



Appeal Decision

Site visit made on 27 November 2025

by **S F Murphy BSc (Hons) MSc MRTPI MISEP CEnv.**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2026

Appeal Ref: APP/P1425/W/25/3373753

98 South Coast Road, Peacehaven, East Sussex BN10 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by LH Property Investments Ltd against the decision of Lewes District Council.
- The application Ref is LW/25/0202.
- The development proposed is redevelopment of the site to provide a new purpose-built residential apartment block containing seven units.

Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by LH Property Investments Ltd against Lewes District Council. This application is the subject of a separate Decision. I note as part of the appeal documents a number of matters have been raised by both parties with regard to process and administration of the Council. These are covered within the Costs Decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.

Main Issues

4. Having regard to the above, the main issues are the effect of the development on:
 - the character of the area with respect to established building lines; and
 - the living conditions of the occupants of number (No.) 100 South Coast Road with reference to outlook, privacy, sunlight and daylight.

Reasons

Character and Appearance

5. The appeal site comprises a single storey bungalow which is currently vacant and in poor condition. It is constructed of brick with a tiled roof. The bungalow is set back from South Coast Road with a garden to the front and a low brick wall. To the rear is a garden and a detached garage. The appeal site is a corner plot located at the junction of South Coast Road and Sunview Avenue. Access to the property by

foot is gained from both South Coast Road and Sunview Avenue whereas vehicular access is gained solely from Sunview Avenue. A green space lies between No.s 96 and 98 South Coast Road which provides pedestrian access from Sunview Avenue to South Coast Road.

6. South Coast Road is characterised by a mixture of residential and retail uses with varying building heights, massing and frontages. The immediate context for the appeal site is it marks the end of a run of low-rise dwellings between Mayfield Avenue and Sunview Avenue which are set back from the highway with front gardens or driveways and low front walls giving it an open character. To the east of Sunview Avenue, the properties are a mix of commercial and residential development which is reflected in the building line being closer to South Coast Road and being of a more varied height.
7. The proposed development would extend the building line of No. 98 up to the public highway introducing a forward projection alongside increasing the height. This would disrupt the rhythm and balance of this section of South Coast Road, causing significant harm to the character of the area. Whilst I acknowledge a corner plot site such as the appeal site could accommodate development at variance to its immediate neighbours, as I note is the case at points along South Coast Road, the appeal site is characteristically associated with the run of dwelling houses that proceeds it. I recognise the design of the proposed development includes the second storey being stepped back slightly from the front elevation alongside the front portion of the western elevation being pulled away from the boundary. However, these setbacks would not significantly reduce the impact of the front projection.
8. The appellant has drawn my attention to a number of other developments along South Coast Road which they state demonstrates a pattern of intensification and redevelopment along South Coast Road particularly on corner plots and that this is shaping the character of the area. Having viewed the properties listed in the appellants Statement of Case on my site visit, I noted that those properties either had an existing building line that fronted the pavement or were bordered by properties also with building lines fronting the pavement. Furthermore, most of the properties listed had an element of commercial development historically or as part of the development proposed, whereby they have a different relationship to the street scene. For these reasons, I am satisfied that those other properties do not have the same relationship with the street scene as the appeal site and so their impact is materially different.
9. For these reasons, therefore, the proposed development would be significantly harmful to the character of the immediate area. Consequently, in this regard, it would conflict with Policy CP11 of the Lewes District Local Plan Part 1 adopted May 2016 (LDLPP1) and Policy DM25 of the Lewes District Local Plan Part 2 adopted February 2020 (LDLPP2) which seek to ensure new development responds sympathetically to the site and its local context with its scale and form being compatible with existing building lines, as well as paragraph 135 of the National Planning Policy Framework (the Framework).

Living Conditions

10. The development is proposed to be set back from the common boundary with No. 100 South Coast Road compared to the current bungalow which abuts it.

However, the increase in height alongside the forward projection would result in a substantial block of development with an overall height that would be a considerable margin above the height of the existing dwelling. This would unacceptably dominate the outlook from the front facing windows and side south facing window nearest the joint boundary. I consider that this would be overwhelming causing significant harm for the neighbours at No.100.

11. I note the appellant considers that the proposed landscaping could provide mitigation in the form of softening outlook from No. 100 South Coast Road. Whilst landscaping can contribute to softening built form, given the significant forward projection and mass of the proposed development, I remain unsatisfied such landscaping could adequately mitigate the overbearing harm from the proposal.
12. I do not accept there would be such a loss of sunlight/ daylight to habitable rooms of nearby dwellings that the proposed development would result in a significant impact, including the south facing window of No. 100 South Coast Road. However, I do agree there would be an impact, albeit transient and temporary at particular points during the calendar year and times of day.
13. The separation distances between the proposed development and properties to the north and east are such that I have no concerns with regards to overlooking or privacy from the northern and eastern elevations. There would be windows to the western elevation facing towards No.100 South Coast Road. However, as there is already a western facing window on No.98 South Coast Road, I am satisfied there would be no material change. With regard to balconies, the first-floor western elevation balcony would allow for overlooking however given its orientation this would be faced towards No.100 South Coast Road's front garden. As such, I am satisfied that the positioning of balconies and windows of the proposed development would not cause significant harm to overlooking or privacy.
14. Notwithstanding that the development would be acceptable in terms of its effect on sunlight, daylight and privacy, due to the scale, massing and forward projection of the proposed development, I conclude that the proposal would have a significant overbearing impact on No. 100 South Coast Road. This would result in harm to outlook conflicting with Policy DM25 of the LDLP2 adopted February 2020 which seeks to ensure proposed developments are compatible with existing buildings and do not have an unacceptable adverse impact on the amenity of neighbouring properties from outlook and paragraph 135 f) of the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

15. I note both parties have taken a different approach with the Peacehaven and Telscombe Design Code dated April 2021 (the Design Code). Paragraph 134 of the Framework states that for design codes to carry weight in decision making, they should be produced either as part of a plan or as supplementary planning documents. Whilst this is not the case here, I note the Design Code complements Policies CP11 and DM25. Whilst the proposed development appears to address most of the building codes within the Design Code, as it fails to have a setback of between 3-6m from the edge of the plot, I do not consider it meets Coastal Road Building Code CB1 Building Line of the Design Code. This aspect conflicts with the Design Code.

16. The appellant has referred to commentary within a report produced by East Sussex County Council that, in disposing of this asset, they commented the appeal site is likely to be considered suitable for redevelopment either as a single dwellinghouse or a small block of flats. I note there is no other recommendation as to the scale, massing or design. As such, whilst I acknowledge the report's suggestion, I do not consider it provides the support for the forward projection and overbearing nature of the proposal to which I have found harm.
17. I recognise the appeal site is in a location with access to a number of services and shops, and there are no objections from the Highway Authority on this matter or parking arrangements. Whilst I note the Council's ecologist has raised comments with regard to the Biodiversity Net Gain metric calculations, they do not raise any objections to the proposal in terms of ecology. No objection is raised with regard to waste, building materials or drainage. Compliance with the development plan in these respects is a neutral factor.

Planning Balance

18. The most recent five-year housing land supply statement outlines that the Council have a supply of deliverable housing land equivalent to 3.02 years outside the South Downs National Park.
19. Paragraph 11 d) of the Framework explains in such situations planning permission should be granted unless there are any adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The provision of six additional dwellings to which the appellant has stated can be delivered quickly would make a positive contribution to housing supply in a location which is within walking distance of services and facilities. This would be alongside the social and economic benefits during the period of construction and following their occupation. This would be a moderate benefit given the limited number of additional dwellings.
21. However, in the particular circumstances of this case, I have concluded that the effect on the immediate character of the area and to the outlook of occupants at No. 100 South Coast Road would result in significant harm and conflict with policies of the Framework. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

22. The proposal conflicts with the development plan when considered as a whole. For the reasons given, material considerations, including the policies within the Framework, have not been shown to carry sufficient weight to indicate the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

S F Murphy

INSPECTOR