



Appeal Decision

Site visit made on 2 December 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/P1425/W/25/3373314

49 Station Road, Newhaven, East Sussex BN9 0NN

- 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 Frazer Turner against the decision of Lewes District Council.
 - The application Ref is LW/25/0332.
 - The development proposed is to demolish detached garage and construct one new dwelling, with minor alterations to existing house.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of detached garage and construction of one new dwelling, with minor alterations to existing house at 49 Station Road, Newhaven East Sussex BN9 0NN in accordance with the terms of the application, Ref: LW/25/0332 subject to the conditions in the schedule at the end of this decision letter.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a semi-detached dwelling with a driveway to the side together with a detached garage/outbuilding, on the western side of Station Road within a predominantly residential area and within the settlement boundary of Newhaven. The houses on the same side of Station Road comprise a mix of both detached, semi-detached and short terraces with a range in size of open gaps between the properties. There are attractive views along the street, primarily southwards towards the coast, and northwards towards the South Downs National Park (National Park), and some more limited views towards the west from in between some of the houses.
4. The proposal seeks to demolish the existing garage/outbuilding and erect an attached, two storey, two bedroomed dwelling. The roof line would be set down from the ridge line to the existing property and the front of the new dwelling set back from the front elevation of the existing dwelling. There would be a gap to the side boundary of just over 1m, and two parking spaces to the front. Materials would match the existing house. The proposal would necessitate some minor alterations to the existing dwelling to accommodate the new dwelling.

5. There is no issue with the principle of the proposed development, as it is situated within the settlement boundary and within a predominantly residential area. The existing semi-detached pair are not identical as the adjoining property has a wide extension to the side. The proposed new dwelling would be designed to be of a similar scale and form to the existing property but would appear subservient in scale with the front of the property being set back from the front elevation of the existing property and the roof line would be set down from the existing ridge line. It would not be dissimilar in form to the recently built new dwelling, now known as No 51A Station Road, to the immediate north of the proposal. The proposal before me would sit comfortably and appropriately in the street scene, in terms of its design, scale and massing, as well as proposed materials.
6. The proposed dwelling when taken with the siting of the recently constructed dwelling at No 51A Station Road would retain an open gap of approximately 2m between the two properties. I consider that this gap would be adequate to ensure that there would be no terracing effect. In the street scene, the properties would be read as two separate short terraces of similar dwellings.
7. The open gap to the side of the existing dwelling would be reduced. However, there are a variety of gaps between dwellings along this side of the street and the gap of approximately 2m would not therefore appear unduly restricted and would be within the range of sizes of gaps found in the street scene. The open gaps do provide some views towards the National Park beyond, but several of these views, and including at the appeal property, are restricted in terms of existing development, and development immediately to the rear. The more open vistas to the south and to the north, towards the coast and towards the National Park would be unaffected by the development and it is these views that I consider primarily contribute to the attractive local distinctiveness of this residential area.
8. Taking all of these factors into account, I am satisfied that the reduction in the size of the open gap would not result in the loss of an important visual gap within the street scene or harm to the prevailing character and appearance of the local area.
9. I therefore conclude that the proposed development would respect the character and appearance of the local area. There would be no conflict with Policies Core Policy 11 and DM25 of the Lewes District Local Plan Parts 1 and 2, Policy D1 of the Newhaven Neighbourhood Plan and the National Planning Policy Framework and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Other Considerations

10. Concerns have been raised in representations from neighbouring residents in respect of flood risk, parking and loss of light. In respect of flooding the site falls within Flood zone 1 where there is a low probability of flooding. Nonetheless conditions would be imposed to require a satisfactory surface and foul water drainage scheme to be approved and implemented. This was not raised as a reason for refusal by the Council.
11. In terms of parking, the new dwelling would be provided with two off-street parking spaces, but the existing property would have no off-street parking spaces. There do not appear to be any on-street parking restrictions. I have not been provided with any assessments to demonstrate that there are unacceptable parking pressures in the local area and I do not therefore consider that there would be any planning

justification to withhold planning permission on this matter. The Council also did not raise this as a concern.

12. I have noted the use of the rooms which have side facing windows at No 51A. Taking into account the proposed gap with the proposed property, as well as the use of these two rooms, I do not consider that the proposal would result in material harm to the living conditions of the neighbours at No 51A, with particular regard to loss of light. This was also not a reason for refusal raised by the Council.

Conditions

13. I have had regard to the proposed conditions provided by the Council in the event that planning permission is granted. I agree that further details of the proposed surface water drainage system are required and that such details need to be submitted and approved prior to the commencement of development in order to ensure that drainage is managed effectively and to avoid flood risk to the site and neighbouring properties. Confirmation of foul drainage details are also required to ensure a satisfactory development, prior to first occupation.
14. Details of external materials have been provided. The development should be built in accordance with these details to protect the character and appearance of the local area. Similarly appropriate details have been provided in respect of the proposed parking area, as well as cycle storage and refuse bin storage but conditions are required to ensure that these are provided, prior to occupation, in the interests of highway safety, to provide for alternative means of travel and to control environmental impact and protect the amenities of neighbours.
15. Further details of landscaping and boundary treatments are required, to include the proposed privacy screen between the proposed and existing terrace to the existing property, as well as the proposed biodiversity enhancement measures, to protect the amenities of neighbours as well as the character and appearance of the local area and to accord with biodiversity enhancement objectives.
16. Further details are required in respect of sustainability measures, in order to meet sustainability objectives and I have had particular regard to the Council's Sustainability in Development Technical Advice Note in this regard.
17. A condition is required to prevent the use of the flat roof over the ground floor element at the rear from being used as a balcony or sitting out area to protect the living conditions of neighbouring residents.
18. A condition is required regarding the potential for contamination to be found during construction as the site is within a radon affected area and in order therefore to protect existing and future occupiers.
19. The Appellant has contended that the proposed development would not trigger a requirement for Biodiversity Net Gain (BNG) and there is no information before me to refute that position. A condition relating to any monitoring fee in respect of BNG is not therefore required. Given the scale of the proposed project and the protections provided by other legislation, I do not consider that a construction and environmental management plan is required in the particular circumstances of this case.
20. The conditions to be imposed include pre-commencement conditions. The Appellant has already confirmed acceptance of the conditions as proposed by the

Council. I have not introduced further conditions, albeit modified the wording of some of the Council's suggested conditions. I do not therefore consider it necessary to seek again the Appellant's agreement to the imposition of the proposed pre-commencement conditions.

Conclusion

21. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0579-25-07; 0579-25-08; 0579-25-09; 0579-25-10; 0579-25-11; 0579-25-12.
- 3) The materials to be used on the external surfaces of the development hereby permitted shall accord with the materials shown on the approved plan: 0579-25-12.
- 4) Prior to the commencement of the development hereby permitted, full details of the surface water drainage system, including during the construction phase and including capacity of any attenuation tanking and confirmation of any discharge rates to the surface water sewer (with evidence of connection agreement with Southern Water), together with a management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby permitted, foul drainage arrangements shall be in place and confirmation of a connection agreement for access to the public sewer system, issued by the relevant Statutory Undertaker, shall be provided to and approved in writing by the Local Planning Authority.
- 6) Notwithstanding the approved plans, prior to the occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

- a) Details of all hard surfacing;
- b) Details of all boundary treatments;
- c) Details of a privacy screen between the proposed rear terrace and the rear terrace of the existing property;
- d) Details of all proposed planting, including quantity, species, and size; and
- e) Details of biodiversity enhancements.

All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the dwelling hereby permitted. 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. All hard surfacing and boundary treatments including the privacy screen as well as the biodiversity enhancements shall be in place prior to the first occupation of the dwelling hereby permitted and retained and maintained thereafter.

- 7) No part of the roofing over the single-storey flat roof projection to the rear of the building shall be used as a balcony or terrace at any time, with any access to the roof prohibited other than for maintenance or emergency purposes.
- 8) Prior to first occupation of the development hereby permitted, the parking spaces as shown on approved plan 0579-25-10 shall be laid out and thereafter retained for that use only.
- 9) Prior to the first occupation of the development hereby permitted, secure and covered storage facilities for a minimum of two bicycles and bin storage facilities shall have been provided in accordance with the details shown on approved plans 0579-25-10 and 0579-25-12. The facilities shall thereafter be retained and maintained.
- 10) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, and a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted.
- 11) Prior to the first occupation of any part of the development hereby permitted, full details of all sustainability measures to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainability measures shall include, amongst other matters, water consumption and efficiency measures and energy efficiency measures. The development shall be carried out and maintained in full accordance with the approved details.

End of Schedule