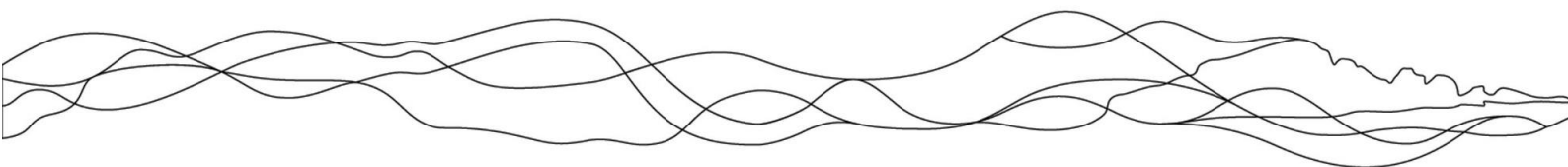


South Downs Local Plan

Extensions and Replacement Dwellings Technical Advice Note



26th October 2023



Revisions

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|---------|-------------------------------|
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Introduction

- 1.1 This Technical Advice Note (TAN) has been produced to guide applicants and decision-makers in interpreting Policies SD30: Replacement Dwellings and SD31: Extensions to existing dwellings, and provision of annexes and outbuildings of the South Downs Local Plan (SDLP).
- 1.2 This TAN replaces the previous iterations of this document published in 2019 and 2021.
- 1.3 The TAN starts out by explaining the dual purposes of these policies. These purposes are key material planning considerations in the determination of planning applications.
- 1.4 The TAN goes on to examine the first purpose of the policies in more detail by defining what is meant by a small/medium dwelling taking into account such matters as outbuildings, lofts and basements. The TAN explores what the National Park Authority (NPA) will and will not consider to constitute exceptional circumstances. The TAN explains what is meant by an adverse impact on the landscape of the National Park and references other key Local Plan policies. Finally, there is an appendix of relevant appeal decisions made since the adoption of the SDLP.
- 1.5 This TAN is a material consideration that will be taken into account by decision makers at the Authority when determining planning applications for replacement dwellings and extensions.

Purposes of Policies SD30 and SD31

- 2.1 The purpose of all SDLP policies is set out in the first paragraph of supporting text following on from the policy itself.
- 2.2 The purpose of Policy SD30: Replacement Dwellings is set out in paragraph 7.84 and says “The purpose of this policy is to reduce the loss of small homes in the National Park through replacement by substantially larger homes. A key consideration is demonstrating that there is no increase in the overall visual impact of the replacement dwelling(s) on the landscape of the National Park.
- 2.3 The purpose of Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings is set out in paragraph 7.91 of the Local Plan and says “The purpose of this policy is to avoid the over-extension of existing dwellings and the adverse impact that this has on the character and appearance of both settlements and

the countryside. This policy is consistent with Policy SD27: Mix of Homes and seeks to protect the limited supply of small and medium-sized homes in the National Park. This policy relates to the extension of existing houses and the provision of new annexes and outbuildings across the National Park. Within the broad principles set out in Policy SD31, proposals will be expected to be of a high standard of design and compliance with any size limits will not alone be sufficient in itself to secure planning permission. Proposals should respect local character and complement the scale, height, massing, appearance and character of the existing dwelling. All applications for extensions, annexes and outbuildings will therefore need to comply with SD4: Landscape Character and SD5: Design”.

- 2.4 The main mechanism for achieving these two purposes is to limit the increase in the size of existing dwellings to approximately 30%. The policy wording of SD30 requires all applications for the replacement of dwellings to comply with criterion a), that the new dwelling/s “does not result in a net increase of more than 30% compared with the gross internal area of the existing dwelling”. The policy wording of SD31 requires that an application to extend dwellings or provide additional annexes and outbuildings “does not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances. In both cases the ‘existing dwelling’ is defined as that which existed on 18 December 2002. It should be noted that all applications for replacement dwellings and extensions should state and evidence the percentage increase proposed.
- 2.5 The policy wording of SD30 and SD31 does not indicate that a different approach should be taken where the existing dwelling is already over the size taken to be a ‘small/medium dwelling’ (see section below). Therefore, where a proposal exceeds 30%, and in the case of SD31 there are no exceptional circumstances, the proposal will be considered to be contrary to the most relevant policy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. A key material consideration in this case will be whether the proposal conflicts with the purposes of the policies: to reduce the loss of small and medium homes in the National Park and to avoid adverse impacts on the landscape of the National Park. Where a proposal represents a greater than 30% increase in GIA but does not result in the loss of a small/medium dwelling, this would be weighed against any other material considerations and whether it accords with other relevant policies and the purposes and duty of the National Park.

What is a small or medium sized dwelling?

- 3.1 To clarify the primary purpose of SD30 and SD31 it is necessary to define what is meant by a small or medium dwelling in the South Downs National Park. It should be noted that a small or medium sized home is not defined as 'affordable.'
- 3.2 Floorspace is measured as per the industry standard, i.e. calculated as gross internal area (GIA). It should not be confused with the buildings' 'footprint'. GIA should be calculated in accordance with the 'Core definitions' contained within the **RICS 6th Edition Code of Measuring Practice** (which is the standard method when assessing CIL contributions for both residential and non-residential uses). See <https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/code-of-measuring-practice/>.
- 3.3 Paragraph 7.89 of the SDLP defines a small dwelling as having a total GIA of 120 m² or less. There is no definition of a medium sized dwelling in terms of floorspace in the SDLP.
- 3.4 It is relevant to consider the number of bedrooms in the existing and proposed dwellings. Both Policies SD30 and SD31 are consistent with Policy SD27: Mix of Homes. This requires 95% of all development proposals for affordable housing to be 1 to 3 bedroomed and 90% of all development proposals for market housing to be 1 to 3 bedroomed. It should be noted that paragraph 7.38 of the SDLP states that any room in a proposed dwelling that is not a main reception room, kitchen, bathroom or WC, and has dimensions that allow for a single bed, will be counted as a bedroom. This will include studies and additional reception rooms.
- 3.5 In summary a small or medium sized dwelling in the South Downs is typically considered to:
 - Have a GIA of less than 120 m²; and/or
 - Have 1, 2 or 3 bedrooms
- 3.6 The loss of a house that is already large would not reduce the supply of small and medium sized homes in the National Park.
- 3.7 The loss of a small house and its replacement with or extension to a medium sized house would not reduce the supply of small and medium sized homes in the National Park irrespective of whether the replacement or extension was more than 30% larger than the existing dwelling.
- 3.8 In some cases, where an existing dwelling is particularly small, an extension or replacement that exceeds an approximately 30% floorspace increase may still ensure that the resultant floorspace remains below 120m² GIA. In such situations, there would be no loss of a small or medium sized dwelling.

Are all dwellings allowed to be extended by up to 30%?

- 3.9 Subject to the proposal having taken a landscape led approach that respects local character through sensitive and high quality design and considers impacts on any heritage significance, then yes all dwellings can be extended by up to 30%. This is the case even if the resulting dwelling would be more than 120m² or have more than three bedrooms.

Is the existing building a dwelling?

- 3.10 Policies SD30 and SD31 only apply to the replacement or extension of a building that is already in use as a C3 dwellinghouse as defined in the Use Class Order. This applies to dwellings used as tourist accommodation, which are in C3 use albeit restricted by a holiday use condition. The policies are not relevant if the existing building is in any other use such as C2 Residential institutions or BI(a) Office.

How is the existing dwelling defined?

- 3.11 The supporting text for both policies defines the 'existing dwelling' as the residential unit that existed on 18 December 2002¹, or, if built after that date, as originally built.
- 3.12 Where a dwelling has been replaced or partially demolished since 2002, the dwelling as existed in 2002 will be considered as the 'existing dwelling' for the purposes of the floorspace calculations rather than the post-2002 replacement unit.

How is floorspace calculated when two dwellings have been converted into one dwelling without requiring planning permission?

- 3.13 Two dwellings can be converted into one dwelling without the need for planning consent². A subsequent application to extend the new dwelling should use the combined floorspace of the two original dwellings as of 18 December 2002.

¹ Date the South Downs National Park was first designated.

² The caselaw in *Richmond upon Thames LB v SoS & another* 2000 has been considered, but relates to a situation where there is a policy that restricts loss of small dwellings in any proposal. In this case SD30 only applies to replacement dwellings outside settlement boundaries and SD31 only applies to extensions, annexes and outbuildings so neither policy would be relevant to proposals to convert a building from two dwellings to one dwelling.

What is the role of outbuildings in the calculation the existing dwelling's floorspace?

- 3.14 A residential unit may have a number of outbuildings. The presumption is that outbuildings and detached annexes will be excluded from being part of the 'residential unit' as they are physically separate from the main structure even if they provide habitable accommodation, for example, a home office or gym.
- 3.15 However, the supporting text for both policies state that where outbuildings were utilised for ancillary domestic purposes on 18 December 2002, and where the number of outbuildings would be rationalised to improve the appearance of the site, the GIA of the outbuildings may be considered in the assessment of any increase in floorspace.
- 3.16 It is important to note that outbuildings used for non-domestic purposes, such as stables or agricultural buildings, will not be considered in this assessment. Photographic evidence may be requested by the case officer to provide proof of any ancillary domestic usage.
- 3.17 In situations where outbuildings would be rationalised, in order for the floorspace of an outbuilding to be included as part of the existing floorspace calculation, the following criteria need to apply to the outbuildings in question:
- Used for ancillary domestic purposes as of 18 December 2002; and
 - Of substantial construction.
- 3.18 Outbuildings such as greenhouses and sheds that are not of substantial construction will typically be excluded from this definition.
- 3.19 The rationalisation of outbuildings to improve the appearance of the site usually means either the demolition of outbuildings, or their relocation and rebuilding to become better integrated with the main domestic structure. For example, the removal of a detached garage divorced from the main house, to be replaced by a garage that is sensitively integrated into a new extension to the main house. This principle should only be engaged where there is a clear improvement to the overall appearance and setting of the dwelling and its curtilage. It should be noted that rationalisation does not automatically lead to improvement.

What is the role of loft space and basements in the calculation of the existing and proposed dwelling's floorspace?

- 3.20 The floorspace of a loft is only counted towards the calculation of the floorspace of the existing dwelling if it has a headspace of more than 1.5 metres. This floorspace will need to have been brought into use as habitable accommodation before 18 December 2002. Any floorspace with a headroom of less than 1.5 metres will not be counted. It should be noted that the onus is on the applicant/agent to show on a plan those areas that are under 1.5 metres high³.
- 3.21 The floorspace of a basement is not counted towards the calculation of the floorspace of the existing dwelling. An exception to this is when a basement was converted to habitable accommodation before 18 December 2002.
- 3.22 The same approach will be taken to calculating the GIA for lofts, basements and other height restricted areas for the proposed replacement dwelling or proposed extended dwelling namely only floorspace with a headroom of more than 1.5 metres will be counted as GIA.

How are permitted development rights taken into account when considering applications for extensions and replacement dwellings?

- 3.23 Some extensions can be built under permitted development (PD) rights. Some applications for substantial extensions cite the extensions that could be built under PD in support of the proposal. Applicants may be asked to provide a Lawful Development Certificate for a proposed development and the Authority would then make a judgement as to whether this is capable / likely of implementation. Any references to PD fall-back should be implementable and not theoretical.
- 3.24 Where extensions have occurred as PD, applicants will be expected to provide details such as the extension size and the date of completion. The planning case officer may also follow up planning and/or building control records to check or ascertain these details.
- 3.25 In line with supporting text paragraphs 7.86 and 7.93 of the Local Plan, PD which has occurred after 18 December 2002 will automatically be excluded from the calculation of the existing dwelling's floorspace.

³ It should be noted that for the purposes of the Community Infrastructure Levy (CIL) GIA is calculated using the Core Definition i.e. it includes areas with restricted headroom of less than 1.5 metres.

3.26 For avoidance of doubt, the onus will be on the applicant to evidence the date by which previous development has been completed. Where there is any doubt, the case officer will presume that previous extensions do not form part of the 'existing dwelling' for the purposes of calculating the percentage floorspace increase.

How are extant permissions taken into account when considering applications for extensions and replacement dwellings?

3.27 Some applications for substantial extensions or replacement dwellings cite extensions or replacement dwellings that were permitted before the adoption of the South Downs Local Plan. As stated previously, such permissions should be implementable and not theoretical. Furthermore, a number of appeals have been dismissed having given limited weight to extant fall-back positions that would have caused significant harm in the context of the primary purpose of Policies SD30 and SD31. The Authority may deem it necessary to include a condition or legal agreement on any new planning permission, which prevents the implementation of an extant permission or alternatively, renders the new permission void should the previous permission be implemented.

What does 'approximately' 30% actually mean?

3.28 Interpretation of 'approximately' will depend in part on the details of the scheme being considered and what is reasonable to achieve a good scheme. Assuming all other aspects of a proposal are acceptable, a 35% increase on a dwelling may be appropriate if this is what clearly makes sense to optimise design and achieve reasonable functionality. More than a 35% increase will not normally be acceptable unless there are exceptional circumstances (see below).

3.29 It should be noted that paragraph 7.93 (Policy SD31) states that '*A larger proposal may be permitted where it can be clearly demonstrated that there will be no harmful intrusive impact in the landscape and that there is an enhancement in the appearance of the host dwelling.*' This provides some further flexibility, but must be judged against the high standards expected in the SDNP and therefore enhancements should be significant. Whether there is enhancement to the host dwelling should be judged against relevant Local Plan policies particularly Policy SD4: Landscape Character and Policy SD5: Design.

How are garages and car ports taken into account in the floorspace calculations?

- 3.30 For the avoidance of doubt, the floorspace of a detached garage, which is used for the purposes of storing vehicles and/or other ancillary domestic storage, will not be included within the percentage floorspace increase. However, integral/attached garages and any additional floorspace located above detached garages that is used for ancillary habitable accommodation, such as guest accommodation or a home office or studio will be included within the percentage floorspace increase. A condition may be applied to ensure that garages are retained for parking purposes, to ensure that they are not converted to additional accommodation in the future.
- 3.31 Carports are open structures that do not create any additional floorspace and therefore are not included within the floorspace calculations.

Are there exceptional family needs for a larger extension?

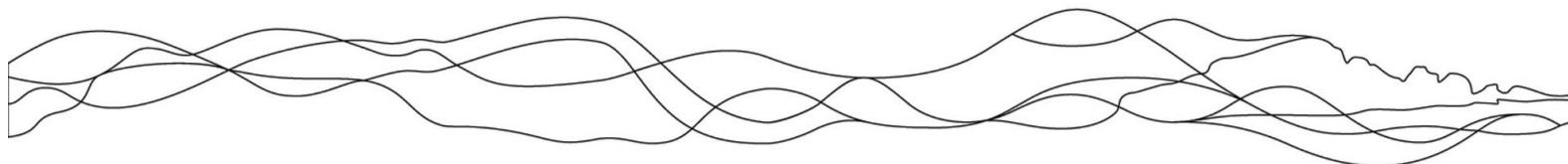
- 3.32 The question of exceptional family needs is only taken into account under Policy SD31 and not SD30. There is no prescribed definition of 'exceptional circumstances', but they fall into two broad groups. Firstly, paragraph 7.93 of the Local Plan talks about exceptional family needs arising from a disabled or elderly member of the family. The needs of a growing family for a larger home is not considered by the Authority to constitute exceptional circumstances. Secondly, exceptional circumstances might be where a larger extension is shown to be an exemplar in respect of landscape or enhancing a heritage asset or an historic setting.
- 3.33 Paragraph 7.94 states that 'robust evidence' will be required to support applications which cite exceptional circumstances. In the example of exceptional family circumstances, this could be in the form of a letter or statement from a qualified medical or clinical practitioner in relation to their patient. This information can be kept confidential and not published on the SDNPA website on the request of the applicant. If relating to landscape, setting and/or heritage, this could require a clear consensus view from relevant officers that the development is of sufficiently high quality to result in a substantial improvement in the setting or heritage status of the site.

Would the proposal have an adverse visual impact on the landscape of the National Park?

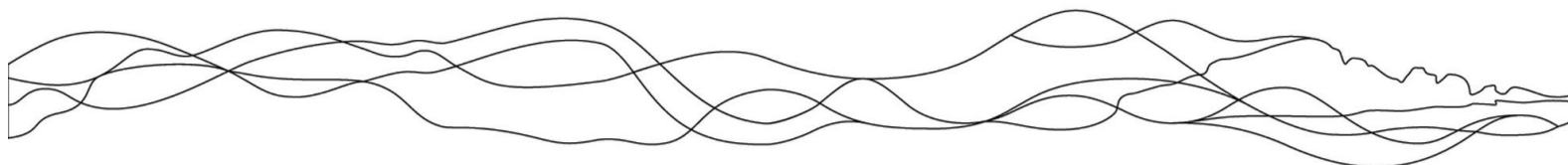
3.34 All proposals for replacement dwellings and extensions should be considered for their impact on local character and appearance. In some cases, proposals will not in any event respect local character, fail to complement the scale, height, massing, appearance and character of the existing dwelling, or have an overall adverse impact on the landscape of the National Park. Such proposals should be resisted irrespective of compliance or otherwise with size-based thresholds.

Appendix I: Recent Appeal Decisions

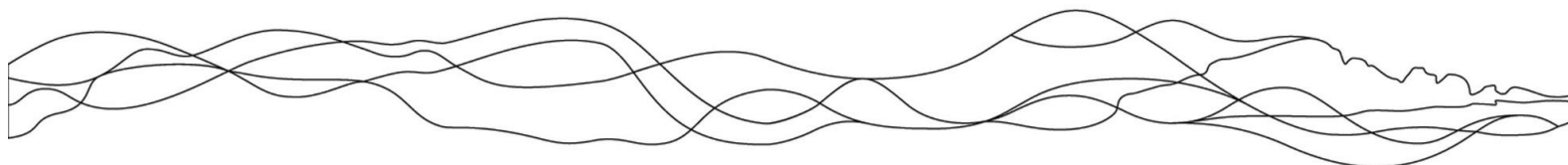
| Policy | Date | Summary | Inspector's Wording | Principle Outcomes |
|--------|---------------|--|---|--------------------|
| SD31 | November 2021 | APP/Y9507/W/21/3272391 Queries definition of small/medium dwellings and its applicability to SD31. | <p>8. The LPA's objection turns on the assertion that increasing the number of bedrooms from three to four must inevitably amount to a conflict with Policy SD31. However, there is nothing in Policy SD31 that requires consideration of the number of bedrooms. I take account of the fact that the underlying purposes of Policies SD31 and SD27 are broadly consistent. However, it does not follow that a policy requirement relating to numbers of bedrooms contained in Policy SD27 (which deals with new dwellings) can, in effect, be imported into Policy SD31.</p> <p>9. Moreover, the TAN itself states that: In summary, a small or medium-sized dwelling in the South Downs is typically considered to:</p> <ul style="list-style-type: none"> • have a GIA of less than 120sqm; and/or • have one, two or three bedrooms. <p>10. On either the appellant's figures or those of the LPA, the property as proposed to be extended would still have a GIA of less than 120sqm. Given the use of the term "and/or", the proposal would be considered to be small or medium sized in terms of the TAN advice.</p> | Appeal allowed |
| SD31 | April 2021 | APP/Z3825/D/20/3264400 | 8. The proposed annex would not be incorporated within or physically attached to the host building. Other than the driveway, there would be no physical link or close | Appeal dismissed |



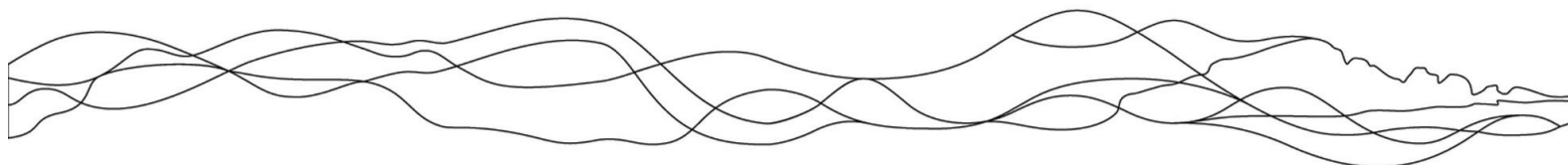
| Policy | Date | Summary | Inspector's Wording | Principle Outcomes |
|---------------|-------------|--|---|--|
| | | <p>The proposal would extend the dwelling by between 200 to 300%</p> <p>Refers to criterion 2 of SD31 that requires annexes to be functionally and physically dependant on the host dwelling.</p> | <p>interaction between the two. Although the proposed annex would be in the same ownership as the host building and share utilities/services, with the annex accommodation used by guests or staff, I am not convinced that these considerations demonstrate any meaningful functional link between the two. In addition, it would not, in my judgement, represent a traditional annex where you would expect the occupants to live as part of the household in the host (main) dwelling.</p> | <p>Contrary to part 1 a) and part 2 of policy SD31 of the Local Plan</p> |
| SD31 | April 2021 | <p>APP/Y9507/D/21/3267935</p> <p>Incorrectly states that the three bedroomed house is not small/medium as it has a floorspace of more than 120 m2.</p> <p>The extension is more than 30%</p> <p>Harmful impact on the landscape</p> | <p>10. ...Due to its size and scale, it would fail to respect the established character of the area and therefore have a harmful impact upon the surrounding landscape.</p> | <p>Appeal dismissed</p> |
| SD31 | March 2021 | <p>D/4001789</p> | <p>7. Neither the SDLP nor the TAN gives any definition of exceptional circumstances, although the appellants' clear need for additional space to accommodate their growing</p> | <p>Appeal dismissed</p> |



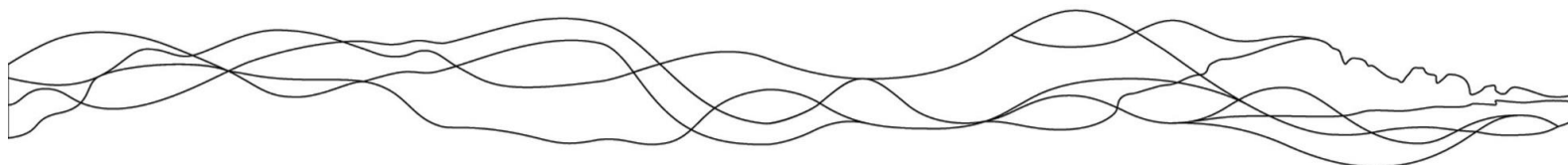
| Policy | Date | Summary | Inspector's Wording | Principle Outcomes |
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| | | <p>Loss of a medium sized dwelling and a gain of 115% and 150% over the gross internal area (GIA) of the original.</p> <p>Dismisses a growing family as exceptional circumstances.</p> <p>References a neighbouring house that got planning permission for a large extension prior to the adoption of the SDLP.</p> | <p>family is a situation the TAN explicitly states is not considered by the Authority to qualify. I appreciate that the family have grown up in the area, that they have strong local ties, and that they wish to remain local. However, I do not consider these circumstances to be exceptional. The need to improve upon the living conditions at the appeal property is understood, but there is no evidence to suggest that the current proposal is the only means to achieve this.</p> | <p>The proposal would lead to the unacceptable loss of a medium sized dwelling by over-extending the existing building. There are no circumstances in this case that are exceptional.</p> |
| SD31 | March 2021 | <p>APP/Y9507/D/20/3262454</p> <p>Disagreement of the extent of the extensions (38% or 60%).</p> <p>Opinion on what 'approximately means'</p> <p>Dismisses the fall-back position of a lapsed planning</p> | <p>9. Even taking the best-case scenario of the appellants' figure, I consider that an 8% difference over the policy stipulation would be too large to be considered 'approximate' to 30%. To my mind this term would allow for rounding up or down to the nearest whole number.</p> <p>13. The proposal would replace the existing flat roofed single storey rear projection with an extension with a roof form more in keeping with that of the original dwelling. However, I do not find that the existing extension is unduly</p> | <p>Appeal dismissed</p> <p>I am unable to conclude that the proposal would accord with Local Plan Policy SD31, in so far as the policy aims to avoid the over-extension of dwellings in order to protect the limited supply of small and medium-sized homes in the SDNP. There are no other material considerations that would</p> |



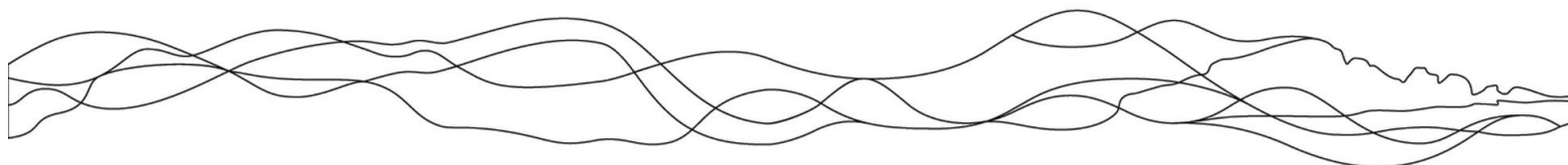
| Policy | Date | Summary | Inspector's Wording | Principle Outcomes |
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| | | <p>permission granted before the SDLP was adopted.</p> <p>Although the design of the proposed extension is acceptable the existing building is not unacceptable.</p> | harmful to the character and appearance of the host property. | outweigh this conflict with Policy SD31. |
| SD31 | Feb 2021 | <p>APP/Y9507/D/20/3260267</p> <p>Outbuilding included within existing floorspace figure</p> <p>Links between the outbuilding and the host dwelling</p> <p>Harmful effect on landscape</p> | 12...The sole purpose of the building would be for living accommodation, with the design of the building emphasizing this, and so there is both no clear functional and physical dependency on the host dwelling, nor any clear incidental use to the large, extended house. | Appeal dismissed |
| SD31 | January 2021 | <p>APP/Y9507/D/20/3259751</p> <p>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.</p> | <p>13. Whilst the size of the extended dwelling would exceed the 30% threshold set out within Criterion 1 (a) of Policy SD31, the property would remain a three-bedroom medium sized home. Consequently, the proposal would not reduce the supply of small and medium homes within the SDNP.</p> <p>14. Even if I were to conclude that the existing dwelling was a small sized home which would change to a medium sized</p> | <p>Appeal allowed</p> <p>A extension that would turn a small home into a medium sized home is acceptable under policy SD31</p> |



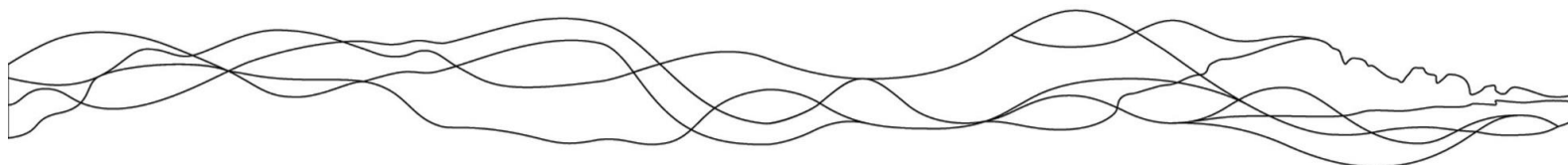
| Policy | Date | Summary | Inspector's Wording | Principle Outcomes |
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| | | <ul style="list-style-type: none"> The Inspector confirmed that the existing dwelling was a medium dwelling. However, the proposed alterations would result in the dwelling remaining a medium three bedroomed property. Consequently, the Inspector concluded that the proposal would not reduce the supply of small and medium homes. | <p>home by virtue of the proposed extensions there would be no conflict with the second purpose of Policy SD31. To this regard, paragraph 3.8 of the TAN states that “the loss of a small house and its replacement with or extension to a medium sized house would not reduce the supply of small and medium sized homes in the National Park irrespective of whether the replacement or extension was more than 30% larger than the existing dwelling”.</p> | |
| SD30 | December 2020 | <p>APP/Y9507/W/20/3247648</p> <p>The determinative point was whether the dwelling was small/medium sized home based on the number of bedrooms. There was a fourth bedroom that was used as a study. In the TAN a small/medium sized home is defined as having a GIA of less than 120me and/or 1/2/3 bedrooms</p> | <p>25. In conclusion, the proposed development would result in the replacement of an existing large dwelling with another large dwelling. Whilst the size of the replacement dwelling would result in a net increase of more than 30% compared with the GIA of the existing dwelling, for the reasons given above, I have found that the development would not reduce the supply of small and medium homes with the SDNP. Moreover, the proposed development would conserve the landscape and scenic beauty of the SDNP.</p> <p>26. Therefore, whilst the proposed development would not accord with Criterion 1 (a) of Policy SD30 of the SDLP, the</p> | <p>Appeal allowed</p> <p>The proposal would not result in the loss of a small or medium sized dwelling and it would conserve the landscape and scenic beauty of the SDNP</p> |



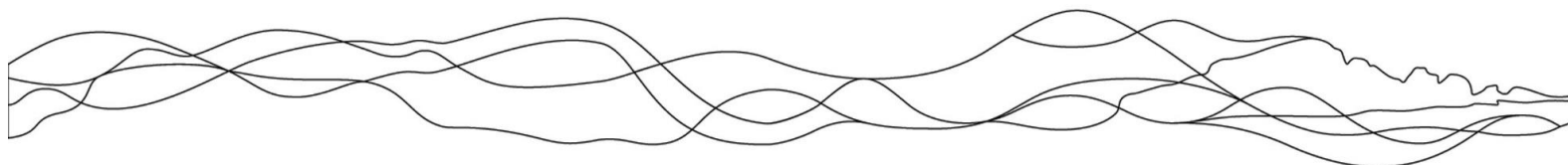
| Policy | Date | Summary | Inspector's Wording | Principle Outcomes |
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| | | | proposal would not conflict with the dual purposes of the policy, which are to safeguard the supply of smaller homes and protect the landscape character of the SDNP. As such, the material considerations indicate that planning permission should be granted. | |
| SD30 | October 2020 | APP/Y9507/W/20/3249097 Referenced the supporting text of SD31 to define a small house as less than 120 m2. The existing house was 216 m2 and so was not protected by SD30 | 8. The Authority's justification in respect of this particular condition relies firstly on the objective to reduce the loss of small homes in the National Park, as notably detailed within Policy SD30 of the South Downs National Park Local Plan (LP), which deals specifically with replacement dwellings. The term 'small home' is not clearly explained within the supporting text or the wording of Policy SD30. However it is defined, within the supporting text to LP Policy SD31 as a property having a total Gross Internal Area of 120 square metres or less. The appellant's submissions indicate that the existing property is 216 square metres and the new house would be approximately 261 square metres. The replacement dwelling would not therefore constitute a small home, and the restriction of permitted development rights is not in this instance justified by the aim to protect the stock of small dwellings. | Appeal allowed Decision did not reference the TAN Referenced the supporting text of SD31 to define a small house as less than 120 m2. The existing house was 216 m2 and so was not protected by SD30 |
| SD31 | August 2020 | APP/Y9507/D/20/3247932 Dismissed the argument that an existing garage should be counted as part of the existing dwelling as there was | 15 Therefore, I am not persuaded that the existing garage formed part of the GIA of the existing dwelling on 18 December 2002. | Appeal dismissed A detached garage needs to used for ancillary domestic purposes for it to be considered part of the GIA of the dwelling |



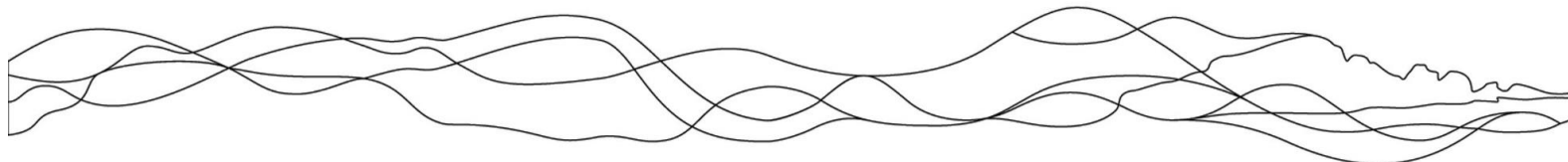
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|--------|-----------|--|---|--|
| | | <p>no substantive evidence that it had been used for ancillary domestic purposes on 18 December 2002.</p> <p>Noted that the floor plans show 3 bedrooms and a study on the first floor. There were no reason why the study could not be used as a bedroom.</p> <p>Does not accept appellant's circumstances that having a growing family constituted exceptional circumstances to justify a departure from policy.</p> <p>Rejected argument that a similar quantum of development could be built under permitted development rights.</p> | <p>17 'Whilst I understand the appellant's circumstances, based on the evidence before me, I conclude that exceptional circumstances have not been demonstrated in this case.'</p> <p>18 The appellant contends that the host building could be further extended using permitted development rights and that such works would provide a comparable amount of floorspace in relation to the proposed development. However, no substantive evidence, such as a certificate pursuant to Section 192 of the Town and Country Planning Act 1990, has been provided to demonstrate that the appellant would genuinely pursue this option if the appeal failed. Therefore, I have afforded this matter limited weight.</p> | <p>A growing family does not provide exceptional circumstances</p> <p>A first floor study which is the same size as a bedroom counts as a bedroom</p> <p>Little weight given to what could be built under PD</p> |
| SD31 | June 2020 | APP/Y9507/D/20/3247558 | 7. The dormer extension does not therefore conflict with Policy SD31, whose purpose is to avoid the over-extension | Appeal allowed |



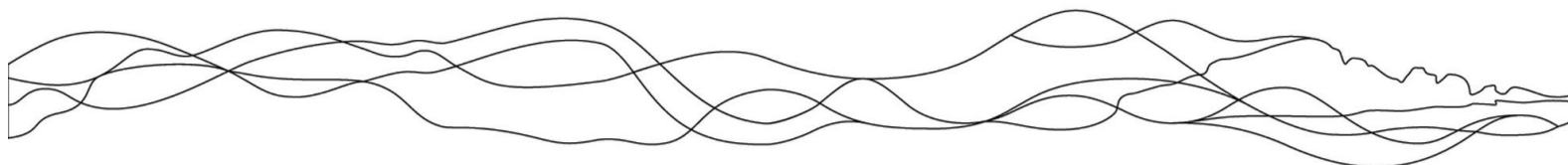
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| | | The Authority and appellant disagreed on the extent of the cumulative enlargement for the purposes of SD31. The Inspector ruled that, in the absence of contrary evidence, the photographs submitted by the appellant dating from 1999 should be used and the existing single storey side extension and the rear box dormer were to be included within the 'existing' building for purposes of policy SD31. | of existing dwellings and the adverse impact this has on the character and appearance of the countryside. | Clarification on how to calculate floorspace and what evidence to accept |
| SD30 | March 2020 | APP/Y9507/W/19/3243542 Addresses the issue of an extant permission for a house that is larger than the existing house but smaller than the proposed. The Inspector dismisses the fall back as a justification for the proposal both in terms of size and landscape impact. | 'Therefore, although the fallback would result in a dwelling significantly larger than permitted by policy, this would not amount to sufficient justification for a proposal substantially larger again, which would cause significant harm in the context of the primary purpose of Policies SD30 and SD31 of the LP.' 'The proposed replacement dwelling would have a greater height and bulk compared to the permitted replacement dwelling. Thus, and notwithstanding its lighter coloured materials, I do not consider that in relative terms the extant scheme would be more harmful in respect of its effect on | Appeal dismissed Contrary to policy as it would result in the loss of a small home and its replacement with a substantially bigger one. No exceptional circumstances provided. |



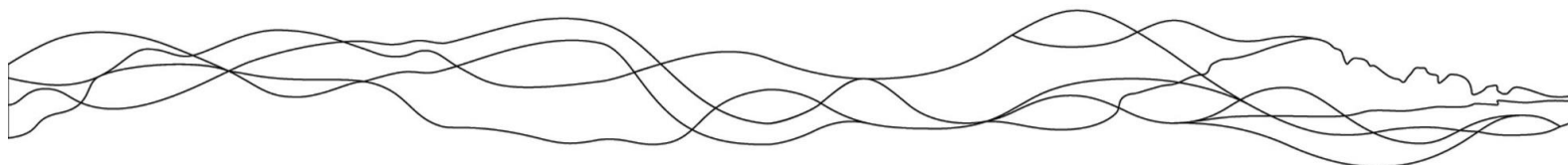
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| | | | the character and appearance of the area. Thus, in this regard, I can only give the fallback position limited weight in decision making terms. Indeed, its existence does not justify allowing development which would be more harmful.' | The proposed house would introduce a visually jarring building within the landscape |
| SD31 | March 2020 | APP/L3815/D/20/3245825 References para 7.89 of LP that defines small homes <120 m2. Focus on design and space around the dwelling, both of which the Inspector considers acceptable. | 'Local Plan polices indicate that a 'small / medium home' is one that has a floorspace of up to 120sqm, and with its existing floor space of 145sqm Yew Tree Cottage therefore falls within the definition of a 'large' dwelling.' I therefore see no basis to the NPA's concern that the rural character and appearance of the area would be adversely affected | Appeal allowed No loss of a small house, the extension is less than 30% and the design is considered acceptable. |
| SD31 | Jan 2020 | APP/Y9507/D/19/3233129 The dwelling had already been extended by 48% in 2007 and so any further extension with proof of exceptional circumstances is contrary to policy. No concerns over harm to the setting of the Listed Building | The Authority's evidence on this matter refers to the implementation of planning permission ² granted in 2007 to extend the dwelling of South Lodge by around 48%. Therefore, even if the proposal were to adhere with parts b) and c) of Policy SD31, on the basis that the dwelling has already been extended by such an amount post 2002, the proposal to extend the annexe to provide further residential accommodation would not adhere to part a) of the policy. Moreover, I have not been presented with any 'exceptional circumstances' as required by the policy to permit a greater increase in floorspace. | Appeal dismissed Previous large extension post 18-12-2002 prevented further extensions |
| SD31 | Nov 2019 | APP/Y9507/D/19/3230444 There is a fallback position with an extant permission | 'Whilst there is no specific policy objection to the principle of a residential extension, the proposal would result in a significant addition which would fail to complement the | Appeal dismissed |



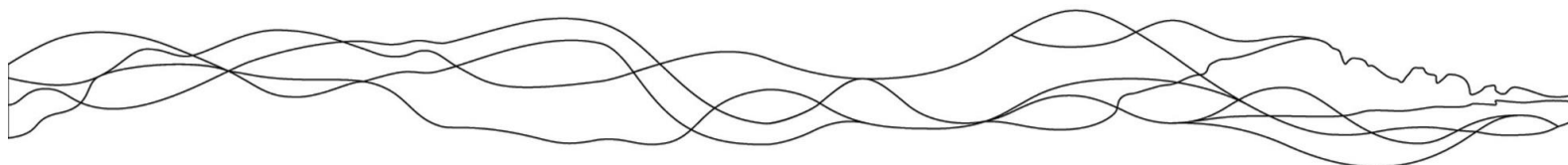
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| | | <p>that would extend the dwelling by 46%.</p> <p>Inspector clear that this is not a small or medium sized house so a large extension would not reduce the supply of such homes in the NP.</p> <p>The Inspector found the design of the proposed extension unacceptable in relation to the host building.</p> <p>Gave weight to para 172 of NPPF</p> | <p>proportions of the existing dwelling. In this respect, the excessive scale and massing of the proposed extension would be dominant and inconsistent with the existing building. The extent of the proposal would not be visually subordinate and would detract from the simple quality of the original property. The change over the existing situation would be appreciable and the scheme would make a marked difference to the character of this traditional property. Consequently, the proposal would not lead to a significant enhancement in the appearance of the host dwelling that would justify exceeding the 30% size limit stipulated by Policy SD31.'</p> | <p>The extension was more than 30% and although it did not result in the loss of a small or medium sized home the proposal was unacceptable in design terms.</p> |
| SD31 | Oct 2019 | <p>APP/Y9507/D/19/3232336</p> <p>An extension completed post 2002 when combined with current proposal would increase the host dwelling by 60%.</p> <p>The Inspector does not see any landscape harm from the development and indeed sees benefits from replacing wooden outbuildings.</p> <p>The existing house is large and so the extension would</p> | <p>'In conclusion, the development would not result in the loss of a small or medium sized home. There would be no harmful intrusive impact on the landscape as a result of the proposal. Subject to a condition requiring the removal from the site of the detached wooden outbuilding I consider that the sympathetic design of the kitchen and garage extension, which would be in keeping with the existing building, would enhance the appearance of the host dwelling. In this instance, I conclude that these are other material planning considerations that justify allowing the appeal and these are exceptional circumstances as permitted by Policy SD31.'</p> | <p>Appeal allowed</p> <p>No loss of small/medium home.</p> <p>No harmful intrusive impact on the landscape.</p> <p>These are the exceptional circumstances that allow the appeal.</p> |



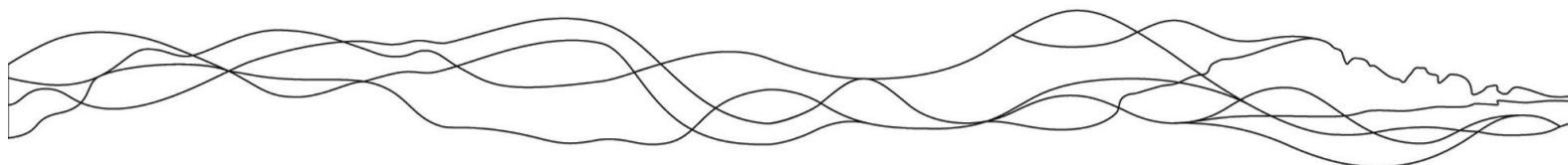
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| | | not result in the loss of a small or medium sized home. | | |
| SD31 | Oct 2019 | APP/Y9507/D/19/3230444 Increase of 65% - dismissed | <p>The appeal proposal would extend the current floor area of the house, which is 207.89 square metres (sqm) to 343.06 sqm. This would represent a 65% increase in floor area. Significantly above the 30% size limit promoted by Policy SD31 of the SDLP.</p> <p>It is clear from the evidence before me that the appeal property is not a small or medium sized property in these terms and would not be classified as having an impact on the supply of these smaller homes. However, the supporting text also highlights that sizeable extensions to larger houses are more likely to have an adverse impact on character and appearance.</p> <p>The proposal would result in a significant addition which would fail to complement the proportions of the existing dwelling. In this respect, the excessive scale and massing of the proposed extension would be dominant and inconsistent with the existing building.</p> <p>The extent of the proposal would not be visually subordinate and would detract from the simple quality of the original property. The change over the existing situation would be appreciable and the scheme would make a marked difference to the character of this traditional property. <u>Consequently, the proposal would not lead to a significant enhancement in the appearance of the host</u></p> | Significantly over the size limit but dwellings was not considered to be a small/medium sized home. The key concern was that the extension would fail to complement the proportions of the existing dwelling i.e. harmful visual impact. |



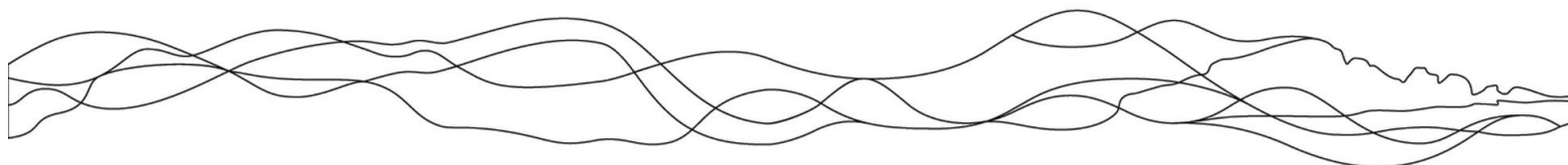
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| | | | <u>dwelling that would justify exceeding the 30% size limit stipulated by Policy SD31.</u> There are no material factors that would amount to 'exceptional circumstances' needed to clearly outweigh the presumption against large extensions above approximately 30% in the SDNP. | |
| SD31 | Sep 2019 | APP/Y9507/D/19/3230829 Increase of 89% - dismissed. | <p>Policy SD27 of the SDNP seeks to deliver a high proportion of two and three-bedroom dwellings... the appeal property is a modest, three-bedroom dwelling and it is thus a medium sized home.</p> <p>The proposal would increase the number of bedrooms at the dwelling from three to five, which would result in the loss of a medium sized home. No evidence of 'exceptional family needs' has been put forward by the appellant to justify the size of the proposed extension.</p> <p>Would result in the loss of an existing three bedroom medium sized home for which there is an identified need.</p> | <p>Existing dwelling is 'medium' and proposal would result in its loss.</p> <p>Increase in the number of bedrooms was a consideration.</p> <p>No overriding exceptional circumstances</p> <p>No consideration of visual impacts</p> |
| SD30 | Sep 2019 | APP/Y9507/W/18/3215295 References para 7.89 of LP that defines small homes <120 m2. | <p>'A 'small' dwelling is defined in the LP as one that has a total Gross Internal Area (GIA) of 120m2 or less. Although this definition relates to new dwellings, in the absence of any alternative, I have had regard to this.'</p> <p>'The proposal would have a significant adverse visual effect on the character and appearance of the NP, and would also harm the setting of the CA. It also results in the loss of a non-designated heritage asset.'</p> | <p>Appeal dismissed</p> <p>Loss of as small home and replacement by a substantially larger one.</p> <p>Adverse visual impact on the landscape</p> |
| SD31 | Sep 2019 | APP/Y9507/D/19/3230829 | 'Policy SD31 does not explicitly define the term 'small and medium sized homes'. However, Policy SD27 of the SDNP | Appeal dismissed |



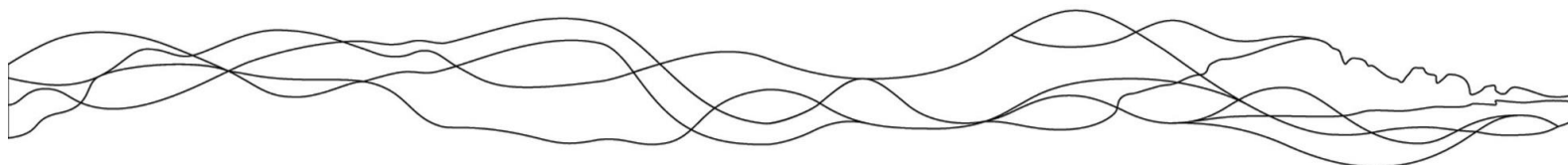
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| | | Inspector refers to the link between SD27: Mix of Homes and SD31. SD27 seeks to deliver small and medium sized dwellings. The development would increase GIA by 145% and increase the number of bedrooms from 3 to 5. | seeks to deliver a high proportion of two and three-bedroom dwellings as part of standard occupancy housing developments, to meet the identified need for smaller family housing for younger households. 'As a matter of fact and degree, I consider that the appeal property is a modest, three-bedroom dwelling and it is thus a medium sized home.' | Loss of a medium sized house. Substantial increase in GIA without exceptional circumstances |
| SD30 | Sep 2019 | APP/Y9507/W/18/3199004 Increase of 72% - dismissed. Existing dwelling identified as a non-designated heritage asset that made a positive contribution to the setting of the CA. So main reason for dismissal was impact due to scale form and appearance of modern replacement dwelling that would be starkly different from local vernacular. | Inspector refers to definition of 'small dwelling' at paragraph 7.89 as "having a total GIA of 120 sqm or less" in the absence of any alternative definition, and notes the GIA on the submitted CIL forms (108m2). The scheme would...result in a significant net increase in the GIA, above the 30% threshold, resulting in a substantially larger replacement dwelling. My conclusion that the replacement dwelling results in an adverse visual impact on the landscape of the NP <i>is also a key consideration in applying this policy.</i> Would be contrary to the Council's aims for safeguarding against the loss of small homes in the NP | The LP definition of "small dwelling" is taken to be one having a GIA of 120 sqm or less. The scheme would be significantly over 30% increase <i>and</i> would have an adverse visual impact. |
| SD31 | Aug 2019 | APP/Y9507/W/19/3225234 Allowed The proposals would not represent an addition of more | Whilst the building is substantial; projecting nearly 11 metres from the main building, the ridge and eaves of the extension would be lower than the host property and would be positioned away from the boundary of the site. Despite its depth the extension would occupy the same | Not over 30% given existing extension likely pre-dates 2002. No adverse visual impact. |



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| | | than 30% given that extensions likely pre-date 2002 | <p>footprint as the existing extension which is several metres from the boundary with the neighbouring property. In this context and given the position within a substantially sized garden I consider that it would not appear unduly large in comparison to the house. I find that the overall context of the design of the two storey extension and the single storey garage extension would not adversely affect the character and appearance of the site or the wider area nor would it fail to preserve or enhance the character of the conservation area. Of itself, the Dutch hip to the garage is not a typical feature.</p> <p>No harm would result from the proposal to the character and appearance of the area and consequently no conflict in this regard with Policies SD5 or SD31</p> | |
| SD30 | Aug 2019 | APP/Y9507/W/18/3211903 Increase of 305% - dismissed Extensions and alterations to existing property and construction of one custom/self-build dwelling adjacent. | <p>The extended house would be substantially more than 30% larger in floor-area than the existing dwelling which I would not regard as a modest increase...Improvements to the existing dwelling could be achieved without such a sizable level of extension.</p> <p>The resultant size would be substantially larger than existing to an extent that it would be more intrusive in the rural setting ... and therefore would not accord with this adopted policy.</p> <p>The proposed large new dwelling within the site...would draw further attention to the overall development and its visual impact within this countryside setting. This would, in total, significantly increase the mass of building on the site</p> | Substantial increase in building mass which would cause visual harm to landscape character. |



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| | | | <p>and reduce the spaciousness of the plot considerably. This spaciousness of the site contributes positively to the National Park scenic beauty.</p> <p><u>The development would result in a significant reduction in the spaciousness of the site which contributes positively to this important landscape setting.</u> Therefore, this which would adversely affect the rural landscape character of this rural location within the South Downs National Park.</p> | |
| SD30 | Jul 2019 | <p>APP/Y9507/W/18/3208006</p> <p>Increase of >100% - allowed</p> <p>Existing bungalow, proposed to be replaced with 2 storey dwelling, is a modern building in group of modern 2 storey buildings</p> | <p>The design approach is appropriate given that it sits in a group of predominantly modern buildings. Additional set back from the road and greater consistency in terms of building height within the group means that there would be a slight enhancement to the character and appearance of the Conservation Area.</p> <p>Following recent extensions the existing building now measures around 192 sqm. It also has a large garden to the rear and 4 bedrooms. Both the existing and the new dwelling would comfortably fall within the "4+ bedroom dwelling" category for the purpose of policy SD27 of the Submission Local Plan, which seeks to achieve a mix of units across the National Park, where new market housing is proposed. <u>Consequently, the proposal represents the replacement of one large dwelling with another one.</u> Whilst the new dwelling would be larger than the existing dwelling and has an additional storey, there would be no loss of a small or medium sized home.</p> | <p>New dwelling would somewhat enhance character and appearance of CA</p> <p>Not a 'small' dwelling to start with being 192 sqm and would fall into 4+ bedroom dwelling category of SD27 – so no loss of small or medium sized home</p> <p>The visual impact of the proposed dwelling would be acceptable</p> |



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| | | | The visual impact of the proposed dwelling would be acceptable and there would be no harm to the landscape character of the National Park. Whilst the proposal conflicts with policy SD30, on this occasion the proposal would not lead to harm in terms of the underlying purposes of the policy, which are to protect the supply of smaller homes and protect the landscape character of the National Park | |

