



Appeal Decision

Site visit made on 11 May 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2021

Appeal Ref: APP/Y9507/W/20/3265241

Bramleys, 36A Vann Road, Fernhurst GU27 3JN

- 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 P Knight against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/02578/FUL, dated 27 June 2020, was refused by notice dated 15 September 2020.
 - The development proposed is construction of a new dwelling and garage within the garden.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a new dwelling and garage within the garden at Bramleys, 36A Vann Road, Fernhurst GU27 3JN in accordance with the terms of the application, SDNP/20/02578/FUL, dated 27 June 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has included revised plans as part of their appeal. Whilst not before the Council at the time of their decision, they were submitted at the outset of the appeal, therefore parties have had the opportunity to comment. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.
3. Whilst not included within their reasons for refusal, the Council, in their Statement of Case, make reference to policies contained within the Fernhurst Neighbourhood Plan (FNP). This Plan was formally made in April 2016 and therefore, for the purposes of this appeal, forms part of the development plan. I have therefore determined the appeal on this basis.

Main issues

4. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area; and

- The effect of the proposal upon the living conditions of neighbouring residents.

Reasons

Character and appearance

5. The appeal site lies within the settlement of Fernhurst, which is located within the South Downs National Park (SDNP), where great weight should be given to conserving and enhancing the landscape and scenic beauty of the area.
6. The surrounding area is predominately residential, with dwellings being a range of sizes, styles and designs. Dwellings are set within varied plots sizes. In the vicinity of the appeal site, properties are generally two storeys in height. The adjoining property to the south is a bungalow.
7. The appeal site, which gradually rises away from the road, comprises the existing side garden of the host property. The host property is a relatively large, two-storey detached property, set back from Vann Road behind the properties which front the road. Vehicular and pedestrian access is via a gap in the frontage development.
8. The proposal would involve the erection of a detached dwelling within the garden of the host property, with a double garage provided to the rear. The dwelling would be single storey, however dormer windows would be provided in the roof space to allow the area to be used for living accommodation. Access to the new dwelling would be shared with the host dwelling.
9. As a result of the location of the appeal site and the size and position of the existing dwellings which front onto Vann Road, the majority of the appeal site is not readily discernible within the street scene. Views are only possible through gaps between dwellings, with these views being seen in the context of surrounding development. As a consequence, only the very top of the roof would be visible above surrounding development. Furthermore, the height of the dwelling would be less than the host property. I note the adjoining dwelling is a bungalow, however given the overall height of the proposed dwelling, it would provide a suitable transition between the two existing properties.
10. As a consequence, given the limited overall visibility of the appeal site within the street scene, and the relationship of the dwelling to surrounding properties, the scale, bulk and mass of the proposed dwelling would not materially harm the character and appearance of the area in this respect.
11. The dwelling would be positioned within the plot in a similar location to the host property but would be set slightly further back than the neighbouring bungalow. The overall plot size would be comparable to surrounding properties. Sufficient space would be provided to the front and rear to allow for both access and the provision of landscaping and necessary boundary treatment. As a result, the proposal would not represent a cramped form of development.
12. Whilst the development immediately to the front of the appeal site faces directly onto Vann Road, in my view, this is not a clearly defining characteristic of the area. There have been a considerable number of developments, including the host property, where new development has been positioned behind historical frontage development. Therefore, in this respect, the location

of the proposed dwelling would be in keeping with the character and appearance of the area.

13. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area and would preserve the natural beauty of the SDNP and, in this respect, would accord with Policies SD1, SD5, SD25 of the South Downs Local Plan (SDLP), the Policies contained within the FNP and Paragraphs 127 and 172 of the National Planning Policy Framework (the Framework). These policies, amongst other things, require development proposals to 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 is of a scale and nature appropriate to the character and function of the settlement.

