
Appeal Decision

Site visit made on 1 February 2017

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th February 2017.

Appeal Ref: APP/M3835/D/16/3163035

Dunorlan, Mill Lane, High Salvington, Worthing, BN13 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs D Flippance against the decision of Worthing Borough Council.
 - The application Ref AWDM/1181/16, dated 27 July 2016, was refused by notice dated 11 October 2016.
 - The development proposed is erection of a brick double garage with associated open bicycle and log store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the local distinctiveness of the area, with special regard to the character and appearance of Mill Lane, any impacts on nearby trees, and on the setting of the South Downs National Park.

Reasons

3. Dunorlan is a large detached house. It is one of a line of detached properties to the west of Mill Lane, which is an unmetalled road taking the form of a rural track. Several well-established trees form a group around the entrance to Dunorlan, which, together with other trees along the length of Mill Lane, contribute to the countryside character of the area. The rural appearance of the area is reinforced by a finger of countryside to the east of Mill Lane, known as The Gallops, which is part of the South Downs National Park. Another key aspect of the rural character of Mill Lane is the fact that the dwellings are consistently well set back from the road frontage, leaving an attractive green edge of soft landscaped and sylvan frontages.
4. The detached double garage with a ridge height of 4.9m would be located close to the entrance to Mill Lane, from where it would be clearly visible. This would be a significant break in the established building line and constitute an unwelcome intrusion into the largely unspoilt rural character of Mill Lane.
5. The proposal would also extend into the root protection areas (RPAs) of a number of trees lining Mill Lane, by a considerable margin. The trees affected

include a large sycamore, which is the subject of a tree preservation order. Such an incursion into the RPAs would be contrary to the British Standards technical document BS5837:2012, which advises that intrusion into the soil within the RPA is generally not acceptable¹, even if the foundations are hand dug. Whilst I note the Appellants' comments on the design and construction of the proposal in relation to the existing trees, which indicate that careful thought has gone into the proposal, it is my understanding of BS5837:2012 that even these commitments would not provide adequate mitigation.

6. The harmful effect of the proposal on the character and appearance of the area would be exacerbated by the potential reduction or even loss of the sycamore tree and perhaps other trees in the group, opening up the proposed development to even greater exposure in the rural environment of Mill Lane.
7. I therefore conclude on the main issue that the proposed garage by virtue of its location, height and bulk, would impact adversely on the largely unspoilt rural appearance of Mill Lane, and that the loss of existing trees, especially the sycamore, would exacerbate its impact. For the same reasons it would be harmful to the setting of the National Park.
8. The proposed development would therefore be contrary to national policy, as expressed in *the Framework*², in particular paragraph 17[5] recognising the intrinsic character and beauty of the countryside; and paragraph 115, which states that great weight should be given to conserving landscape and scenic beauty in the National Parks, which have the highest status of protection. It would also be contrary to saved policy H16 of the Worthing Local Plan (2003) which requires development not to adversely affect the appearance of the street-scene and policy 16 of the Worthing Core Strategy (April 2011), which states that the landscape features which represent the historic character of Worthing should be retained. Finally, the proposal would be contrary to the technical advice in BS5837:2012 as regards tree protection.
9. The Council also expresses concern over the impact of the proposed development on the outlook of future occupiers of Dunorlan and the approved new chalet house in the plot to the north. However, the gaps between these properties and the proposed development are sufficient for any impact not to be significant.
10. The Appellants argue that the proposed garage would be hidden from the street by the existing trees and hedgerows. It is my view, however, from studying the plans and from my observations on site, that the proposal would be visible from Mill Lane. Moreover, the impact of the proposal on the RPAs of some of the existing trees would be likely to expose the site to allow an even greater visual impact.
11. The Appellants also cite "numerous examples" of garages or similar structures which have been allowed in similar locations to the proposal. However, I am not familiar with the details of these decisions, and they do not change my view that the proposal would harm the character and appearance of the area.

¹ BS5837:2012, *Trees in relation to design, demolition and construction – Recommendations*; paragraph 7.2.1.

² DCLG: National Planning Policy Framework (*the Framework*); March 2012.

Conclusion

12. Although I do not consider that the proposed development would harm the living conditions of neighbouring and future occupiers including residents in the host property, I find that the proposal would harm the rural character and appearance of the area, including the setting to the National Park, contrary to national policy, the Development Plan and the national advice on tree protection. No other considerations outweigh my conclusion that the appeal should be dismissed. For the reasons given and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR