



Appeal Decision

Site visit made on 9 April 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/Y9507/W/23/3325805

68-69 High Street, Lewes, East Sussex BN7 1XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sankh Limited on behalf of C/o Westcombe Management Limited against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/01213/FUL.
 - The development proposed is the erection of roof extension to provide 2 residential units in association with related external works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area and whether its effect on the settings of nearby Grade II listed buildings would harm their significance, and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties with regard to outlook, privacy, sunlight and daylight.

Reasons

Character and appearance and heritage assets

3. The Lewes Conservation Area (CA) covers an area encompassing the town centre and High Street. Its significance is derived from an attractive, historic High Street, reflecting the evolution of the town over many centuries. Narrow streets and twittens are a feature on the High Street and provide welcome punctuations of continuous development and offer glimpsed views of the wider CA. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the continuation of the functional streetscape and relief from continuous development that the rear of the appeal site provides.
4. The Council allege harm to the setting of listed buildings albeit they have not identified any buildings in particular. However, from the evidence before me, the nearby buildings at 66, 67 and 70–72 High Street are Grade II listed. Their significance is derived from the historical shop frontages and architectural detailing with many of the buildings facing towards the road which allow their significance to be appreciated. Given the above, I find that the setting of each

of these buildings, insofar as it relates to this appeal, to be primarily associated with its functional relationship with adjacent buildings, through the continuation of the shop frontages and with the busy streetscape in which they are seen. The rear elevations have been much altered over the years and contribute little to the significance of the listed buildings.

5. The appeal building is two storeys and is located on the High Street within the centre of Lewes. The ground floor is in use for retail and the proposal seeks to utilise space above a flat roofed outrigger that extends to the rear of the building. The wider area is generally densely built up and enclosed by buildings which form the High Street, its shops and services.
6. Many of the buildings on the High Street have been extended to the rear albeit these extensions are of a low scale, including the appeal building where the rear outrigger is a full storey lower than the building. This, combined with residential gardens to the rear results in a generally open character and appearance that provides relief from the continuous built form of the High Street.
7. The proposal would extend the rear of the building, above the existing rear outrigger, increasing the height by a full storey. The proposed development would also extend across the full depth of the existing outrigger. The overall effect of the increase in height and depth would result in a bulky feature that would be dominant and discordant when viewed from the narrow streets and twittens to the rear of the site as well as glimpsed views from the High Street, due to the low height of No.67, which would unacceptably erode the open character and appearance of the area.
8. The development does not propose any changes to the frontage of the building, therefore, in light of the significance of the nearby listed buildings being primarily their historic frontages, I find that the proposal would have a neutral effect on their setting. I therefore find no conflict with Policy SD13 of the South Downs Local Plan Adopted 2 July 2019 (2014-33) (LP), which amongst other things, seeks to ensure that development preserves or enhances the significance of listed buildings.
9. Notwithstanding the neutral effect to the setting of nearby listed buildings, I find that the proposal would cause harm to the character and appearance of the CA and would fail to preserve its significance.

Living conditions

10. The proposed development would increase the overall height of the rear of the building and extend a significant depth to the rear. The height and depth would result in an extension of significant bulk and mass, which would be a dominant feature highly visible from the rear windows of No's 66, 67 and 70 High Street. The bulk and mass of the proposal would result in an overbearing feature that would be harmful to the outlook of the occupiers of these properties.
11. The proposed flat would have several windows that would allow views to the rear of the appeal building. To the rear are several residential gardens, which due to the overall height and depth of the proposal, be directly overlooked and result in a loss of privacy for the occupiers of these properties.
12. I acknowledge that the area is generally densely built up and many buildings are sited close together. However, the residential gardens behind the appeal

site provide some open space and visual relief from the densely built-up High Street which are not currently overlooked to the same extent as they would be by the proposed development, being close to the boundary.

13. The depth and height of the proposal would also be overbearing to 67 High Street and the ground floor windows to the side of 66 High Street. I note that that it is proposed to include an area of outdoor space on the eastern side of the proposed extension, which would be screened. However, this outdoor space would still be mostly surrounded by built form as a result of the extension, which would further enclose these spaces resulting in an overbearing feature that would also reduce the amount of sunlight and daylight received for the occupiers of these properties.
14. I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupiers of neighbouring properties with regard to outlook, privacy, sunlight and daylight. It would be contrary to Policy SD5 of the LP and Policy PL2 of the Lewes Town Council Neighbourhood Plan 2015-2033 Made 11 April 2019 (NP). Amongst other things, these seek to ensure that developments have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

Other Matters

15. The appellant has put forward a fallback position in the form of an extant planning permission¹ for the erection of a roof extension to provide an additional one-bedroom flat. I accept that the fallback position is available.
16. I accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.
17. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
18. I have been provided with very little information in relation to the fallback position. However, from the evidence before me the fallback position had a reduced depth that was in line with the rear building line. The appeal proposal extends along the full depth of the outrigger, increasing the bulk and massing. I have found that the appeal proposal before me would fail to preserve or enhance the character or appearance of the CA and would harm the living conditions of neighbouring occupiers. For these reasons, I find that the appeal scheme would be more harmful than the fallback position.
19. Consequently, for these reasons considered cumulatively, the fallback position carries limited weight in favour of the proposal.

Planning Balance

20. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed

¹ SDNP/22/04690/FUL

or lost through alteration or destruction of the heritage asset and that this should have a clear and convincing justification.

21. Given the scale of the proposed development and its visibility, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. The public benefits of the proposed development include the provision of new dwellings which could support the vitality and viability of the town centre through future occupiers spending. There would also be some economic benefits through the construction of the proposed development. Albeit these benefits are tempered as the proposal is only for two dwellings, and so the weight I afford them does not outweigh the great weight I afford to the conservation of the CA.
23. Given the above, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA, causing less than substantial harm to its significance, and no public benefits have been cited that outweigh this harm. This would conflict with the Framework and conflict with policies SD5 and SD15 of the LP and Policies PL2 and HC3A/B of the NP. Amongst other things, these seek to ensure that developments contribute to local distinctiveness and preserve or enhance the character or appearance of the CA.

Conclusion

24. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR