



Appeal Decision

Site visit made on 23 October 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/P1425/D/24/3347774

29 The Esplanade, Telscombe Cliffs, East Sussex BN10 7EY

- 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 Mike Langley against the decision of Lewes District Council.
 - The application Ref is LW/24/0097.
 - The development proposed is re-amalgamation of two flats into one dwelling, ground floor single storey front and side extensions, first floor single storey rear extension with 2no. rooflights and Juliet balcony to rear elevation, and alterations to existing front and rear fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the decision notice and the appellants appeal statement in the banner heading above, as it is more comprehensive than that provided on the application form. I have removed the words 'planning application for' as that is not a form of development.
3. I was able to access the rear garden at the appeal site and undertake a full assessment.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal site; and
 - the living conditions of neighbouring occupiers at No 28 and No 30 The Esplanade, with particular regard to light.

Reasons

Character and appearance

5. The appeal site (the site) includes a semidetached dwelling (the dwelling) in a predominantly residential area. It faces out to sea near a cliff-edge, in a setting that has an open, exposed feel, particularly in relation to sea winds.
6. The dwelling has a simple, modest character, appropriate to the size of the site. The appearance of the dwelling is dominated by its traditional pitched, hipped roof, the expanse of which is far greater than that of its external walls. Visually, this has the effect of embedding the dwelling into the setting, making it appear hunkered down against the elements. Whilst an existing single storey rear extension and two

dormer extensions to the dwelling are visually prominent, they are small enough and sufficiently subservient to the main form of the dwelling as not to alter its simple, modest character as described above.

7. The proposed development includes a first-floor rear extension arranged with a pitched roof to the eastern side, a gable end facing north, and a wall beneath a short section of pitched roof facing west. Ground floor extensions to the front and side of the dwelling are also proposed.
8. The first-floor extension would be visible to occupiers of the appeal site, to occupiers of neighbouring sites, and from public vantage points, including on Fairlight Avenue and South Coast Road. It would protrude significantly beyond the existing rear roofslope, obstruct views of the original roof form on either side, and add disproportionate bulk and an invasive presence to the rear of the site. The gable end and the western elevation wall would combine to create a harsh, angular addition at odds with the roof of the host dwelling. The combination of the proposed extension and the existing rear dormer would give the dwelling and the site a cluttered, congested feel. Overall, the proposed first-floor extension would be strikingly disproportionate to, and dominate, the dwelling, harmfully overpowering its existing simple, modest character.
9. In isolation, the proposed ground floor extensions would not overpower the dwelling or harmfully affect its character and appearance. Nevertheless, they would notably alter the appearance of the dwelling, particularly as viewed from The Esplanade and, as such, highlight the scale and extent of the proposed development overall. As a result, the ground floor extensions, in combination with the proposed first floor rear extension, would contribute to the harmful loss of the existing simple, modest character of the dwelling.
10. Both main parties have drawn my attention to the proportion of either hipped or gable-ended roofs near the appeal site. The reason for refusal does not cite harm to the character and appearance of the area and, as such, the degree to which the proposed development adheres to the pattern of development nearby is not a main issue in the appeal.
11. Nevertheless, whilst there is a mix of housing type and design in the local area, dwellings immediately around the appeal site generally have hipped roofs, similar in appearance to that of the dwelling. Insofar as it is relevant to the effect of the proposed development on the character and appearance of the appeal site, the surroundings described above serve to emphasise the simple, modest character and appearance of the dwelling.
12. The proposed development would harm the character and appearance of the appeal site, contrary to Policies DM25 and DM28 of the Lewes District Local Plan 2016, and Policy CP11 of the Lewes District Joint Core Strategy 2016, where they require development to respond sympathetically to, complement, and enhance, the character and appearance of the host building and site.

Living conditions

13. The appeal site is neighboured by 28 and 30 The Esplanade (No 28 and No 30) broadly to the east and west respectively. The first-floor part of the proposed development would extend broadly northwards, above an existing ground-floor extension, which has a flat roof (the existing extension).

14. The evidence does not include any surveys to demonstrate the effect of the proposed development on levels of daylight and sunlight. Even so, given the setting described above it is likely that direct sunlight currently reaches the rear of No 30 in the morning, and the rear of No 28 in the evening. Even if the existing conservatory at No 28 is an amenity space rather than a habitable room, that direct sunlight brings significant benefits to the living conditions for occupiers of No 28 and No 30, serving key private amenity areas in both cases, as well as rooms at the rear of both homes.
15. Due to its height and close proximity to the site boundaries, the proposed development would obstruct, and significantly reduce, direct sunlight to the rear of No 28 and No 30, to the detriment of living conditions at both homes. Pitching the roof of the proposed development away from the boundary with No 28 and siting it away from the boundary with No 30 would be insufficient to offset the harmful effects on levels of light caused by the height and depth of the proposed development.
16. The proposed development would have a harmful effect on the living conditions of neighbouring occupiers at No 28 and No 30 The Esplanade, with particular regard to light. As such, it conflicts with Policy DM25 of the Lewes District Local Plan 2016, and Policy CP11 of the Lewes District Joint Core Strategy 2016, where they require development to be designed to a high standard and have no unacceptable adverse impact on the amenities of neighbouring properties in terms of sunlight.

Other Matters

17. I recognise that third parties consider the proposed development would cause harm beyond that associated with the main issues above, including a loss of privacy. The Council has not cited harm in any respect beyond those covered by the main issues above. I see no reason to disagree with their assessment and have focussed my determination accordingly.
18. I appreciate that the Town Council supported the planning application, but I have not been provided with any evidence as to the rationale behind that support. As such, I have based my determination on the merits of the proposal as presented in the evidence.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Knight

INSPECTOR