



Appeal Decision

Site visit made on 14 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2021

Appeal Ref: APP/Y9507/D/20/3259751

The Coppice, Sunnybox Lane, Slindon BN18 0LX

- 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 C Greig against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/01400/HOUS, dated 1 April 2020, was refused by notice dated 6 July 2020.
 - The development proposed is a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at The Coppice, Sunnybox Lane, Slindon BN18 0LX in accordance with the terms of the application, Ref: SDNP/20/01400/HOUS, dated 1 April 2020, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. The Authority updated the South Downs Local Plan: Extensions and Replacement Dwellings Technical Advice Note on 13 July 2020 (the 'TAN'). It is incumbent upon me to take into account the most relevant and up to date information in reaching a decision and I have done so. The main parties have had an opportunity to address this matter as part of the appeal process.

Application for costs

3. An application for costs was made by Mr C Greig against South Downs National Park Authority. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the proposal adheres to the Authority's strategy for the extension of existing dwellings in the South Downs National Park (the 'SDNP'), including whether or not the proposal would lead to the loss of a small to medium sized home; and the effect of the development upon the landscape and scenic beauty of the SDNP.

Reasons

5. The appeal property is a detached, three-bedroom chalet bungalow located on the northern side of Sunnybox Lane.
6. It is proposed to erect a rear extension. As part of the works, the existing roof of the host building would be altered by raising the ridge height and

constructing a double gable roof form to the rear. In addition, an existing garage would be demolished at the appeal site.

7. Policy SD31 of the South Downs National Park Local Plan 2014-2033 (the 'SDLP') states that "development proposals for extensions to existing dwellings, and the provision of annexes and outbuildings will be permitted where: a) The proposal does not increase the floorspace of the existing dwelling¹ by more than approximately 30% unless there are exceptional circumstances; b) The proposal respects the established character of the local area; and c) The proposal 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".
8. Paragraph 7.91 of the SDLP explains that the purpose of Policy SD31 is two-fold. The first is to avoid the over extension of existing dwellings, which may have an adverse impact upon the character and appearance of both settlements and the countryside. The second is to protect the limited supply of small and medium-sized homes in the National Park.
9. Policy SD31 does not explicitly define the term 'small and medium sized homes'. However, paragraph 3.6 of the Authority's TAN states "a small or medium sized dwelling in the South Downs is typically considered to have a gross internal area ('GIA') of less than 120m²; and/or have 1, 2 or 3 bedrooms". Given the grammatical construction of the definition, an existing dwelling would be defined as a small or medium sized dwelling if it satisfied one or both criteria.
10. The appellant explains that the existing dwelling and detached garage have a combined GIA of 144m², whilst the extended dwelling would have a GIA of 216m². These figures have not been disputed by the Authority and the main parties agree that the extended dwelling would be approximately 50% larger when compared with the GIA of the existing dwelling.
11. On that basis, the proposed development would exceed the 30% limit for extensions set out within Criterion 1 (a) of Policy SD31. The appellant contends that there are exceptional circumstances to justify the proposal, I return to this matter later in this Decision.
12. Separate floor area measurements for the existing dwelling and the detached garage have not been provided by either of the main parties. Nevertheless, given the small size of the existing garage, I am satisfied that the existing dwelling exceeds the 120m² threshold set out within paragraph 3.6 of the TAN. On that basis, and, given that the appeal property is a three-bedroom dwelling, as a matter of fact and degree, I consider that the appeal property is a medium sized home.
13. The extended dwelling would provide three en-suite bedrooms over two floors with a snug room and an open plan kitchen and dining area, which would include a pantry and utility room, on the ground floor. Whilst the size of the extended dwelling would exceed the 30% threshold set out within Criterion 1 (a) of Policy SD31, the property would remain a three-bedroom medium sized home. Consequently, the proposal would not reduce the supply of small and medium homes within the SDNP.

¹ For the purpose of Policy SD31, the term 'existing dwelling' refers to the residential unit that existed on 18 December 2002 or, if built after that date, as originally built.

14. Even if I were to conclude that the existing dwelling was a small sized home which would change to a medium sized home by virtue of the proposed extensions there would be no conflict with the second purpose of Policy SD31. To this regard, paragraph 3.8 of the TAN states that “the loss of a small house and its replacement with or extension to a medium sized house would not reduce the supply of small and medium sized homes in the National Park irrespective of whether the replacement or extension was more than 30% larger than the existing dwelling”.
15. In terms of design and appearance, the Authority argue that the proposal would be an overly dominant and unsympathetic extension which would be harmful to the character and appearance of the existing dwelling and the area of Sunnybox Lane.
16. The existing residential properties on Sunnybox Lane date from a range of architectural periods and a variety of building styles are present along the street, which includes bungalows, chalet bungalows and large two storey properties. Despite the differing building styles, the use of common materials, such as brick and red/brown tile roof coverings, and simple pitched roof forms results in a design balance and symmetry which contributes positively to the character and appearance of the area.
17. Whilst I recognise that the proposal would alter the roof form of the existing dwelling, the extended dwelling would retain a simple hip to gable roof form, which would be in-keeping with the local vernacular. Moreover, the proposed extension would be of a high-quality design and would be constructed from materials that would be in-keeping with the host building and respond positively to the local distinctiveness of Sunnybox Lane.
18. In addition to the above, owing to the limited increase to the existing ridge height, the extended dwelling would retain the appearance of a chalet bungalow, and, thus, it would not appear as a visually intrusive form of development when viewed from the street.
19. For the reasons given above, I find that the proposed extension would be of an appropriate design and scale, which would safeguard the character and appearance of the area. Consequently, the proposed development would conserve the landscape and scenic beauty of the SDNP. On that basis, the proposed development would accord with Criterion 1 (b) of Policy SD31. In addition, the proposal would accord with Policy SD5 of the SDLP which requires new development to respect the local character, through sensitive and high-quality design.
20. In terms of Criterion 1 (c) of Policy SD31, the Authority concluded that the proposed development would safeguard the living conditions of neighbouring occupiers. Based on the evidence before me, which includes my site observations, I have no reason to disagree with the Authority in respect of this matter.
21. In conclusion, whilst the size of the proposed extension would increase the floorspace of the existing dwelling by more than 30%, the development would not reduce the supply of small and medium sized homes within the SDNP. Moreover, the visual impact of the proposed extension would be acceptable and the development would conserve the landscape and scenic beauty of the SDNP.

22. Therefore, whilst the proposed development would not accord with Criterion 1 (a) of Policy SD31 of the SDLP, the proposal would not conflict with the dual purposes of the policy, which are to protect the limited supply of small and medium-sized homes in the National Park and to safeguard the character and appearance of both settlements and the countryside. These are other material considerations which indicate that planning permission should be granted.
23. For the reasons given, the proposal would be consistent with paragraph 172 of the National Planning Policy Framework (the 'Framework') which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

Other Matters

24. The appellant explains that the purpose of the extension is to provide additional living space to accommodate an elderly relative with care requirements. Whilst this may be the case, given my overall conclusion, it is not necessary for me to determine whether or not this represents exceptional circumstances, as set out under Criterion 1 (a) of Policy SD31 of the SDLP.

Conditions

25. The Authority have suggested 5 conditions. In the interests of consistency and precision, I have amended the wording of some of the suggested conditions, which includes the removal of the tailpiece clauses. The Courts² have found that such clauses can create uncertainty in what is permitted and enable development not applied for, assessed or permitted to occur.
26. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
27. In the interests of the character and appearance of the area, it is necessary to impose a condition requiring the external materials to match those on the existing property.
28. In the interest of ecology and biodiversity, it is necessary to impose a condition to secure enhancements in respect of protected species, waste management and water conservation. This condition would be consistent with the environmental objectives of sustainable development as set out within the Framework.
29. The appeal is located within the South Downs International Dark Night Skies Reserve. Therefore, it is necessary to impose a condition to reduce and mitigate against any light pollution emitted from the development. This condition would be consistent with paragraph 180(c) of the Framework.

Conclusion

30. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell
INSPECTOR

² Midcounties Co-operative Ltd v Wyre Forest DC [2009] EWHC 964

Schedule of Conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10172-DPA-01 – Existing location plan; 10172-DPA-02 Rev:A – Existing and proposed site plan; 10172-DPA-03 – Existing and proposed ground floor plans; 10172-DPA-04 – Existing and proposed loft plans; 10172-DPA-06 – Proposed elevations; and 10172-DPA-07 – Proposed section.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the submitted Ecosystem Services Statement (prepared by Bright Green Environmental, document ref:17295), no development shall take place above slab level until a scheme of biodiversity and ecosystem services enhancements has been submitted to and approved in writing by the local planning authority.

The scheme shall identify and incorporate opportunities for net gains in biodiversity and other sustainable design features. These details shall include:

- i) Provision of native planting;
- ii) Provision of bat and bird boxes;
- iii) Site Waste Management Plan during occupation (to include household recycling and composting);
- iv) Conservation of water resources and management of surface water using capture at source solutions (e.g. water butts, rain gardens).

The details shall include the locations and specifications of such features, a timescale for their provision, and details of any future management responsibilities.

All planting comprised in the approved details shall be carried out in the first planting season following the occupation of the extension or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All other details set out within the scheme of biodiversity and ecosystem services enhancements shall be implemented as approved prior to the first occupation of the extension and retained as such thereafter.

- 5) Prior to the occupation of the extension hereby permitted, details of timed black-out blinds to be affixed to all rooflights, shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented as approved prior to the first occupation of the extension and retained as such thereafter.

*****End of Conditions*****