



Appeal Decision

Site Visit made on 6 October 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/Y9507/W/19/3241321

The Coach House, Southbrook Road, West Ashling, PO18 8DN

- 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 Graeme Boiardini against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/04604/FUL, dated 31 August 2018, was refused by notice dated 24 May 2019.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at The Coach House, Southbrook Road, West Ashling, PO18 8DN in accordance with the terms of the application, Ref SDNP/18/04604/FUL, dated 31 August 2018, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in respect of this appeal are the effect of the development upon the South Downs International Dark Sky Reserve (IDSR) and the effect on the character and appearance of the West Ashling Conservation Area.

Reasons

Dark skies

3. The appeal site is within a buffer zone surrounding a critical core of the IDSR. Policy SD8 of the South Downs Local Plan 2019 (LP) requires proposals to conserve and enhance the intrinsic quality of dark night skies and demonstrate that all opportunities have been taken to reduce light pollution. The Policy indicates that lighting should be avoided, and where that is not achievable, adverse impacts should be mitigated to the greatest reasonable extent.
4. The Dark Skies Technical Advice Note 2018 (TAN) indicates that glazing should be designed to a minimum, with large single areas avoided. However, as the dwelling has been designed to take advantage of outward views and maximise natural light penetration, the rear part would include extensive areas of glazing. As large glazed windows can produce more light pollution than external lights, there is potential for significant adverse effects.
5. To mitigate, measures such as tinted glass and automated external roller shutters have been proposed. Although these features may have been retrofitted to the design, such that the design-led approach with less glazing advocated by the TAN has not been considered, there is no substantive evidence that they would not be effective.

6. Moreover, while the use of blinds and the like would require proper operation, they are specified in the TAN as a mitigation option on non-domestic facilities, there is no compelling reason that they could not be equally used on a dwelling. Therefore, I find that the mitigation measures would prevent harm to the IDSR. Accordingly, there would be no conflict with the aims of LP Policy SD8.

West Ashling Conservation Area

7. West Aishling is characterised by an informal arrangement of dwellings, many of which face and positively address the road. The significance of the area appears to be largely based upon the historic arrangement of vernacular dwellings, characteristic of the time that they were built, which combine to make a settlement with a typical Sussex character.
8. The site as a whole appears as something of a gap in the conservation area and prevailing built form. The existing dwelling sits to one side, does not face the road and presents a simple side elevation to the public realm, partly obscured by the roadside boundary. Having no particular architectural merit, the dwelling does not contribute positively to the character and appearance of the area, nor its significance. Alongside the dwelling is a wide open forecourt that occupies a large proportion of the site frontage. Views through this gap are available to open countryside beyond and would be unaffected by the proposal, such that the landscape setting and character would be conserved.
9. The public facing part of the replacement dwelling would be simple with few openings. However, although the dominant form would be its brick wall and roof, the elevation, including a glazed link and metal cladding would be articulated and not bland. A single storey section with pitched roof facing the lane along the side of the site would reflect the existing boundary treatment and range of buildings at the property across that lane.
10. These simple public facing elevations would be similar to the public facing elements of the existing dwelling, so would respond to their context and the site's roll in the conservation area. Even if the roadside planting were removed at some point, this part of the building, finished predominantly in vernacular materials, would not be harmful to the street scene. Whilst the opportunity has not been taken to provide a strong frontage development, there is no substantive evidence that such a change in relationship from the existing situation would benefit the conservation area.
11. The rear section, with a large amount of glazing, balconies and terraces would be unlike other surrounding buildings. It would be visible from the access lane alongside the site, but there is no clear indication that these views are particularly sensitive or fundamental to defining the character and appearance of the area. Moreover, these elements would be shielded from the main public viewpoints by the remaining building. Any glimpses of them would indicate a dwelling, contemporary with the time that it was built, and so compatible with the areas' character.
12. Although the conservation area is intrinsically dark and has no street lighting, the measures described in relation to the first main issue indicate that this would be respected. I, therefore, find that the development would be appropriate to the site, there would be no harm to the significance of the heritage asset and the character and appearance of the conservation area

would be preserved. Accordingly, there would be no conflict with LP Policies SD1, SD5, SD12 or SD15 which seek to uphold the purposes of the National Park, ensuring high quality design that respects the landscape and local character and protects heritage assets.

13. There are a number of listed buildings close to the site. As I have found that there would be no harm to the character and appearance of the conservation area, I find that there would be no harm to their settings.

Conditions

14. A plans condition is necessary in the interests of certainty. To protect ground water resources and prevent off-site flood risk, a condition is required to secure surface water drainage details. To protect the character and appearance of the area, details of external surfaces and boundary treatments are required. LP Policy SD48 requires all new development to demonstrate how it addresses climate change mitigation through low carbon technologies and the like and a condition is necessary to secure the details. I have revised the Authority's suggested condition to better reflect the requirements of the Policy.
15. A condition is required prior to the commencement of the development to ensure the protection of existing trees at the site throughout all phases of development. The appellant has provided written confirmation with his final comments that such a condition is acceptable. The Authority has suggested a further condition requiring submission of a landscaping scheme, but there is no substantive evidence that additional landscaping is necessary to make the development acceptable. I have, therefore, not included such a condition.
16. Although there is a low likelihood that the site would be used by bats, development must proceed under a precautionary approach and a condition is needed to control the timing of works and stripping of the roof by hand. Similarly, it is necessary to prevent works to trees and vegetation within the bird breeding season.
17. To protect wildlife and the integrity of the IDSR, conditions are required to control external lighting, and the operation of the blackout blinds. As a lighting scheme must be approved, no further separate condition making exceptions or preventing further lighting is necessary. However, permitted development rights should be removed to prevent the installation of further glazing.
18. The Authority has suggested that a construction management plan should be submitted but given the size of the site relative to the proposed development, there is no compelling reason for this. Nor, given the size of site and space that would remain around the dwelling, is there any clear need to impose a condition requiring the provision of car parking. However, while there may be ample space available, dedicated cycle parking provision should be identified and secured, to promote travel by non-car means.
19. I have made some revisions to the Authority's suggested conditions in the interest of clarity and to ensure compliance with the Framework, adjusting timings for agreement to the latest practical point in the development process.

Conclusion

20. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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: 173_PN_P4_3400_A; 173_PN_P4_3401; 173_PN_P4_3410; 173_PN_P4_3411_A; 173_PN_P4_3412_A; 173_PN_P4_3414_A; 173_PN_P4_3416_A; 173_PN_P4_3420_A; 173_PN_P4_3421; 173_PN_P4_3422_A; 173_PN_P4_3423_A; 173_PN_P4_3424_A; 173_PN_P4_3425_A; 173_PN_P4_3426; 173_PN_P4_3427_A; 173_PN_P4_3435_A; and 173_PN_P4_3439_A.
- 3) No development shall commence on site, including demolition and site clearance, until protective fencing has been erected around all trees, shrubs, hedgerows and other natural features not scheduled for removal, in accordance with the recommendations of BS5837:2012 and plans that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.

Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced areas; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials at any time.
- 4) Prior to the commencement of the construction of the new dwelling, full details of the proposed surface water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. The dwelling shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and shall thereafter be maintained as such.
- 5) Prior to the commencement of the construction of the new dwelling, a strategy outlining details of the sustainable design and construction for the new building, including water use and energy consumption maximising renewable resources, shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented as approved prior to first occupation and thereafter maintained as such unless any variation is agreed in writing by the Local Planning Authority.

- 6) Notwithstanding the details on the approved plans or supporting documents, the construction of the replacement dwelling and parking area shall not commence until full details of the external materials and finishes, including samples of the roofing and walling material for the dwelling and surfacing material(s) for the parking area, have been submitted to and approved in writing by the Local Planning Authority. The approved materials and finishes shall then be installed prior to occupation of the dwelling and thereafter maintained as such.
- 7) Notwithstanding the plans hereby approved, details of the proposed means of enclosure, including entrance gates and boundary treatments, shall be submitted to the Local Planning Authority and approved in writing prior to their installation on site. Once approved and installed, the approved gates and boundary treatments shall thereafter be retained as such.
- 8) The dwelling shall not be occupied until covered and secure cycle parking spaces have been provided, and thereafter maintained as such, in accordance with plans and details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
- 9) Demolition of the roof area shall only take place outside the bat hibernation period (November to March). These works shall be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and a method statement setting out how works shall proceed in a manner to safeguard the bats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method statement shall be strictly adhered to at all times.
- 10) Any works to the trees or vegetation clearance on the site shall only be undertaken outside of the bird breeding season (1 March to 1 October). If works are required within this time an ecologist shall check the site no more than 24 hours before any works take place and confirm that no breeding birds are present and written confirmation that such a check has been undertaken shall be submitted to the Local Planning Authority in writing. Works shall not take place if breeding birds are found.
- 11) No external lighting shall be installed on site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of any lighting, including measures to control times of operation and shielding to avoid light spillage or disturbance to wildlife. Thereafter the lighting and control measures shall be maintained in accordance with the approved details in perpetuity. No other external lighting shall be installed on the site.
- 12) The development shall not be occupied until full details of the black-out blinds to be affixed to the windows, their methods of operation, timings and measures to ensure that those timings are strictly adhered to shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out, operated and maintained in full working order in accordance with the approved details.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order amending or revoking and re-enacting this Order, no additional glazing shall be installed in the dwelling.