
Appeal Decision

Site visit made on 9 March 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/Y9507/W/19/3243542

Admiral's Knock, Mill Lane, Rodmell BN7 3HS

- 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 S Saunders against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/02284/FUL, dated 9 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is replacement of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal adheres to the Authority's strategy for the replacement of dwellings; and (ii) the effect of the proposal on the character and appearance of the area with particular reference to its location in the South Downs National Park.

Reasons

Replacement dwelling

3. Policy SD30 of the South Downs Local Plan 2014-33 (2019) (LP) states, amongst other things, that '*development proposals for replacement residential dwellings outside settlement boundaries, as defined on the Policies Map, will be permitted where: a) The structure, constituting 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; and b) The replacement dwelling is 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.*' The supporting text to the policy explains that the purpose of the policy is to reduce the loss of small homes in the National Park through replacement by substantially larger homes, and a key consideration is demonstrating that there is no increase in the overall visual impact of the replacement dwelling on the landscape of the National Park. Furthermore, it states the term '*existing dwelling*' for the purposes of this policy refers to the residential unit that existed on 18 December 2002.
4. The appeal site extends to around 4 hectares and comprises a modest one-and-a-half storey dwelling, Admiral's Knock, positioned roughly in the centre of the site. As a result of the size of the appeal site and the position of

the proposed replacement dwelling within it, the development would not conflict with part b) above, and I note the Authority raised no objection in this regard either.

5. The appellant states, in his Design and Access Statement, that the floor area of the existing house to be demolished is around 203 square metres, whereas the Authority say it is approximately 229 square metres. The appellant states that the floor area of the proposed dwelling would be around 510 square metres, but the Authority say it would be larger, at around 565 square metres.
6. Notwithstanding the above differences in the calculated size of both the existing and proposed dwelling, it is clear, based on the evidence before me, that the proposal would result in a net increase of considerably more than 30% compared with the gross internal area of the existing dwelling that existed on 18 December 2002. Thus, in the context of the purpose of Policy SD30 of the LP, the proposal would result in the loss of the existing dwelling in the National Park and replaced with a dwelling which would be substantially larger.
7. The Authority's refusal notice also states that if the proposal is considered an extension to the existing dwelling then it would be contrary to Policy SD31 of the LP. This is in the context that the Authority consider that the submitted plans indicate that part of the footprint of the existing dwelling would remain, notwithstanding that the planning application form states that the development proposed is '*replacement of existing dwelling*', and the appellant's appeal statement states that the appeal proposal is to '*demolish the existing dwelling and rebuild it*'.
8. Policy SD31 states, amongst other things, that '*development proposals for extensions to existing dwellings, and the provision of annexes and outbuildings will be permitted where the proposal does not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances.*' The supporting text to the policy explains that the purpose of the 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 countryside. Moreover, it states that the policy is consistent with Policy SD27: Mix of Homes of the LP and seeks to protect the limited supply of small and medium-sized homes in the National Park.
9. The evidence before me also refers to the Authority's 'Extensions and Replacement Dwellings' Technical Advice Note, May 2019 (TAN), produced to guide applicants and decision-makers in the interpretation of Policies SD30 and SD31 of the LP. It states, amongst other things, that '*the primary objective of both policies is to reduce the loss of small homes in the National Park through significant extension or replacement by substantially larger homes.*' It goes on to say that '*the secondary purpose is to avoid adverse impacts on rural character and landscape, due to over-development*', and '*the main mechanism for achieving these objectives is to limit the increase in the size of existing dwellings to approximately 30%*'. Therefore, irrespective of whether the proposed development is considered a replacement dwelling or an extension to an existing dwelling, the restrictive increase in size criteria, as set out in Policies SD30 and SD31 of the LP, is the same.

10. The evidence indicates the site benefits from an extant planning permission¹ for a replacement dwelling. Details of this planning permission have been provided as part of the appeal submissions. The grant of planning permission to discharge pre-commencement conditions indicates that the fallback represents a greater than theoretical possibility that the development might take place. The appellant contends that the extant planning permission negates the primary purpose of Policy SD30 of the LP, in that the existing smaller home on the site is effectively lost, and this is therefore a material consideration that outweighs this aspect of the policy.
11. However, the extant planning permission allows a replacement dwelling to be positioned on the site with a gross internal floor area of around 411 square metres. Consequently, whilst it would result in a dwelling with a gross internal floor area appreciably greater (by considerably more than 30%) than the existing dwelling, it would not result in a replacement dwelling with a gross internal floor area as large as the proposal. Irrespective of whether the floor area of the proposed dwelling is 510 square metres or 565 square metres it would be substantially more than the gross internal floor area of the extant proposal. 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.
12. Therefore, for the reasons outlined above, notwithstanding the extant planning permission, even if the proposed development were to adhere to the secondary purpose of Policies SD30 and SD31 of the LP, namely to avoid adverse impacts on rural character and landscape, due to over-development, it would result in a dwelling substantially larger than the existing dwelling contrary to the primary purpose of both policies, which is to reduce the loss of small homes in the National Park through replacement by substantially larger homes.
13. Furthermore, I have not been presented with any exceptional circumstances, as required by Policy SD31 (if the proposal were considered an extension to the existing dwelling), to justify allowing the appeal.
14. For the reasons outlined above, I conclude that the proposed development would not adhere with the Authority's strategy for the replacement of dwellings, which aims to reduce the loss of small homes in the National Park through substantially larger homes. Therefore, it would not accord with Policies SD30 or SD31 of the LP.

Character and appearance

15. The appeal site lies within the South Downs National Park outside any settlement boundary and within the countryside. The National Planning Policy Framework (the Framework), in paragraph 172, indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues.
16. The site is accessed off Mill Lane which runs along its south-east boundary. Mill Lane, west of the junction with 'The Paddocks', is characterised by open

¹ References: SDNP/16/01030/FUL and SDNP/19/01278/DCOND

farmland to the south. To the north of the lane there are dispersed mainly detached properties of varying sizes set within mostly substantial plots behind existing mature planting. The architectural design characteristics of properties in the vicinity of the appeal site vary, however most are of traditional understated design.

17. The proposal would replace the existing property with a new dwelling in the style of a 'fortified house'. It would feature a lower ground floor, providing access to a new swimming pool, ground and first floors, and a second floor roof terrace.
18. The development would incorporate a mix of design styles and materials. One half of the proposed building would be single storey of relatively unassuming design; it would have red brick walls, a red clay tile pitched roof and timber doors and windows. However, the other half of the building would be very different in design terms by virtue of its style as a 'fortified house'. It would be constructed using different materials, including large rubble stone and flint rubble walls, and would include a tower and parapet wall akin to a historic castle. Consequently, the design of the development would appear disjointed, resulting in overly complicated elevations that would result in a visually jarring building within the landscape; the proposal would introduce a discordant feature into the landscape.
19. The appellant refers to examples of fortified houses in Lewes, and elsewhere, and contends the design is innovative and adds interest and intrigue to the site. Moreover, he says the scale and mass of the proposed building would not be materially different to other large detached houses in the vicinity. The appellant's supporting 'Landscape and Visual Impact Assessment', December 2019 (LVIA), refers to the string of villages of medieval origin along the lower slopes of the valleys within the list of key characteristics of the South Downs Landscape Character Area G2: Ouse Valley Sides.
20. However, the evidence indicates that the landscape at this location, well away from the lower slope of the valley and closer to the South Downs Way at Mill Hill, is not characterised by a long history of settlement. Hence, the proposal for a new dwelling in the style of a 'fortified house' within the context of the history of development in the immediate vicinity of the appeal site, notwithstanding the medieval origins of Rodmell, would not respect the local character nor adopt a landscape-led approach.
21. There would be limited views of the proposed replacement dwelling from Mill Lane given its position within the site, the topography of the site and the immediate environs, and the intervening hedgerows, trees and other foliage. Distant public views of the proposed development from the south and south-east, including from some sections of the South Downs Way, would be against the backdrop of the copse formed by tall trees to the rear of the existing dwelling and would be interrupted by intervening landscaping along Mill Lane. Thus, whilst I accept the proposal would not be very conspicuous in the public realm it would, notwithstanding the proposed palette of materials and broken lines of the structure, be visible from the public domain in some local and distant views. Furthermore, the relatively limited views of the appeal proposal from the public domain would not obviate the need to achieve good design as outlined in the Framework. Indeed, the Framework indicates that

'good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities.'

22. The appellant contends that the appeal proposal would better integrate into the landscape than the extant scheme. However, 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 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.
23. For the collective reasons outlined above, I conclude that the proposed development would be significantly harmful to the character and appearance of the area. Consequently, it would not accord with Policies SD1, SD4, SD5 and SD6 of the LP, and the Framework which, amongst other things, seek to ensure development proposals conserve and enhance landscape character; reflect the context and type of landscape in which the development is located; adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area; and preserve the visual integrity, identity and scenic quality of the National Park.
24. The Authority has referred to Policy SD8 of the LP in their refusal notice. However, this policy is not directly relevant to character and appearance issues. Furthermore, the Authority has referred to General Policy 1 of the SDNP Partnership Management Plan 2014-2019. However, this plan does not form part of the statutory development plan for the National Park.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR