

Appeal Decision

Site visit made on 17 November 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary

Decision date: 02 March 2023

Appeal Ref: APP/P1425/W/22/3296642

6 Grassmere Avenue, Telscombe Cliffs, East Sussex BN10 7BZ

- 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 Paul Ashley against the decision of Lewes District Council.
 - The application Ref LW/21/0706, dated 20 August 2021, was refused by notice dated 1 December 2021.
 - The development proposed is the erection of a two-bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-bedroom bungalow at 6 Grassmere Avenue, Telscombe Cliffs, East Sussex BN10 7BZ in accordance with the terms of the application, Ref LW/21/0706, dated 20 August 2021, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

3. The appeal site includes a semi-detached bungalow with a substantial rectangular garden. It is on the end of a row of similar properties with an accessway alongside to the rear of other properties round the corner at right angles and an arrangement of flats in closer proximity. The rear garden of the site slopes slightly towards its end which, with fencing and substantial planting as a boundary, then abuts open grazing land and more rising ground which is all within the South Downs National Park (SDNP). The locality is of established suburban residential character and its appearance, with a mix of the properties, gardens, generous roads, and some glimpses of the SDNP, is pleasing. The proposal is as described above and would broadly be accommodated in the rear half of the back garden with pedestrian and vehicular access via the shared lane to the side of the plot.
 4. The Council deems that there is an important visual buffer between the residential development to the south and the open downland to the north and is concerned that infilling would, in character and appearance terms, unacceptably disrupt the transition between the built-up area and the countryside.
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5. The length of most of the rear gardens of the Grasmere Avenue properties certainly gives a (domesticated) stretch of largely open land between their rear, built, elevations and the boundary to the SDNP. However, given limited use of this part of the SDNP, ground levels and substantial vegetation, on the SDNP side of the rear fence lines, I do not consider that this is of any great visual value. To my eye there is on one side suburbia and, on the other, open SDNP and little or no transition in practice. That is not to say that rear garden land here should be given a free-for-all for development as clearly one would need to assess whether a specific scheme would impinge upon the SDNP's qualities.
6. In this instance I consider that the well-designed low-key bungalow proposed, with its floor level lowered as shown, and its thoughtful garden and parking layout would not have adverse aesthetic impact. If anyone is looking from the National Park the building will hardly, if at all, register and would in any event be visually absorbed amongst the continuous row of properties on the road frontage and the much bulkier Grassmere Court flats. In the other direction, only the merest of glimpses of the planned building would be visible from Grassmere Avenue and views of the SDNP from there, such as they are, would not be blocked.
7. In terms of garden subdivision, the two plots created from this longest garden in the vicinity would become smaller than those to the immediate west. Nevertheless, they would still be sizeable and I do not see this subtle, separately accessed, splitting as unduly harmful in terms of immediate or wider character and appearance. It is also notable that less generous plots and differing forms of development do lie in close proximity.
8. In the circumstances, and returning to paragraph 4 above, for my part I would reach the conclusion that the SDNP buffer sentiments expressed by the Council over-play the situation on the ground and that the appeal scheme would in any event not have any noticeably disruptive aspect to the relationship between suburbia and countryside nor to character and appearance generally.
9. Policies DM25 and DM30 of the Lewes District Local Plan and Policy CP11 of the Lewes District Local Plan Part 1 - Joint Core Strategy (CS) are pertinent. These policies, taken together and amongst other matters, seek schemes which are of high design quality, positioned in a suitable rear garden, respect the relationship to the surroundings, reflect local distinctiveness, and protect natural beauty. I conclude that the appeal proposal would not run contrary to these policies.

Other matters

10. The Council acknowledges it does not have a five-year housing land supply and I would add that I have considered the planning history and a previous appeal decision relating to this site (Ref APP/P1425/W/18/3214513). I would comment that the form of this application is at variance from the appreciably larger 2018 appealed scheme and also that there has been a deterioration in the housing supply situation, alterations at Grassmere Court, and some change in applicable development plan policies. Given all the characteristics of this particular proposal I am at this time led to reach a different decision to my colleague in January 2019.

11. I note that the Town Council supports the scheme and that the planning authority is content on matters such as neighbouring amenity, access and parking arrangements, elevational treatment, and internal and external environments for future residents. I would concur on these points.
12. The Council does point out that it is possible a sewer now deemed to be public could be crossing the development site. Therefore, the Appellant will deduce that, should any sewer be found during construction works, an investigation of the sewer would be required to ascertain its ownership before any further works should progress on site.

Conditions

13. The standard commencement period should apply as should a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. Refuse arrangements should be ensured and working hours limited in the interests of residential amenity and cycle parking should be secured in the interests of encouraging sustainable travel. Parking space control should be applied in the interest of highway safety and convenience. In the interests of sustainable development and to accord with CS Policy CP14 I shall apply a condition relating to renewable energy provision and energy efficiency measures.
14. 'Permitted development' rights ought to be removed appropriately in the interests of aesthetics and amenity. This is an unusual site arrangement with a restrictive nature sensitive to intensification bearing in mind the lack of road frontage and the importance of setting both in respect of other gardens and the National Park. As such, exceptional controlling circumstances should apply.

Overall conclusion

15. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (8)

1. The development to which this permission relates shall begin no 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: 2019/023: 01 Rev V1; 02 Rev V1; 03 Rev V1; and 04.
3. The development shall not be occupied until the bin store area has been provided as shown on drawing number 2019/023 01 V1 and made permanently available for that use.

4. The development shall not be occupied until the cycle store has been provided as shown on drawing number 2019/023 01 V1 and made permanently available for that use.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than that expressly authorised by this permission, shall be carried out without planning permission obtained from the Local Planning Authority.
6. No development shall commence above ground floor slab level of the development hereby permitted until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage.

The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for the proposed dwelling to collectively meet the requirement for the development. The approved details shall be implemented with the construction of the dwelling and thereafter retained.
7. The development shall not be occupied until the car parking space has been provided as shown on drawing number 2019/023 01 V1 and made permanently available for that use.
8. Any construction works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.