

Appeal Decision

Site visit made on 20 January 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 FEBRUARY 2022

Appeal Ref: APP/P1425/W/21/3278635

340 South Coast Road, Peacehaven, East Sussex, BN10 7EW

- 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 Robert Sinden against the decision of Lewes District Council.
 - The application Ref LW/20/0819, dated 1 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed the erection of extensions to two existing ground floor flats and erection of first floor to provide two further flats.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:

- the character and appearance of the area;
- living conditions for neighbours; and
- living conditions for future residents.

Reasons

Character and appearance

3. The appeal site is a substantial rectangular plot with a main road frontage and rear service access. The appeal property has a pitched roof two storey frontage building and a single storey pitched roof appreciably sized projection to the rear of this. The whole is presently split into flats and the proposal is as described above with the rear area shown as becoming two storeys with a flat roof. The final total of accommodation for the site would be 9 self-contained flats.
 4. The locality is of established residential nature, unremarkable in appearance, and with a considerable variety of building forms, scales and ages. The use of flat roofs is a common feature and unlike the Council I do not have a concern over the principle of this form of development on the site. On paper the elevational treatment may look a little strange. However, in reality, in three dimensions, with limited spacing as exists, and given flat roofs alongside the scheme, it would neither be alien or visually disruptive. The approach to roofing and fenestration would be a reasonable one. Furthermore, I would
-

agree with the Appellant that in terms of building mass this would not be overdevelopment; the generous site could absorb this scale of building without harming the character or appearance of the area or necessarily being classed as overdevelopment.

5. However, I do have over-riding concerns in respect of the planned external staircase to the rear. In my opinion this would look 'low grade' and out of place as part of a new scheme which should aim to meet a reasonable benchmark for good design. There are one or two of these structures in the surrounding area but they would appear to stem from different times, are not attractive to the eye, and need not be replicated. The planned external stairs of the appeal scheme would be visually awkward and give the scheme the appearance of being piecemeal rather than comprehensively well planned.
6. As a result of the external staircase referred to in the above paragraph, I conclude that there would be conflict with Policies DM25 and DM28 of the Lewes District Local Plan 2020 - Part Two (LP). These policies, taken together and amongst other matters, seek to secure development which would be sympathetic in form to an existing building, respect the character of the locality, and generally be of good design.

Living conditions for neighbours

7. Under this issue the Council expresses concerns with the plans in terms of overlooking, loss of privacy, overshadowing, overbearing impact, and noise and disturbance. However, I have carefully considered the visual alignments, the siting, the form and function of the windows (including screens) as planned and as set out in the neighbouring properties, the orientation and building heights, separation, access points, and the existing uses of undeveloped areas both on the appeal site and at neighbouring premises primarily for parking. From my considerations I just simply do not reach the same conclusion on any of the matters as the Council.
8. In my assessment there would not be any undue impact upon the living conditions presently enjoyed by neighbours. In this regard I conclude that there would be no conflict with Policies DM25 and DM28 which both have content which requires new development to safeguard adjoining residential amenity.

Living conditions for future residents

9. It is common ground that the new and altered flats would offer adequately sized internal accommodation with a reasonable room layout and from the evidence I have seen I would share that view. However, a Council concern rests with outdoor amenity space. There are no Council standards on this matter. The plans are not ideal on this front but I would conclude that with one flat having a balcony at upper level and the other with Juliet balconies, whilst a ground flat gains a small garden, that provision would be adequate for non-family accommodation on this site. I say this in this instance not least because of almost immediate proximity of the sea shore and the convenience of public open space.
10. However, I return to the external staircase, and this is where I do have over-riding concerns in terms of amenity for future occupiers of the new and re-

arranged flats. The juxtaposition of these open stairs to key rooms and amenity spaces on the upper flats is not acceptable. People visiting both upper flats would be able to look into living space and the balcony and would generate disturbance to these residents. Similarly, to those at ground floor where the steps would sit alongside living accommodation and rise un-shielded alongside the planned small garden area. As with first floor homes, privacy would be compromised and disturbance generated.

11. The external stairs arrangement is simply not something which should be countenanced when one is seeking to provide reasonable living conditions. To this end I conclude that the scheme would run contrary to Policies DM25 and DM28 as they seek to secure good quality homes and protect the living conditions of those who would move into them.

Other matters

12. I do understand the Appellant's wish to more fully utilise the site and I note the Council does not raise concerns on parking or highway safety. There would clearly be some social and economic gains in providing additional homes. 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 two of the main issues identified above.

13. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

14. For the reasons given above I conclude that whilst the appeal proposal would not unduly impinge upon living conditions for neighbours it would have unacceptable effects on the character and appearance of the area and on living conditions for future residents. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR