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## Appeal Decision

Site visit made on 16 March 2021

**by Elizabeth Lawrence BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 May 2021**

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**Appeal Ref: APP/P1425/W/20/3262362**

**The Briars, 93 Firle Road, Seaford, East Sussex, BN25 2JA.**

- 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 G Dann against the decision of Lewes District Council.
  - The application Ref LW/20/0377, dated 28 January 2020, was refused by notice dated 19 August 2020.
  - The development proposed is described as a 3 bedroom dwelling with garden and parking areas.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area, which is within an Area of Established Character (AEC).

### Reasons

3. The Appeal site is located in an undulating residential area, in the northern section of the defined built-up area for Seaford. It is also within the AEC, which follows a linear form and encompasses individual and groups of dwellings which contribute to the areas spacious and verdant character. The site is situated to the rear of 93 Firle Road and fronts onto Royal Drive, which slopes down to the northwest.
4. The northern part of Firle Road is characterised by individually designed family houses with varying building lines and occupying large plots. The dwellings are set behind mature landscaped front gardens that are enclosed by fences, walls and mature hedges. The spaces to the sides of the dwellings provide views into the verdant rear gardens. The road is flanked by grass verges, with no pavements or street lights. There are two schools on the south eastern side of the road, which are similarly set back from the street scene behind hedges and include playing fields and an abundance of trees and hedges within their grounds. These features all contribute to the spacious and sylvan character and appearance of the northern part of Firle Road and the AEC in general.
5. Royal Drive is characterised by detached modern family houses from a broad range of designs. Whilst their overall plot sizes are materially smaller than those in Firle Road, the plots are wide and the dwellings are set behind

predominantly open plan front gardens. These gardens include areas of lawn, shrubs and small garden trees. They project up to the back edge of the pavement and the highway is open and spacious. Due to the topography of the locality many of the dwellings are viewed against a backcloth of mature trees. These factors contribute to the spacious, open and suburban character and appearance of Royal Drive, which sits just outside the AEC.

6. The Briars is situated at the northern end of Firle Road, adjacent to the junction with Royal Drive. The appeal site is located within the rear garden of The Briars and within the AEC. However, it fronts onto Royal Drive and is situated adjacent to a sub-station and 3 Royal Drive (No.3).
7. The tall fences and hedges along the side boundaries of the dwellings which front onto Firle Road and flank both sides of the entrance to Royal Drive create a sense of separation between the two housing areas. They reinforce the identity of both as well as the generous plot depths of the dwellings fronting Firle Road.
8. Together and amongst other things policies DM25 and DM27 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies 2020 (DMP) and policy SEA2 of the Seaford Neighbourhood Plan 2017 – 2030 Submission Version 2019 (SNP), seek to ensure that new development responds sympathetically to the site and its surroundings. Proposals should respect the scale, height, proportions and roofscape of existing buildings and demonstrate a high quality of landscape design, retaining healthy mature trees and hedges.
9. Policy DM34 of the DMP and policy SEA5 of the SNP deal with ASC's. They allow for new development where it reflects the existing character of the area in terms of gaps between buildings; height, size, site coverage, set back from the street, boundary treatments, mature trees and hedges and grass verges. These policies are consistent with the National Planning Policy Framework (Framework).
10. I consider that the housing developments in Both Firle Road and Royal Drive both fall within and form part of the built-up settlement of Seaford. As such, notwithstanding the sylvan and low density character of Firle Road I find that the appeal site is within an existing built-up area. For this reason, the appeal site, which comprises a residential property, falls outside the definition of previously developed land (brownfield land), as set out in the Framework. Notwithstanding this, the appeal site is within the defined built up area and the Framework supports making efficient use of land and optimising the development potential of sites. The appeal proposal has been assessed on this basis.
11. It is noted that the width of the proposed plot would be comparable with plots in both Firle Road and Royal Drive. However, the proposed dwelling would sit at a higher level to the dwelling at No.3 and would be separated from that dwelling by a substation and the proposed planting strip. It would be seen as encroaching into the enclosed rear gardens that separate Firle Road and Royal Drive.
12. The proposed plot would be materially smaller than the plots in Firle Road and nearby plots in Royal Drive. A significant proportion of the plot would be either built on or hard surfaced and the proposed garden area to the west of the

proposed dwelling falls away steeply to the west. This bank, together with the retained trees and hedge on the site would occupy much of the undeveloped garden area. Some of the trees would be close to the western flank wall of the proposed house and the rear patio, where they would have an enclosing impact on the dwelling and its usable garden area.

13. The situation would be exacerbated by the northerly aspect of the rear patio and the overshadowing caused by the retained trees. Not only would the plot appear uncharacteristically small and cramped, it would fail to respect the open and spacious character and appearance of both Firle Road and Royal Drive.
14. The trees on the site could be removed to make the site appear more open, but this would materially detract from the verdant character and appearance of the setting of the site. It would also open up views into the site, making the uncharacteristically small size of the site more evident.
15. It is acknowledged that the trees within the garden could be removed and a large outbuilding constructed. However, any outbuilding would be significantly lower than the proposed dwelling and would be seen as an ancillary domestic outbuilding within a large garden. Its impact on the character and appearance of the property and its setting would not be comparable to the proposed family house.
16. Reference has been made to a 'backland' infill development within the nearby Blatchington Conservation Area at 18 Firle Road. Whilst this is a modest sized infill plot its setting is not directly comparable to the current appeal site. In particular the intensity of development around that site is greater. Rather than set a precedent it highlights the need to assess each proposal in light of the prevailing planning policies and on its individual merits.
17. Finally, I have taken into consideration the social and economic benefits that would arise from the provision of an additional family dwelling located in this established residential area. However, in this instance they would fail to outweigh the harm that would be caused by the proposal to the character and appearance of the host property and the AEC. Further, this harm could not be satisfactorily addressed through the imposition of conditions.
18. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the host property and the AEC. Accordingly, it would conflict with DMP Policy DM27, SNP Policy SEA5 and section 12 of the Framework.

### **Other matters**

19. In relation to the concerns raised in relation to parking and highway safety, I note that the level of on-site parking complies with local parking standards and that on-street parking is unrestricted in the locality. Whilst there is no on-site turning, that is not unusual in the locality and forward visibility of the proposed crossover would be good in both directions. Accordingly, I do not consider that the proposal would have a materially adverse impact on highway safety.
20. The proposed dwelling would be separated from the dwelling at No.3 by a steep bank, existing vegetation and an electricity substation. The ground floor windows in the adjacent side elevation of the proposed dwelling could be screened by fencing and the first floor window would be obscure glazed. In addition, the main aspects from the dwelling at No.3 are to the front and rear

of its plot and the distance between the proposed and existing dwellings is comparable to other dwellings in Royal Drive.

21. As a result of these factors the proposed dwelling would not have a materially adverse impact on the living conditions of the occupiers of No.3, with regard to visual impact, loss of daylight, privacy, or noise and disturbance.
22. The proposal would result in the loss of a number of trees and in the absence of an arboricultural assessment it is uncertain whether it would be possible to retain the mature trees indicated on the submitted block plan. This is both due to their proximity to the proposed dwelling and the fact that there is a steep bank on the northwest side of the trees, which may have impacted on their root growth patterns. Whilst this adds to my concerns regarding the proposal, it would not amount to a reason for refusal, because the protection and retention of trees and their replacement where necessary could be dealt with by condition. Similarly, ecological enhancements could be secured through the imposition of conditions.

### **Conclusion**

23. Whilst I have found in favour of the appellant in relation to some matters, the conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

*Elizabeth Lawrence*

INSPECTOR