

Agenda Item 12
Report PC20/21-34

Report to	Planning Committee
Date	11 February 2021
By	Director of Planning
Title of Report	Summary of appeal decisions received from 24 September 2020 – 20 January 2021
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 South Downs National Park Authority.
- I.2 From the 24 September to 20 January:
- 25 appeal decisions (some dealt with concurrently) were received, 15 of which were dismissed, 9 were allowed and 1 was subject of a split decision.
 - 5 applications were made by appellants for an award of costs, with 1 award of partial costs made.
- I.3 Whilst the appeal decisions are individually important, none raise issues of wider strategic importance to the National Park as a whole. However, it is worthy of note that 6 decisions were received in the quarter relating to telecommunication proposals.
- I.4 67% of appeal decisions received so far in the financial year have been dismissed.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Jessica Riches
 Tel: 01730 819360
 email: Jessica.riches@southdowns.gov.uk
 Appendices: I. Summary of Appeal Decisions
 SDNPA Consultees: Director of Planning, Legal Services

Key to Appeals Reporting

Method of decision All are delegated decisions unless otherwise specified **Allowed** A
Appeal method All are determined via written representations unless otherwise specified **Dismissed** D

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05107/FUL APP/Y9507/W/20/3248751	East Hants	Land at farm between Forest Mead and Stonefield, Linchmere Common Road, Linchmere GU27 3NE	Erection of 2 holiday lets with parking and gardens and ancillary store following removal of two existing outbuildings.	D 25 September 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> • The Inspector described the site as a secluded location in the countryside, made up of small fields and hedges interspersed with trees for boundaries. • The Inspector noted that the provision of holiday lets would result in domestic paraphernalia, interrupting the secluded and undeveloped appearance of the site and eroding its rural character. It was concluded that the development would fail to meet Policies SD1 and SD5, in relation to respecting local landscape character. • The development would not be closely associated with other attractions/established tourism uses or part of farm diversification schemes. The development would be sited within an isolated location which would result in occupants relying on the use of the private car. Therefore, the development would not accord with Policies SD1, SD4, SD5, SD7 and SD23. • The Inspector ruled that the development would increase traffic, however the separation of the track and the level of boundary screening would not result in movement that would create an unacceptable disturbance. • The Inspector concluded that harm would be caused to the landscape and natural beauty of the SDNP and that the site would be an unsuitable location for the development because of conflict with the spatial strategy of the SDLP and the lack of accessibility. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02508/FUL APP/Y9507/W/20/3250057	Winchester (Planning committee decision)	Hurst Farm Hurst Lane Owslebury SO21 1JQ	Erection of equestrian barn, manège, access and parking.	A 07 October 2020
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The SDNPA granted planning permission at the appeal site for the use of the field as a horse paddock for private recreational use. • The surrounding area has a distinct rural appearance comprising fields, copses and some dispersed built development. The site is largely enclosed by rows of mature boundary trees and hedgerow, except for a short break at the field gate access which allows some unobstructed views from Hurst Lane. • The Inspector decided that the access track would be reasonably long, of which some would curve into the appeal site. However, most of the track would be screened by the existing hedgerows. • The manege and parking area would be further away from Hurst Lane, and would be screened by the boundary planting, which the Inspector deemed would not be visually intrusive. • The barn would sit further into the site, with direct views available only from the proposed access, whilst other views from Hurst Lane would be screened by boundary planting. The barn would sit closer to the cluster of agricultural and residential buildings in and around the junction of Hurst Lane, Thompson's Lane and Whaddon Lane. Therefore, the Inspector considered the barn not to be unduly conspicuous or intrusive and to the limited extent that it would be seen, its size and design would be appropriate for the intended use. • The development would result in some noise, odour and external lighting beyond the scope of the existing permitted equestrian use. The Inspector noted that the proposal would be a modest equestrian development, with the number of horses permitted not increasing from the previous permission. Private use by the appellants would not be likely to result in high daily activity levels, and some of the required tasks would be carried out within the barn itself. Manure and waste bedding was considered by the Inspector to be limited to a single specific location. • The parking area and manège would be sited closer to the residential houses and gardens. However, it was felt that exercise and riding of horses would not be exclusively within the manège. The Inspector considered the limited number of parking spaces and concluded that traffic movements would be commensurate with the scale of the proposal and would nonetheless be relatively low and infrequent. • Planning conditions were considered appropriate by the Inspector to ensure that the development would not cause harm to the living conditions of nearby residents. These included ensuring that the development would be for private recreational equestrian use, control of external lighting, potential artificial noise sources and outside storage, and management of the collection and disposal of waste. 				

- The Inspector concluded that the proposal would accord with SDLP Policy SD24(d) which supports new equestrian buildings, stables, yard areas and facilities in rural areas adjacent to existing buildings provided they respect the amenities and activities of surrounding properties and uses.

Costs Decision – Refused

- The appellant was aggrieved by the Authority's decision, given that officers had supported the proposal. The costs application was made based on the appellant's view that the reason for refusal was unjustified and unwarranted and based on generalised and vague assertions.
- The Inspector confirmed that reasonable planning grounds must be found for taking a contrary decision to officers' professional advice.
- The Inspector deemed that planning committee members were sufficiently well advised, and although reasons for refusal took some time, was not indicative of any lack of substance. The reasons for refusal were clear and precise, and the Authority exercised its judgement in a reasonable manner.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04243/FUL APP/Y9507/W/20/3252981	East Hants	Walnut Cottage Main Road Bucks Horn Oak Farnham GU10 4LT	Erection of a new dwelling to the south of Walnut Cottage.	D 21 October 2020

Inspector's Reasoning

- The proposed development consisted of a two storey detached dwelling, located within Bucks Horn Oak, in a relatively generous plot fronting the A325.
- The site was not within the defined settlement boundary, as per SD25, and therefore was treated as open countryside. There were no exceptional circumstances as defined in the policy text, in order to support the proposal. Furthermore, the Inspector agreed that the countryside location took away any notion of 'infill' which was not in any event specifically provided for by SD25.
- The Inspector confirmed that SD25 settlements were identified to focus on securing sustainable development. The proposal would not therefore accord with the development plan, and so the Inspector determined if there were other material considerations.
- The Inspector disagreed with the appellant that the existing ancillary buildings and gap were ugly. The existing variety of frontage widths and treatments, and dwelling separations were found not to detract from the character, and even if there were more visually sensitive locations than this, protection of character continues to be a consideration.
- The Inspector gave limited weight to any social benefit being derived from a new home, as a five-year housing land supply had been established. Access would be improved, but it was noted that this could be improved without approving planning permission for a new home. In addition, limited economic benefits would arise from construction.

<ul style="list-style-type: none"> The Inspector considered that the above benefits carried limited weight, and thus they did not outweigh the conflict with the Local Plan and the appeal was dismissed. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/03349/FUL APP/Y9507/W/20/3250176	SDNPA	Ecclesden Farm Water Lane Angmering BN16 4ER	New mast, antenna, security fencing and gate to house internet broadband equipment.	D 21 October 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> The Inspector described the site as being a landscape which was characterised by large open field and pockets of woodland. The proposal would have a utilitarian, primarily metal appearance more commonly associated with industrial development. The Inspector stated that it would draw attention away from the rural landscape and would therefore be alien in appearance, creating an urbanising effect in the countryside. The proposal did not propose any camouflaging. It would sit above the tree line, and as such planting would only disguise the structure at ground level, but would not detract from the visible upper parts, in particular from the adjacent footpath. The proposal would result in harm to the character and appearance of the area, failing to conserve and enhance the natural beauty of the SDNP, and therefore conflicted with policies SD1, SD4, SD5, and SD44 (b, c, and d). The appellant argued that there were no suitable alternative sites. However, the Inspector remarked that the operating area for the provider was large, and there were other areas of high ground, some of which with existing structures. The proposal would provide good quality, fast internet connection to rural areas, and would be supportive of other policies in the Local Plan, such as SD34. Improved connectivity has the potential to promote health and wellbeing, and the proposal would contribute to social and economic outcomes. However, the Inspector noted that these benefits did not overcome the harm to the character and appearance of the area. The proposal would also conflict with the NPPF, which requires communications masts to be kept to a minimum, sympathetically designed, and camouflaged. The Inspector considered the SDNPA's point regarding the harm to a scheduled ancient monument at Highdown Hill, however, decided that due to the distance between them, no harm would arise to the setting of the monument. The Inspector added that whilst there were other masts within the SDNP's countryside, these were not precedents for this type of development, especially where harm would be caused. 				
Planning Application No	Authority	Site	Description of Development	Decision

SDNP/19/05608/FUL APP/Y9507/W/20/3248945	SDNPA	Top of Dyke Road Avenue off A27 Brighton BN1 5LF	Removal of existing 10m street works monopole and 4 no. equipment cabinets and replacement with a 20m high slimline tower supporting 12 no. antenna apertures with the installation of 7 no. ground based equipment cabinets and ancillary development.	D 21 October 2020
Inspector's Reasoning <ul style="list-style-type: none"> The site comprised a verge next to a main road, on the edge of a built up area. The existing monopole was considered anonymous, well disguised and was located amongst lampposts of a similar size. Both existing pole and ground cabinets blended into the immediate surroundings. It was accepted that new cabinets would be an expected feature in this environment, but the tower was double the height of the existing pole and would dwarf the surrounding lampposts. It would also be wider and exhibit multiple apertures at a raised level, contributing to an alien and incongruous appearance. The landscape around the verge would not be of a sufficient height to provide meaningful screening. Views from the adjacent café, residential development and passing pedestrian and vehicular traffic would be dominated by the tower. In addition, the Inspector stated that it would likely be visible from the countryside beyond the A27 to the north which would intrude views into the SDNP. Cumulatively, the effects would cause significant harm to the character and appearance of the area. The proposal would specifically conflict with policies SD4, SD5, and SD44 (b, c and d). The proposal would provide social and economic benefits, and the NPPF supports high quality communications. However, the Framework states that equipment should be sympathetic and camouflaged where appropriate, which would not be achieved by this proposal. The Inspector concluded that the harm caused to the character and appearance of the area was determinative, and as such the appeal was dismissed. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05544/OUT APP/Y9507/W/20/3250333	East Hants	The Grange Farnham Road Liss GU33 6JE	Erection of 5 dwellings with access, car parking and other associated works.	D 27 October 2020
Inspector's Reasoning <ul style="list-style-type: none"> This was an outline application and only matters relating to access, layout and scale were part of the Inspector's determination. The site is allocated in the Liss Neighbourhood Development Plan (referenced as 4a) for around 7 residential dwellings. Northwest of Site 4a, Upper Green (site 4) is allocated for a further 35 dwellings in the Liss NDP. During the Liss NDP examination, both sites 4 & 4a were considered deliverable as terms had been drafted which would provide land from Site 4a to improve sightlines to accommodate increased traffic from the housing allocation of both sites. 				

- Post examination, the appellant withdrew from the draft access agreement, and planning permission was obtained for a new access to the appeal site (4a) from Farnham Road. Notwithstanding the extant consent for the access, permission was refused and subsequently dismissed on appeal for a residential development on Site 4a, in part because it would have constrained improvement of access to The Grange, thereby prejudicing delivery of Site 4.
- The Inspector noted that the wording of the unilateral agreement was insufficient to ensure that access would remain in perpetuity, and did not explicitly rule out the imposition of a ransom strip.
- The Inspector concluded that the scheme as submitted would fail to achieve a suitable alternative means of access to Site 4. The concerns of the previous Inspector in this regard were not adequately addressed.

Costs Decision – Refused

- The basis for an application of costs was that the Authority failed to engage with the appellant during the application process. In particular, that the revisions made to the scheme were not adequately taken into account.
- The Inspector acknowledged the planning history of the site, and noted the substantial discussion about the site with the appellant on both applications, and the Liss NDP. The Inspector noted the solution put forward by the SDNPA to overcome the access issues.
- The refusal of permission was based on sound reasoning, and the revisions did not overcome the concerns of the previous Inspector.
- There was no evidence of unreasonable behaviour resulting in unnecessary or waste expense, and the costs award was refused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00242/HOUS APP/Y9507/D/20/3254757	SDNPA	3 Coldharbour Lane Patching BN13 3XE	Rear dormer allowing loft conversion.	D 27 October 2020

Inspector’s Reasoning

- The appeal related to a two storey house that sat within a row of 7 similar houses of simplified design, reflective of a traditional cottage style. It was the end of a terrace of three houses, being fully attached to 4 Coldharbour Lane, and partly attached at ground floor level to 2 Coldharbour Lane. The row of houses had front gardens facing onto the Lane, with fields opposite, and back gardens facing field beyond. The property was elevated in a valley within the countryside, which provided wider uninterrupted views.
- The row of similar cottage style houses presented a coherent and prominent collection of properties both in the landscape and in views across the valley, due to their elevated position and unaltered roof profiles.
- There were extensions to the row of houses, but they were modest single storey ground side and rear extensions which integrated well with the host properties and were not unduly prominent.
- The proposed dormer would sit asymmetrically within the rear roof slope at one end of the hipped roof form with its fully attached neighbours, 4 and 5 Coldharbour lane.

- The Inspector noted that there were other dormers in the area, but it was concluded that none were in such an elevated or prominent position as the proposal.
- The Inspector said that the prominence within the roof profile would be dominant and not subsidiary to the appeal property. It would also be detrimental to the character and appearance of the row of cottages, and would be visually intrusive in wider views of the SDNP. Whilst mature trees to the rear of the property would provide some screening, the partial, seasonal and potentially non-permanent screening would not significantly ameliorate the detrimental visual impact of the proposal.
- In conclusion, the proposal would result in harm to the character and appearance of the property and the wider area, and therefore, the Inspector dismissed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/03168/LIS APP/Y9507/Y/19/3241307	Chichester	Rooks Cottage North Lane South Harting GU31 5PZ	Replace 6 no. windows and 2 no. doors	D 03 November 2020

Inspector's Reasoning

- Rooks Cottage was given Grade II listed building status because of the core of the dwelling (dated as early 19th century), the decorative brickwork and simple arrangement of openings, and prominent position within the street scene.
- The Inspector surmised that the original windows in the front elevation were most likely timber, flush faced, multi paned, side hung, single glazed casements.
- The existing windows on the front elevation were all modern, but were still timber, of multi pane configuration, with each pair sub divided into 12 panes, which broadly reflected the characteristics of the original windows.
- However, rather than being flush faced, the existing windows were partly projecting storm-proof design, and incorporate top hung vents. One was also double glazed with stick on glazing bars, and the windows appeared to have involved slightly widening the window opening, such that the windows were wider than the lintels. These characteristics were at odds with those original windows, and as such detract from the special interest and significance of the listed building.
- The proposed windows would represent an improvement upon the existing windows installed, however the 4-pane configuration would not reflect the design of the original windows.
- The proposed windows would incorporate slim line double glazing, but the Inspector noted that they were not the slimmest. Though slim line double glazing would allow the use of solid glazing bars, they would be generally thicker than those used for single glazing due to the thickness of the sealed units themselves. Though double glazing would not be easy to detect from afar, closer inspection means their presence would be obvious, and apparent when using the building day to day. Therefore, use of the proposed sealed units would not complement the age, historic architectural character of the building, and would thus detract from its special interest.
- The Inspector considered that the existing, nor the proposed frame designs would represent the most sympathetic treatments possible. Despite the proposed frames representing a minor improvement over the existing windows, it would be insufficient to outweigh the harm that would be caused by installation of slimline sealed units on the significance of the building, resulting in a net negative effect.

<ul style="list-style-type: none"> • Slimline double glazing had been installed within part of the building, but the Inspector noted that this was in a modern extension which lacks the significance of the front elevation, and therefore did not provide a basis upon which the proposed windows could be considered. • The appellant argued that the installation of sealed units would help improve energy efficiency, but the Inspector dismissed this on account that other options for energy efficiency had not been explored. • The proposal would entail alterations that would diminish the significance of Rooks Cottage, and as a consequence the contribution to the significance of the Conservation Area. Given the harm identified to both the listed building and the Conservation Area the appeal was dismissed. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04507/FUL APP/Y9507/W/20/3246634	Chichester	Roughmere Lavant Road Lavant PO18 0BG	Chalet bungalow on plot to the rear of Roughmere.	D 04 November 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> • The proposed dwelling would form part of the existing dwelling's curtilage, but would be more closely related to Rose Cottage. The proposed dwelling would be sited close to or on the western boundary of the plot. The amenity area would be located to the front of the dwelling, along with parking for two cars. An access drive would be required between the dwelling and rear boundary to provide new access arrangements for Roughmere. • The private access to the site served a mixture of properties, of which some were Grade II listed buildings, including Roughmere. • The Inspector agreed that a residential scheme would not be out of character on the site. However, the Inspector noted that the dwelling would be cramped with extremely limited amenity space. The proposal would cause less than significant harm to the appearance of the conservation area, and the benefit of another dwelling would not outweigh that harm. • The Inspector noted that the amenity space would be limited and not private, contrary to other existing properties, and in direct conflict with Lavant NDP Policy LNDP6. • The parking for the new dwelling was considered appropriate, but reduced the parking space for Roughmere to three spaces, which would conflict with Policy LDNPI, requiring a minimum of four for Roughmere. • The development would introduce vehicular traffic further into the private drive, for which the Inspector noted would be in conflict with Policy SD5 of the SDLP. • The appellant accepted a contribution to the Solent Recreation Mitigation Strategy would be required, however this was not secured by way of planning obligation, and was therefore contrary to Policy SD10 of the SDLP. • For the reasons above, the Inspector dismissed the appeal. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04604/FUL APP/Y9507/W/19/3241321	Chichester	The Coach House Southbrook Road West Ashling PO18 8DN	Replacement dwelling	A 05 November 2020
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The appeal site is within a buffer zone surrounding the critical core of the International Dark Sky Reserve. • The proposal would take advantage of outward views and maximise natural daylight, and required extensive glazed areas to the rear. The Inspector noted that as glazing can produce more light pollution than external lights there was potential for significant adverse effect. • The appellants provided tinted glass and automated external roller shutters as mitigation. The Inspector explained that whilst the features may have been retrofitted, such that the design-led approach advocated by the TAN had not been considered, there was no substantive evidence that the measures would not be effective. • The Inspector highlighted the TAN's inclusion of the use of blinds on non-domestic properties, and that there was no compelling reason they could not be used on a dwelling. • Therefore, the Inspector concluded that the measures would prevent harm to the IDSR and would not be in conflict with policy SD8. • The Inspector noted West Ashling's informal arrangement of dwellings, of which many faced and positively addressed the road. The significance of the conservation area was largely based upon the historic arrangement of vernacular dwellings. • The Inspector noted the existing site appeared as a gap within the prevailing built form. The existing dwelling sits to one side, did not face the road and presented a simple side elevation to the public realm. The existing dwelling was considered to have no architectural merit, or provide any positive contribution to the character or appearance of the area. • Views through the existing forecourt and into the open countryside would be unaffected by the proposal. • The public part of the proposed dwelling would be simple with few openings and would be similar to the existing dwelling. The proposal would respond to its context and the site's role in the conservation area. • However, the Inspector found that the rear section, with large amounts of glazing, balconies and terraces, would not be similar to existing properties. It would be visible from the access lane alongside the site, but it was not thought that these views were of particular sensitivity or fundamental to defining the character and appearance of the area. • The Inspector concluded that the proposed measures for Dark Night Skies were acceptable, that there would be no harm to the significance of the heritage asset, and that the character and appearance of the conservation area would be preserved. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/03374/CND APP/Y9507/W/20/3251448	Winchester	Penn House Wheely Down Farm Lane Warnford Southampton SO32 3LG	Variation of condition 2 and 3 of extant planning permission 02/01236/FUL	A 06 November 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> • The site comprised Wheely Down Forge, an internationally respected rural enterprise, other buildings, and a residential property subject to the appeal, Penn House. Penn House is occupied by the appellant and their family, who is the currently the manager of Wheely Down Forge. • The crux of the appeal was whether condition 3 (to tie occupancy of Penn House to Wheely Down Forge) was necessary. The effect of the removal of condition 3 would, in effect, create an open market dwelling in the countryside. • Penn House was acknowledged as being unfit for a young family in the current configuration. If sufficient funds could not be raised against Penn House to ultimately extend the property, the family would have to move. As on-site presence is required for security reasons, the business would not be able to continue in the same way, creating a negative impact on the rural economy of the SDNP. • The Inspector explained that Penn House was already a dwelling (albeit with an occupancy tie), and as such the removal of Condition 3 would not create a new dwelling in the countryside. The removal of the condition would allow the appellant to raise funds, extend the property, and continue to serve Wheely Down Forge. It would not be tied to the Wheely Down Forge, but it would help support the rural economy by virtue of providing suitable residential accommodation. • The building itself would not be altered in any physical way, and would not result in any visual impact. The Inspector acknowledged that if the business ceased trading or the property was sold on, there would still be no visual harm, as the property would not be extended. • Given the above, the Inspector ruled that the proposal would not be at odds with Policy SD25, and the appeal was allowed. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00386/HOUS APP/Y9507/D/20/3251074	Horsham	Crossgate House Rackham Road Amberley BN18 9NT	Demolition of single story extension, and proposed two storey extension with replacement roof to double garage, new garage door and replacement decked area to rear	D 06 November 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> • Crossgate House is described as a detached white rendered two storey house, with strong symmetrical appearance, central entrance porch and prominent chimney stacks at either end of a slated hipped roof. A single storey side annex is incorporated with a two door double garage. The SDNPA determined that the property was a non-designated heritage asset. • The house was believed to be from around the mid-19th century, for which the appellants argued that the property should not be a non-designated heritage asset automatically for its age. The Inspector agreed that age should not lead to automatic status, however the Inspector found sufficient 				

heritage significance to warrant such status – mainly stemming from its character, prominent siting and significance in views of the linear development of houses along Rackham Road and the SDNP.

- The proposal would involve partial demolition and extension of the existing building, and so the scale of harm to the asset would be less than substantial.
- The proposal would result in the loss of the symmetrical appearance of the main house, the total loss of the porch, and most of the single storey side annex, all attributes which contribute to its significance. The Inspector confirmed that this would afford significant weight in the planning balance.
- The appellants did not identify any benefits of the proposal which would outweigh the harm to the significance, and the Inspector noted there was no evidence to suggest that a scheme could not be brought forward which would retain the elements of the existing building.
- The main element of the proposal would create a contemporary extension, with large windows and an anodised metal roof in an asymmetrical hipped form. This would replace the existing subservient annex, and include the removal of the chimney stack. The extension would sit further forward than the existing annex, and would only be slightly set back from the front elevation. The proposal would have a significant effect on the symmetrical appearance and create an uncomfortable visual relationship with the proposed extension. The Inspector added that the scale, roof form, materials and fenestration would be overly dominant.
- The proposal would also result in new replacement decking (which would also be extended) to the rear of the property. Existing supports were located within an area of designated ancient woodland. The appellant did not provide an ecological assessment or compensation measures, nor did the Inspector see any exceptional reasons to allow the proposal.
- The Inspector concluded that the proposal would be in conflict with SDLP policies SD5, SD9, SD12 and SD31, and dismissed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01956/HOUS APP/Y9507/D/20/3246711	Chichester	1 Manor Farm Barns East Dean Lane East Dean PO18 0JA	Proposed side extension, relocation of 1 no. heritage style roof light, 2 no. new conservation type roof lights and 1 no. new painted timber double glazed window on west elevation.	D 17 November 2020

Inspector's Reasoning

- The site comprised a residential property, which formed part of Manor Farm Barns, a former dairy converted into eight dwellings in 2011. Manor Farm barns lies on the western edge of the East Dean Conservation Area (EDCA), which draws much of its interest from its rich collection of attractive buildings set in a rural setting.
- The property was widely visible across the open field which was immediately adjacent to the site.
- The proposal would involve the erection of a single storey extension, which would provide storage facilities.
- Although the design was not objectionable on its own, the footprint, overall massing and height would be larger than other examples within the complex. By reason of its scale and sensitive context, the Inspector expressed concern that the proposal would appear unduly prominent. As a result, it would harmfully erode the intrinsic agricultural character and appearance of the host building and EDCA, leading to urbanisation of the plot, and thus fail to conserve and enhance the scenic beauty of the National park.

- The SDNPA did not object to an additional window, but considered the two proposed roof lights would constitute overly domestic additions, eroding its simple agricultural character. However, the Inspector disagreed on the basis that that whilst they would hold some domestic appearance, they would be conservation style and flush within the slope of the roof to remain discreet enough to not erode the character of the building.
- The Inspector noted that the proposal would cause less than substantial harm, and whilst it was accepted that it would reduce domestic paraphernalia within the site the harm would not be outweighed by the benefits.
- Based on the above the proposal would be in conflict with polices SD1, SD5, SD15 and SD31 of the SDLP.
- The site was located within the intrinsic zone of darkness, immediately outside of the dark Sky Core. The roof lights would spill light directly upward, which would erode the character of the Dark Night Skies Reserve.
- The Inspector noted that there were limited proposed mitigation measures and questioned whether they would be achievable. Conditions for blinds would be very hard to enforce, and there was no guarantee that rooms would only be used occasionally. The Inspector concluded that the development would be in contradiction with SD8.
- For the reasons above, the Inspector dismissed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05956/FUL APP/Y9507/W/20/3249097	East Hants	Danesfield The Street Upper Farringdon Alton GU34 3DT	Replacement dwelling	A 17 November 2020

Inspector's Reasoning

- Following an appeal decision to allow the property to be extended, planning permission (SDNP/19/05956/FUL) was granted for a replacement dwelling, which was subject to conditions.
- The appellants contested the imposition of seven conditions (3, 6, 8, 9, 10, 11, 12) on the grounds they did not meet the six tests for conditions detailed in the NPPF.

Condition 3

- Condition 3 restricted future use of permitted development rights in respect of Classes A, B, C and E. Class B does not apply to dwelling houses on article 2(3) land (including National Parks), and the Inspector noted that this part of the condition was unnecessary.
- The Authority's justification of the removal of permitted development was partially in relation to the loss of small homes. The Inspector found that the proposed property would be 261m², and therefore the dwelling would not constitute a small home. Therefore, the justification of the restriction to protect the stock of small dwellings was not relevant.
- The Inspector noted that by removing some permitted development rights, the Authority also sought to protect the rural character and landscape of Upper Farringdon Conservation Area. Whilst permitted development rights do provide restrictions, there is no control over external materials for example. In addition, Class C could adversely affect the overall design of the development.

- The Inspector concluded that there was clear justification to restrict permitted development rights under Schedule 2, Part 1, Classes A, C and E of the Order.

Condition 6

- Condition 6 sought to ensure development would be implemented in accordance with the approved Arboricultural Method Statement (AMS) and Tree Protection Plan. It emphasized the need to route all services outside of the root protection areas within the front of the site. The Inspector found this necessary.
- The condition also required evidence of the supervision and monitoring of the tree protection measures throughout the construction phase to be submitted and approved by the LPA prior to occupation. The Inspector was concerned with the wording of this part and the level of precision it afforded, and as such amended the wording.

Condition 8

- This condition required the parking space to be marked out. The Inspector agreed with the previous Inspectors' appeal decision, and found the requirement unnecessary, particularly as it was for a single dwelling. The Inspector amended the wording, using similar wording from the previous appeal scheme, and also included that the spaces must be kept available for the parking of vehicles.

Condition 9

- Condition 9 required the roof lights to be positioned so that the sill would be set at least 1.7m above internal floor level, in order to preserve the living conditions of the occupiers of the neighbouring property. However, the approved plans included a section which shows that the position of these roof lights would accord with this requirement. The Inspector concluded that this condition was not necessary.

Condition 10

- The appellants disputed the landscaping condition, as the previous Inspector found one was not necessary. However, the previous Inspector's judgement was based on an extension, and not redevelopment.
- It was found that the condition served a clear planning purpose, was relevant to the development and set out a mechanism to assess compliance with timescales, which would not be secured by condition 2. The Inspector retained this condition.

Conditions 11 & 12

- The appellant disputed Condition 11 and 12 which related to energy and water consumption, on the basis that there were other separate regulatory regimes to ascertain compliance.
- The Inspector disregarded the complaint and clarified that the measures that form part of the development plan (SD48) were more onerous than other regulatory regimes.
- No evidence was put forward that demonstrated viability issues, and therefore the Inspector was satisfied with the condition.

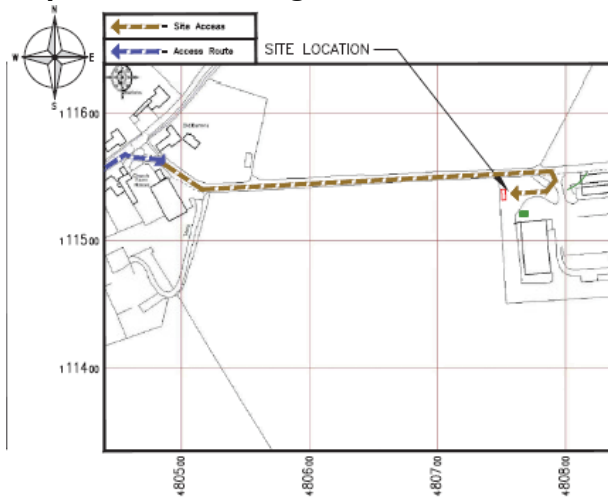
Costs Decision – Partially Awarded

- The appellant sought a full award of costs for imposing a number of conditions which, it argued, failed to meet the six tests of the NPPF.
- The Inspector found that the Authority had acted unreasonably regarding Condition 8, which referred to an incorrect plan and did not take into account the previous Inspector's comments regarding the marking of car parking spaces. A limited element of unnecessary expense in the appeal process thus arose and a partial award of costs was justified in relation to this condition.

<ul style="list-style-type: none"> The Inspector also found the inclusion of Class B in Condition 3, whilst the appellant was not prejudiced by the inclusion, was nonetheless unnecessary and the Authority's behaviour was found to be unreasonable. Partial costs in relation to this condition was therefore justified. The remaining conditions (6, 9, 10, 11, 12) were justified by the Authority and even though a different outcome was determined, namely on Condition 9, it was a matter of judgement. Consequently, the Inspector did not award costs in respect of these conditions. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01745/PA16 APP/Y9507/W/20/3256228	Chichester	Chilgrove Farm Old West Dean Road West Dean PO18 9HU	17.5m pole with 3 antennas in a shroud painted Bitter Chocolate, 3 cabinets painted Fir Green, electric meter cabinet painted Fir Green, two 0.3m dishes all within a fenced compound with mixed hedge planting scheme.	A 19 November 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> The principle of development is established though Permitted Development rights, with siting and appearance the only matter the authority can consider. The proposed development would be sited east of Chilgrove Farm and Chilgrove Business Centre, approximately 500 metres north east of the B2141. The Inspector described the site as having undulating agricultural fields and areas of woodland. The development would be located beyond the farm buildings and business complex in an elevated location at the edge of a field close to a private access track. The proposed mast would be a slim pole 30cm in diameter and 17.5m in height, with three antennas and two external dishes. It was acknowledged that the proposal would introduce an artificial feature, but the slim line design and colour choice would appear not significantly out of keeping within the backdrop of trees. The Inspector noted that some local views of the development would be perceptible, but it would not draw the eye due to its thinness. The mast would therefore not be visually dominant, and would not substantively impact on glimpsed views from local rights of way and roads due to the distance and elevations involved. The Inspector acknowledged that in combination, the mast, cabinets and hardstanding would have an adverse effect on local landscape character, however it was deemed to be minor, localised and somewhat limited through the introduction of proposed planting. Whilst the mast would be perceptible, the intervening landform and areas of woodland would hide the proposal in most local views. Where the proposal would be visible, the 'fir green' colour of the cabinets would diffuse and camouflage the outline of the cabinets. The public benefits would be outweighed by the limited visual effects, and for the above reasons the Inspector allowed the appeal. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00335/PA16 APP/Y9507/W/20/3257416	Chichester	Church Farm Stoughton Dairy Wildham Lane Stoughton PO18 9JQ	Erection of a mast, 3 antennas within a shroud, one 0.3m dish, painted Bitter Chocolate, together with equipment cabinets, satellite dish and ancillary apparatus.	D 26 November 2020

Inspector's Reasoning



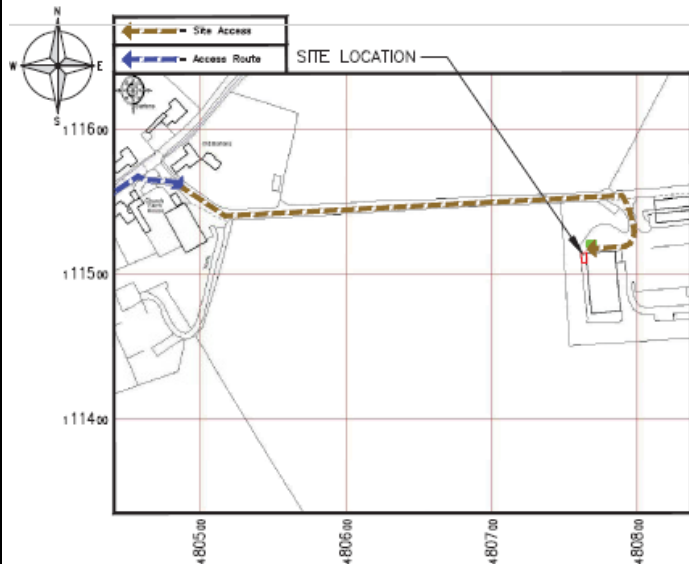
- The principle of development is established though Permitted Development rights, with siting and appearance being the only matters the authority can consider.
- The proposed site would be 300 metres from the village of Stoughton within the broad valley floor, characterised by large open fields defined by remnant hedgerow boundaries.
- The proposal would be located on the curtilage of a complex of agricultural units. It would be sited away from the westernmost barn within the complex, and would sit in a fairly open location, close to the public right of way to the north.
- The proposed mast would be 12.97m in height and host three antennas within a shroud, and one dish. The proposal would also include equipment cabinets, a 1.2m diameter satellite dish mounted on a 2.4m support pole. All development would be enclosed by a 1.8m high close boarded fence.
- The development would introduce a man-made artificial structure within the National Park, which would only have a minor adverse effect on the character of the landscape, given the established functional character of the agricultural buildings within the wider site. However, the Inspector noted the tall 'bitter chocolate' painted mast would be clearly noticeable in localised views from Monarchs Way, and the satellite would appear somewhat alien and protrude above the fencing. In combination,

the mast and satellite dish would readily attract the attention of users of the public right of way.

- The proposed earth bund would help to screen the equipment cabinets, but in closer views would serve to highlight the prominence of the development as an unsympathetic feature.
- The siting and appearance were found to cause harm to the character and appearance of the National Park. Therefore, the Inspector dismissed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01881/PA16 APP/Y9507/W/20/3257417	Chichester	Church Farm Stoughton Dairy Wildham Lane Stoughton PO18 9JQ	Mast, antennas and cabinets.	A 26 November 2020

Inspector's Reasoning



- The principle of development is established though Permitted Development rights, with siting and appearance being the only matters the authority can consider.
- The proposal would consist of a 14.97m high mast, hosting 3 antennas and one 300mm diameter dish, and be sited approximately 40 metres away from the Public Right of Way and adjacent to the north west corner of the westernmost barn that forms part of the group of farm buildings.
- An existing 2.5m high bund would be cut into and retained with gabion walls. The development would be sited within the space, behind a 1.8m high close boarded fence.
- The development would introduce a man made and artificial feature, which would result in an adverse effect on the character of the agricultural landscape. However, the Inspector noted it would be minor given the established functional character of the complex of agricultural buildings.
- The mast would be twice the height of the adjacent barn, and as such would be noticeable in local views. However, due to the bulk of existing large farm buildings, the masts slimness, and the existing tall transformer pole providing visually strong vertical elements, the proposal would not represent an overly prominent or bulky feature in localised views.
- The Authority provided other suitable alternative sites, but the Inspector found the appeal site acceptable, and it was unnecessary to address the merits of alternative sites.
- The Inspector found the proposal would not cause significant harm to the character and appearance of the rural landscape. The limited visual effects would be outweighed by the significant public benefit of the proposal. The proposal would accord with SDLP policies and the Inspector allowed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/0479/LDE APP/Y9507/X/20/3252933	SDNPA	Meadow View Horsham Road Findon BN14 0RG	Certificate of lawful use for occupation of the dwelling in non-compliance with the occupation condition.	D 11 December 2020
Inspector's Reasoning				
<ul style="list-style-type: none"> The appellant was required to show, on the balance of probability, that the breach of condition had occurred for a continuous period of at least 10 years by the date of the application (2nd October 2019). The appellant had occupied Meadow View continuously since it was built in 1993. Condition 2 required occupation by person/s employed or last employed by Kingswood Livery Stable or locally in agriculture or forestry. The property was located east of Kingswood Livery Stables, a business owned and run by the appellant. At the time of the Inspectors visit, 9 horses occupied 10 stables. The barn was occupied by a gym and store for vans that were used for weddings. Some of the stables in the east block were occupied by Class B1 businesses, such as printmaking and pottery business and a stonemason. It was agreed that the appellant lets out the livery yard and stable on a DIY basis, and no 'hands-on' role has been had by the appellant and their partner since first occupation in 1993. No more than 100 hours of work per year were undertaken in terms of administering the DIY livery business, including repairs and book keeping. The Inspector noted that the individual licenses, signed by users of the DIY livery stables, had provided Meadow View as the business address of Kingswood Livery Stables. Furthermore, the Inspector disputed the appellant's claim that a specific amount of time is required in order to 'run the business'. It was clear that the appellant derived income from the livery business, which is the main occupier of the site. The Inspector acknowledged that the appellant did not just receive rental income, but had been responsible for setting the rules and terms by which the livery was used, resolving management issues, and resolving disagreements between users. The condition did not specify whether the property had to be occupied by someone <u>mainly</u> employed or last employed by Kingswood Livery Stables. The Inspector stated that the appellants had been employed by Kingswood Livery Stables by virtue of running the business. The Inspector concluded that Condition 2 had never been breached since it was imposed, and dismissed the appeal. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/03541/FUL APP/Y9507/W/20/3247648	East Hants	Ponticum Farther Common Lane Hill Brow Liss GU33 7QQ	Replacement dwelling	A 21 December 2020
Inspector's Reasoning				

- The proposal would result in a 5-bedroom property, sited in a similar location to the existing and would be of contemporary design, responding to the topography of the site.
- The replacement dwelling would be 77% larger than the existing dwelling, and the Inspector confirmed that the proposed development would not accord with part (a) of SD30.
- The existing property was over the 120m² threshold, but the dispute surrounded whether the existing property had 3 or 4 bedrooms. The Inspector concluded that while a survey drawing from 2010 showed three bedrooms and a study, this was a choice of the previous occupant, and does not imply the study cannot be used for other purposes. The Inspector deemed the existing property a four bedroomed property, and as such there would be no conflict with the first purpose of the policy, to retain small and medium dwellings.
- Whilst the size of the dwelling would not comply with Policy SD30 (a), the proposal would not conflict with the dual purpose of the policy, to retain small and medium sized homes, and the Inspector allowed the appeal.

Costs Decision – Refused

- A costs application was made on the basis of four grounds: the SDNPA prevented development which should have been permitted having regard to Policy SD30; the SDNPA decision relied upon vague, generalise or inaccurate assertions about the proposals impact; the SDNPA prevented development that should have been permitted having regard to the appellant’s fall-back position; the SDNPA failed to determine similar cases in a consistent manner.
- The TAN was updated in July 2020, and the planning application had already been determined. In light of the update, the Inspector noted that the Authority could have revisited their position during the appeal, but were not required to do so.
- The Inspector confirmed that even though they did not agree with the Authority’s interpretation, the Authority’s application of Policy SD30 was reasonable.
- The Inspector also dismissed the appellant’s argument that more weight should have been put on the development’s ‘eco credentials’ to overcome Policy SD30, as this responsibility lies with the decision maker.
- The Inspector then considered the ‘fall-back position’ of an extant permission which would see the dwellings GIA increase by 50%. The Authority was consistent with the approach set by the Courts, determining theoretical probability of the scheme being built out. The Inspector therefore dismissed this ground.
- The Inspector also confirmed that the ‘similar cases’ proposed by the appellants were materially different, with some predating the SDLP.
- The Inspector refused the costs application.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01400/HOUS APP/Y9507/D/20/325975 I	SDNPA	The Coppice Sunnybox Lane Slindon BN18 0LX	Rear extension	A 05 January 2021

Inspector’s Reasoning

- The Inspector described the property as a three-bedroom chalet bungalow located on the northern side of Sunnybox Lane.

- The proposal would involve the erection of a rear extension, alteration of the existing roof by raising the ridge height and constructing a double gable roof form to the rear. In addition, an existing garage would be demolished.
- The existing dwelling and garage had a combined Gross Internal Area (GIA) of 144m². It was agreed that the proposal would exceed the 30% limit for extensions and would be approximately 50% larger than the existing.
- The Inspector confirmed that the existing dwelling was a medium dwelling. However, the proposed alterations would result in the dwelling remaining a medium three bedroomed property. Consequently, the Inspector concluded that the proposal would not reduce the supply of small and medium homes.
- The SDNPA argued that the proposal would be overly dominant and unsympathetic which would be harmful to the character and appearance of the area. The Inspector disagreed, noting that whilst there were different building styles in the area, the use of common materials and simple pitched roof forms resulted in design balance and symmetry which contributed positively.
- The proposal would retain a simple hip to gable roof form, which would be in keeping with local vernacular. In addition, owing to the limited increase in existing ridge height, the proposal would retain the appearance of a chalet bungalow.
- The Inspector concluded that the proposed extension would be of an appropriate design and scale, which would safeguard the character and appearance of the area.

Costs Decision – Refused

- The appellant argued that the Authority failed to engage with them regarding the lack of evidence that had been submitted in support of their position that they had exceptional circumstances (in relation to SD31).
- The Inspector explained that the Case Officer had fundamental concerns regarding the design and appearance of the proposed extension, and that the design concerns would not have been addressed by additional evidence in respect of Policy SD31.
- Therefore, the SDNPA was not found to have acted unreasonably.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02266/FUL APP/Y9507/W/20/3258528	Chichester	Fernhurst Place The Cylinders Fernhurst Haslemere GU27 3EL	Demolition of existing dwelling and the erection of 4 dwelling houses and outhouses.	D 06 January 2021

Inspector’s Reasoning

- The proposal would result in a substantial increase in built form, with limited gaps between dwellings, and plots 1 & 2 sited close to the site boundary. The Inspector acknowledged that the proposal would result in the built form being compressed at the central part of the plot and dominated by hardstanding, which would not reflect the character of development nearby.
- The proposed dwelling on Plot 4 would be dependent on works to the TPO tree that would detract from its appearance and its contribution to the site and the locality.
- The Inspector noted that the layout, along with the relationship with the trees at the site would not be reflective of development that is landscape led.

- Individually, the dwellings would not be incongruous in the context of the varied scale and appearance of local properties. Three floors would conflict with Policy DE4 of Fernhurst NDP, but the top floors would be within the roof space of the dwellings, which would be of similar height to others and therefore would not harm the character of the area. In addition, the Inspector acknowledged that local materials and the siting of elevations without windows would be discreet and not detract the form the appearance of the development.
- However, the Inspector noted that whilst the proposal was acceptable in some individual respects, the development would still have an overall harmful effect on the character and appearance of the area.
- The housing mix would not be compliant with Policy SD27 of the SDLP, and viability evidence was not sufficient to justify a departure from this housing mix. The housing mix proposed would not be compliant with Policy SD1 (SDLP), which seeks to foster social wellbeing of local communities.
- The proposal would not provide any provision towards an affordable home, and the viability evidence was not sufficiently robust to demonstrate financial need. Therefore, the Inspector found that the proposal did not comply with Policy SD28.
- The proposed dwellings (plot 1 & 2) would be close to the site boundary, and would have clear views into a neighbouring properties private rear garden area. Consequently, the proposal would cause an unacceptable loss of privacy to the neighbouring property and would be contrary to Policy SD5.
- The Inspector took a precautionary approach to biodiversity, and found a reasonable prospect of the site being used by protected species. Without a robust assessment of the site's existing value, the Inspector could not be certain that measures would mitigate the effect of the development or achieve net gain. Therefore, the proposal would not accord with policy SD2 of the SDLP.
- The proposal would increase vehicle movements, increasing use of The Cylinders and its junction with Midhurst Road. The boundary treatments, bend and topography substantially restrict visibility. The effects on highway safety would be unacceptable, and contrary to policy SD19.
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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05604/PA16 APP/Y9507/W/20/3255530	SDNPA	Falmer Road Rottingdean Brighton BN2 7DT	15m shrouded street pole, 2 no. equipment cabinets and equipment ancillary.	A 14 January 2021

Inspector's Reasoning

- The principle of development is established though Permitted Development rights, with siting and appearance being the only matters the authority can consider.
- The proposal involved the erection of a 15m high single stack street pole, 2 equipment cabinets on the grass verge.
- Eleven alternative sites had been considered, of which two of the eleven existing sites, 'Orange Mast' and 'Arquiva Mast' had been further explored.
- 'Orange Mast' is located on a grass verge to the eastern side of Falmer Road, and contains a 15m high street pole and several equipment cabinets. The appellants argued that the existing apparatus could not be used because it was operated by another telecommunications operator. Significant alterations would be required if the site was to be shared, such as a new higher and wider mast to ensure vertical separation of antennas. They added that the foundation to accommodate the mast would exceed the width of the adopted verge on Falmer Road.

- The ‘Arquiva Mast’ is located 300 metres north of Ovingdean Road. To provide vertical separation between antennas, to avoid interference, the existing mast would need to increase in height by 3m. In addition, the proposed development, which were 3G and 4G base stations, would limit their coverage of smaller cell areas to ensure effective services.
- The Inspector was satisfied that the appellant had comprehensively explored the possibility of upgrading or sharing existing masts.
- Falmer Road links the settlement of Rottingdean and Woodingdean. The road cuts through an undeveloped strip of chalk downland which provides visual and physical separation between the settlements. The Inspector found the road busy with a high number of traffic movements. Alongside the road, a significant number of tall lampposts were present.
- The Inspector noted that the proposal would be of similar height and appearance to existing street furniture, and the existing ‘orange mast’. The proposal would be muted light grey, which was found to successfully assimilate into the existing context of Falmer Road.
- The Inspector concluded that the proposal would have a neutral impact, thus conserving the landscape and scenic quality of the SDNP, and accord with Policy SD44 of the SDLP, and allowed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04624/FUL Appeal A Ref: APP/Y9507/W/19/3243468	East Hampshire	Riverbank High Street Petworth GU28 0AU	Change use of retail and offices to self-contained two bedroom dwelling	D 19 January 2021
SDNP/19/04625/LIS Appeal B Ref: APP/Y9507/Y/19/3243470				

Inspector’s Reasoning

Appeal A – Vitality and viability

- The appeal site comprised a vacant two storey terraced property and low storage building along the rear boundary. The area formed part of the designated Primary Shopping Frontage.
- The proposal would convert part of the ground floor retail unit, and the whole of the first floor level office into a two-bedroom dwelling.
- The Inspector acknowledged that the property had been marketed for sale, but with an asking price that had reduced significantly over time. There was limited evidence, other than using a price per metre calculation, which explained how the valuation was made. The Inspector noted that without a more detailed valuation, it could not be ascertained that the guide price reflected the true value of the property.
- The Inspector accepted the property had carried out the minimum marketing period, but concluded that the marketing exercise was not sufficiently robust.
- The proposal would reduce the size of the trading area, and the need for toilet facilities and storage would undermine the viability of the premises to a harmful degree. This would in turn adversely affect the viability and vitality of Petworth Town Centre, conflicting with policies SD1 and SD37 and Policy WSI of the Petworth NDP.

Appeal B – Heritage

- The property was a Grade II listed building, forming the end of a terrace of houses, subsequently converted to shops. The property made an important contribution to the sense of historic character defining Petworth Conservation Area.
- The proposal would require the erection of a partition wall, and installation of plasterboard to provide noise insulation. The scheme would not result in a loss of historic fabric, but the subdivision would cause harm to the buildings internal layout. The work would also hide the buildings timbers, which contribute to the special interest of the asset, and as such the proposal would have a detrimental effect on the significance of the listed building.
- The Inspector explained that whilst the scheme could secure long term future use of the building, there was limited evidence to demonstrate that it was an optimum viable use. Therefore, the harm would not be outweighed by public benefit, and would be in conflict with Policy SD12 and SD13 of the SDLP.

Appeal Reference	Authority	Site	Description of Development	Decision
APP/Y9507/D/20/3258734 SDNP/20/01402/HOUS	East Hampshire	18 Station Road Petersfield GU32 3ES	Roof extension, roof terrace and replacement garage outbuilding	SPLIT DECISION 20 January 2021

Inspector’s Reasoning

- The proposed development included a replacement garage, which would have a pitched roof and a ridge line height of 5.5m. The southern elevation would feature a dormer window.
- The neighbouring property (No 20) had a single storey extension close to the boundary of the appeal property with glazed doors facing towards the existing outbuilding at No. 18.
- The proposed replacement garage would be significantly taller than the existing, and even though the highest part of the roof would be set away from the boundary with No 20, the height on the boundary would nevertheless be increased from 2m to 2.8m. The front elevation would also extend forwards of the existing, bringing it closer to the rear elevation of No. 20. The Inspector concluded that the replacement garage would significantly reduce outlook from No 20, and due to the angle of the boundary, the proposed outbuilding would appear overbearing and oppressive, adversely affecting the living conditions of the neighbouring property.
- The development would also have an enclosing effect on the appeal property, being both taller and closer to the rear elevation of the property and would reduce the garden by approximately 6 square metres. The height would also be more dominating, but it was acknowledged that the pitched roof would mitigate some of this effect. However, the proposal to include a roof terrace would mean that occupants would not solely rely on the garden space, and therefore the Inspector concluded that the outbuilding would not harm the living conditions of existing and future occupiers of the host property and would accord with Policy SD31 and SD5.
- The Inspector made a split decision and dismissed the replacement garage, and allowed the appeal for the roof extension and roof terrace.