

# Appeal Decision

Site visit made on 8 December 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> December 2021

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**Appeal Ref: APP/P1425/D/21/3283912**

**21 Cliff Close, Seaford, East Sussex, BN25 1BW**

- 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 Claire Hopkins against the decision of Lewes District Council.
  - The application Ref LW/21/0303, dated 23 April 2021, was refused by notice dated 12 August 2021.
  - The development proposed is the erection of 2 storey side extension, alterations to existing glazing and creation of an enclosed balcony.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application is described as a re-submission of lapsed permission LW/18/0004. There are minor changes but the main parameters are replicated. The Appellant submitted a Construction Environmental Management Plan as a pre-commencement condition discharge application to the Council about 18 days before the expiry of the commencement date for the approved development. The point is made that had the Council dealt with this in a short timeframe then development could have commenced. However, by any measure the Appellant did leave matters to the 'very last-minute'. Hence, I don't find it an unreasonable position which then transpired for determination needing to be made on a fresh application. I am cognisant of the planning history on the site and I shall determine the merits of the case in the current environmental and *presently* adopted planning policy context.

## Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the host property and the locality and the effects of illumination at night.

## Reasons

### *Character and appearance*

4. The appeal site is an end of terrace dwelling with a side garden of low-key appearance with the plot appearing to lead off into open steeply rising countryside. The South Downs National Park boundary is in very close proximity; the views are iconic, and the locality is clearly well-visited with a nearby footpath well-used. The terrace of dwellings does intrude into this scene but their established presence, repetitive nature and bright materials could be seen as a contrast which highlights the highly attractive openness of
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Seaford Head in a further most dramatic and impressive way. In my opinion this is a premier gateway to the National Park.

5. The appeal scheme would represent a significant extension to the existing dwelling. It would create a dwelling markedly at odds with the scale and form of the homes along the terrace. The development would be a visually disproportionate addition to the host property, not sufficiently subservient and of excessive massing. I agree with the Appellant that the existing flank wall is not a particularly attractive proposition, but it is a clear end-stop to development I am not persuaded that the new works would be a positive addition to the wider scene. Ground works would be necessary and the scheme would appear as over-development of the plot. Rising undulating ground would hide some of the vertical elevations but rather than being an attribute in offering some screening I consider that it would only visually emphasise the cramped nature of the scheme.
6. In the wider picture the proposal would take development literally and figuratively a step too far, effectively out and into the open scene upon which buildings of any significance should not be allowed to intrude at this point in my opinion.
7. In terms of relevant planning policies, the Lewes District Local Plan 2020 - Part Two embodies policies DM25 and DM28. These policies, taken together and amongst other matters, seek schemes which are of high design quality and appropriate scale and site coverage, would complement and enhance the character and appearance of the host dwelling, and would have a positive relationship with the surroundings. The Seaford Neighbourhood Plan (NP) is also of relevance in terms of its design and environmental objectives and specifically Policy SEA1 seeks to ensure that all development that has the potential to affect the National Park should respect, for example, the landscape setting and key views. I conclude that the appeal proposal would run contrary to the 3 policies I cite within this paragraph.

#### *Illumination*

8. The glazing elements on this proposal would be of very significant scale including full length panes. It would abut a largely dark rural environment and with the National Park, an International Dark Skies Reserve, in close proximity. Even with no external lighting planned, light spill from the development would markedly intrude upon this setting and scene. Light in various forms is present locally in other directions but the aim should be to reduce sources not increase or spread them outwards.
9. The night time rural ambience of the abutting countryside, the dark skies environment and landscape, and the prevailing tranquillity generally are key characteristics which need to be protected in my opinion. The appeal scheme, with its enlarging and elongating of the developed area, and given large glazing and upper-level living accommodation, would inevitably create light spill and glare, and run contrary to the protective requirement.
10. Contrary to the suggestion by the Appellant I would not deem any planning condition relating to, for example, blinds to be practicable or enforceable.
11. LP Policies DM20, DM25 and DM28 are also pertinent. Taken together and amongst other matters they call for well-designed development in accord with the character of an area and not resulting in inappropriate light intrusion or

light pollution. NP Policy SEA1 refers specifically to tranquillity and dark night skies. I conclude the scheme would conflict with these policies from an environmental perspective for the reasons I outline above.

12. I should add that from what I have seen on site and read, including the habitat points of the Appellant, I am not persuaded on the biodiversity argument put by the Council and the fear of impacts of lighting on that front. Contrary to the Council I would not see conflict with LP Policy DM24 in that regard. This is a neutral matter and does not outweigh my concerns above.

*Other matters*

13. I appreciate that the Appellant will be very disappointed by this decision given the planning history of the site. However, with an opportunity to look afresh at the scheme in the current planning policy context, which has changed since the 2018 planning permission, I do feel strongly that the appeal proposal would be unacceptable for the reasons I have given.
14. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
15. I confirm that policies in the National Planning Policy Framework have been considered; the development plan policies which I cite mirror relevant objectives within that document.

*Overall conclusion*

16. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality, and similarly through undesirable visual environmental impacts of illumination at night. Accordingly, the appeal is dismissed.

*D Cramond*

INSPECTOR