

Appeal Decision

Site visit made on 20 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 24th March 2023

Appeal Ref: APP/Y9507/W/22/3308594

34 Middle Way, Lewes, East Sussex BN7 1NH

- 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 Ms R Trotman against the decision of the South Downs National Park Authority ('the NPA').
 - The application, Ref. SDNP/21/03110/FUL, dated 4 June 2021 was refused by notice dated 23 June 2022.
 - The development proposed is a new 3 bedroom dwelling on the land adjacent to 34 Middle Way.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans reducing the proposed dwelling's depth were submitted during the application and I have had regard to these in making my decision. I have also noted the 2020 Pre-App scheme and references to it on the submitted plans by way of comparison.

Main Issues

3. The main issues are (i) the effect of the proposed dwelling on the character and appearance of the area, and (ii) the adequacy of the private amenity area for future occupiers of the proposed house.

Reasons

4. On the first issue, the NPA's appeal statement explains that the appeal site is on the 'Nevill Estate' – an area characterised by traditional brick and tile semi-detached and terraced houses built in the 1920s – 1950s on the edge of open downland. Although there has been subsequent infill development and the substantial enlargement of a number of the dwellings, I saw on my visit that the original character and appearance in terms of dwelling type, design and the spatial pattern of development remains predominantly the same and thereby forms the context for further proposals.
 5. The appeal scheme is for a detached contemporary building set down somewhat into the raised ground level of the site. The flat roof would be only slightly above the eaves level of the existing house. The design in itself can be argued to have some merit and I have noted the innovative features, some of which
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address the need to respond to the adverse effects of climate change. I am also aware of the encouragement of contemporary design at the local level in Policy PL2 of the Lewes Neighbourhood Plan 2019 and in Government policy in paragraph 134 of the National Planning Policy Framework 2021 ('the Framework').

6. However, in paragraph 8.41 the Neighbourhood Plan cautions that '*modern and contemporary architecture must respect the massing, scale, and design of its neighbours*', whilst the Framework requires innovative designs to '*fit in with the overall form and layout of their surroundings*'. In this case it is argued for the appellant that the proposed dwelling would have ground floor elevations designed to match the existing neighbouring red brick properties, with the first floor being clad in a locally sourced timber. In addition, the contemporary house about 250m away in Windover Crescent is cited as an example, but also as an indication of the NPA's allegedly inconsistent approach towards buildings of a modern design on the Nevill Estate (given the refusal of consent in this case).
7. Corner sites in suburban areas (as opposed to urban locations) normally have buildings with their flank elevation set at a good distance from the side boundary to the road for the purpose of maintaining a relatively open character and perception of lower density. This can however be subject to subsequent modification where circumstances permit and in this regard I saw that No. 52, the house on the opposite corner of the cul-de-sac, has had a large extension within a similar width plot as No. 34. Despite its size, in my view the extension appears in keeping with its surroundings.
8. However, in the appeal scheme the remaining distance to the side boundary distance would be just one metre. And with its rectilinear shape and bulky appearance in close proximity to a terrace of traditional C20th houses, the proposed dwelling would have a jarring effect in the street scene. Even with a lower roof line than its neighbours the building would be easily seen, and its contemporary appearance would draw the eye as an awkward contrast with the immediately adjacent terrace.
9. In essence it is because of the combination of the radically different design and its 'cheek by jowl' setting with the host building / terrace on a 'tight' site that would result in the dwelling being perceived as incongruous. The chosen option of materials to match the terrace arguably serves to confuse the contrasting design concepts and is insufficient to safeguard the street scene from the incongruity that would occur.
10. In the grounds of appeal, it was suggested that I view the contemporary dwelling in Windover Crescent as being evidence of the NPA's inconsistent approach. However, in so doing I saw that compared with the appeal scheme this building is in a far more generously spaced and verdant setting. This enables sufficient gaps to its older style neighbours and results in the dwelling's modern design and painted render exterior walls appearing comfortable in their context.
11. On this issue, I therefore conclude that the proposed dwelling would have a harmful effect on the character and appearance of the area. This would conflict with Policies SD5 & SD25 of the South Downs Local Plan (2014-2033) adopted

2019; Policy L2 of the Neighbourhood Plan, and Section 12: 'Achieving Well-Designed Places' of the Framework.

12. The second aspect of the NPA's objection is that the outside amenity area or garden would be too small and unsuitable. It is considered that the front garden would be close to the road on two sides and most of the back garden would be needed for vehicular access and parking.
13. However, whilst not wholly discounting these disadvantages, the NPA does not have a minimum standard for amenity space. And with a small to medium-sized house, it may well be that future occupiers would require no more than a sitting out area, with perhaps play equipment such as a trampoline if the household includes younger children. Within reason, I consider that in this development the adequacy of the garden should be more a matter of the residents' choice.
14. I do not therefore consider this issue to be a negative one for the appellant's case in the appeal and see no unacceptable harm as regards either Local Plan Policies SD5 & SD25 or paragraph 130f) of the Framework. However, neither would it outweigh my finding on the first issue that the development would not be acceptable.

Other Matters

15. I have had regard to objections by local residents, amongst whom parking and access difficulties seem to be of particular concern. However, the appeal scheme provides an additional space within the site and paragraph 111 of the Framework says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I do not consider these factors apply here.

Conclusion

16. For the reasons explained and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR