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## Appeal Decision

Site visit made on 3 August 2022

**by Lynne Evans BA MA MRTPI MRICS**

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

**Decision date: 1 September 2022**

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**Appeal Ref: APP/P1425/W/22/3296233**

**Widmore, Chyngton Lane North, Seaford, BN25 3UU**

- 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 S Wiley against the decision of Lewes District Council.
  - The application Ref: LW/22/0051 dated 13 January 2022, was refused by notice dated 21 March 2022.
  - The development proposed is demolition of existing dwelling and erection of 2 no. detached 3 bedroomed chalet bungalows together with parking spaces.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of 2 no. detached 3 bedroomed chalet bungalows together with parking spaces at Widmore, Chyngton Lane North, Seaford, BN25 3UU in accordance with the terms of the application, Ref: LW/22/0051 dated 13 January 2022 subject to the conditions set out at the end of the decision letter.

### Main Issues

2. The main issues in this appeal are:
  - a) The effect of the proposal on the character and appearance of the local area, and
  - b) The effect of the proposals on the living conditions of neighbouring occupants at Meadows, with particular regard to outlook and loss of privacy.

### Reasons

#### ***Issue a) Character and Appearance***

3. The appeal property is a detached bungalow on the east side of Chyngton Lane North, a no-through road leading off the Eastbourne Road (A259) towards the eastern edge of Seaford. The surrounding area is predominantly residential but with a wide mix of plot sizes and a variety of dwellings, including bungalows, chalet style dwellings and two storey houses.
4. The proposal would replace the existing bungalow with two chalet bungalows with parking at the front and rear gardens. The accommodation at first floor would be set within the roof slope with the main windows to the front and to the rear, and rooflights and one dormer on the side roof slopes.

5. I agree with the Council that the plots would be narrower than some of the surrounding plot widths, but I consider that there is a sufficient variety of plot sizes in the local area that the proposed would be readily assimilated into the street scene. There is also a varied building line within the local area and the general siting of existing properties within their plots varies in terms of gaps to the side boundaries and gaps between properties. I consider that the siting of the two houses in relation to each other and to the adjoining properties would not appear out of place or cluttered in relation to the general pattern of development in the local area. They would not appear cramped in terms of the plot sizes or the proportion of development to the plot sizes.
6. In design terms the introduction of the two chalet bungalows would be an appropriate response to the size of the sites and the range of housing styles in the local area. The orientation of the properties with gabled front under a small barn hip and gabled rear elevations and pitched roofs above relatively modest eaves heights would assist in maintaining openness between the two properties and the immediate neighbour to the north, Meadows. The ridge height to both properties would be higher than the ridge height at Meadows, but would not be a dominant or visually intrusive feature given the variety of development, including in terms of ridge heights, in the immediate vicinity.
7. I am therefore satisfied that the two replacement dwellings would respect the character and appearance of the local area. There would be no conflict with Policy CP11 of the Lewes District Local Plan Part 1, Policy DM25 of the Lewes District Local Plan Part 2 and Policy SEA2 of the Seaford Neighbourhood Plan as well as the National Planning Policy Framework and in particular Section 12, all of which seek a high quality of design which respects the local context.

#### ***Issue b) Living Conditions***

8. Meadows is a single storey property to the immediate north of the appeal site. It has recently had a single storey wrap around side and rear extension on its southern side which brings development closer to the common boundary with the appeal site.
9. Although the proposal would also bring built development closer to the boundary with Meadows, I do not consider that this would be visually overbearing, given the design of the property with the roof slope pitched away from the neighbouring property. The Council has referred to side facing windows at Meadows, but it appeared from my site visit, that the principal windows face to the front and to the rear, and side facing windows at Meadows are already close to the common boundary. I do not consider that the proposed development would materially affect this position. The proposed house adjoining Meadows would be deeper than existing but not significantly so, once account is taken of the extension at Meadows.
10. The proposed windows would face primarily to the front and to the rear, and where roof lights are proposed at first floor level, the supporting information with the application indicates that these would be in obscure glazing. A condition would be imposed to this effect to ensure no overlooking and loss of privacy.
11. I am therefore satisfied that there would be no material harm to the living conditions of the neighbours at Meadows. There would be no conflict with Policy DM25 of the Lewes District Local Plan Part 2 as well as the National Planning

Policy Framework and in particular paragraph 130 f), both of which seek to protect the amenities of existing and future occupants.

12. I have taken into consideration the concerns raised by other surrounding residents regarding overlooking and loss of privacy. However, given the distances and relationship, including in terms of orientation between existing properties and the proposed dwellings, I agree with the Council that there would be no material increase in terms of overlooking and loss of privacy for the neighbours in properties along Eastbourne Road.

### **Other Considerations**

13. I have noted that the Council has confirmed that it cannot currently demonstrate a five year supply of deliverable housing land. The scheme would offer a small benefit in terms of housing numbers with one net additional property. However, as I have already found no harm from the development, there is no need for me to address this matter further and to undertake a planning balance exercise.

### **Conditions**

14. In terms of conditions, the car parking spaces, together with vehicle charging points and cycle stores require to be provided prior to first occupation to protect the amenities of future residents of the scheme and surrounding residents, and to ensure vehicle and cycle parking is provided on site and in accordance with the proposals. External materials for the proposed dwellings should be as specified on the approved plans in order to protect the character and appearance of the local area. Details of hard and soft landscaping, including materials and the inclusion of permeable materials, are set out on the plans and should be adhered to in order to protect the character and appearance of the local area and the amenities of adjoining neighbours.
15. Details of protection measures for existing trees and hedges require to be submitted and approved and thereafter implemented for the duration of the construction period of the development to protect the character and appearance of the local area. Details of storage for refuse bins also require to be submitted and approved and thereafter provided to protect the character and appearance of the local area. The Appellant has referred to the installation of bird boxes but no details have been provided and I consider that details require to be approved for maintaining and enhancing ecological interests on site.
16. A condition is required to ensure that the rooflights are obscure glazed to comply with the information submitted and to protect the amenities of neighbouring residents.
17. Following a precautionary principle, a condition should be imposed to set out procedures should any contamination be found, to protect public safety and amenities. The Council has requested and the Appellant has offered a construction management plan and I agree that this should be provided to respect the amenities of neighbours.
18. I shall include a condition to list the approved plans for the avoidance of doubt and in the interests of good planning.

19. In order to be effective, it is my view that the conditions relating to the construction management plan and the tree protection measures both require to be pre-commencement conditions. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of these conditions.
20. I have amended a number of conditions as proposed by the Council to make them more effective and to reflect the details already submitted, as well as to remove duplication. The Council has also proposed a condition to remove permitted development rights for the proposed dwellings. However, paragraph 54 of the National Planning Policy Framework is clear that such conditions should not be used, unless there is clear justification to do so. I do not consider that there is a clear justification in this case.

### **Conclusion**

21. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

*L J Evans*

INSPECTOR

### **Schedule of Conditions (Conditions 1 – 13 inclusive).**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 28015 01 Rev B; 28015 03 Rev B; 28015 04 Rev B and 28015 05 Rev B.
- 3) The development as hereby permitted shall be constructed in strict accordance with the materials shown on Plans 28015 04 Rev B and 28015 05 Rev B.
- 4) The development hereby permitted shall not be first occupied until the access and car parking spaces have been provided in accordance with the approved plan 28015 03 Rev B; the access and parking spaces shall thereafter be retained for their intended use and the parking spaces shall not be used other than for the parking of vehicles in association with the development.
- 5) The development hereby permitted shall not be first occupied until the cycle stores have been provided in accordance with the approved plans 28015 03 Rev B, 28015 04 Rev B and 28015 05 Rev B and shall thereafter be retained for their intended use.
- 6) The development hereby permitted shall not be first occupied until the electric charging points have been provided in accordance with the

approved plan 28015 03 Rev B and shall thereafter be retained for their intended use.

- 7) The development hereby permitted shall not be first occupied until the hard and soft landscaping scheme, including boundary treatments, has been implemented in accordance with the details, including materials, set out on Plan 28015 03 Rev B.
- 8) The development hereby permitted shall not be first occupied until details of storage for refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority and provided in accordance with the approved details. These storage areas shall thereafter be retained for their intended use.
- 9) No development shall take place above damp proof course on either house hereby permitted, until details of the proposed bird boxes including in terms of numbers, type and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development hereby permitted and thereafter retained.
- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 11) No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
  - the parking of vehicles of site operatives and visitors;
  - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of plant and building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site);
  - storage of plant and materials used in constructing the development;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - delivery, demolition and construction working hours.

- 12) No development shall commence, including any ground works or works of demolition, until protection measures to protect existing trees and hedges shown to be retained on the approved plan 28015 03 Rev B have been first submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
- 13) The rooflights shown on Plans 28015 03 Rev B, 28015 04 Rev B and 28015 05 Rev B shall be installed with obscure glazing and thereafter so retained and maintained.