



Appeal Decision

Site visit made on 18 March 2025

by C Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 APRIL 2025

Appeal Ref: APP/P1425/W/24/3352619

72 Telscombe Cliffs Way, Telscombe Cliffs, East Sussex BN10 7DE

- 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 Les Hocking against the decision of Lewes District Council.
 - The application Ref is LW/24/0173.
 - The development proposed is construction of two new detached 4 bed houses following demolition of existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for construction of two new detached 4 bed houses following demolition of existing bungalow at 72 Telscombe Cliffs Way, Telscombe Cliffs, East Sussex BN10 7DE in accordance with the terms of the application Ref LW/24/0173, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character of the area; and
 - the effect of the proposed development on biodiversity, having regard to the removal of existing landscape features on the site.

Reasons

3. The appeal site comprises a wide and deep plot currently host to a detached bungalow and with an absence of any vegetation. The site is set within a street of mainly detached and semi-detached properties of single and two-storey height, but with no uniform appearance. The front boundary treatments vary but generally consist of low brick walls, driveway parking accessed by crossovers at relatively regular internals serving each dwelling individually and a mix of hedging and more open frontages. There are wooden bollards on the grass verge between the pavement and the road and double yellow lines to prevent parking to the west of the street.
4. The proposed development is for the replacement of the existing bungalow with two detached two-storey dwellings. Each property would have its own crossover from the road and two parking spaces on the driveway to the front of the dwelling.

Character of area

5. The opening up of the site frontage and the loss of hedgerow and trees to facilitate parking would result in a change to the appearance of the site which would have an effect on the character of the area. At the time of my site visit the site had been cleared of all vegetation and had an open frontage, it has also been brought to my attention that the grass verge has been sprayed with weed killer. I have not been provided with evidence from the Council of the site appearance prior to the site clearance but no protected features were recorded on site and the use of weed killer is not prohibited. Although the open site frontage and proximity of the crossovers from the road to each other may be a change in character from the one assessed by the Council, the more open frontage is not in itself materially harmful to the character of the area and there is sufficient room for each property to have a crossover, driveway parking and replacement landscaping to soften the appearance of the development. This can be approved and controlled by condition. Accordingly, I conclude that the proposal would not cause material harm to the character and appearance of the surrounding area and I find no conflict with Policy DM25 of Lewes District Local Plan Part 2 Site Allocations and Development Management Policies (February 2020) (Part 2) which requires development to be of high quality design and which takes opportunities for improving the character and quality of an area.

Biodiversity

6. The loss of biodiversity on the site arises from the removal of the hedge on the site frontage, the loss of the grass verge and trees that were both identified as being removed and retained. The absence of protections covering the site means the loss of the hedge, trees and grass verge is a regrettable situation and there is now no way to measure the nature conservation interest of the site, however, this can be compensated for by the provision of new planting on the site, which could be secured by condition requiring details of landscape and biodiversity enhancements to be submitted to the Council for its approval. The application was submitted to the Council prior to Biodiversity Net Gain (BNG) coming into effect so there is no requirement to calculate the units lost by the removal of the hedging and trees or to be provided, however, there is more than sufficient opportunity to provide a net gain given the plot sizes. Accordingly, I conclude that the proposed development would not have a harmful effect on the site biodiversity and I find no conflict with Policy DM27 of Part 2 and Policy CP10 of Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 which require development to provide high-quality landscape design.

Other Matters

7. The proposal would result in the removal of wooden bollards designed to stop parking on grass verges. There is a school on the opposite side of the road to the site and I have been advised that parking on double yellow lines at school drop off and pick up times can take place. However, there is no compelling evidence before me that the loss of the wooden bollards would encourage parking on the proposed crossovers or intensify an existing problem if restrictions are already in place. Indeed, such arrangements are commonplace within the street and these do not appear to have a harmful effect on the highway network.

8. No evidence has been put before me of the housing demand for the area, therefore it is not possible to determine whether a different mix of housing would be more appropriate. In any event, the provision of detached 4 bedroom dwellings makes an efficient use of the site.
9. Residential development is considered appropriate for the site. The orientation, scale and positioning on the plot of the proposed development will ensure there is no infringement of the building line or significant impact on the living conditions of the occupiers of neighbouring properties. Moreover, the first-floor side windows would be obscure glazed to prevent overlooking.
10. The addition of one extra dwelling on the site is not considered to result in significant additional traffic generation that would have any detrimental impact on the A259. Paragraph 116 of the National Planning Policy Framework states development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. This is not the case in this scenario.
11. Any effects from the construction period would be short-term and could be mitigated by careful construction management including the control of burning and parking for construction. A condition is therefore necessary to limit hours of construction and to provide a construction method statement to cover waste management and construction parking as the proposed development is located within a residential area where there is the potential for disturbance to neighbouring properties.

Conditions

12. To meet legislative requirements, conditions are required to address the period for commencement, and the relevant drawings as this provides certainty.
13. Car parking spaces need to be set to an appropriate minimum standard to ensure vehicles do not obstruct and over-hang the footway and space needs to be allocated on site for secure bicycle storage.
14. A condition requiring details of landscaping and biodiversity enhancements is required to allow the Council to control the character and appearance of the area.
15. The Council suggested restrictions on permitted development rights to control further development on the site. However, Paragraph 55 of the NPPF states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. I have not been provided with clear justification for such restrictions and therefore I will not be imposing the suggested condition.
16. A condition requiring first floor obscure glazing in the windows of the side elevations is required to protect neighbouring residential amenity.

Conclusion

17. For the above reasons, the proposal accords with the development plan when read as a whole. I therefore conclude the appeal should be allowed.

C Coles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers 24002/13.001, 24002/13.002, 24002/13.003, 24002/13.004, 24002/13.005, 24002/13.006, 24002/11.001, 24002/11.002, 24002/11.003, 2002/11.004, 24002/11.005, 24002/11.006, 24002/10.001, Location Plan, Bike Store dimensions, Bike Store Photo and Proposed Block Plan.
- 3) Construction work shall be restricted to the hours of 8am to 6pm Monday to Fridays and 8.30am to 1pm on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Notwithstanding the plans hereby approved the parking spaces must have minimum dimensions of 2.5m X 5m adding an extra 50cm on each side where spaces abut walls and fences.
- 6) Prior to the occupation of the development hereby approved, a scheme for landscaping and biodiversity enhancements shall be submitted to and approved by the Local Planning Authority. The scheme shall include: -
 - a) details of all boundary treatments including fences;
 - b) details of all proposed planting, including quantity, species, and size
 - c) details of enhancements to achieve some biodiversity net gain,

All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) The dwellings hereby permitted shall not be occupied until the side windows at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) No dwelling shall be occupied until provision has been made within the site for the storage of bicycles in accordance with details previously submitted (bike store dimensions and bike store photos). The approved provision shall thereafter be kept available for the storage of bicycles.