

Appeal Decision

Site visit made on 1 September 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/P1425/D/22/3301115

86 Fort Road, Newhaven, East Sussex, BN9 9EJ

- 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 Mrs Lisa Fairfield against the decision of Lewes District Council.
 - The application Ref LW/21/0912, dated 28 November 2021, was refused by notice dated 28 March 2022.
 - The development proposed the erection of a garage with storage above.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage with storage above at 86 Fort Road, Newhaven, East Sussex, BN9 9EJ in accordance with the terms of the application, Ref LW/21/0912, dated 28 November 2021, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, and all 728-01-Rev B drawings relating floor plans, elevations and section of the scheme.

Main Issues

2. The main issues are the effect of the development on a) the character and appearance of the host property and the locality and b) on living conditions for neighbours.

Reasons

Character and appearance

3. The appeal site is the forward side garden of an attractive period semi-detached home which sits on a plot sloping steeply up from the road. Alongside the site is a more recent unadorned three storey block of flats. The locality is primarily residential with a variety of house types contributing to a pleasing streetscene of established character on this side of the road. The proposal is as described above and includes coverage of a site previously occupied by a now demolished single garage.
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4. The development would to a degree be forward of the building line. However, this need not always be the 'problem' it appears on a plan as, for example, in this case the markedly changing ground levels, the significant front boundary walls, and the prevailing vegetation along the frontages all contribute to a scene of variety and proximity of different forms of massing towards the road edge. I am thus not against the principal of a scheme here stepping forward a little from existing principal front elevations.
5. In terms of massing, I consider that the approach taken here of a single storey front part and then two storey further into the site would not be unreasonable. This is particularly so given that with levels for vehicles needing to align with the road the development, as one progress rearwards, is cut into the site and use is also made of a hipped roof to the front.
6. The design of the building has been kept simple and functional. I would deem that to be the proper stance. I say this bearing in mind that anything here should not compete with the attractive elevations of the host property, and furthermore because of proximate position is more closely related to the plain elevations of the flats. The design is such that there will be no regrettable intrusion into the streetscene and the higher host property, along with others similarly set along this stretch, will still take pride of place in any relevant vista. The planned scheme would not jar on the eye.
7. In terms of relevant planning policies, the Lewes District Local Plan 2020 - Part Two (LP) embodies policies DM25 and DM29. These policies, taken together and amongst other matters, seek schemes which are of high design quality and appropriate in scale, siting, relationship to the host dwelling, and overall character and appearance of the streetscene. Given all of the foregoing I conclude that the appeal proposal would not run contrary to the LP policies I cite.

Living conditions for neighbours

8. This issue is not raised on the Decision Notice but I do notice concerns within the Officer's Report. These relate to overshadowing to the adjoining flats. However, whilst the planned development would be close to the boundary it would lie on the north side and largely abut a blank wall with the most proximate flat window being obscure glazed. I should also add that contrary to the Town Council's fears I would agree with the Local Planning Authority that given the positioning of windows there would be no undue overlooking stemming from the planned scheme. 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 LP Policy DM25 which has content that requires new development to safeguard adjoining residential amenity.

Other matters

9. Policies in the National Planning Policy Framework have been considered in their own right and the local policies which I cite also mirror relevant objectives within that document.

Conditions

10. I shall apply a standard commencement condition and, as suggested by the Council, one related to compliance with submitted plans, to provide certainty. External materials are specified within the application and hence no related condition is necessary.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the host property or the locality and would not unduly impinge upon living conditions for neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR