
Appeal Decision

Site visit made on 15 December 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 7 January 2021

Appeal Ref: APP/P1425/W/20/3256309

Bybuckle Court, Marine Parade, Seaford BN25 2PZ

- 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 Jim Lord against the decision of Lewes District Council.
 - The application Ref LW/20/0058, dated 21 January 2020, was refused by the Council by notice dated 3 July 2020.
 - The development proposed is change of use from a nursing home to residential flats (six dwellings).
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Decision

1. I dismiss the appeal.

Main Issue

2. This is whether the proposed design and layout is of an acceptable standard.

Reasons

3. Lewes District Local Plan Part 2 Policy DM25 on design contains 9 numbered criteria including; (1) that the siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, the relationship with the immediate surroundings and, where appropriate, views into, over or out of the site; (5) adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions; (6) any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm.
4. The Officer's Report refers to the Seaford Neighbourhood Plan having been 'made' in February 2020 and is therefore part of the Development Plan for the area in which the appeal site is located. Various policies were referred to in the Officer's Report which recommended approval, but none were carried forward to the Reasons for Refusal subsequent to the elected Members determining that approval should be refused.
5. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
6. The Technical Housing Standards - National Described Space Standard 2015 sets out requirements on floor areas, headroom and bedroom provision. Whilst

these have not been adopted into the Development Plan, they provide an indication of acceptable design.

7. On the principle of the proposal, there is no policy objection to the loss of the care home use, and the location within the planning boundary and within reasonable distance of transport, shops and facilities results in the site being readily accessible. The proposal is to convert the existing building and there would be no adverse effect on the character and appearance of the wider area.
8. The proposal seeks to make use of the existing building shell with a re-ordering of internal walls and spaces to form 4 flats on the ground floor and 2 on the upper floor, which extends over only the sea-front side of the building. The Officer's Report acknowledges that flats are undersized when compared with the Standards, limited by the restrictions of the existing building. One flat in particular is referred to as only being a 2 bed/3 person unit due to the constrained size of a double bedroom, and certainly the large *en suite* does appear to restrict the ability to arrange furniture in the case of the 2 flats on the north-east corner on each floor. The stated divergence from the Standard varies, and was considered acceptable by the Officers, having regard to the aims of re-use, the location close to the seafront and its accessibility to services.
9. However, the Standard does not provide a complete measure of the quality of a design, and as stated by the appellant, gives a somewhat 'black or white' comparison. It is appropriate to look further at the design in the terms of local and national Policy, and the Council's Statement provides a commentary for that exercise.
10. Even allowing for one of the upper floor flats being the full 2 bed/4 person as drawn, the access to the balcony and the elevated view to the sea and over the car park to the north result in these flats providing a reasonable quality of accommodation that accords with the aims of local and national policy.
11. The ground floor flat in the equivalent north-east corner combines a small bedroom with a poor outlook close to and on the same level as car parking, with risk of light intrusion from manoeuvring vehicles, noise and disturbance. The need for an unallocated parking arrangement to allow the smaller number of spaces means that there would no guarantee of a link between the occupier and the use of the space.
12. Similar adverse impacts are likely with regard to the rooms along the single-storey part where there is only a single main aspect available due to the proximity of the north-west boundary. In that connection, the high-level window to Bedroom 2 of the south-west flat so close to the boundary and the adjoining building would risk being be poorly lit with a limited outlook.
13. Having determined that the upper floor flats would have a useful and pleasant balcony which is clearly shown on the drawings, real doubts exist over the extent and nature of the ground floor amenity space, stated to overlook the seafront. There is a difference in level, disguised to an extent by the site hoardings in place at the time of the site inspection, which could require guarding or other visually intrusive elements depending on whether the aim is to be private to a particular flat or communal. The elevated and exposed situation of that space would require care in the design and that is not a matter that should be left to conditions that require a scheme. In addition, the north-

west ground floor flat is not shown to have an obvious link to such space as the red-line site boundary on drawing 2019/111 is drawn tight to the building on both sides.

14. All of these doubts prompt the question as to the merits of retaining the building, which appears to have compromised the quality of the outcome. The building does not have great architectural or townscape value, and although there would be embedded energy saved through the retention of an existing structure, there could be a risk of poor energy efficiency compared with a new purpose-built envelope. The layout of the car park could be improved to answer the Council's criticism, but the disposition and location of the parking has been fixed by the footprint of the building, and a new-build could address that failing in a more holistic design solution.
15. To conclude, the constraints of the site and the present building has resulted in a design and layout that does not take full advantage of the site location, and does not reach the standard of design and utility sought in the Development Plan and national policies previously cited. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR