



Appeal Decision

Site visit made on 30 September 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8th October 2024

Appeal Ref: APP/Y9507/D/24/3345105

15 Garden Street, Lewes, East Sussex BN7 1TJ

- 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 Mrs Susan Jane Rowson against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00473/HOUS.
 - The development proposed is "Works to refurbish the house to include: painting of the front door to a muted blue, repair and maintenance of windows front and back including to fit double glazed panes.. Replacement of windows in front door and to side from "bubble glass" to double-glazed frosted glass, to mirror the house next door. Replacement of bathroom uPVC window with wooden casement window. Installation of Sky satellite to chimney in the same line of direction as those on existing houses on the row. Front gate to be replaced with wooden gate to the same height as the existing iron gate. Removal of iron grab rails from the front door area. Installation of external light to same traditional lantern design as those on Eastport Lane. Replace existing rotten wooden fence on the side of the house along Eastport Lane with like for like. Repair of rendering on brick wall beneath the fence after significant damage in the January storms. Replacement of rotten white gate adjacent to 5 Eastport Lane with new wooden unpainted standard tongue and groove gate (c1.75m high) with security lock. Replace existing rotten wooden fence on the back of the house with like for like and a new standard tongue and groove gate (c1.75m high) with security lock. Repainting of the back of the house in the same colour. Repair and maintenance of back door and repainted (but cannot be seen from the road in any event). Replace existing wooden rotten shed door in garden with new secure wooden door (but cannot be seen from the road in any event)".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the development proposed in the banner heading above has been taken from the application form. During the validation process for the planning application, the appellant changed the 'wooden gate' referred to in the description to a metal gate. During the appeal process, the appellant confirmed that the satellite dish and the double glazing to the windows in the back wall of the dwelling have been omitted. As the satellite dish has been omitted, the Authority's concerns in its reason for refusal 2 have ceased to be relevant.
3. The existing gate by the back edge of the pavement in Eastport Lane, which gives access to the back alley that leads to other back gardens, is outside the site, and it is not within other land controlled by the appellant. So, I shall not consider the replacement of the existing gate by Eastport Lane.

4. The works that appear to have been carried out include the timber fence by the roughly north, west and south boundaries of the appeal dwelling's back garden, including the timber gate between the back alley and the back garden, and the replacement of the former southernmost front facing upper floor window with a single light side hung timber casement window. These works were not concerns of the Authority in its reasons for refusal. I see no reason to disagree.

Main issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area, which is within the South Downs National Park.

Reasons

6. The appeal site is situated on the prominent south west corner where Eastport Lane meets Garden Street. One side of the appeal dwelling's back garden adjoins Eastport Lane, so nearly all of the dwelling can be seen from the nearby parts of the adjoining streets. Whilst the dwelling at 12 Garden Street is a little wider at the front, all of the dwellings at 12, 13, 14 and 15 Garden Street (the group) form a terrace of 2 attached broadly symmetrical pairs of similar dwellings. The step down between 13 and 14 reflects the local landform, which rises to roughly south. The dwellings in the group include shallow front gardens that are partly bounded at the front by low brick walls, which, whilst they vary in their details, are important to the composition of the group.
7. The Conservation Area is mainly characterised by its historic settlement pattern, and the wide range of historic mostly small scale residential and commercial buildings of different types and styles, which are nestled by the river in the chalk downland gap. The diversity in its historic buildings, the sympathetic design of most more recent buildings, and the use of traditional forms and features are important to its appearance. Together, the character and the appearance of the Conservation Area contribute positively to its special interest and significance as the historic core of a well preserved county and market town. The site is also situated within the National Park, which has the highest status of protection in relation to landscape and scenic beauty. The first purpose of the National Park includes conserving and enhancing its cultural heritage.
8. Due to its siting, historic form and features, and its contribution to the group, the appeal dwelling makes a positive contribution to the character and the appearance of the Conservation Area. Most of the dwelling's front facing external joinery and the treatment of its grounds are some of its most important features.
9. The proposal includes the replacement of most of the single glazing in the front of the appeal dwelling with double glazing. The most important glazed openings in the front of the dwelling include the ground and upper floor windows in the double height bay, and the part glazed front door and its side light.
10. The existing windows in the double height bay contribute positively to the historic character of the dwelling. The appellant implies that the existing frames would be routed so that the double glazed units (IGUs) could be fitted from the inside. However, as the existing panes appear to be putty glazed from the outside, there is little evidence that this method of fitting the IGUs would be

effective. Also, as there are a few details of the existing frames, the proposed works to them, and the proposed 'standard slimline' IGUs, the proposal could unacceptably alter the appearance of the windows, to the detriment of the dwelling's historic character. Moreover, as the works needed to fit the IGUs into the existing frames could reduce the durability and endurance of the frames, they could lead to the untimely loss of the existing window frames.

11. The existing obscure glazing (referred to as 'bubble glass' in the description) in the front door and its side light reflects the style and age of the dwelling. The front door and side light at 13 are similarly glazed, and whilst the glazing in the same parts of 12 appears to be a little different, it respects the character of the existing obscure glazing at 13 and at the appeal dwelling. Due to its discordant appearance and modern character, the proposed obscure glazed IGUs for the front door and side light would erode the historic character and appearance of the appeal dwelling. Whilst the side light by the front door at 14 has different glazing, that is not sufficient reason to damage the appearance of the more prominent appeal dwelling.
12. The details, including the colours and finishes, for the proposed decoration of the front and the back walls and the front door of the dwelling have not been clearly specified. So, it has not been shown that the decoration works would preserve or enhance the character or appearance of the heritage asset.
13. In the event that the site is also subject to an Article 4 Direction controlling means of enclosure, the existing gate in the garden wall at the front of the dwelling, whilst different to that at 12, is sympathetic to the character of the dwelling, in scale with the opening, fixed to the wall's brick jambs, and reflects the decorative ironwork that is characteristic of the local area. By contrast, the commonplace form and bland design of the proposed metal gate, with or without its dominant gate posts, would be detrimental to the character of the Conservation Area. Moreover, as there are almost no details of the works to the low wall by Eastport Lane, they could erode the heritage asset's significance.
14. Whilst parts of the heritage asset might not be seen from the public domain, the exercise of my statutory duty is not dependent on the ability of the public to see all of it. The appellant's concerns about the Authority's handling of the application are not relevant to my findings.
15. So, for the reasons given above, adopting the precautionary principle, and irrespective of my findings regarding the front gate and the low wall fronting Eastport Lane, the proposal would be likely to harm the character and the appearance of the Conservation Area.
16. In the terms of the National Planning Policy Framework (Framework), the proposal would cause 'less than substantial harm' to the significance of the heritage asset. Even so, the public benefits of the proposal including possible energy savings would not outweigh that harm. Moreover, insufficient clear and convincing justification has been put to me to explain why the proposal would be necessary to conserve the significance of the Conservation Area.
17. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area, and that it would fail to conserve and enhance the scenic beauty and cultural heritage of the National Park. It would be contrary to Policy SD5 of the South Downs Local Plan (LP) and Policy PL2 of the Lewes Neighbourhood Plan (NP) which seek high

quality design and respect for context, LP Policy SD15 and NP Policies HC3 A and HC3 B which reflect the thrust of my statutory duty regarding conservation areas, and the Framework which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Conclusion

18. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
19. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR