



Appeal Decision

Site visit made on 28 December 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/P1425/W/22/3302382

Widmore, Chyngton Lane North, Seaford, East Sussex, 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 Simon Wiley against the decision of Lewes District Council.
 - The application Ref LW/22/0284, dated 22 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is described as demolition of existing dwelling and erection of a pair of semi-detached chalet bungalows together with parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of a pair of semi-detached chalet bungalows together with parking spaces at Widmore, Chyngton Lane North, Seaford, East Sussex, BN25 3UU in accordance with the terms of the application, Ref LW/22/0284, dated 22 April 2022, subject to the conditions set out in the schedule attached to this decision.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the street scene and the surrounding area. The second main issue is the effect of the proposal on the living conditions of the occupiers of 'Meadows' and 'Forest View', with particular regard to visual impact and privacy.

Reasons

Character and appearance

3. The Appeal site is located within an open and spacious mixed residential area on the eastern edge of Seaford. Chyngton Lane North is a small no-through Road and public footpath, which is flanked by a stretch of footpath and grass verges. Together with Stonewood Close, it is primarily characterised by a variety of bungalows, interspersed with chalet bungalows and two storey houses, which occupy varied sized plots. This includes a pair of semi-detached bungalows located a short distance to the north along Chyngton Lane North and a number of dwellings with rooflights and flat roofed dormer windows. Most of the dwellings have hipped roofs to the sides, which together with their modest height contributes to the open and spacious character and appearance of the street scene.

4. The appeal site is located at the southern end of Chyngton Lane North. It comprises a modern detached bungalow with a gable roof, which is set back from the road behind an area of lawn, which rises up gently from the road. The rear garden backs onto the open countryside and on the southern side of the dwelling is a flat roofed garage. The existing dwelling occupies a generous sized plot which is comparable in depth and width to the plots immediately to the north of the appeal site. To the south the appeal site adjoins a rear access drive which serves a row of terraced two/two and half storey dwellings which occupy narrow plots and front onto Eastbourne Road. The bungalows directly opposite the appeal site similarly occupy smaller and narrower plots.
5. At the time of the appeal site visit the demolition of the existing dwelling on the appeal site had commenced. It is also noted that in August 2022 an appeal was allowed for the demolition of the existing dwelling and the erection of 2No. detached three bedrooms chalet style houses on the site. Whilst the approved dwellings are detached the approved site layout and the siting, shape and size of the approved dwellings are in many respects similar to the appeal proposal. Accordingly, as an alternative option with planning permission it is material to the consideration of this appeal.
6. Together and amongst other things policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies 2020 (DMP), policy CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010 – 2030, (CS) and policy SEA2 of the Seaford Neighbourhood Plan 2017 – 2030 (SNP), seek to conserve and enhance the high quality and character of towns. New development should respond sympathetically to the site and its surroundings and its scale, height, mass and proportions should be compatible with existing buildings, building lines, roofscapes and skylines. Development should not have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties.
7. Paragraph 130 of the National Planning Policy Framework (Framework), similarly seeks to ensure that development is sympathetic to local character and maintains a strong sense of place. It should also provide a high standard of amenity for existing and future users.
8. The proposed plots would be narrower than those immediately to the north and opposite the appeal site. However, plot widths and depths vary considerably in the area and the proposed plots would be deeper than those opposite and wider than those of the terrace to the south.
9. The proposed pair of semi-detached chalet dwellings would be built into the slope of the land and would have hipped roofs on either side. Their ridge height would be slightly lower than that of 'Meadows', the adjacent bungalow and would be materially lower than the terrace of houses to the south. Their external materials would respect those used elsewhere in the immediate and wider area.
10. The proposed dwellings would respect the front building line of the northern part of the existing bungalow and would be in keeping with the staggered building lines within Chyngton Lane North. It is also noted that the bungalows opposite and a significant proportion of the dwellings in the locality have flat front elevations.

11. There would be a gap of in excess of four metres between the proposed northernmost dwelling and the flat roofed side extension at "Meadowside" and the proposed rear gardens would back onto the open countryside. To the south the dwellings would be separated from the terrace of houses fronting Eastbourne Road by their rear gardens and access drive. Finally, the gardens to the front of the proposed dwellings would be comparable in depth to other front gardens within Chyngton North Lane.
12. As a result of these factors the proposed dwellings would respect the scale, height, mass, roofscape, building lines and external materials of existing dwellings in the immediate and wider area. They would have ample space around them and the overall development would respond sympathetically to the site and its surroundings.
13. I conclude on the first main issue that the proposal would respect and blend in readily with the street scene and the surrounding area. Accordingly, it would comply with DMP Policy DM25, CS Policy C11, SNP Policy SEA2 and paragraph 130 of the Framework.

Living conditions

14. The main aspects from the proposed dwellings would be to the front and rear. The proposed ground floor doors and windows in the side elevations would face boundary fencing and hedges. The bedroom and living room roof lights in the side roof-slopes of the dwellings would be set at a high level. Accordingly, the outlook from these side facing windows would not result in an unacceptable loss of privacy for the occupiers of 'Meadows' or the row of dwellings to the south, which includes 'Forest View'.
15. The proposed landing window in the dwelling on Plot 1 would facilitate views towards Meadows from the landing area. However, the outlook would be towards the plain flank wall and over the flat roof of the side extension to that property. Views towards the rear garden at 'Meadows' would be obscured by the proposed dwelling's projecting side wall and roof located to the east of the landing window.
16. The proposed first floor rear living room windows would be recessed slightly within the gable ends of the proposed dwellings and would be sited beyond the rear elevation of the dwelling at 'Meadows'. As a consequence, they would not result in any over-looking of that dwelling. Whilst the rear windows in the dwelling on plot 1 in particular would facilitate views into part of the rear garden at 'Meadows', such views would be at an oblique angle and would not be uncharacteristic of a residential area comprising a mixture of single and two story dwellings. The main view from the rear windows would be over the expansive area of open countryside to the east.
17. The proposed rear first floor living room window in the dwelling on Plot 2 would facilitate oblique views towards the dwelling at 'Forest View'. However, due to the juxtaposition and distance between the proposed rear lounge windows and the dwelling at 'Forest View' the proposal would not result in a material loss of privacy within the dwelling at 'Forest View'. Views from the proposed rear windows into the rear garden at 'Forest View' would result in some loss of privacy. However, this would not amount to a reason for dismissing this appeal. This is due to the distance and juxtaposition between the proposed dwellings and the whole of the rear garden at 'Forest View', together with the

fact that the rear garden at 'Forest View' is already overlooked from the adjacent dwelling at 150 Eastbourne Road. Also, the physical relationship between the proposed dwelling and 'Forest View' is not uncommon for dwellings located around/close to junctions.

18. Overall, the occupiers of both 'Meadows' and 'Forest View' would continue to benefit from open, spacious outlooks and good levels of privacy.
19. For these reasons I conclude on the second main issue that that the proposal would not have an unacceptable adverse impact on the living conditions of the occupiers of 'Meadows' or 'Forest View', due to visual impact or privacy. Accordingly, it would comply with LP Policy DM25 and paragraph 130 of the Framework.

Other considerations

20. The council has confirmed that it cannot demonstrate a 5 year supply of deliverable housing land. The proposed increase in the number of separate dwellings on the site would make a very modest contribution to the supply of homes in the area. Notwithstanding this, as I have found that no harm would result from the proposal, there is no need to address this matter further and to undertake the planning balancing exercise referred to in the Framework.

Conditions

21. The Council has suggested the imposition of conditions relating to the provision of a Construction Environment Management Plan (CEMP); restricted hours of working during the construction period; measures to deal with any contamination found; measures to ensure the protection of trees on the site during the construction period; the retention of existing trees during and following the construction of the development; the provision of two bird boxes; the provision of porous hard surfaces or measures to prevent surface water from running off the site; the provision of electric car charging points and cycle storage facilities; the provision of refuse and recycling storage facilities; and the provision of the vehicle accesses prior to the first occupation of the development.
22. Conditions that deal with these matters are necessary to protect the character and appearance of the site and the surrounding area; to protect the living conditions of the occupiers of nearby dwellings during the construction period; to minimise flood risk; in the interests of highway safety; and to help promote sustainable transport. However, I have amalgamated and amended some of the suggested conditions and removed the suggested working hours condition. This is to take account of details already submitted and is in the interests of precision and enforceability.
23. Also, having regard to the modest size of the proposed development, together with the fact that the site is located within a no-through road and very close to the A259 Eastbourne Road, I consider that it is not necessary to require details of anticipated numbers, frequency and types of vehicles used during the construction period, or the routing of vehicles during construction.
24. Conditions are also necessary which relate to the development being carried out in accordance with the submitted drawings and NDVMS; the external materials to be used in the construction of the dwellings and hard surfacing; and that the hard and soft landscape works, including boundary treatments are

implemented in full prior to the first occupation of the development. This is in the interests of certainty, to ensure the scheme respects the character and appearance of the immediate area and to protect the living conditions of the occupiers of the adjoining properties.

25. Finally, the council has suggested the imposition of a condition which removes permitted development rights relating to dwellinghouses and their curtilages. Paragraph 54 of the Framework states that such conditions should only be used where there is clear justification for doing so. Having regard to the location and size of the plots, together with the siting and heights of the dwellings, in this instance I do not consider that there is a clear justification to remove these permitted development rights.

Conclusion

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

Elizabeth Lawrence

INSPECTOR

Schedule of Conditions

- 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 drawing Nos: 28015 01 Revision C, 28015 02 Revision B, 28015 03 Revision C, 28015 04 Revision C and the Noise, Dust and Vibration Mitigation Statement prepared by James Pearce & Associates, which was submitted with the planning application.
- 3) The dwellings hereby permitted shall be constructed in strict accordance with the materials shown on Drawing No. 28015 03 Revision C.
- 4) No development shall commence, including any ground works or further 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 method of access and egress of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in the construction of the development;
 - the erection and maintenance of security hoarding;
 - temporary lighting for construction and security;

- means of safeguarding public rights of way
- The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.
- 5) No ground or building works shall commence on site until protection measures to protect the existing tree and hedges shown to be retained on drawing No. 28015 03 Revision C have first been submitted to and approved in writing by the local planning authority. The approved fencing shall be erected in accordance with the approved details before any ground works or construction equipment, machinery or materials are brought onto the site for the purposes of undertaking the ground or construction works hereby permitted, 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.
 - 6) The tree and hedges shown to be retained on drawing No. 28015 03 Revision C shall not be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and for two years following the full occupation of the buildings for their permitted use without the prior written approval of the local planning authority.
 - 7) The development hereby permitted shall not be occupied until two bird boxes shown on drawing No. 28015 04 Revision C have been installed on the site in accordance with the recommendations of a professional ecologist.
 - 8) 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 as set out on drawing No. 28015 03 Revision C.
 - 9) The hard surfaces, including the parking spaces, paths and patio areas shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
 - 10) The development hereby permitted shall not be first occupied until the accesses and car parking spaces have been provided in accordance with drawing No. 28015 03 Revision C, the accesses 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.
 - 11) No part of the development shall be occupied/brought into use until the installation of an electric car charging point for each of the approved dwellings has been installed for use by both the occupants of the dwellings and their visitors, and thereafter shall be retained for their intended use.
 - 12) The building shall not be occupied until the cycle stores shown on drawing Nos: 28015 03 Revision C and 28015 04 Revision C have been provided and made

permanently available for that use and thereafter shall permanently remain available for the storage of cycles associated with residents and visitors to the development hereby approved.

- 13) No part of the development hereby permitted shall be occupied until full details of storage for refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained for their stated purpose.
- 14) 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.