
Appeal Decision

Site visit made on 4 November 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/P1425/W/25/3371659

Land north of 50 Cornwall Avenue, Peacehaven BN10 8SG

- 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 B Edwards against the decision of Lewes District Council.
 - The application Ref is lw/24/0579.
 - The development proposed is new attached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 14 Arundel Road in respect of outlook, daylight, sunlight and privacy;
 - the effect of the proposal on the living conditions of existing and future occupiers in respect of amenity space; and
 - whether the proposal provides adequate parking.

Reasons

Character and Appearance

3. The appeal site comprises a two-storey building containing two self-contained flats, numbered 1 and 2 Cornwall Avenue, both of which front onto Cornwall Avenue. A single-storey, flat-roofed garage is attached to the side elevation of 2 Cornwall Avenue. To the rear of the garage lies a garden, which serves both flats. The rear elevation of the main building runs parallel to the side elevation of 14 Arundel Road, while its side elevation aligns with the rear elevations of the neighbouring properties along Arundel Road.
4. Properties along Cornwall Avenue are predominantly located on the eastern side of the road. The appeal site is an exception, as although the flats face Cornwall Avenue, they are visually and spatially read as part of the development along Arundel Road. Beyond the uniform rear building line of the Arundel Road properties, there is a notable sense of spaciousness, created by the rear gardens that serve these dwellings adjoining allotment land. This contributes to a planned and coherent character, with built development concentrated on the eastern side

of Cornwall Avenue, while the western side retains an open, verdant quality that positively enhances the character and appearance of the area.

5. The proposal would occupy a substantial portion of the rear garden serving the existing flats. In comparison to the prevailing pattern of development along Arundel Road, the resulting plot would appear cramped and overdeveloped. This is due to the transformation of the existing subservient garage into a bungalow, which would be taller and wider than the current structure. The introduction of this larger built form would disrupt the established rear building line of the Arundel Road properties and erode the sense of openness that characterises the area.
6. Although the proposed structure would only be 2.5 metres wider than the existing garage, the combination of the increased width and overall height, would result in a development that appears disproportionately large within the confines of a relatively small garden. This would have a significant visual impact on the character and openness of the space. Furthermore, whilst the hipped roof would reduce the bulk of the roof, it would not address the increased footprint of the proposed development.
7. For the above reasons, the proposal would have an unacceptable effect on the character and appearance of the area. It would therefore be contrary to Policy DM25 of the Lewes District Local Plan Part 2¹ (Local Plan). This policy requires development to contribute towards local character and distinctiveness with the scale, form, height, massing and proportions being compatible with existing buildings and existing building lines.

Effect on occupiers of 14 Arundel Road

8. The rear elevation of 14 Arundel Road aligns with the side elevation of the two storey building on the appeal site and contains a large window and patio doors at ground floor level. The rear garden of 14 Arundel Road contains an outbuilding at the end of the garden that extends the full width of the plot.

Outlook

9. The rear wall of the proposed bungalow would be located within one metre of the shared boundary with 14 Arundel Road and would extend approximately 8 metres along this boundary. Due to its proximity and scale, the structure would appear visually overbearing when viewed from the neighbouring property. Unlike the existing garage, the proposed bungalow would be positioned closer to the fence line, and its increased height and width would result in a significantly greater visual presence above the boundary fence, thereby negatively impacting the amenity of 14 Arundel Road. Furthermore, the limited gap between the end of the proposed bungalow and the existing outbuilding at 14 Arundel Road would create an unacceptable sense of enclosure when standing in the rear garden of the neighbouring property, thereby adversely affecting the outlook of this property.
10. Reference is made to an application at 8 Telscombe Road (LW/24/0700) to suggest inconsistency within Peacehaven. However, the specific planning and policy considerations behind that application are unknown. It also relates to a different site and a different type of development. Consequently, this example is

¹ Adopted in February 2020

not directly comparable to the proposal before me and does not justify granting planning permission.

Daylight and Sunlight

11. Whilst the proposal may result in some loss of daylight/sunlight, the single storey nature of the bungalow would limit this impact. Furthermore, it has not been demonstrated with sufficient evidence that any loss of daylight/sunlight would be harmful to the occupants of 14 Arundel Road.

Privacy

12. The proposed bungalow would include three windows facing the shared boundary with 14 Arundel Road. However, due to the presence of a boundary fence, direct views into the neighbouring garden would be prevented. As a result, the development would not lead to an unacceptable increase in either actual or perceived overlooking, and the privacy of the occupants of 14 Arundel Road would be adequately maintained.
13. For the above reasons, the proposal would have an unacceptable effect on the living conditions of the occupiers of 14 Arundel Road in respect of outlook. Whilst the proposal would not adversely affect the living conditions of the occupiers of 14 Arundel Road in respect of daylight, sunlight and privacy, it would remain contrary to policies DM25 and DM30 of the Local Plan. This is because these policies require that the scale and massing of new development should not appear overbearing in relation to existing homes and gardens and must avoid causing unacceptable harm to the amenities of neighbouring properties, in terms of outlook.

Amenity Space

14. The proposal would increase the number of residential units on the site through the introduction of the proposed bungalow. This would result in a reduction of garden space available to existing and future occupants, due to the development of garden land.
15. Reference has been made to the majority of flats not benefitting from private amenity space; however, this assertion is not supported by any substantive evidence. While it is alleged that the garden areas are used by the landlord rather than the tenants, this was not apparent during the site visit. Furthermore, although the original planning application for the existing flats may not have formally included garden areas, the presence of patio spaces and garden furniture strongly suggests that the outdoor areas are actively used by tenants, likely for sitting out and general amenity purposes.
16. The proposed development would significantly reduce the garden area available to each unit, resulting in the subdivision of an already modest outdoor space into three adjoining gardens. This arrangement would lead to a poorly configured area with a poor standard of amenity for existing and future occupants, with each dwelling receiving limited outdoor space.
17. For the above reasons, the proposal would have an unacceptable effect on the living conditions of existing and future occupiers in respect of amenity space. It would therefore be contrary to Policy DM25 of the Local Plan insofar as it requires proposals to contribute towards high quality design that improves the quality of an

area and how it functions. It would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework) which requires development to provide a high standard of amenity for existing and future users.

Parking

18. Cornwall Avenue has the appearance of an informal access lane with an uneven surface. There is no formal on-street parking provision; however, during my visit, allotment users were observed parking in front of the allotment entrance. Additionally, ad hoc parking was evident along the road and on the grass verge in front of the flats. The Peacehaven and Telscombe Cliffs Scout Group building is located directly opposite the appeal site.
19. Policy CP13 of the Lewes District Local Plan Part 1 (Local Plan Part 1) requires new development to provide an appropriate level of car parking in accordance with guidance approved by the local planning authority. East Sussex County Council, as the transport planning authority for the district, has prepared the parking standards for residential development. A parking demand calculator is used to determine bespoke parking requirements for individual sites. For this proposal, the adopted tool identifies a total parking demand of 1.21 spaces.
20. Concerns have been raised about the loss of the garage for parking, but it was clear during my visit that the garage is not currently used for this purpose. It is marked as 'The Studio, 1a Cornwall Avenue', which aligns with statements from interested parties indicating that the garage is used for an alternative function. As a result, tenants of the two flats reportedly park on the road. This issue has been highlighted by local residents, particularly during times of increased demand, such as when the allotments are in use or the scout hut is occupied.
21. While the submitted plans indicate adequate parking provision, drawing 11787 11b does not accurately depict the area in front of the existing flats, the proposed bungalow, and gardens. This is because the area to the front of the site is narrow, and photographs from interested parties, together with my own observations, illustrate that cars parked either parallel or perpendicular to the buildings would encroach onto the highway. Given the existing informal parking arrangements, loss of garage parking and ongoing parking pressures, the appeal scheme has not sufficiently demonstrated that it would provide adequate parking for the proposal.
22. For the above reasons, the proposal would fail to provide adequate parking. It would therefore be contrary to Policy CP13 of the Local Plan Part 1, as far as it requires new development to provide an appropriate level of car parking in accordance with parking guidance.

Other Matters

23. The appellant asserts that the Council failed to respond to an email addressing matters raised in the reason for refusal and that no attempt was made to negotiate. However, it is unclear when this correspondence occurred or what information was provided. My assessment must focus on the scheme as it currently stands before me.

Planning Balance and Conclusion

24. The proposal would cause harm to the character and appearance of the area, the living conditions of the occupiers of 14 Arundel Road in respect of outlook, the living conditions of existing and future occupiers in respect of amenity space and would fail to provide adequate parking. Substantial weight is afforded to these conflicts with the development plan.
25. The proposal would deliver a net increase of one dwelling in the Borough. This would make a small but useful contribution as indicated by paragraph 73 of the Framework, particularly given that the Council concedes it is unable to demonstrate a five-year supply of deliverable housing sites. Given that small and medium sites can make an important contribution to meeting the housing requirements of an area, the net increase of one dwelling is given modest weight.
26. Paragraph 11(d) of the Framework is a relevant consideration as a result of the Council's housing supply and delivery issues. It indicates that in the circumstances of this case permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
27. Taking all of the above into account, I consider that the harm identified in relation to the character and appearance of the area, the living conditions of the occupiers of 14 Arundel Road in respect of outlook, the living conditions of existing and future occupiers in respect of amenity space and the failure to provide adequate parking, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the Framework does not indicate in favour of the proposal. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
28. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR