



Appeal Decision

Site visit made on 11 June 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2019

Appeal Ref: APP/Y9507/W/18/3215295

Gamekeepers Cottage, 221 Burpham Road, Warningcamp BN18 9QZ

- 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 and Mrs Kieran and Caroline Breheny against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/02598/FUL, dated 14 May 2018, was refused by notice dated 24 August 2018.
 - The development proposed is demolition of house and garage and erection of replacement two storey dwelling and detached garage with ancillary studio and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the 2 July 2019 South Downs National Park Authority ('SDNPA') adopted the South Downs Local Plan (the 'LP'). This supersedes the saved policies of the Arun District Local Plan (2003) which were cited in the SDNPA's decision notice dated 24 August 2018. Nevertheless, policies of the LP, then emerging, were considered in the SDNPA's determination of the application Ref SDNP/18/02598/FUL, and the main parties have had the opportunity to comment on this changing policy context at appeal. I have determined this appeal against the relevant policies of the new LP.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area with particular regard to any heritage assets and the South Downs National Park (NP); and the Council's aims for safeguarding against the loss of small homes in the NP through replacement by substantially larger homes.

Reasons

Character and appearance

4. The appeal property ('Gamekeepers Cottage') is a detached, two-storey dwelling, set back and located on elevated ground relative to the road. Within the appeal site, this property and a detached single storey pre-fabricated double garage are located behind a generous front garden. Beyond the

- dwelling, to the east is a field delineated by hedges which also forms part of the site. A single track provides access from the road to the property.
5. Another detached dwelling ('Box Lodge') is to the south. The site is adjoined by farmland to the north and grazing land to the south, beyond Box Lodge. The site is located in the NP.
 6. The Warningcamp Conservation Area (CA) incorporates the adjacent field and runs along the southern boundary of the site and Box Lodge. The CA is centred on Warningcamp, a small agricultural settlement containing buildings of various styles, ages and materials, principally brick, flint, plain clay tiles and natural slate. The agricultural basis of the settlement is reflected in remaining barns, a former estate cottage and a granary. The fields to the south and north of the CA including the site, and the views across these are important to its immediate rural setting and significance. In particular, the site is prominent in views north of the CA, from along parts of Blakehurst Lane and adjacent land and properties.
 7. The appeal property is of brick construction with a tiled roof, including clay ridge tiles and a prominent chimney. Most of the windows incorporate stone cills and segmental arches. Extensions to the property are subordinate and any alterations are modest. The building is modern compared to others within the CA but is reflective of the era it was constructed in.
 8. Therefore, and contrary to the findings of the appellants' Heritage Statement, based on the above observations, Gamekeepers Cottage still retains the appearance of a traditional pre-1919 dwelling, and as an example of a Norfolk Estate building, it forms part of a wider pattern of historic development that characterises the area. As such, it makes a positive contribution to the experience, setting and significance of the CA.
 9. Also, in light of the above and in accordance with the National Planning Policy Framework ('the Framework') and Planning Practice Guidance, the appeal property can be identified as a non-designated heritage with a degree of significance meriting consideration in this decision.
 10. Gamekeepers Cottage and Box Lodge also incorporate some similar materials and design features and together they complement each other, forming a small but distinct cluster of development. Due to its modest scale, traditional form and appearance, Gamekeepers Cottage is settled within its rural setting where the landscape is the prevailing feature.
 11. The replacement dwelling would be in a similar location as the existing one, but with a notable increase in footprint and mass. Therefore, and despite some lowering of land levels, it would be appreciably larger than the dwelling it would replace.
 12. Notwithstanding the attention to building forms and materials found locally, the new dwelling would be of a modern design, this includes a hybrid form comprising a half-hipped barn with a single-storey adjunct incorporating a sizeable first-floor terrace, along with contemporary fenestration and a substantial zinc clad roof. Whilst none of these elements are poorly designed or inappropriate individually, cumulatively they do result in a building which is starkly different from the local vernacular.

13. Consequently, the new dwelling because of its scale, form and appearance would appear discordant and dominant within its surroundings, making it a distraction in views from the CA. This impact would be amplified by the prominence of the site. The proposal would therefore fail to preserve or enhance the setting of the CA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
15. It has been suggested that the existing property is in of poor quality because of its thermal performance. Nevertheless, improvements in these areas, together with the new dwelling meeting the needs of the appellants and their family, largely amount to personal benefits. The benefits of additional landscaping in association with a single dwelling would be limited.
16. Having special regard to the desirability of conserving the heritage asset. As set out in the Framework¹ that despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. However, the benefits in this instance would be limited and do not outweigh the less than substantial harm that I have found.
17. As a non-designated heritage asset of local interest, the appeal property is of low significance. On the other side of the balance, the proposal would result in the loss of attributes forming its significance. The identified harm to the setting of the CA also weighs strongly against its loss. Therefore, on balance, its loss is unjustified.
18. The Design and Access Statement (DAS) and Landscape Visual Impact Appraisal (LVIA) demonstrate a landscape-led approach to the scheme, which includes the retention of existing landscaping and additional planting. The LVIA also concludes that there would be no adverse or significant effects on the wider landscape character area with some minor benefits.
19. However, in my assessment and despite some existing screening, the development would be visually intrusive in views travelling along Burpham Road and as already stated from parts of the CA. On the evidence before me, I am not persuaded that the additional landscaping would sufficiently mitigate the nature and scale of development proposed. In any event, this would take some time to establish. Moreover, it would not negate the increase in development in the NP.
20. Conserving and enhancing natural beauty is a statutory purpose of National Parks². The Framework³ explains that 'great weight' should be given to conserving landscape and scenic beauty in National Parks, which have the

¹ Paragraph 193

² Pursuant to the National Parks and Access to the Countryside Act 1949 and with reference to the English National Parks and Broads: UK Government Vision and Circular 2010.

³ Paragraph 172

highest status of protection in this respect. Given that the NP is protected on account of its natural character and appearance, the extent of development proposed would lead to the significant diminution of this.

21. The Council's first reason for refusal in its Decision refers to Policy SD8 of the LP, this seeks to conserve and enhance the intrinsic quality of dark night skies. Based on the lighting information in the DAS, the scheme aims to reduce light pollution and would not adversely affect sky quality. I therefore find no conflict with Policy SD8.
22. Nonetheless, drawing on the above factors, 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. As such, there is conflict with Policies SD12 and SD15 of the LP which aim to conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting. Accordingly, there is conflict with provisions of the Framework in respect of protecting the historic environment.
23. The proposal also fails to accord with Policies SD4 and SD5 of the LP, which amongst other matters require that new development contributes to local distinctiveness and sense of place through architectural design which is appropriate and sympathetic to its setting. Also, that the design and scale of proposals conserve and enhance existing landscape. In light of this, the scheme would conflict with the first national park purpose⁴.

Safeguarding against the loss of small dwellings in the NP

24. To safeguard against the loss of small homes in the NP through replacement by substantially larger homes, Policy SD30 of the LP requires that all new and existing development, does not result in a net increase of more than approximately 30% compared with the gross internal area of the existing dwelling.
25. A 'small' dwelling is defined in the LP⁵ 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. Notwithstanding the extent of existing built form at the site which includes an outbuilding and garage, the submitted Community Infrastructure Levy form confirms that the GIA of the existing dwelling is 108.7m². The scheme would also 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 is also a key consideration in applying this policy.
26. Drawing on the above factors, the proposed development would be contrary to the Council's aims for safeguarding against the loss of small homes in the NP through replacement by substantially larger homes, and Policy SD30.

⁴ The Environment Act 1995

⁵ Paragraph 7.90

Other Matters

27. I have been referred to approved schemes for replacement dwellings in the area, in particular an application⁶ for the replacement of an estate building. However, I have insufficient information on these schemes to draw any meaningful conclusions. Additionally, given the specific circumstances of the appeal before me, including the site, its surroundings and the proposal, I have determined this on its merits.

Conclusion

28. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR

⁶ SDNP/15/06485/FUL