



Appeal Decision

Site visit made on 16 January 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/P1425/D/22/3308285

81 Hillcrest Road, Newhaven BN9 9EG

- 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 Richard Hanson against the decision of Lewes District Council.
 - The application Ref LW/22/0420, dated 6 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is a single storey side extension at upper ground floor level and 2no. single storey rear extensions at lower ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the written request of the occupiers of No.83 Hillcrest Road my site visit included assessment of the proposal from some habitable rooms, a rear balcony and the rear garden of this dwelling.
3. It has been suggested to me that the proposal would create a second separate dwelling at the appeal site. In the event that the appeal was allowed and the development was built, how it was occupied or used would be a matter for the Council. I have determined the appeal on the basis of the description of development in the banner above, which is taken from the application form, and that it was a 'householder' application for works or extension to a dwelling.

Main Issue

4. The main issue is:
 - the effect of the proposal on the living conditions of the existing occupiers of No.83 Hillcrest Road with regard to outlook, natural light, privacy and noise.

Reasons

5. No.81 Hillcrest Road is a semi-detached bungalow. It is reasonably close to a detached bungalow next to it at No.83 Hillcrest Road which sits at a slightly higher ground level, with a bedroom window and two secondary side lounge windows facing No.81. These split level properties have a lower ground floor at the rear and downward sloping back gardens, including a terrace at No.81 and a decked area at No.83. Each bungalow has a shallow upper ground floor rear balcony which allows some mutual overlooking of the rear gardens as well as panoramic views, including towards the coast.

6. This sort of juxtaposition of dwellings and living conditions is not unusual or uncommon in suburban residential areas, especially near a coast. The present degree of visual and spatial separation between these two properties maintains satisfactory living conditions for the existing occupiers of No.83.

Balcony

7. However, the sideways extension of the balcony at No.81 would bring it significantly closer to No.83. This part would also jut out further in depth to the rear and wrap around the corner of No.81, along the common boundary with No.83. It would substantially increase the useable size and shape of what, in essence, would be a roof level raised terrace or deck next to No.83.
8. A tall side parapet wall with obscured glazed privacy screen along the top would not prevent people who were not stood next to it from being able to look towards the side lounge windows at No.83. Though quite narrow, and that most interest and outlook is likely to be in other directions, people could nevertheless look towards these windows from a much closer position or be perceived to do so. Similarly, the wall and screen would have less effect on attenuating noise from activity further from it. Albeit generated by a (or the same) single household, sound would leach over it from a point much closer to No.83 and the top-opening fan lights of the side lounge windows.
9. The new balcony would, therefore, undermine use and enjoyment of the lounge which is the main habitable room in No.83. Even though these are secondary windows they receive morning sunlight from the east and give distant views in this direction. It would not be reasonable for the occupiers of No.83 to have to draw blinds or dispense with natural ventilation using these windows. The bedroom would be too distant to be unduly affected by people or activity on the new balcony.
10. The lower rear glazed balustrade would not prevent standing or sitting views from a large part of the new balcony in, most likely, a broadly southerly direction. Most of the lower least private section of the back garden of No.83 would remain a significant distance from the new balcony and part of the deck at No.83 is already overlooked from the existing balcony at No.81. However, the proximity and elevation of the new balcony would cause it to appear to loom over closer towards the deck. This would result in more immediate and extensive views across most of the deck and disturbance due to noise would be closer in origin. Such an unacceptably overbearing effect would significantly detract from the use and enjoyment of the deck, which is otherwise the most private part of the external amenity space at No.83.
11. The front and side of the new balcony would roughly align with one end and the front of the upper floor balcony at No.83. However, this small part of the new balcony would be at a lower level with most of it set further back behind the balcony and side elevation of No.83. The degree of visual or aural interaction at this point would therefore be appreciably more limited.

Upper ground floor side extension

12. This extension would be virtually the same height as the garage it replaced and also have a flat roof. Although sited along the common boundary it would not be substantially longer than the garage at the front or rear or appreciably closer to No.83. Angled views in either direction from the bedroom window,

and in one direction from the side lounge windows, would not be unduly restricted with the main views over the roof of No.81 largely unaffected. Though opposite the bedroom window it would be lower and sufficiently far away that it would not appear overbearing. It would not project far enough back to be overbearing from the lounge windows. The limited increase of built form would have no appreciable effect on natural light received by any of these windows.

Lower ground floor rear extensions

13. The side elevation of the rear extension closest to No.83 would be taller than usual (due to the parapet wall above) but not be overly high and end about level with the lower ground floor rear elevation of No.83. The other rear extension would be distant from No.83 and screened from it by the bigger intervening rear extension. Neither of these extensions would have a material adverse effect on the occupiers of No.83.
14. Taking all of the above into account, while much of the proposal is otherwise acceptable, I nonetheless find that the close proximity and extent of the new balcony would cause harm to the living conditions of the existing occupiers of No.83 having regard to privacy and noise. Consequently the proposal conflicts with Local Plan¹ policies DM25 and DM28 and with Neighbourhood Plan² policy D1. These policies include that residential extensions and alterations should relate well to surrounding development and have no unacceptable impact on the amenities of neighbouring properties.

Other Matters

15. There is no objection in principle to extending No.81. The proposal would not cause harm to the streetscene or to the character and appearance of the area or result in inadequate car parking for No.81. These are neutral factors in my decision. The proposal would no doubt enhance the appellant's occupation of No.81 but these would be private benefits. The proposal is a revised scheme after the Council's refusal of a previous scheme³. I have, though, considered the proposal, and determined the appeal, on its individual planning merits.

Planning Balance and Conclusion

16. The proposal does not accord with the development plan taken as a whole. There are no other considerations to indicate that the decision should not be made other than in accordance with the development plan. Consequently, for the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR

¹ Lewes District Local Plan Part 2 Site Allocations and Development Management Policies February 2020

² Newhaven Neighbourhood Plan August 2019

³ LW/21/0797