



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: 11 October 2024

Appeal Ref: APP/Y9507/D/24/3345521

2 Foundry Cottages, Foundry Lane, Lewes, East Sussex BN7 2AS

- 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 Mr Simon Thomas against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00854/HOUS.
 - The development proposed is New full width dormer to front elevation.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area.

Reasons

3. The appeal site includes the mid terrace appeal dwelling, which includes a bedroom and a bathroom partly within its roof space, which are lit by a roughly east (front) facing dormer window and a roof light respectively. The dwelling is situated on its modest plot within a terrace of 3 similar traditionally styled modern townhouses in Foundry Lane, within the Conservation Area, within an area subject to an Article 4 Direction, and within the South Downs National Park. The roughly south part of the historic building at 53 and 54 Cliffe High Street lies close by to roughly west, and the backs of other historic buildings on the south side of Cliffe High Street lie nearby to roughly north and north east. Mostly residential development including Cliffe Leas and a converted malthouse lies roughly east, and a parking area lies roughly south.
4. 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 Conservation Area 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.

5. Due to the tight knit urban grain in the narrow lanes and twittens off the main streets, some buildings within the Conservation Area can only be appreciated from other nearby buildings and their gardens or yards, or in narrow views from the public domain. Even so, despite the partial screening effect of the intervening vegetation, much of the dwelling including its important roofscape can be appreciated from the nearby part of Foundry Lane, in westward views along Farncombe Road, and from the nearby part of Morris Road. As the appeal dwelling can also be seen from the upper floor openings in the nearby buildings, and as its roofscape is important to the character of the townscape in longer views from its sloping surroundings, the dwelling makes a positive contribution to the character and appearance of the Conservation Area.
6. The proposal would replace the existing dormer and roof light in the dwelling's front facing roof slope with an almost full width part hipped and part flat roofed dormer. However, due to the proposal's substantial bulk and width, dominant form, and discordant window pattern, it would be harmfully at odds with the character and appearance of the dwelling and the terrace. As its design, scale and proportions would fail to respect the traditional character and harmonious appearance of most nearby buildings, the proposal would be incongruous.
7. The appellant's personal circumstances have been considered, but as the proposal would be likely to endure long after they have ceased to be material, they would not outweigh the harm that the proposal would cause. As it is likely that a shower could be installed in another part of the dwelling without the need for this harmful proposal, its possible energy savings attract little weight.
8. In the terms of the National Planning Policy Framework (Framework) the proposal would cause 'less than substantial harm' to the significance of the Conservation Area. However, the public benefits, including energy savings, would not outweigh that less than substantial 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 heritage asset.
9. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area. It would be contrary to Policy SD4 of the South Downs Local Plan (LP) which aims to conserve and enhance landscape character including the identity of settlements, LP Policy SD5 and Policy PL2 of the Lewes Neighbourhood Plan (NP) which seek high quality design and respect for context, LP Policy SD6 which aims to preserve the scenic quality of the National Park, LP Policy SD12 which seeks to conserve and enhance the historic environment, LP Policy SD15 which reflects the thrust of my statutory duty regarding conservation areas, LP Policy SD31 which aims for extensions to respect the established character of the area, NP Policy HC3 A which gives priority to sustaining the roofscape of the Conservation Area, and guidance in the South Downs National Park Adopted Design Guide Supplementary Planning Document. It would also be contrary to the Framework which aims to conserve heritage assets 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.

Other matter

10. Regarding the Authority's concerns in its reason for refusal 2, the appellant's ecosystems services statement says that the proposal would improve the occupants' health and wellbeing. No other ecosystem measures are proposed.

So, the proposal would be contrary to LP Policy SD2 which aims for proposals to have a positive impact on the ability of the natural environment to contribute goods and services, LP Policy SD9 which seeks to conserve and enhance biodiversity and geodiversity, NP Policy LE1 which aims to support proposals that demonstrate a net gain in the existing natural capital, and the Framework which seeks to conserve and enhance the natural environment.

11. However, as a proportionate scheme of ecosystem measures including, say, the installation of a bird or bat box and a means of harvesting some rainwater, could reasonably be dealt with by condition if the proposal were to be otherwise acceptable, the proposal could satisfy LP Policies SD2 and SD9, NP Policy LE1, and the Framework. So, this matter attracts neutral weight.

Conclusion

12. 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.
13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR