
Appeal Decision

Site visit made on 7 October 2020

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/Y9507/W/20/3246634

Address: Roughmere, Lavant Road, Lavant PO18 0BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Hepworth against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/04507/FUL is dated 14 September 2019.
 - The development proposed is a chalet bungalow on plot to the rear of Roughmere. Demolish double garage and shed
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the application included the demolition of a double garage and shed, I saw from my site visit that both had been demolished and the resulting materials largely removed from the appeal site. There is therefore no need for this decision letter to deal with any issues arising from those buildings.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposed dwelling on the character and appearance of the Lavant Conservation Area (CA) and the South Downs National Park (SDNP);
 - b) Whether the proposed amenity space and parking are adequate;
 - c) The effect of the proposed dwelling on Rose Cottage to the east of the appeal site; and
 - d) The effect of a new residential unit on the Chichester and Langstone Harbours Special Protection Area (SPA).

Reasons

Character and Appearance

4. The appeal site is part of the curtilage of the existing property Roughmere, although it is not directly behind the dwelling and is more closely related to Rose Cottage to the east. The proposed dwelling would be sited close to or on the western boundary of the plot and with a narrow gap between the rear wall

and the northern boundary with 1 Meadow Close. The amenity area would be to the front of the proposed dwelling together with parking for two cars. An access drive would be required between the new dwelling and the rear fence to Rose Cottage, to create an access to the new parking arrangements for Roughmere.

5. The appeal site is accessed from a private road which also serves a few other properties. These are an eclectic mix of ages and styles, including a group of eighteenth-century Grade II listed buildings of which Roughmere is one, and relatively more modern twentieth-century properties.
6. Under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a general duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a CA. This is reflected in the NPPF¹ which at paragraph 190, requires the significance of a heritage asset to be assessed when affected by a development proposal. Paragraph 192 of the NPPF requires that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.
7. All the neighbouring properties are residential. I agree with the Authority that the principle of residential development on the site would not be out of character with this part of the CA. However, it is also necessary to consider the appearance of the proposed dwelling in terms of its impact on the CA.
8. The appeal site is constrained, with the building being close to two boundaries and with an access drive to the new parking spaces for Roughmere on the third side. This would result in a cramped site with extremely limited amenity space at the front of the plot which would remain at least in part unfenced to allow for access to the driveway. As such the proposed dwelling would cause less than significant harm to the appearance of this part of the CA.
9. Paragraph 196 of the NPPF requires that where proposed development would cause less than significant harm to a heritage asset, it should be weighed against the public benefit to be gained from the development. Public benefits can be anything which delivers the economic social or environmental objectives under paragraph 8 of the NPPF and must not be purely private. The proposed dwelling would make a very modest contribution to the housing stock of the area, but I do not consider that benefit to outweigh the harm caused to the CA.
10. Policies SD12 and SD15 of the South Downs Local Plan (SDLP) closely follow the policy of the NPPF and apply the same tests and criteria.
11. The proposed dwelling would cause less than significant harm to the CA which is not outweighed by any public benefit. For that reason, the appeal should be dismissed.

¹ National Planning Policy Framework

Amenity Space

12. Policy LNDP6 of the Lavant Neighbourhood Development Plan (LNDP) sets out development principles, one of which is that proposals should be of a scale, form density, character and appearance that is complementary to the surrounding built environment. The properties in the immediate vicinity have amenity space which is for the most part reasonably sized and private. The exception is Rose Cottage which was converted from an existing building on the site. That property has a small amenity space but it is entirely private.
13. The area in front of the proposed dwelling would have to include space of parking and turning of cars and for the driveway to Roughmere. As a result, the remaining amenity space is limited and not private. Due to the constrained nature of the site and the lack of good quality amenity space, I consider that the proposed dwelling would appear cramped and be an overdevelopment of the site. It would therefore be contrary to Policy LNDP6.
14. Policy LDNP19 sets out the standards for residential off-road parking at one space per bedroom with a minimum of two spaces per new dwelling. The proposed development would provide the required number of spaces for a two-bedroomed house. However, the policy also requires that where practical, development proposals affecting existing dwellings should also comply with the above. The proposed development creates three spaces for Roughmere which is a four bedroomed house and under the policy could be expected to have four spaces.

Neighbouring properties

15. From the pictures of the site contained in the appendix to the Appellant's statement of case, and the parking arrangements in front of the garage, it is clear that there was no vehicular traffic past the amenity space available to Rose Cottage. The proposed development would introduce vehicles along the drive to the parking court for Roughmere and manoeuvring into and out of those spaces, together with the vehicles accessing the proposed dwelling.
16. Policy SD5 of the SDLP sets out design principles, including a requirement to *have regard to avoiding harmful impact upon...any surrounding uses and amenities*. The introduction of parking and manoeuvring of vehicles serving two properties would be contrary to this design principle.

SPA

17. It is common ground that the appeal site is within the zone of influence of the SPA and that a contribution to the Solent Recreation Mitigation Strategy would be required for the proposed dwelling. However, although the Appellant appears to accept that a contribution is payable, it is not quantified or secured by way of a planning obligation. On that basis the proposed development is contrary to Policy SD10 of the SDLP.

Other Matters

18. The Appellant is of the opinion that the amenity area for the proposed dwelling is comparable to that of Rose Cottage to the east, for which planning permission has been granted. Whilst I understand the point of the comparison

between the two amenity areas, their respective sizes cannot be considered in isolation. There would be an adverse impact on the limited amenity space at Rose Cottage caused by the new access to Roughmere.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

INSPECTOR