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## Appeal Decision

Site visit made on 28 October 2021

**by David Prentis BA, BPI, MRTPI**

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

**Decision date: 2<sup>nd</sup> November 2021**

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### **Appeal Ref: APP/Y9507/W/21/3272391**

#### **26 Lee Road, Lewes BN7 2SF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Tim Clarkson against South Downs National Park Authority.
  - The application, Ref SDNP/20/05220/HOUS, is dated 20 November 2020.
  - The development proposed is a loft conversion with rear dormer.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a loft conversion with rear dormer at 26 Lee Road, Lewes, BN7 2SF in accordance with the terms of the application, Ref SDNP/20/05220/HOUS, dated 20 November 2020, and plans CL/02 and CL/03 submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Details and/or samples of the materials to be used in the construction of the external surfaces of the loft conversion with rear dormer hereby permitted shall be submitted to and approved in writing by the local planning authority before any such materials are applied. Development shall be carried out in accordance with the approved details/samples.

### **Preliminary matters**

2. The local planning authority (LPA) has confirmed that, had it been in a position to determine the application, permission would have been refused on the basis that the proposal would result in the loss of a three-bedroom, medium-sized dwelling within the South Downs National Park, contrary to Policy SD31 of the South Downs Local Plan (SDLP), which seeks to safeguard small/medium sized properties owing to there being a local need for such houses. In addition, the LPA considers that the Ecosystem Services Statement submitted with the application was inadequate. The LPA suggests that a condition could be imposed seeking further details of these matters, with a view to demonstrating compliance with SDLP Policy SD2.

### **Main issue**

3. The main issue is the effect of the proposal on the supply of small and medium-sized dwellings in the National Park.

## Reasons

4. SDLP Policy SD31 states that extensions to dwellings will be permitted where the proposal does not increase the floorspace of the existing dwelling by more than approximately 30%. There are further criteria relating to character and appearance and the amenities of nearby residents, which are discussed below. The SDLP states that the purposes of the policy are to avoid the over-extension of dwellings (and the adverse impact this has on the character and appearance of the area) and to protect the limited supply of small and medium-sized homes in the National Park.
5. Policy SD31 does not include any definition of small and medium-sized properties. Where development proposals would result in a net increase in the number of dwellings, paragraph 7.89 states that a small dwelling is defined as having a gross internal area (GIA) of 120sqm or less and all parties appear to accept that this figure is also a reasonable starting point for the application of Policy SD31.
6. The LPA has published a Technical Advice Note (TAN)<sup>1</sup> to assist in the application of Policy SD31. The TAN notes that the SDLP does not contain any definition of a medium-sized dwelling. It goes on to say that it is relevant to consider the number of bedrooms in existing and proposed dwellings. The TAN comments that Policy SD31 is consistent with Policy SD27. That is a policy dealing with dwelling mix in relation to new dwellings, which states that 90% of new market homes should be of one, two or three bedrooms.
7. The appeal relates to a mid-terrace property. There are some small differences between the floorspace figures presented by the LPA and those calculated by the appellant. The appellant calculates that there would be an increase in GIA of 33%. Although the LPA calculates a slightly different figure, no objection is raised in terms of the percentage increase. Policy SD31 envisages extensions of “approximately 30%” and the LPA accepts that the proposal would meet that criterion. I agree.
8. The LPA’s objection turns on the assertion that increasing the number of bedrooms from three to four must inevitably amount to a conflict with Policy SD31. However, there is nothing in Policy SD31 that requires consideration of the number of bedrooms. I take account of the fact that the underlying purposes of Policies SD31 and SD27 are broadly consistent. However, it does not follow that a policy requirement relating to numbers of bedrooms contained in Policy SD27 (which deals with new dwellings) can, in effect, be imported into Policy SD31.
9. Moreover, the TAN itself states that:

*In summary, a small or medium-sized dwelling in the South Downs is typically considered to:*

  - *have a GIA of less than 120sqm; and/or*
  - *have one, two or three bedrooms.*
10. On either the appellant’s figures or those of the LPA, the property as proposed to be extended would still have a GIA of less than 120sqm. Given the use of

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<sup>1</sup> Extensions and Replacement Dwellings Technical Advice Note (TAN) – Updated July 2021

the term “*and/or*”, the proposal would be considered to be small or medium-sized in terms of the TAN advice.

11. By any standards, the appeal property is a modest dwelling with a GIA of just 80sqm. The particular configuration of the building enables a fourth bedroom to be created within a total GIA that would still be below 120sqm. To my mind, the resulting building would still be a small or medium-sized dwelling. There would therefore be no harm to the supply of such dwellings and no conflict with Policy SD31, insofar as that policy relates to the amount of increase in floorspace.

### **Other matters**

12. The appeal property is within a housing estate dating from the mid-20<sup>th</sup> century which is part of the urban area of Lewes. There is no suggestion from any party that the proposal would have any impact on the natural beauty, wildlife or cultural heritage of the National Park.
13. The Friends of Lewes and a local resident have suggested that the dormer should be reduced in size for design reasons. The LPA raises no objection in relation to design. The proposed dormer would be to the rear. Although it could be glimpsed from a nearby road, through a gap between houses, the layout of the estate is such that the backs of the houses are not generally visible from the public realm. The proposed dormer would be stepped down from the ridge and set back from the eaves. Moreover, the neighbouring property has a rear dormer of similar scale and design to the appeal proposal. It would be important to ensure that the external materials were sympathetic to the site context. This is a matter that could be covered by a condition. Subject to such a condition, I consider that the proposal would not cause harm to the character and appearance of the area. In this respect it would accord with Policy SD31.
14. No party has suggested that the proposal would be overbearing or otherwise harmful to the amenities of nearby residents. It would accord with Policy SD31 in these respects.

### **Conditions**

15. As noted above, a condition requiring approval of external materials is necessary in the interests of the character and appearance of the area. The LPA suggests a condition relating to ecosystem services. However, this is a very small scale proposal that would be within the existing developed area of the application site. Consequently I do not think that such a condition is necessary in this case.

### **Conclusion**

16. For the reasons given above, I conclude that the proposal would accord with SDLP Policy SD31. No conflict with other relevant policies has been identified so the proposal would accord with the development plan as a whole and the appeal should be allowed.

***D Prentis***

Inspector