 (the CS). These policies seek, amongst other things, high quality design, appropriately sized and sited ancillary buildings. The works also comply with Chapter 12 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, high quality design.

Living conditions

8. Due to the relatively small size of the building and its distance from neighbouring gardens, it has a very limited effect in terms of restricting the outlook from neighbouring properties. It also has a very limited effect in terms of overshadowing neighbouring properties and their gardens. The works therefore do not harm the living conditions of neighbouring occupiers and comply with Policies ST3 and CP11 of the CS which, amongst other things, require that development respect the living conditions of neighbouring occupiers. They also comply with Paragraph 127 of the Framework which, amongst other things, seeks a high standard of amenity for existing and future users.

Highway safety

9. The use of the outbuilding as a dog grooming business creates some additional traffic although this is limited to one or at most two cars at any given time because the outbuilding only provides one dog bath. This very limited increase in traffic can be comfortably absorbed into the existing traffic flows in the area.
10. The use of the outbuilding generates one additional car parking requirement at a time, or perhaps at most two if there are overlaps between customers. The driveway to the property is not large enough to allow for parking for both customers and for occupiers and parking is likely to take place either on Romney Close or the nearby Walmer Drive, Perth Close or Stirling Avenue roads. Although parking space is restricted on Romney Close, I observed on my

site visit that there is sufficient spare on-street parking capacity on the other roads. Given the proximity of the alternative roads and their accessibility to the outbuilding, it is likely that customers would naturally park in the nearest safe and accessible on-street parking place.

11. Consequently, there would be no detriment to the safe functioning of the highway or the suburban character of the area. The works have not therefore adversely affected highway safety, and the proposal complies with Policy ST3 of the CS which, amongst other things, requires that development not lead to increased traffic levels, congestion or hazards. It also complies with Paragraph 109 of the Framework which requires, amongst other things, that there be no unacceptable impact on highway safety from development.

Other Matters

12. The use of the outbuilding as a dog grooming business will inevitably lead to some noise from the dogs. However, any noise pollution will be limited due to the small scale of the dog grooming operation, the distance from neighbouring properties, and the muffling effect of the outbuilding itself. Noise from dogs is also fairly typical within a residential garden setting. I have imposed a condition to ensure that the outbuilding only operates between 1000 – 1500 on weekdays, further limiting the extent of any noise pollution. I do not therefore consider that noise pollution is significantly detrimental to the living conditions of neighbouring occupiers.
13. Seaford Town Council have objected to the works on the basis that the size of the building would allow it to be used as a single dwelling separate from the main dwelling. However, the use of the outbuilding as an independent residential unit has not been applied for and is not before me to determine. A planning application would need to be made for such a change of use, and if it were made, this could be assessed as part of that future process.

Conditions

14. A condition specifying the relevant drawings provides certainty. A condition restricting the hours of operation is necessary as part of the mitigation of noise pollution.

Conclusion

15. For the reasons above, I conclude that the appeal be allowed.

O S Woodward

INSPECTOR