Living conditions

14. Vehicular and pedestrian access to the appeal site would be via the existing access which serves the host property and is located between No 36 Vann Road and a further property, which lies on the western side of the access.
15. The provision of the new dwelling would be likely to increase the amount of vehicular traffic using the existing shared access. This would be likely to give rise to some level of additional noise and disturbance to surrounding properties. However, given the nature of the proposal, the amount of activity that would be generated by a single house would be likely to be minimal and therefore would not be overly disruptive to surrounding residents. Furthermore, I note that the main orientation of the nearby dwellings is away from the access. Therefore, given the location and nature of the site and the relationship with surrounding development, on its own, this would not amount to a justifiable reason to withhold planning permission.
16. With regards to the impact of the proposal upon the living conditions of No 34a Vann Road, during my site visit I observed the relationship of the proposed development with the rear garden of this property. Part of the flank wall of the proposed development would extend beyond the rear wall of No 34a. Whilst this would result in some impact, due to the limited size of the proposed rear projection and the overall height of the building, it is not considered that this would give rise to significant overbearing effects to warrant the withholding of planning permission for these reasons alone. Furthermore, I note the removal of the side dormer window and its replacement with roof lights, which would ensure that there would be no significant loss of privacy to residents of No 34a.
17. For the above reasons, I therefore conclude that the proposed development would not harm the living conditions of surrounding residents, and, in this respect, would accord with Policy SD5 of the SDLP, the FNP and the Framework.

Other matters

18. I acknowledge the concerns raised by local residents in relation to highway issues, however I have no technical evidence to substantiate this and there is no evidence that highway safety would be compromised. Furthermore, I note that the Council did not conclude that they would amount to reasons to justify withholding planning permission. Therefore, I find that the development would not materially harm highway safety.

19. My attention is also drawn by a local resident to a potentially dangerous tree, although no further evidence is provided in this regard. No objections were raised by the Council or their technical officers. Having viewed the trees on the appeal site, I consider that the matter can be adequately addressed via an Arboricultural Method Statement, which can be secured via a condition.

Conditions

20. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
21. To ensure the safeguarding of the character and appearance of the area, a condition is necessary with regards to the provision of external materials and the submission of a landscaping scheme. For the same reason, it is considered necessary to attach a condition to remove permitted development rights for additions and extensions to the building.
22. To ensure a satisfactory relationship with surrounding properties, it is appropriate to require ground level details to be provided. In the interest of sustainable development and adaption to predicted climate change, it is necessary to attach a condition requiring the submission of a sustainable construction report. To protect existing trees on the site, it is necessary to attach a condition requiring the submission of an Arboricultural Method Statement.

Conclusion

23. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

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 plans: 2020-02-303-003 Revision C (Proposed Plans and Section); 2020-03-303-004 Revision C (Proposed Elevations); 2020-03-303-005 Revision C (Proposed Block and Site Plan); 2020-03-303-009 (Proposed Site Context Plan); 2020-03-303-006 (Proposed Landscape Appraisal Plan).
3. No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.
4. Before development commences details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, shall be submitted to and approved by the SDNPA in writing. The development shall be implemented in accordance with the approved details.
5. Prior to the commencement of the development hereby permitted, detailed information in a design stage sustainable construction report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details. The report shall include:
 - a. design stage SAP data;
 - b. design stage BRE water calculator;
 - c. product specifications;
 - d. building design details;
 - e. layout or landscape plans demonstrating that the dwelling has:
 - i. reduced predicted CO2 emissions by at least 19% due to energy efficiency;
 - ii. reduced predicted CO2 emissions by a further 20% due to on site renewable energy compared with the maximum allowed by building regulations;
 - iii. EV charge point;
 - iv. predicted water consumption no more than 110 litres/person/day;
 - v. separate internal bin collection for recyclables;
 - vi. private garden compost bin;
 - vii. sustainable drainage and adaptation to climate change; and

viii. selection of sustainable materials.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A, B, C, and E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.
7. Prior to the commencement of the development hereby permitted a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall be implemented in accordance with the approved details.
8. The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.