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| Report to | Planning Committee |
| Date | 13 December 2018 |
| Title of Report | Summary of appeal decisions received from 28 August to 26 November 2018 |
| Purpose of Report | To update SDNPA Members on appeal decisions received |

Recommendation: To note the outcome of appeal decisions.

I. Overview

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers both those appeals dealt with by the host authorities and directly by the Authority.
- I.2 In summary, in the last 3 months there were:
- 20 appeal decisions (some dealt with simultaneously), 14 of which were dismissed and 6 allowed.
 - 3 applications were made by appellants for the award of costs. All were refused.
 - No Judicial Reviews.
- I.3 The Authority's appeal performance in the financial year to date is good with 71% of appeals being dismissed. Members can view all appeal decisions on the Authority's Intranet.
- I.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the National Park as a whole. However it is worth noting that 3 appeals mainly related to Policy SD31 (Extensions to existing dwellings) of the Submission Local Plan. 2 of these appeals were allowed and 1 dismissed. It was noted that there are significant unresolved objections to Policy SD31 and that it is not clear whether the policy will be considered as justified or consistent with the NPPF at examination. Consequently the Inspectors in the appeal decisions gave Policy SD31 little or some weight.
- I.5 As Members will know, the Local Plan is currently being examined by the Planning Inspectorate and following this the exact form of wording for Policy SD31 will be determined. In the meantime officers are according this policy some weight in the determination of planning applications.

TIM SLANEY
Director of Planning
South Downs National Park Authority

Contact Officer: Mike Hughes
Tel: 01730 8192325
email: mike.hughes@southdowns.gov.uk
Appendices: I. Appeal Decisions
SDNPA Consultees: Director of Planning, Legal Services

| Planning Appeals | | | | |
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| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/17/04321/FUL and SDNP/17/04322/LIS Delegated refusal APP/Y9507/W/17/3192293 and APP/Y9507/Y/17/3192295 | Lewes | 82 High Street Lewes BN7 1XN | Proposed rear conservatory to first floor flat. | Both appeals dismissed (29 August) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • The building is listed Grade II* and is within Lewes Conservation Area. • The Inspector noted that the proposed conservatory would introduce a simple, contemporary structure and that it would be read together with an existing inappropriate extension to the rear. It would disrupt the composition of the rear of the listed building, to the detriment of its architectural and historic significance. • It was noted that whilst the significance of listed buildings does not rely on a public view there would be fleeting public views where the proposed structure would be seen as an incongruous addition to the rear elevation. The Inspector considered that the proposal would add to the harm caused by the existing extension and would appear as a further unwarranted intervention causing harm to both the listed building and the Conservation Area. • The harm arising to the listed building was not outweighed by the public benefits of the proposal, the Inspector considering that the residential use would be likely to be carried out without the conservatory and both appeals were dismissed. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/17/05311/HOUS Delegated refusal APP/Y9507/W/18/3197112 | Lewes | Streat Place Streat Lane Streat BN8 8RU | Erection of a two bay car shelter. | Dismissed (14 September) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • Permission was granted in February 2018 for the car shelter subject to a condition requiring no development to take place until the implementation of a programme of archaeological works had been secured in accordance with a written scheme of investigation submitted to and approved by the LPA. The condition also requires a written record of any archaeological works undertaken to be submitted to the LPA. • The NPPF requires great weight should be given to the conservation of heritage assets with archaeological interest. • It was stated that the proposed car shelter would have modest foundations and a shallow concrete base and that much of the area on which the car | | | | |

| <p>shelter is proposed has undergone significant disturbance in the past (electricity pole, stanchions and underground cabling). The Inspector accepted that this may have affected archaeological remains in the location of pole, stanchions and underground cabling but that it is possible that archaeological remains lie undisturbed in the remainder of the area where the car shelter is proposed to be located.</p> <ul style="list-style-type: none"> • The Inspector noted that any impact on archaeology would be limited, given previous works and the limited scale of development proposed but that, in order to protect any archaeological remains, it would be necessary to investigate the area of the proposed car shelter. • The Inspector concluded that it is necessary to carry out an archaeological investigation that is proportionate to the development proposed and its impact on the heritage asset and that the condition imposed on the original planning permission met the tests in the NPPF, namely that the condition is necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. | | | | |
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| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/17/02217/FUL Refused at Committee (officers recommended approval) APP/Y9507/W/18/3194227 | Lewes | Land at Wootton Farm East Chiltington Lewes BN7 3AU | Demolition of existing agricultural building, surrender of open storage yard (B8 use) and construction of holiday let units. | Allowed (17 September) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> • The main issue in this appeal was whether the proposed holiday let units would conserve the landscape and scenic beauty of the SDNP. The proposal would replace a substantial modern barn of utilitarian appearance. The proposal seeks to take the appearance of a range of barns or stables and would have low eaves with a substantial roof above that reflects the shape of the adjacent tithe barn. The design of the building would have more visual interest than the existing utilitarian building (and would be more attractive than its conversion). • Some residents were concerned that the proposed holiday lets would disturb the peace and tranquillity of the area. In response the Inspector noted that planning permission has previously been granted for the conversion of the building to the same use and that the proposal would not lead to a material increase in noise, disturbance and traffic above that of the alternative conversion. • In relation to dark night skies it was stated that some of the windows would face into the farm yard and the access route around the site is bordered to the opposite side by substantial trees and hedges and these would limit the effect of any increase in the amount of light, such that it would not lead to a harmful increase in light emissions. A condition was imposed requiring details of external lighting to be submitted to and approved in writing by the LPA. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/17/03028/FUL Delegated refusal APP/Y9507/W/18/3201896 | SDNPA (Lewes) | The Pump House Kingston Ridge Kingston BN7 3JX | Erection of three detached houses. | Dismissed (18 September) Written reps |

| Commentary – Inspector’s Reasoning | | | | |
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| <ul style="list-style-type: none"> • The appeal site is located on the edge of the village such that it is not isolated but it is located outside of the defined planning boundary set out in the Lewes District Local Plan and the Joint Core Strategy. The development would be contrary to Policy CT1 of the Core Strategy which restricts development outside settlement boundaries. • The proposal is located where it would be visible from a number of vantage points, in particular from the footpaths that lead up and across the top of the escarpment. Whilst the proposal would reflect the variety of dwellings in the area and would be viewed in the context of surrounding development within the village the scale and design of the dwellings would be more substantial than those in the adjacent group. As a result the Inspector held that they would harmfully extend development further into the surrounding landscape of the National Park in a form that would be more visible and intrusive than the closest dwellings and mobile home. • The Inspector also found that the proposal was unacceptable in relation to highway safety. The junction of Kingston Ridge and Ashcombe Lane was noted to have limited visibility in both directions and the proposal would increase the traffic using this junction. The additional traffic from both the proposed dwellings and their construction was considered to harm highways safety. • Development plan policy in Lewes District requires a single affordable dwelling be provided on schemes proposing three houses. This was not proposed by the appellant and therefore the proposal was also in conflict with the development plan on this matter. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/17/05271/FUL Delegated refusal APP/Y9507/18/3199187 | East Hants | 13 School Lane Sheet GU32 2AS | Division of existing dwelling and annex into two separate dwellings with associated parking and external amenity space | Allowed (21 September) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • The Inspector considered that the proposal would not significantly alter the grain of built form and would not appear as an incongruous feature. The recent development to the rear of the site means that the appeal site is largely enclosed by built form. The second dwelling would be seen within this context and would not appear out of place or as a harmful back land development. The proposal was considered to comply with development plan policy which requires all new development to respect the character and identity of the area. • Both dwellings were considered to be served by useable and adequate outdoor space. Habitable rooms were found to have a satisfactory outlook whilst the access to the site is wide enough to comfortably accommodate the small level of vehicular traffic associated with the two units. • Although the proposal would result in two separate dwellings the overall number of bedrooms provided on the site would be reduced. Accordingly the Inspector stated that the proposal would not result in an intensification that would have an adverse impact on living conditions of neighbouring or future occupiers and allowed the appeal. • The Inspector imposed a condition restricting permitted development rights, on account of the size of the outdoor amenity space and the relationship between the two dwellings. | | | | |

| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
|--|------------|--|---|--|
| SDNP/17/02779/FUL Delegated refusal APP/Y9507/W/18/3200345 | Chichester | Hambleton Cottage Fyning Lane Rogate GU31 5DJ | Change of use of land from agriculture to equestrian and erection of a single storey building comprising two stables and a tack room. | Allowed (21 September) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> • The Inspector stated that historically the large field was divided into smaller fields through the use of native hedgerows and boundaries. As part of the proposal the southern and eastern boundaries of the site would be enclosed by a mixed native hedge. This would reinforce the traditional character of the area and whilst the land would be subject to a change of use, the division of the field by natural boundaries and the use of native species would respect the historical farming use, and would appear as a natural division of the land and not a fragmentation. • The proposed stables would be located adjacent to an existing mature hedgerow. They would have a low ridge height which would maintain a low profile within the site and would establish a harmonious relationship with an outbuilding associated with Hambleton Cottage currently under construction. These buildings would be seen as natural ancillary structures of a proportionate size and would not have an adverse impact on the landscape. No adverse impact on trees was identified. • As the land is classified as Grade 3 Agriculture Land (not the most versatile agricultural land) there was considered to be no conflict with development plan policy in this regard. • No adverse impact on neighbours was identified and as the proposed use is solely for the occupants of Hambleton Cottage the Inspector considered it would be of a domestic scale, causing no adverse impact on the road network. • A number of conditions were imposed, including restricting the use of the land to those occupying Hambleton Cottage, restricting paraphernalia (e.g. no jumps, field shelters or horse boxes) and a restriction on the use of floodlighting at any time. <p>Costs Decision - Refused</p> <ul style="list-style-type: none"> • The decision notice referred to the wrong policy (although the case officer report referred to the correct policy) and whilst this was clearly an administrative error the council was quick to admit the error. • The reason for refusal, when read in accordance with the correct policy reference, is complete, precise and specific to the application with the reasons for refusal substantiated in the officer report. • The Inspector did not consider that a lack of co-operation had been demonstrated and held that the council had not acted unreasonably in the way that it had handled the application. Unreasonable behaviour had not been demonstrated and the application for costs was refused. | | | | |

| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
|--|--------------------|---|--|--|
| SDNP/17/05841/FUL Delegated refusal APP/Y9507/W/18/3202480 | East Hants | Harveys Solicitors 96 Station Road Liss GU33 7AQ | Change of use from A2 offices to two residential flats. | Dismissed (24 September) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • In 2007 the Council approved an extension to the nearby St Peters Church. This included a Unilateral Undertaking that secured five parking spaces on the appeal site to be provided for use in association with the church on certain days. This permission for the Church extension, although not constructed, remains extant. • The development plan requires four parking spaces for the appeal proposal. The appeal site is able to accommodate five car parking spaces but it would not be possible to provide nine car parking spaces on site. Therefore whilst there would in principle be space for the required four car parking spaces for the development, along with an area for outdoor amenity space, these areas would need to be kept free in accordance with the specifications of the Unilateral Undertaking for the use of visitors to the church. • The Church have said that they do not intend at this stage to complete the extension. However the Inspector stated that this position could change and the Unilateral Undertaking remains valid and enforceable. If the Inspector were to allow the appeal it was noted that a condition would have to be imposed requiring the four car parking spaces to be made available and retained. Given the conflict with the Unilateral Undertaking the Inspector did not consider it possible to impose such a condition as it would not be enforceable. • The appeal was therefore dismissed as it failed to provide adequate parking and adequate amenity space. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/18/00794/HOUS Delegated refusal APP/C1435/D/18/3205511 | SDNPA (Wealden) | 5 Elven Lane East Dean Eastbourne BN20 0LG | Single storey rear, side and part front extension and replacement of existing windows. | Dismissed (5 October) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • Policy SD31 of the Submission Local Plan sets a limit of 30% in the increase in floorspace of the existing dwelling unless there are exceptional circumstances (the proposal would result in an increase in excess of 50%). • The Inspector considered that this Policy should be given at least some weight, not least because the principle of such restraint on domestic extensions is a well-established instrument of policy in other National Parks. However in this case the Inspector considered it was less the actual percentage increase of floorspace in quantitative terms but more the form of the proposals that played a greater part in his reaching a decision on the appeal. • The Inspector considered the proposal to spoil the symmetry of the front elevation and to draw the eye as an unsympathetic addition out of keeping | | | | |

| <p>with the building's character. The side extension was found to be of a size and design that makes no concession to the simple rectangular form of the host dwelling. The rear extension would dominate the rear of the building and again be unsympathetic to its character. Accordingly the appeal was dismissed.</p> | | | | |
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| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/18/00516/FUL Delegated refusal APP/Y9507/W/17/3201282 | East Hants | Omega Lodge Durford Wood London Road Sheet GU31 5AS | Demolition of existing dwelling and erection of new dwelling, hard and soft landscaping and associated works. | Allowed (9 October) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> • A Planning Obligation from 1974 binds the site. This restricts the occupancy to those employed at Westwood (a neighbouring property) or to persons wholly or mainly or last employed in agriculture, or the dependents of such persons. Although the appeal site has not been used for the purposes set out in the Planning Obligation for a number of years it retains a lawful restriction over the use of the appeal site. • The proposal would not result in new development where there was none but rather it would result in a dwelling available on the open market rather than being tied to the property known as Westwood. Therefore the Inspector considered the proposal would result in the creation of a new dwelling for the purposes of policy, and assessed it as such. • The appeal site is located outside of the settlement boundary. Although the building has been vacant for a number of years, when in use those who occupied it would have been reliant on a vehicle. The Inspector commented that it is not possible to suggest that the travel associated with a dwelling restricted in terms of its occupancy would be less than one that is not restricted as the location of the property has a direct impact on the level of travel required. • The occupiers would be highly likely to be heavily reliant upon private vehicles to access services and facilities and the proposal would therefore be contrary to development plan policy which seeks to promote sustainable development and direct development to locations within existing settlement boundaries. • However, the proposal would not represent an isolated form of development and would bring back into residential use an empty property that has been vacant for a period of time. The existing dwelling was also considered to have a very limited relationship (some distance away and well screened) with the main house (Westwood). • The proposal would result in the replacement of built form, albeit for an open market use. That built form would be in residential use, with future occupiers being no more or less dependent on the private vehicle than previous occupiers. The re-use of the existing dwelling, albeit through the erection of a new house on site, would be a benefit. Concluding on this matter the Inspector judged that in the particular circumstances of the case material considerations outweighed the conflict with the development plan. | | | | |

- The proposed dwelling was considered to retain the spacious and sporadic layout of development in the area and would not have an urbanising impact on the character of the area. The site is well screened and the proposal would not result in harm to the surrounding character of the area.
- As the site is within the SDNP the Inspector imposed a planning condition restricting permitted development rights in respect of extensions, garages and outbuildings.

| Application No. | Authority | Site | Description of Appeal | Decision and Appeal Method |
|---|-----------------|---|--|----------------------------|
| SDNP/18/01436/HOUS Delegated refusal | SDNPA (Arun) | 5 Middle Nepcote Nepcote Findon BN14 0SD | Erection of a single storey side/rear extension, two storey side extension and first floor extension | Allowed (18 October) |
| APP/Y9507/D/18/3204224 | | | | Written reps |

Commentary – Inspector’s Reasoning

- The proposal would provide a substantial extension that would increase the floor area of the dwelling by more than 30%. Policy SD31 of the Submission Local Plan states that extensions to dwellings will be permitted provided that the proposal does not increase the floorspace of the dwelling by more than 30% unless there are exceptional circumstances. The Inspector identified that there are significant unresolved objections to Policy SD31 and it is not clear whether the policy will be considered as justified or consistent with the NPPF. Consequently the Inspector gave Policy SD31 little weight.
- The background to Policy SD31 states larger proposals may be acceptable where there would be no harmful impact on the landscape and there would be an enhancement in the appearance of the host dwelling. Given the context on the edge of Findon the Inspector found that there would be no harmful impact on the landscape. The extension would be extensive and would not be subservient to the existing dwelling. However it would reflect the design of the existing dwelling such that it would not harm the character and appearance of the building, albeit that it would not amount to an enhancement and, as a result, would not fall within the suggested exception within the background to the policy.
- The Inspector set out that the proposal would provide an additional bedroom but noted that the proposal extends an existing bedroom and that the additional bedroom would be provided by subdividing an existing bedroom, such that the addition of a bedroom could take place without the proposed extension. Consequently the harmful effect of the proposal on the supply of small and medium sizes homes attracted little weight in this instance.
- The Inspector accorded significant weight to the fact that the proposal would result in living accommodation better meeting the needs and aspirations of the appellants and determined that this benefit outweighed the harm arising from the effect of the development on the supply of small and medium sized homes. The appeal was allowed.

Costs Application – Refused (30 November)

- The appellants suggested that there was a substantive reason for an award of costs arising from the weight that the NPA had attached to Policy SD31 of the Submission Local Plan.
- The Inspector agreed that the weight attributed to Policy SD31 differed between himself and the NPA. However the Inspector stated that the case

officer report on the application provides substantiation that the policy and the conflict with it had greater weight than that given to any other factors identified in favour of the development. The Inspector continued that the weight to be attached to those factors is a matter for the decision maker and although there is a difference between his conclusions and those of the NPA, the balancing exercise carried out by the NPA was not, in itself, unreasonable.

- The Inspector found no unreasonable behaviour had been demonstrated and refused the application for costs.

| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
|---|--------------------------|--|--|--|
| Appeal A: SDNP/17/06019/FUL and APP/Y9507/W/18/3205320 Delegated refusal | SDNPA (Mid Sussex) | Cannonberries Poynings Road Fulking BN5 9NB | Both appeals concern the erection of a dwelling. | Both appeals were dismissed (30 October) Written reps |
| Appeal B: SDNP/18/01642/FUL and APP/Y9507/W/18/3205321 Delegated refusal | | | | |

Commentary – Inspector’s Reasoning

- The developments proposed in the appeals were refused planning permission for similar reasons. Appeal A comprises a two storey dwelling of a simple, modern design with green roof and walls on the south side. Appeal B concerns a single storey dwelling with a flat, green roof and flint walls.
- Although recognising that a dwelling in this location would support the limited services and facilities within Fulking (and would contribute to the vitality of this rural community) the site was defined in the 2004 Mid Sussex Local Plan as being within a Countryside Area of Development Restraint where development is restricted. The dwellings proposed in both these appeals would be outside the built up area boundaries of Fulking, and as a result, would conflict with Policy C1 of the Local Plan.
- In both appeals, the proposed dwellings would be at odds with the existing character of development in this part of Poynings Road and they would extend development in a denser form away from the edge of the village into the surrounding countryside. Both appeals would result in harm to the landscape and scenic beauty of the SDNP. Whilst both proposed dwellings were considered harmful to the landscape of the National Park the proposed dwelling in Appeal A was noted as being prominent in views along the road and relatively prominent in views from the top of the South Downs.
- The Inspector noted that external lighting could be controlled by condition but that this would not affect light from windows. It was accepted that the additional light from a dwelling in this location, especially taking account of nearby development in the village, would have a limited effect but this was found to add to the harm identified.

| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
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| SDNP/17/04754/FUL Refused at Committee (officers recommended approval) APP/Y9507/W/18/3201578 | Winchester | 28 and 29 Churchfields Twyford SO21 1NN | New detached two storey dwelling. | Dismissed (8 November) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> • This part of Churchfields has a distinctive uniform appearance and a spacious layout. • The proposed development would entail construction of a compact detached dwelling of irregular form, on an irregular tapering plot, the size of which would be noticeably smaller than that of other dwellings along the south side of the green. • The dwelling would be positioned uncharacteristically close to both Nos. 28 and 29. This atypical positioning, combined with the immediate backdrop of adjacent development would provide an excessively cramped appearance, acutely at odds with the existing spacious character of development. The proposed dwelling would therefore appear incongruous within the street scene and have an unacceptably adverse impact on the character and appearance of the area and the appeal was dismissed. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/18/02062/HOUS Delegated refusal APP/Y9507/D/18/3206725 | East Hants | 7 Glenthorne Meadows East Meon GU32 1PY | Two storey side extension. | Dismissed (9 November) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> • The proposed extension would bring the dwelling appreciably closer to the side boundary with only a modest gap remaining. Because of the position of the extension it would be readily visible from windows in the rear of the adjacent dwelling at an unduly close proximity. The bulk and scale of the development would give rise to an oppressive and unpleasant sense of enclosure and loss of outlook. The Inspector considered the extension to be overbearing, with the effect also being apparent from the adjacent garden and being further exacerbated by the higher ground level of the appeal site. • The Inspector noted the absence of any objections from neighbours but commented that this does not, in itself, confer acceptability and dismissed the appeal. | | | | |

| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
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| SDNP/18/00704/HOUS Delegated refusal APP/Y9507/D/18/3206931 | Chichester | The Coach House Marley House Marley Common Linchmere GU27 3PT | Erection of dormer windows and chimney and replacement of existing garage doors with new fenestration. | Dismissed (14 November) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • The Coach House is subject to a planning permission limiting its use to being ancillary to Marley House, a large dwelling. The Coach House is occupied by employees of Marley House or close family members. The adjacent Marley House Lodge is also occupied by staff employed at Marley Lodge. All three buildings are in the same ownership. • Two of the new dormers would allow overlooking of a patio in Marley House Lodge and the Inspector assessed this overlooking as being particularly intrusive given the undue proximity and elevated position of the dormers. This would result in an unacceptable loss of privacy and an inherently poor relationship. • The Inspector noted the appellant’s position that there would be no material loss of privacy because Marley House Lodge is not a separate independent dwelling, being ancillary to Marley House as a result of its occupation by employees. However the Inspector was not persuaded that the employment of those living there in connection with the overall group of properties means that a lower standard of privacy should apply. In any event, the Inspector continued, regardless of this there is nothing to show that Marley House Lodge could not be sold and occupied independently of Marley House anyway. The appeal was dismissed. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/17/05270/OUT Delegated refusal APP/Y9507/18/3200468 | Winchester | Hill Top Stables Mayhill Barn Farm Mayhill Lane Swanmore SO32 2QW | Demolition of bungalow and attached stables and construction of a new two storey replacement dwelling and ancillary landscaping improvements. | Dismissed (15 November) Written reps |
| Commentary – Inspector’s Reasoning | | | | |
| <ul style="list-style-type: none"> • The appeal site lies in generally open, gently sloping landscape. Although a relatively remote site it is prominent from some public vantage points on public rights of way. • The Inspector contended that there was no practical necessity for the existing dwelling on site to be replaced and enlarged. Moreover, whilst the existing building is functional in appearance it is typical of the sort of informal building one might expect to find in the countryside. It was not therefore considered that the existing dwelling detracts from the character and appearance of the area to the extent that its replacement or additional landscaping is necessary in the interests of the landscape and scenic beauty of the SDNP. | | | | |

- The construction of a two storey dwelling would be more prominent within the landscape (as it would be considerably taller than the existing building) and it was held that the proposed dwelling would be harmful to both the character and appearance of the area and the landscape and scenic beauty of the SDNP. Given that the existing dwelling comprises 1 bedroom the Inspector thought it reasonable to expect that there would be an increased number of people occupying the larger proposed dwelling and that the usual domestic characteristics of laundry, play equipment and outdoor furniture would be more evident. Overall this would have a harmful urbanising effect on the countryside.
- The reinstatement of the footpath crossing the site to its definitive route would be a benefit but, in the Inspector’s view, did not outweigh the harm identified.
- By reducing the stock of a small dwelling the proposed development would conflict with Policy CD.23 of Winchester’s Local Plan (2006). However given the considerable period of time that has elapsed since the evidence base was produced for this policy (2002) limited weight was given to this conflict. It was noted that Policy SD30 of the Submission South Downs Local Plan seeks to retain small dwellings in the countryside and that it proposes to ensure that all replacement dwellings are restricted to a net increase of 30% of the existing gross internal area. Given that the examination into the Plan had yet to conclude the Inspector could not be certain that it would be adopted in its current form and therefore attached little weight to it.
- The benefits arising from the proposal were found to be limited and insufficient to outweigh the harm to the character and appearance of the area, to which great weight was attached. The appeal was dismissed.

| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
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| SDNP/18/01994/HOUS Delegated refusal APP/Y9507/D/18/3208029 | SDNPA (Wealden) | 17 The Brow Friston Eastbourne BN20 0ES | Erection of an outbuilding to the front. | Allowed (15 November) Written reps |

Commentary – Inspector’s Reasoning

- Policy SD31 of the Submission South Downs Local Plan includes a 30% limit on the increase in floorspace as a result of extensions (when compared to the size of dwelling as it existed in December 2002). The policy seeks to protect the limited supply of small and medium sized homes in the SDNP.
- There have been a number of extensions at the property since 2002 and together with the outbuilding in this appeal these would have cumulatively increased the floorspace of the building by 89%, in clear conflict with the policy. However the Inspector determined that there are a number of factors that suggest the conflict with the policy is technical rather than substantive and harmful:
 - i) The property is of substantial size and although the Inspector had no definition of a ‘medium sized home’ he was doubtful whether the scale of the building would qualify as being within that definition. However, the Inspector noted that even if he was wrong on this point he was in no doubt that the location of the building, its prestigious form and extensive landscaped grounds would place it well within the higher echelons of the East Sussex property market with a correspondingly high value. In common sense terms the dwelling does not form part of the ‘limited supply of small and medium-sized homes’
 - ii) The outbuilding would be used as a summer house with an element of storage. It is a considerable distance from the house and has no power supply.

| <p>It is not habitable accommodation in the ordinary meaning of the term.</p> <p>iii) The building is on the site of a former garage and whilst there are no figures for the size of the former garage it may well be that the outbuilding currently in an advanced stage of construction does little more than form a like for like replacement.</p> <ul style="list-style-type: none"> The impact on dark night skies was held to be acceptable as the outbuilding has no power supply and even if power were connected in the future the building is of modest scale and surrounded by mature vegetation that would limit the 'break out' of light pollution. The appeal was allowed. | | | | |
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| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/18/00303/HOUS Delegated refusal APP/Y9507/D/18/3203168 | SDNPA (Wealden) | Priory Barn Wilmington Polegate BN26 5SL | Construction of a sun room to existing dwelling. | Dismissed (20 November) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> The appeal site is a non-designated heritage asset and is located within a Conservation Area. Wilmington Priory, a Scheduled Monument, adjoins the site. The Inspector considered that in principle some form of addition along the rear (as proposed here) could be acceptable but that the success of such a further intervention would lie in its size, location and detailing. Although the size of the proposed extension would not overwhelm the rear elevation, the sloping roof of the extension would reach the main rear roof above the eaves, further disrupting the lines of the former barn roof which already has numerous intrusions. These previous intrusions were not considered to provide reason for another. The disruption of the eaves and roof would risk unattractive detailing to ensure weathering of junctions. The use of felt would be particularly utilitarian and is not a material that would appear appropriate in the vicinity of the leadwork to the dormers. The resulting extension would not sit comfortably with this converted barn and the appeal was dismissed. <p>Costs Application – Refused</p> <ul style="list-style-type: none"> The Inspector stated that the Authority used proper judgment in line with the requirements of the development plan, national policy and statute and hence exercised their duty to determine the planning application in a reasonable manner. Unreasonable behaviour had not been demonstrated. | | | | |
| Application No. | Authority | Site | Description of Development | Decision and Appeal Method |
| SDNP/18/00384/HOUS Delegated refusal APP/Y9507/D/18/3205817 | Chichester | Little Woodfold Woodfold Fernhurst GU27 3ET | Extensions and alterations to existing chalet bungalow including replacement of the roof and new timber boundary fence. | Dismissed (20 November) Written reps |
| <p>Commentary – Inspector’s Reasoning</p> <ul style="list-style-type: none"> Planning permission was granted in 2015 to enlarge this dwelling but development was not carried out in accordance with the approved plans. It was | | | | |

noted that at the time of the Inspector's site visit the development had taken place but had not been completed.

- Policy EE3 of the Fernhurst Neighbourhood Plan states that new development will be required to demonstrate how it has minimised light pollution created through its proposed use and that there will be a presumption against development which will create high levels of light pollution.
- The extension would contain two gabled features which would rise above the top of the first floor windows and the eaves to the ridge of the main roof, while being mainly glazed. It was determined that such relatively large areas of glass on both sides of the property would not minimise light pollution, while creating the potential for fairly high levels to result, including at a relatively elevated position. The appellant's own evidence showed increase light spillage.
- The Inspector noted that the appeal site is outside of the Settlement Policy Area of Fernhurst where there is significantly different character with appreciably fewer sources of light.
- Although there were previously approved schemes at the site it was considered that light would be likely to spill at an appreciably greater height and over a greater area than in previously approved schemes. This additional effect would be significant and the proposal would result in unacceptable potential for light pollution in conflict with development plan policy.
- The design, scale and appearance of the proposal was considered acceptable. In fact the development was found to improve the appearance of the host dwelling but that this was outweighed by the adverse effect and conflict with the development plan in relation to light pollution.