



Appeal Decision

Site visit made on 27 August 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2025

Appeal Ref: APP/P1425/W/25/3361300

327 South Coast Road, Peacehaven BN10 7HP

- 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 Dowsing PP Ltd against the decision of Lewes District Council.
 - The application Ref is LW/24/0630.
 - The development proposed is described as 'demolition of existing sui generis building and construction of 6no. flats, alterations to boundary treatments, vehicle and pedestrian access, addition of 5no. car parking spaces, and addition of bike and bin storage facilities'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's submission includes a letter from Reeves Transport Planning containing plans which show amended proposed vehicle crossover arrangements. However, the Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme, and these revisions do not appear on the submitted plans. Therefore, my decision is based only on the plans originally submitted to the Council.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 14a, 14b and 14c Cairo Avenue South and 329 South Coast Road, with particular regard to outlook and light; and
 - highway safety, with particular regard to access and turning facilities.

Reasons

Character and appearance

4. The appeal site comprises a vacant building and land previously occupied by a mixed commercial and residential premises. It is located between a pair of semi-detached hipped roof bungalows set well back from the road and pitched roof dwellings facing Cairo Avenue South. There is a mix of house types and designs in the area, including two and three storey blocks of flats on the opposite side of South Coast Road. Whilst the wider area has a varied character, the site and neighbouring properties consist of low-rise buildings.

5. The proposal is to demolish the existing structure and build a three-storey block of six flats. Due to its substantial height, the proposed building would tower above the dwellings on either side of it. The coastal road building codes in the Peacehaven and Telscombe Design Code 2021 (Design Code) indicate that most roof types would be acceptable, including flat roofs for taller buildings. However, although there are flat roofed blocks on the opposite side of the road, the flat roofed form of the proposed structure would be significantly at odds with the hipped and pitched roofs of the neighbouring houses.
6. According to the Design Code, residential units in this location should be set back 3-6m from the edge of the plot, but the proposed structure would be on a part of the road where there is no consistent building line. It would be set back slightly from the footway, further from it than the existing property. There is no dispute that local policies allow for higher density developments in certain circumstances. Nevertheless, because of its scale and position relative to the road and neighbouring properties, the proposed development would be a dominant and incongruous addition to the street scene.
7. The proposed flatted block would include projecting balconies on the side and rear, various sized openings, some feature brickwork and a step in the western flank. Nevertheless, the large flat roof and significant expanses of wall on the same plane would give the new building a boxy and bland appearance.
8. The Design Code requires apartment buildings that have a set back from the street to have landscaping. There would be a low wall with a fence above to the front boundary, behind which would be the private garden for flat 1. Whilst the appellant would be willing to accept a landscaping condition, the proposal would result in a hard boundary alongside the footway with limited opportunity for frontage planting to soften views of the scheme from the public realm. There are boundary fences and walls with limited planting in development schemes opposite, but it is unclear whether the Design Code applied when they were approved.
9. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would conflict with Policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies 2020 (LPP2) where it requires development to be of a high quality design, sympathetic to its immediate surroundings, and compatible with existing buildings and roofscapes.

Living conditions

10. The appeal site lies between houses at 14a, 14b and 14c Cairo Avenue South (Nos 14a-c) and a bungalow at 329 South Coast Road (No 329). Nos 14a-c are primarily orientated towards Howard Park, with most openings facing this direction and front gardens larger than the rear outdoor spaces. However, some rear ground floor habitable room windows face the site and, though small, their rear gardens are clearly used. A ground floor front facing bedroom window at No 329 also lies close to the site.
11. The appellant's Daylight and Sunlight Report (DSR) assesses the proposal against the BRE's 'Site layout planning for daylight and sunlight: a guide to good practice'. The DSR indicates that the proposed development would fail to fall within acceptable vertical sky component (VSC) and daylight distribution parameters for daylight to the window of the ground floor rear bedroom at No 14b. The VSC

calculations also show that there would be harmful loss of daylight to the rear kitchen opening at No 14b and the ground floor rear bedroom at No 14a.

12. The BRE guidelines are advisory rather than mandatory and are intended to help the designer, but the proposed three storey building would be around 8m from the rear façade of Nos 14a and 14b. The appellant states that the ground floor kitchen at No 14b is part of an open plan room which has other windows and that the ground floor rear openings at Nos 14a and 14b serve third bedrooms. Nevertheless, due to its height and proximity to these dwellings, the appeal scheme would cause unacceptable loss of daylight to these neighbouring ground floor rear habitable rooms.
13. There are similar separation distances between developments elsewhere. However, the scale of the proposed structure and its position relative to Nos 14a and 14b would create an unacceptable sense of enclosure for occupiers of these houses when using their rear gardens and ground floor rooms.
14. The appeal site contains an existing single storey extension which runs along the mutual boundary with No 329 which is visible from the neighbouring ground floor bedroom window. Although the proposed building would be set back a small distance from the mutual boundary, it would project around 10m forward of the neighbouring bedroom opening. Due to its substantial height, projection and proximity to the front bedroom at No 329, the proposal would dominate the outlook from this neighbouring room.
15. The DSR shows that the proposal would meet the BRE guidelines in terms of sunlight to neighbouring rear gardens and ground floor windows. It also indicates that acceptable levels of daylight would be maintained to rooms and gardens at Nos 14c and 329. Further, as the new building would not lie directly behind the house at No 14c, the proposal would not have an unduly overbearing effect on the occupants of that property when using their rear rooms and garden. I also note that some neighbouring occupiers have not objected to the proposal. However, these matters do not overcome the harmful impact on daylight to some rear habitable rooms at Nos 14a and 14b and the undue loss of outlook to the occupiers of these properties and No 329.
16. Therefore, whilst the proposal would not cause harmful loss of outlook and light to No 14c, it would result in the unacceptable loss of outlook and light to Nos 14a and 14b. It would also cause a harmful loss of outlook to No 329. This would conflict with Policy DM25 of the LPP2 where it requires development to have no unacceptable adverse impact on the amenities of neighbouring properties in terms of outlook and daylight.

Highway safety

17. The appeal site lies adjacent to a straight section of the busy A259 South Coast Road, a main distributor route, where a 30mph speed limit is in operation close to its junctions with Lincoln Avenue and Cairo Avenue South. There are double yellow lines on each side of the carriageway with a footway around 3m wide along the site frontage. There is a dropped kerb, but this does not now provide vehicular access to the site, and the small hardstanding parking area on the other side of the building is not served by a dropped kerb onto the road.

18. The proposal would include the formation of a new vehicle crossover onto South Coast Road. Access would be to the side of the proposed building with five car parking spaces and a cycle store to the rear. Using TRICS data, the appellant's Transport Report (TR) indicates that the proposed development would generate around 16 additional vehicle trips per day. Although this would not adversely affect the numbers of trips on the local highway network, there would be a considerable increase in the number of vehicles entering and leaving the site compared to its previous use.
19. The TR shows that there would be sufficient space to turn parked cars so that they could exit the site in a forward gear. However, there would be no separate turning space so if all parking spaces were occupied, drivers of other vehicles entering the site and finding no available parking space would be forced to reverse a significant distance back out onto the classified road. This could interrupt the free flow of traffic on the busy A259 and involve reversing into the path of a pedestrian or an oncoming vehicle, potentially causing an accident.
20. The appellant accepts that the site would not have enough space to accommodate turning for delivery vehicles and suggests that the footway and carriageway width are wide enough to accommodate temporary waiting for them without affecting pedestrian safety or the free flow of traffic. It is also indicated that the footway would be upgraded to ensure that vehicles would not damage it. However, although the footway is relatively wide, there would be the potential for temporarily parked delivery vans to impede access along it for pedestrians, particularly those who are disabled or with buggies. Further, drivers of these vehicles would have to stop on double yellow lines, creating a hazard which would potentially harm the safety of road users.
21. The TR indicates that the proposed access would be just wide enough for two medium cars to pass each other with care in accordance with the minimum width requirements in the Manual for Streets. Although there would be a footpath to one side which with shared surfacing could provide extra width for passing vehicles, the Highway Authority (HA) considers that the access would be insufficient to allow for the two-way flow of traffic.
22. Regardless of this, the HA states that without 2m junction radii at the crossover junction with the A259, vehicles turning left when exiting the site and turning left into the site would need to encroach into the opposite lane of the carriageway to make the manoeuvres. The appellant disputes this and refers to collision data where private crossovers did not contribute to collisions nearby. However, from the information before me, I cannot be certain that this would not occur, leading to vehicles on the A259 having to slow down and stop whilst vehicles enter and exit the site at a point close to existing junctions at Lincoln Avenue and Cairo Avenue South. Thus, it has not been demonstrated that the proposed access arrangements would not harmfully interfere with traffic movements along the busy South Coast Road.
23. The appellant refers to a recently approved development at 80-82 South Coast Road¹ where the junction radii in the approved plans have not been constructed. However, irrespective of the reason for this, the crossover and parts of the access within that site are wider than the proposal, so the schemes are not comparable.

¹ Planning application ref: LW/20/0204

24. Consequently, I conclude that the proposal would harm highway safety, with particular regard to access and turning facilities. Although not referred to in the relevant reasons for refusal, this would conflict with Policy DM25 of the LPP2 and Core Policy 11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2016 (LPP1). Together, these require development to be safe and accessible to all and to improve the way areas function, amongst other things.

Other Matters

25. The Council did not find harm or development plan conflict in relation to several other matters, including space standards, the amount of parking, refuse storage, biodiversity, neighbouring privacy, noise and energy efficiency. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.

Planning Balance and Conclusion

26. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the National Planning Policy Framework (the Framework). As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
27. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
28. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. The proposal would make a modest net contribution of five smaller family homes to the supply of housing, making better use of previously developed land in a sustainable location with good access to shops, services and public transport. It would contribute towards Lewes District's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.
29. In contrast, the proposal would harmfully affect the character and appearance of the area, the living conditions of neighbouring occupiers and highway safety. The Framework recognises the importance of good design and requires developments to be sympathetic to local character, provide a high standard of amenity for existing users, not unacceptably impact on highway safety, and achieve safe and suitable access for all users. The proposal would also conflict with Policy DM25 of the LPP2 and Core Policy 11 of the LPP1. These matters carry significant weight against the scheme. Indeed, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
30. For the reasons above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright INSPECTOR