



Appeal Decision

Site visit made on 6 January 2025

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/Y9507/D/24/3349889

1a Offham Road, Lewes, East Sussex BN7 2QR

- 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 Mr Peter Bull against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/01372/HOUS
 - The development proposed is for a part section 73a retrospective application for raised rear decking, and the application for erection of rear access steps to decking.
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Decision

- 1) The appeal is dismissed.

Preliminary Matters

- 2) For clarity, I have used the description of development given on the Council's decision notice.
- 3) The National Planning Policy Framework (the Framework) was revised on 12th December 2024. However, I am satisfied that any changes to the Framework have not prejudiced any party in this case. Consequently, in reaching my decision I have therefore had regard to the new Framework published in December 2024, and any reference to Paragraph numbers are to this version.

Main Issues

- 4) The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; including the South Downs National Park (SDNP) and the setting of the Lewes Conservation Area (CA); and
 - the living conditions of existing and future occupiers.

Reasons

Character and appearance

- 5) The appeal site is an elevated and sloping parcel of land in the SDNP that is located to the rear of 1a Offham Road, which is sited adjacent to a mainline railway track.

- 6) The appeal scheme has been partly completed and overlooks the properties on Talbot Terrace which are located in the nearby CA. A set of steps would be added to the structure to enable access to a portion of the host garden space below.
- 7) The completed proposal would be in the SDNP. The Framework is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of the SDNP, which has the highest status of protection. Nonetheless, the proposal would be in an urban type setting where the principle of development is accepted. There have also been no recorded objections to the proposed decking-type structure, including any from the local Parish Council.
- 8) However, the completed proposal would extend beyond the existing upper garden boundary. Therefore, whether the appellant has ownership of the land below or not, the fact remains that the structure would be a bulky and prominent addition to the host garden and hence at odds with the immediate surrounding area which is typified by simple boundary treatments, such as standard fencing and hedging.
- 9) In addition, the Council contend that the highly visible location of the scheme which faces onto Talbot Terrace would result in 'less than substantial harm' to the CA. As the gardens on Talbot Terrace are characterised by low lying garden spaces that are subordinate to the railway track, I find this to be a reasonable conclusion. This would remain my firm position even if the gardens were to be improved and maintained.
- 10) I conclude therefore, that the scheme would harm the character and appearance of the area and the CA.
- 11) Consequently, in respect of the character and appearance of the area, the proposal is contrary to Policies SD4, SD5, SD6, SD12 and SD15 of the South Downs Local Plan 2014-2031 (2019) (SDLP) and Policies HC3A and PL2 of the Lewes Neighbourhood Plan (LNP), which say, amongst other things, that development will only be permitted where it utilises architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing.

Living conditions

- 12) The existing structure appears to be relatively robust and the proposed access steps are likely to be more reliable than the previous access conditions to the garden below, which is also separated from the trainline by a fence.
- 13) Furthermore, subject to further engagement regarding continued safe operational use of the rail line below, Network Rail has raised no objection to the scheme. Indeed, although beyond the scope of this decision, even if other relevant legislation or safety requirements still need to be considered, such as, but not limited to, a Network Rail asset protection agreement, eventual use of the structure would be one of personal choice for occupiers and visitors to the host dwelling.
- 14) Subsequently, I conclude that in respect of the living conditions of existing and future occupiers, the proposal would meet the aims of Policies SD4 and SD5 of the SDLP and Policy PL2 of the LNP when read as a whole.

Planning Balance

- 15) I have found that the proposed development would fail to preserve or enhance the character and appearance of the area, including the nearby CA. Moreover, Paragraph 212 of the Framework states that great weight should also be given to a heritage asset's conservation. Nonetheless, in accordance with the Framework, I am required to assess the extent of such harm. I found above that the harm to the CA would be 'less than substantial'. Where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, Paragraph 214 of the Framework is clear that this harm should be weighed against the public benefits of the proposal.
- 16) As such, other than very limited short-term economic benefits associated with the construction of the proposal, I have no identified or recorded public benefits associated with the scheme.
- 17) Therefore, I conclude that the minimal economic benefits of the scheme do not outweigh the substantial harm to the character and appearance of the area and the CA I have found above.

Conclusions

- 18) Whilst I have found in favour of the appellant on the second main issue, the proposal would harm the character and appearance of the area, including the nearby CA. As such, the proposed development conflicts with the development plan taken as a whole, and as there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with the development plan, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR