



Appeal Decision

Site visit made on 17 November 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Appeal Ref: APP/P1425/W/25/3372142

16 Rustic Road, Peacehaven, East Sussex BN10 7SS

- 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 Elizabeth Waller of Stoten and Waller Property against the decision of Lewes District Council.
 - The application Ref is LW/25/0317.
 - The development proposed is demolition of garage block and erection of a two-bedroom, detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in determining the appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of 16 Rustic Road, with particular regard to external amenity space.

Reasons

Character and appearance

3. The site at 16 Rustic Road is located within the settlement policy boundary. The surrounding area is characterised by detached dwellings of varying scale with a mix of single and two-storey dwellings but which have common materials such as brick, render, concrete roof tiles and some cladding. Some of the dwellings have been altered over time, but they retain relatively wide frontages to the road. There are visual gaps between the dwellings opposite the site and at the end of the cul de sac due to the staggered arrangement of the dwellings with the road frontage and some single storey garaging between the dwellings giving an appearance of spaciousness.
4. With a wider frontage than its neighbours to the north, south and west, the appeal site comprises the side garden and detached double garage for the single- storey property at No 16 which sits within a cul de sac location. The plot at No 16 has previously been subdivided with another single-storey dwelling built in No 16's former rear garden. The site rises from west to east and tapers to the rear. The

site boundaries are predominantly timber fencing with some vegetation to the northwest corner.

5. The proposal seeks to demolish the existing garage and erect a two-bedroom bungalow in its place.
6. The subdivision of the site and resulting plot width for the proposal would be narrower than those in the area. The width of the proposed dwelling would also be narrower than the properties within the vicinity of the appeal site. The proposed dwelling would appear cramped and constrained within the restricted width of the appeal site and when viewed in the context of the surrounding development.
7. The proposed dwelling's footprint would be close to the side boundaries of the site and in close proximity to the adjoining bungalow at No.16. Although there would be space between the existing bungalow and proposed development to provide side access, this would not provide the same spacious context seen within the properties opposite where the separation between dwellings appears greater, assisted by the staggered nature of the dwellings. This would further the sense of incongruity and constraint.
8. A previous appeal on the site (APP/P1425/W/16/3163961) for the erection of a two-storey detached three-bedroom dwelling was dismissed on the grounds of effect on the character and appearance of the area and the living conditions of the occupants of the existing dwelling. Whilst the height of the proposal has been reduced in comparison to the previous appeal, the proposed footprint would be larger with a greater width fronting the street giving a cramped appearance. This would be exacerbated by the proposed hedging to the front of the proposed dwelling dividing, narrowing, and adding visual clutter to an already narrow plot frontage.
9. For the above reasons the proposed development would be harmful to the character and appearance of the area. It would therefore be contrary to Policy CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 (LDLP P1) and Policy DM25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies February 2020 (LDLP P2) which seek development to contribute towards local character and distinctiveness through high quality design.

Living conditions of occupiers of No 16

10. At the time of my site visit, it would appear the site had already been subdivided into the proposed plot and the existing dwelling at No 16, thus removing some amenity space from No 16, especially to the rear where the available amenity space has already been reduced by the introduction of a dwelling in the former rear garden to No.16. Despite this, the site of the proposal could easily be reintegrated with the remaining external amenity space for No.16.
11. I observed on site that the original rear garden for No 16 was significantly larger than the existing site due to the subdivision of the site to allow the erection of a dwelling in the rear garden. Any further subdivision would be likely to reduce the external amenity space of No 16 to a level below what would be considered acceptable for a dwelling of this size. It was also clear that the rear gardens of neighbouring properties, especially to the east were substantially larger than at No 16 confirming my view that the proposed amenity space for No 16 would be

abnormally small and have a negative effect on the living conditions of the occupiers.

12. My attention has been drawn to the plot sizes at 31 and 38 Rustic Road as being comparable to the proposal but with larger dwellings. From my observations on site, these properties appear to have more generous plots overall with clearly defined amenity space to the rear and wider, open frontages which do not appear cramped and constrained within the street scene. The amenity space to the rear of these properties offers a west facing aspect rather than north and are fully screened by fencing and hedging. Although the rear gardens at Nos 31 and 38 appear to be shallower than the majority of the properties within the cul de sac, the estate was designed this way rather than in the case of the proposal where the amenity space comprises what remains of the site once it has been subdivided.
13. No 16 is a family size dwelling and the typical requirements for garden space of a dwelling this size would be likely to include domestic paraphernalia such as a washing line, space for children to play, outdoor seating and play equipment. These requirements would be unlikely to be fulfilled adequately by the subdivision of the plot in the manner proposed.
14. While the existing occupant of No 16 is satisfied with the amount of amenity space currently provided, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain after the current occupants of No 16 cease to live there. Consequently, this factor is not sufficient to outweigh the harm that would be caused to the living conditions of the occupiers of No 16.
15. The appellant has assessed the sizes of the plots in the vicinity of the appeal site. However, I have not been provided with details of how the appellant has calculated private garden size. Furthermore, I do not have the details of relevant planning permissions to enable me to make a direct comparison with the appeal proposal. I am therefore unable to give any weight to this information.
16. Although there is amenity space for No 16 to the front of the site, this faces the road. Despite being screened by a fence, this would not provide the privacy a rear garden can provide.
17. In conclusion, there would be insufficient and uncharacteristically small external amenity space and this would be harmful to the living conditions of the occupiers of No 16 and contrary to Policy CP11 of the LDLP P1 and Policy DM25 of the LDLP P2 which seek to safeguard local character and residential amenity.

Planning Balance and Conclusion

18. The Council is unable to demonstrate a five-year supply of deliverable housing sites. I have not been provided with the exact position but for the purposes of this appeal I shall assume that the shortfall is significant. Paragraph 11d) of the Framework indicates that where the requisite housing land supply cannot be demonstrated 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, having particular regard to key policies for directing development to sustainable locations (amongst other considerations).

19. The appeal site is brownfield land located in a sustainable urban location where the principle of development is acceptable. It would provide an additional dwelling with associated cycle and car parking facilities contributing towards the Council's housing target, however the addition of a single dwelling would provide only a minor contribution to which I give moderate weight.
20. In the overall planning balance, the adverse impacts to the character and appearance of the area and in respect of the living conditions of the occupiers of No 16 would significantly and demonstrably outweigh the benefits. As a result, the presumption in favour of sustainable development does not apply. The proposal conflicts with the development plan when taken as a whole and the material considerations in this case do not indicate that the decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be dismissed.

C Coles

INSPECTOR