
Appeal Decision

Site visit made on 19 February 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/P1425/W/24/3354255

5 to 7 Geneva Road, Newhaven BN9 9DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr D Mills, Clamil Properties LLP against Lewes District Council.
 - The application Ref is LW/24/0154.
 - The development proposed is the demolition of 5 Geneva Road, and erection of two detached houses. Relocation of boundary with 7 Geneva Road.
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Decision

1. The appeal is dismissed and planning permission for the demolition of 5 Geneva Road, and erection of two detached houses. Relocation of boundary with 7 Geneva Road is refused.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an Appeal Statement which sets out its concerns, as well as putative reasons for refusal. As this includes the matters of dispute with the appellant, it forms the basis of the main issues in this case.
3. The revised National Planning Policy Framework (Framework) has been published during the course of the appeal. The main parties were given the opportunity to comment and I have considered the revised Framework in my decision.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) highway impact by way of accessibility.

Reasons

Character and Appearance

5. The part of the appeal site that would accommodate the proposal contains a dwelling, a detached garage and a rear garden that are associated with 5 Geneva Road (No 5), together with land to the side of 7 Geneva Road (No 7). The dwelling at No 5 presents a chalet (dormer) style bungalow appearance to Geneva Road. It is in a raised position compared to the site frontage and levels fall away to the rear. As a result, the rear of the dwelling in particular presents more storeys than the front. The site is somewhat overgrown and the dwelling, whilst presenting

attractive features, shows signs of disrepair. There is a conspicuous amount of vegetation to the side of the neighbouring property at No 7.

6. The prevailing character of the immediate surroundings is bungalow-like properties. They often make use of the topography so that the rear elevations present a greater number of storeys. However, they maintain a modest appearance to the streetscene. The plots are fairly generous in size. The nearest houses to the site are found to the east, further along Geneva Road, separated by bungalow properties. Levels along Geneva Road fall substantially west to east, including past the site.
7. The proposal would be in contrast to these immediate surroundings in that it would introduce full 2 storey height houses to this part of the streetscene. This would appear discordant, in particular compared to the bungalow properties on either side. While the difference in massing and height has sought to be mitigated through proposed changes to the land levels nearest the site frontage, this alteration would be at odds with the existing topography. It would result in one of the proposed dwellings appearing below the existing ground level, whilst a higher ground level compared to the neighbouring bungalow to the east would exacerbate the difference in height between this existing dwelling and its proposed neighbour. The overall effect would be a visually disruptive arrangement and the proposed dwellings would not sit comfortably in these surroundings.
8. The density of the proposal is of less a concern compared to the suggested density range that the Council has referred to under Core Policy 2 of the Council's Local Plan Part 1 Joint Core Strategy 2010-2030 (2016) (Local Plan Part 1). Based on the information before me, that is not a policy requirement and the immediate surroundings are at a lower density. Nevertheless, this does not satisfactorily address the harm that would arise by introducing full 2 storey properties in this location.
9. Similarly, this harm to the local character would not be adequately overcome by the proposal preserving established trees and by the materials and detailing being reflective of the existing dwelling and those in the area. Both main parties have also referred to a previously refused scheme on the site and whether the current proposal addresses the Council's concerns. However, this appeal is to be decided on its own merits and, for the reasons that I have set out, this does not favour the proposal on character and appearance grounds.
10. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply in this regard with Core Policy 11 of the Local Plan Part 1 and Policy DM25 of the Local Plan Part 2 Site Allocations and Development Management Policies (2020) (Local Plan Part 2) where they concern high quality design and contributing to local character and distinctiveness, amongst other matters.

Accessibility

11. The site and its access lie at the junction of Geneva Road and an unnamed side road associated with nearby Hill Crest Road. Geneva Road is an unmade private highway. To the east of the site, it is in a poor condition due to a degraded surface and depressions. To the west, it forms a narrower single width track, as does the side road. Access for vehicles and pedestrians is shared.

12. Existing properties along Geneva Road and the side road already use these roads for access. This applies to both vehicular and pedestrian movements. The proposal would thus not be inappropriate or unsympathetic in these respects because the means of access for one additional dwelling would be the same as for the existing dwellings. While it would increase the level of domestication, the function of the area is already domestic as it is made up of residential properties. That there are no pedestrian pavements in its immediate vicinity would not impede accessibility because the shared arrangements would be utilised until footways are reached to readily access local services. Again, this would be the same as for the occupiers of the existing dwellings along this road.
13. Nor is there substantive evidence of safety concerns. The unmade nature of the roads, the levels and where these routes are single width would reasonably lessen vehicle speeds, and so undue conflicts between pedestrians and vehicles would not likely arise from the proposal. The effect from its construction on these routes could ably be addressed through a construction traffic management plan condition, if I had been minded to allow the appeal. There is also no evidence to suggest that refuse and recycling access would be anything other than as per the existing dwellings along this road.
14. I conclude that the proposal would not have an unacceptable effect on highway impact by way of accessibility. In this regard, it would comply with Core Policy 11 (iv) and (v) where it concerns access and functionality, and safe and accessible to all. It would also comply with Policy DM26 of the Local Plan Part 2 where it concerns convenient access for refuse and recycling.
15. The Council's related putative reason for refusal also refers to Policy DM25 (9). However, this criterion only concerns residential developments of 10 or more dwellings and so does not apply. It also refers to Policy DM27 of the Local Plan Part 2. This concerns landscape design, rather than highways and accessibility, and so has a limited bearing on this issue.

Other Matters

16. Based on the evidence before me, the Council cannot demonstrate a 5 year supply of deliverable housing sites for the purposes of the Framework. The supply is said to be 3.02 years and so the shortfall is significant. The proposal would make a contribution of one unit to both reducing the shortfall and the Council's Local Plan housing requirement, as well as supporting Central Government's objective of significantly boosting the supply of homes. I have also been informed that the Newhaven Neighbourhood Plan refers to a lack of detached housing, to which the proposal would help alleviate. The proposal would bring a site back into use, and I am mindful of the state of the dwelling on the site and that it has attracted squatters. The proposal would also, unlike the current site, enable vehicles to turn on-site and the future occupants would benefit from good living conditions. Other matters do not weigh either for or against the proposal.
17. The absence of a 5 year supply of deliverable housing sites leads to the consideration of paragraph 11. d) ii. of the Framework. Any adverse impacts of granting permission would though significantly and demonstrably outweigh the benefits. This is due to having particular regard to key policies in the Framework which include concerning securing well-designed places. With the harm that I have identified on character and appearance grounds, this would not be achieved.

That it would be a sustainable location and deemed an effective use of land in density terms does not change my views on the application of this balancing exercise. The proposal does not therefore benefit from the presumption in favour of sustainable development.

Conclusion

18. In considering all matters which have been raised, the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed and planning permission refused.

Darren Hendley

INSPECTOR