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## Appeal Decision

Site visit made on 19 April 2022

**by J Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 29 April 2022**

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**Appeal Ref: APP/P1425/W/22/3291162**

**90 Brighton Road, Newhaven BN9 9NS**

- 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 and Mrs Bryant (C/o Harringtons Lettings) against the decision of Lewes District Council.
  - The application Ref LW/20/0567, dated 25 August 2020, was refused by notice dated 3 September 2021.
  - The development is Proposed single storey detached dwelling with rooms in the roof on land to the rear of the site.
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### Decision

1. The appeal is dismissed.

### Reasons

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.
3. The appeal site is within a mainly residential area where the long back gardens of the dwellings at 80 to 108 Brighton Road slope down from roughly south to north in line with the surrounding topography. The verdant openness in this group of gardens contributes positively to the character and appearance of the local area. The far ends of these back gardens are reached from Evelyn Avenue and its south westward continuation as an unadopted service road/track beyond 96 Evelyn Avenue by the Ellis Gordon Court flats building, which is reached from another road, Elm Court. Due to the sloping landform, the flats and the dwellings at 92 to 96 Evelyn Avenue are at a lower level than the road. The far ends of the nearby back gardens include some low-key garages, modest sheds, and parking spaces close to the south east side of the road.
4. The plot for the proposed chalet-style dwelling would take up most of the far end of the site, and the dwelling would be set well back from the service road. The scale and form of the detached chalet dwelling would contrast starkly with the mostly 2 storey semidetached and terraced dwellings and the wide 2 storey flats building in the locality. Moreover, due to its scale, bulk, and siting, the dwelling would be unacceptably intrusive and bulky by the garages and sheds in the nearby back gardens. Because the siting of the dwelling would be at odds with the established pattern of development, it would look incongruous.
5. There are no nearby dwellings on the south east side of the service road and Evelyn Avenue, and the nearest dwelling on the opposite side, at 96 Evelyn Avenue, would be some distance away. The flats would be even further away

on foot, and the existing dwellings in Brighton Road face that street. So, the occupiers of the proposed dwelling would also be poorly related to the local community.

6. Whilst the proposal would satisfy Policy DM30 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies (LP), which aims to permit development in rear gardens and other backland sites, subject to meeting specific criteria, this would not outweigh the harm that the proposal would cause to the sense of place.
7. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy and LP Policy DM25 which seek high quality design and respect for context, and Policy D1 of the Newhaven Neighbourhood Plan 2017-2030 which aims for proposals to relate well to surrounding development. It would also be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed places, and for development to be sympathetic to the surrounding built environment and landscape setting.

#### *Planning balance*

8. The Council cannot demonstrate a 5 year supply of deliverable land for housing so the presumption in favour of sustainable development in the Framework is engaged. The shortfall in housing land supply is significant, and the benefits of the proposal would include the welcome new home and employment during construction. However, because the harm that the proposal would cause to the character and appearance of the surrounding area would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, planning permission should not be granted.

#### **Conclusion**

9. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
10. For the reasons given, the appeal should be dismissed.

*J Reid*

INSPECTOR