



Appeal Decision

Site visit made on 17 January 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/P1425/D/21/3273632

82 Hurdis Road, Seaford BN25 2TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Paul Lange against the decision of Lewes District Council.
 - The application Ref LW/21/0093, dated 1 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is construction of first floor extension with pitched roof over, 2no windows to north-west elevation and 1no window to south-west elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Despite the Council's decision notice and officer report referring to Part 20 and Class A of different Regulations, the Council considered the proposal against Part 1, Class AA of the Order, as have I.
3. Paragraph AA.3 (12) requires the Council to take into account any representations made to them as a result of consultation and have regard to the National Planning Policy Framework (the 'Framework'), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have determined the appeal on the same basis.

Main Issue

4. The main issue is whether prior approval should be granted, having regard to:
 - the impact of the proposal on the amenity of adjoining premises including overlooking, privacy and the loss of light¹; and
 - the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation².

Reasons

5. No 82 Hurdis Road is a detached bungalow in a row of similar bungalows. There are some houses nearby but bungalows prevail in this road and in the local

¹ Paragraph AA.2 (3)(a)(i)

² paragraph AA.2 (3)(a)(ii)

area. The enlargement of No 82 by the construction of an additional storey would create a house.

Amenity of adjoining premises

6. No 84 Hurdis Road is on higher ground to the south, separated by a significant gap to No 82. The scale and massing of the additional storey would not, therefore, have any unacceptable adverse impact on its occupiers. No 80 Hurdis Road is on lower ground to the north, with a narrow gap between it and No 82. The rear elevation is inset behind No 82, next to a patio seating area, and contains two windows. Despite a shallow pitched roof and less than a 'full' additional storey in form, the significant increase in the height of the vertical side elevation, eaves and ridge of the resulting building, and the overlap with No 80 at the rear, would nonetheless be overbearing and overshadow No 80 to an excessive degree. As a result, outlook, daylight and sunlight experienced by the occupiers of this bungalow would be unduly restricted.
7. Albeit positioned centrally, the first floor rear bedroom window would allow direct views from an elevated position where currently none exist. This would detract significantly from normal domestic use of the rear gardens of No 80 and No 84, which currently experience good levels of rear garden privacy.
8. Considering the above, I find that the proposal would cause harm to the living conditions of the occupiers of No 80 by loss of outlook and natural light, and to No 80 and No 84 due to overlooking and loss of privacy. It would also conflict with objectives of the Framework to achieve better places to live with a high standard of amenity for existing occupiers.

External appearance of the dwellinghouse

9. The additional storey would continue the main rectangular, gable ended form of the existing bungalow upwards with matching pitched roof, external materials and fenestration. The principal front elevation would remain set back a moderate distance from the road. As such the proposal would retain the style and siting of the original property and be respectful of its design.
10. The Council draws attention to paragraphs in the Framework that aim to achieve well-designed places. However, these should be considered in light of the fact that the Order has established that upward extensions are acceptable in principle, which in this case would provide additional living accommodation. Framework policies should not be applied so as to frustrate the purpose of the exercise of these permitted development rights.
11. For the same reason, objections solely to the effect that the resulting building would be stark, unsympathetic and incongruous in an area of mainly bungalows cannot be sustained. Some divergence is implied by the introduction of the permitted development right. Furthermore, the matter for which prior approval is required relates to the external appearance of the dwellinghouse, rather than the character and appearance of the streetscene or wider locality.
12. I therefore find that the external appearance of the building, including the front elevation, would be acceptable. Within the context of the Class AA permitted development right, it would accord with these objectives of the Framework.

Other Matters

13. That the proposal might set a precedent for other similar development in this area or interrupt private views towards the sea and the harbour, are not matters within the scope of an application for prior approval.

Conclusion

14. Notwithstanding my finding with regard to the external appearance of the dwellinghouse, prior approval should not be granted because the impact of the proposal on the amenity of the adjoining premises would be unacceptable.
15. Accordingly, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR