



Appeal Decision

Site visit made on 16 March 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021.

Appeal Ref: APP/Z3825/D/20/3264400

Paget, Henfield Road, Small Dole, BN5 9XH

- 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 Ms S Drewett against the decision of Horsham District Council and South Downs National Park Authority.
 - The application Ref SDNP/20/03199/HOUS, dated 14 July 2020, was refused by notice dated 21 October 2020.
 - The development proposed is erection of a double storey annex with attached double garage and shed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development as it appears on the decision notice as it better describes the proposal.

Main Issues

3. The main issues are: (a) whether the proposed development would be suitably located and appropriate having regard to its siting, scale and use; and, (b) the effect of the proposed development on the character and appearance of the area with particular regard to the local landscape.

Reasons

Suitability and appropriateness of proposed development

4. The appeal site is not located within a defined settlement boundary on the Policies Map to the South Downs Local Plan (July 2019) (Local Plan). It is, therefore, located within the countryside, where new development is to be restricted unless it satisfies certain exceptions or is compliant with other local plan policies. Paragraph 172 of the National Planning Policy Framework (February 2019) also requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the South Downs National Park.
5. Policy SD31 of the Local Plan, referred to in the Council's reasons for refusal, states that annexes, extensions and outbuildings to existing dwellings will be permitted where the criteria to the policy are met. The supporting text at paragraph 7.91 states that the purpose of the policy is two-fold. Firstly, to avoid the over-extension of existing dwellings given the adverse impact that can result to the character and appearance of a settlement or the countryside.

- Secondly, to provide consistency with policy SD27, which seeks to protect the limited supply of small/medium sized homes within the National Park. In view of the size of the host dwelling (5 bedrooms), the Council do not contend that there would be any conflict with the latter. This is a finding that I concur with.
6. Part 1 a) to policy SD31 states that proposals for annexes, extensions and outbuildings should not increase the floorspace of the existing dwelling by more than 30%. Paragraph 7.92 defines existing dwelling as that which existed on 18 December 2002. The Council contend that combined with a previous extension to the host dwelling (ref. SDNP/15/03369/HOU), the proposed increase in floorspace would be approximately 200% to 300% (the lower figure excludes the double garage/shed). The Appellant has not provided any different estimates. Based, therefore, on the evidence before me, I am satisfied that the appeal proposal would increase the floorspace of the existing dwelling by significantly more than 30%.
 7. Paragraph 7.93 of the Local Plan states that the 30% restriction is to ensure that extensions and annexes are "*modest*", with larger proposals only permitted in exceptional circumstances. Part 2 of policy SD31 continues by stating that annexes should "*demonstrate the functional and physical dependency on the host dwelling.*" Paragraph 7.95 expands on this by stating that annexes providing ancillary accommodation should usually be incorporated within or physically attached to the host dwelling. Where this cannot be achieved, regard will be had to the size of the detached annex and its subordination to the host.
 8. The appeal proposal would be located at the south western end of the site, whereas the host dwelling is located at the north eastern end of the site. The distance between the two appears to be 50 – 55 metres. The proposed annex would not be incorporated within or physically attached to the host building. Other than the driveway, there would be no physical link or close interaction between the two. Although the proposed annex would be in the same ownership as the host building and share utilities/services, with the annex accommodation used by guests or staff, I am not convinced that these considerations demonstrate any meaningful functional link between the two. In addition, it would not, in my judgement, represent a traditional annex where you would expect the occupants to live as part of the household in the host (main) dwelling.
 9. The scale and footprint of the appeal proposal is substantial. The whole building would be similar in width to the host building. Whilst the footprint of the host building would be larger than that of the proposal, the difference between the two footprints would not be significant. The proposed annex, which would comprise approximately half of the new building, would also be two storeys in height. It would not be a "*modest*" proposal and neither would it be subordinate to the host dwelling. No exceptional circumstances have been put forward to support such a large development that would exceed the criteria to policy SD31.
 10. The Council contend that, as a matter of fact and degree, the proposal would be able to function as a separate independent dwelling, in that it is remote from the host building and as the annex contains all the facilities required to support a self-contained dwelling. As such, they argue that it would be contrary to policy SD25 of the Local Plan (as well as policy 1 of the Upper

Beeding Neighbourhood Plan (awaiting referendum)) (UBNP) in that a new dwelling within this countryside location would not meet any of the exceptions set out in part 2 of policy SD25.

11. Whilst the proposed annex would share certain facilities and ownership with the host building, it is remote from the host and includes all the facilities required for a self-contained dwelling. For these reasons, I agree with the Council that the appeal proposal could function as an independent dwelling. Even so, the development before me and the subject of this appeal, is for a proposed annex with attached double garage and shed. There is no proposal before me for a separate dwelling. I have determined the appeal on this basis.
12. The Appellant contends that the large footprint is due to the inclusion of the proposed shed and double garage. However, as submitted, the development involves a substantial new annex, double garage and shed.
13. I find, therefore, that the appeal proposal would be contrary to part 1 a) and part 2 of policy SD31 of the Local Plan. It would also be contrary to policy SD1 of the Local Plan insofar as it requires the cumulative impact of development to be considered.

Character and appearance

14. Part 1 b) of policy SD31 requires proposals for annexes, extensions and outbuildings to respect the established character of the local area. This is expanded further in paragraph 7.91 which states that all applications for extensions, annexes and outbuildings will need to comply with policy SD4 and SD5. Policy SD4 states that new development will only be permitted where it would conserve and enhance the landscape character of the area. Policy SD5 states that development will be permitted where it adopts a landscape led approach, respects local character through promoting a high quality design and relates well to the existing built form.
15. The character of the area comprises large properties located in the upper northern section of the individual plots, with large spacious gardens to the south (rear). Some of the adjoining properties do have outbuildings, such as the single storey garage within the rear garden of the property to the east. However, that outbuilding and others that I observed on my site visit, are discrete, small and subordinate to their hosts.
16. As I found earlier, the appeal proposal would comprise a substantial building. As a consequence and given the absence of existing buildings in this location or similar large annexes/outbuildings on adjoining sites, the proposed development would not respect the established character of the area, and neither would it complement the host building. On the contrary, it would dominate this part of the appeal site and its surrounds. It would be out of character with the prevailing built form and would not respect or enhance the landscaped character of the area.
17. Whilst the submitted plans show provision for log piles, permeable wild grass and flowers and native bushes, these measures are not, in my judgement, sufficient to demonstrate that the development has adopted a landscape led approach, as required by policy. Whilst the plans show that the appeal proposal would replace a row of Cypress and Ash trees, these trees have already been removed. In addition, although the plans show that the trees to

the rear of the proposed building would be retained and protected, these appear to sit outside the existing boundary fencing to the appeal site. They also appear to lie outside the red line on the submitted location plan. It is, therefore, unclear whether these trees are within the control of the Appellant and even though I have sought clarification of this, no further information has been forthcoming.

18. Leaving aside therefore the question of control over the trees beyond the existing rear boundary, they would, if retained, provide some screening. However, the appeal proposal would still be highly visible from various public vantage points on the lane that runs to the rear of the appeal site, which also includes a public footpath. Within those viewpoints, due to the substantial scale of the proposed building and its close proximity to the lane, it would be very prominent and would dominate the semi-rural character of the area. As a result, the proposal would neither conserve nor enhance the local landscape character of the area.
19. The Appellant refers to the agricultural design of the proposed building, use of traditional materials and the inclusion of climate mitigation measures such as a green roof and solar panels. Whilst the use of these measures is to be commended, they do not affect my findings on this issue. In terms of the proposed design, the use of flat roofs and balconies, combined with the buildings substantial scale, accentuates, in my view, the failure of the appeal proposal to relate to local distinctiveness and to respect the landscape character of the area.
20. The Appellant has also referred to the fact that no objections were received to the appeal proposal from neighbours and that the design and style of existing properties in the area is varied. Even so, that does not affect my findings on this issue.
21. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area contrary to policies SD4, SD5 and part 1 b) of policy SD31 of the Local Plan and policy 8 of the UBNP.

Conclusions

22. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR