



Appeal Decision

Site visit made on 30 July 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/Y9507/W/19/3225234

Danesfield, The Street, Upper Farringdon, Alton GU34 3DT

- 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 Mr M Burnett against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/18/05913/HOUS, dated 15 November 2018, was refused by notice dated 8 January 2019.
 - The development proposed is a two-storey rear extension and new attached garage and carport to the side following demolition of existing garage and previous extensions. Alterations and façade improvements to the existing dwelling including cladding, new fenestration and roof tiling.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension and new attached garage and carport to the side following demolition of existing garage and previous extensions at Danesfield, The Street, Upper Farringdon, Alton GU34 3DT in accordance with the terms of the application, Ref SDNP/18/05913/HOUS, dated 15 November 2018, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. On 2 July 2019 the South Downs Local Plan 2014-2033 (SDLP) was adopted. Policies of the East Hampshire District Local Plan have been replaced by the SDLP in respect of this appeal. I have a duty to take into account the most relevant and up to date information and the Policies in the South Downs Local Plan now have the weight of fully adopted policies and my decision must have regard to them. The parties have been afforded the opportunity to make representations on this policy change.
3. East Hampshire District Council for the South Downs National Park Authority (NPA) have confirmed that the second, ecology based reason for refusal has been overcome given the content of the Preliminary Roost and Nest Assessment by Ecological Surveys Ltd (February 2019). The NPA have recommended that a condition be imposed to secure compliance with those details.

Main Issues

4. The main issues are the effect of the development: a) on the character and appearance of the area and whether the proposal preserves or enhances the Upper Farringdon Conservation Area (CA) and the South Downs National Park

(NP); and b) on the living conditions of the occupiers of adjoining properties with regard to outlook.

Reasons

Character and appearance

5. The site lies in the Upper Farrington CA where the buildings exhibit a variety of architectural styles, designs and materials.
6. Policy SD31 of the recently adopted SDNP allows extensions to existing properties provided that the floorspace does not increase by more than approximately 30%. The NPA point out that there is no record of any planning permission for the rear additions to the host property and they are unable to ascertain the footprint of the dwelling in 2002 (the date to which the policy refers). The NPA they state that if the proposal represents more than 30% of the original dwelling then it would breach that policy though it is material that the NPA is not definitive in respect of this matter.
7. The appellants take issue with the NPA's approach stating that the absence of records infers that the additions pre-date 2002. In contrast the NPA state that the burden of proof lies with the appellant to demonstrate that the existing extensions were built prior to 2002. Whilst there are no planning permissions or certificates of lawfulness before me to demonstrate conclusively when the extensions were constructed, from what I have read in evidence and seen on site, I consider it is more likely than not that the extensions have been in existence since before 2002 and as such I regard them as part of the existing dwelling for the purposes of assessing the size of the extension.
8. In the above context the proposals would not represent an addition of more than 30% and would not conflict with the provisions of SD31 1a) of the SDLP. I recognise that this empirical measurement does not, in itself, warrant the granting of a planning permission and it is important to consider the relationship of the proposal to the original building and in its context. In relation to the character of the local area as required by part 1b) of Policy SD31 the appellants argue that the detailed design seeks to bring a cohesive design approach to a property which has been much altered over the years. It would address the poor thermal insulation qualities of the building and rationalise the internal accommodation focusing the living space onto the garden area. In this regard the design of the proposal would accord with the requirements of part 1 b) and the design criteria of Policy SD5. The NPA acknowledge the design approach in their officer report that the works would serve to improve the appearance of the main building and the extensions to the rear.
9. Nonetheless the NPA take issue with the bulk of the proposal and the detail of the Dutch hip on the garage. 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 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 CA. Of itself, the Dutch hip to the garage is not a typical feature in the area but I do not find this to be objectionable in the proposed context.

10. I have had regard to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The two storey and single storey extensions would be of an acceptable scale, design and appearance and by using appropriate materials, would complement the character of the existing house.
11. On this basis I find 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 of the SDNP nor would they conflict with the purposes or duty of the South Downs National Park designation.

Living conditions

12. In relation to the bulk of the extension the NPA take issue with the effect on neighbouring properties from the scale and massing of the garage extension including the Dutch hip detail together with the volume of the rear two storey extension. The distance between the proposal and the adjacent property to the west (Juniper Cottage) is substantial with around 19 metres between the neighbour and the garage extension and around 30 metres between the neighbour and the two-storey extension. Whilst the structure would be visible from upper windows in that property the distance across the gardens would be sufficient to ensure no unacceptably adverse effect on the occupants of that property.
13. To the east the proximity with the neighbouring building (Tangley Hall) would be closer with a distance of around 8 metres to the single storey part of the neighbouring property and around 17 metres to the main two storey building. The boundary has substantial planting and the proposed extension would be screened by that planting and the neighbours pitched roof double garage which together provide substantial screening to the appeal site. There are no windows in the side elevation of the upper floor of the adjacent property and proposed roof windows are high in the roof slope. Whilst the depth of the extension at first floor level is substantial at 10 metres the footprint would not project any further back into the site than the existing extensions and it would have only a marginally wider footprint. The rear extension would have a similar rear building line to the adjacent property at Tangley Hall and this is an important factor in my considerations. Whilst the roof would be visible from the adjacent garden the above factors lead me to the conclusion that the proposal would not be overbearing or lead to an unacceptably adverse impact on the living conditions of the occupants of Tangley Hall.
14. Policy SD31 1c) of the SDLP requires that proposed extensions are not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and or privacy. In the light of my findings the proposal would not conflict with these requirements.
15. I have had regard to the representations from the neighbour on the basis that the rear extension would affect the outlook from the adjacent property and a single storey extension would be preferred. However, for the reasons outlined

in relation to the main issues I have found that the proposal would not have an unacceptable effect on the outlook from the neighbouring properties.

Conditions

16. I have had regard to the range of conditions suggested by the NPA and the response of the appellant. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition relating to materials as whilst they are specified in the original application form, the precise finishes and colours of the external treatments will be important to ensure a satisfactory appearance of the development within the CA. I do not consider it is essential for this to be a pre-commencement condition as there would be demolition and preparatory works to be undertaken before the agreement of external finishes becomes critical.
17. A condition recommended by the NPA relating to the agreement of levels is unnecessary given the clarity on the listed plans coupled with the fact that I have imposed a condition requiring compliance with those plans.
18. Restriction on further openings in the two-storey extension above ground floor would safeguard the privacy of neighbouring occupants though I have made adjustment to the wording to ensure precision and to remove the tailpiece.
19. The NPA have recommended conditions relating to the provision of parking spaces, given existing spaces will be lost it is not unreasonable to require the provision of this space prior to the occupation of the extension. It is not however necessary for these spaces to be marked out or allocated and I have modified the wording to take account of this and to ensure precision. Surfacing is dealt with by a separate condition recommended by the council and need not be duplicated in this condition.
20. Landscaping conditions have been recommended by the NPA however given the maturity of boundary planting and the provisions of the tree protection plan I do not consider that such conditions are necessary or warranted in connection with this proposal, so I have not imposed them. I do however consider it prudent to formally require compliance with the tree protection plan.
21. A restrictive condition relating to the use of the garage and car port has been recommended including limiting a range of uses, given that a condition has also been recommended to retain the garage as parking provision an additional condition is not necessary, and I have not imposed it.
22. I have imposed a condition requiring compliance with the ecological mitigation and compensation measures set out by the appellant though I have made adjustment to the wording to remove the tailpiece provision.

Conclusion

23. For the reasons set out above, the proposed development would accord with the development plan and therefore having regard to all other matters raised the appeal is allowed in accordance with my formal decision above.

Janet Wilson

INSPECTOR

<<< Schedule of Conditions >>>

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Un numbered Site Location Plan; MB-00-XX-DR-K-001 Rev A; MB-00-XX-DR-K-002 Rev A; MB-00-XX-DR-K-003 Rev A; MB-00-XX-DR-K-004 Rev A; MB-00-XX-DR-K-005 Rev A and TPP-KC/DANESFIELD/001 (Tree Protection Plan)
3. Full details including samples of the plinth bricks and other external finishes to be used in the construction of the external surfaces of the extensions shall be submitted to and approved in writing by the local planning authority prior to their use in the external finishes of the development. The development shall be carried out in strict accordance with the approved details/samples.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no additional windows or doors shall at any time be inserted in the side elevations of the rear extension hereby permitted.
5. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking and turning of vehicles (including the garage) shall have been made available and surfaced. The parking areas shall be permanently retained and reserved for that purpose.
6. The development shall only proceed in strict compliance with the tree protection plan detailed in drawing TPP-KC/DANESFIELD/001 measures for which shall be in place prior to the commencement of any groundworks within the specified root protection areas.
7. Any hard surfaces to be used in the parking and turning area shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site.
8. The development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Roost and Nest Assessment (ESL, February 2019). The proposed ecological compensation and enhancement features shall be retained in perpetuity in a location and condition that is commensurate to their intended function.

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