

Appeal Decision

Site visit made on 17 January 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/Y9507/D/22/3303595

13 Mill Road, Lewes BN7 2RT

- 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 Cara Flowers against the decision of the South Downs National Park Authority ('the NPA').
 - The application, Ref. SDNP/22/00600/HOUS, dated 4 February 2022 was refused by notice dated 21 June 2022.
 - The development proposed is a part two storey, part single storey rear/side extension, creation of a porch and reconfiguration of the staircase.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the extensions on the living conditions for neighbouring occupiers at No. 15 as regards outlook and light, and (ii) whether the cumulative increase in the amount of floorspace at the property would harmfully exceed the limit laid down by Policy SD31 of the South Downs Local Plan 2014-33 adopted in July 2019 ('the Local Plan').

Reasons

3. On the first issue, I saw on my visit that Nos. 13 & 15 Mill Road are a semi-detached pair with a recessed area between the projecting two storey wings of each house. The property boundary divides this area and the appeal scheme is to infill No. 13's share of the space with a part single / part two storey addition as far as the rear elevation of the existing projection.
 4. However, with an eaves height on the boundary of 2.26m for the single storey element and increasing to 4.48m for the setback first floor addition I consider that there would be a significant effect on the outlook from the kitchen and living room windows of No. 15. This would take the form of a harmful increase in the perception of enclosure from these windows and this would also apply to the courtyard, which as the nearest outdoor area to the internal living space is likely to be in frequent use.
 5. I also consider that both daylight and sunlight to these windows and the courtyard would be reduced as a consequence of the development. The Officer's report explains that the proposed extension would intersect the notional 45 degree line as measured from the middle of the window of the nearest habitable
-

room. And whilst this may not be the case for the first floor, I am satisfied that overall the two storey form of the building including the ground floor extending to the whole of No. 13's recessed area would have a significant and harmful impact on the light and outlook currently available to the occupiers of No. 15. This would conflict with Local Plan Policy SD31c) and paragraph 130f) of Government policy in the National Planning Policy Framework 2021.

6. Turning to the second issue, Policy SD31 permits extensions to existing dwellings and the provision of annexes and outbuildings subject to a number of criteria and provisos. One of these is that the proposal should not increase the floorspace of the existing dwelling ('existing' defined as the building's floorspace in December 2002) by more than approximately 30% unless there are exceptional circumstances. Taking into account the permissions given and implemented the NPA asserts that the appeal scheme would bring the increase to a 51% increase, or indeed 68% if a now permitted studio outbuilding were to be included.
7. For the appellant it is argued that the outbuilding is effectively replacement floorspace and that the NPA's calculation of a previous first floor rear extension was incorrect, meaning that the correct floorspace uplift would be 32% rather than the 51% referred to in the officer's report. In the absence of a reply by the LPA, which is not appropriate under the householder appeal procedure, it is difficult for me to conclude on this issue with any certainty. However, even if I accept the appellant's figure of 32% which would be permissible under Policy SD31a), I have concluded on issue (i) above that the effect of the development on the living conditions for the occupiers of No. 15 would not be acceptable. In the event of 32% proving to be the correct increase in floorspace this would not outweigh the harm arising from the first issue.

Conclusion

8. For the reasons explained above and having taken all other matters raised into account the appeal fails.

Martin Andrews

INSPECTOR