



Appeal Decision

Site visit made on 16 August 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/Y9507/D/21/3270196

Claylands Cottage, Underhill Lane, Clayton BN6 9PJ

- 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 Sarah Noar against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/02791/HOUS, dated 6 July 2020, was refused by notice dated 17 December 2020.
 - The development proposed is demolition of existing substandard extension, removal of existing summerhouse and construction of a one and a half storey extension to the rear with associated landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the character and appearance of the host dwelling and the Clayton Conservation Area; and
 - b) whether the scheme would comply with development plan policy in relation to the size of domestic extensions.

Reasons

Character and appearance

3. Claylands Cottage is an attractive one and a half storey dwelling, the character of which is derived from its modest scale and traditional design. The front of the property is screened by dense roadside hedging, but its western flank is prominent when approaching from the west along Underhill Lane. The lane bends at this point, drawing the eye to the distinctive chimney stack on the gable end. The pitched roof of a rear single-storey extension is also visible from the street, but this subordinate addition is very much in keeping with the host building. Other extensions to the cottage are hidden from public view.
4. The proposed extension would replace previous extensions and it would take the form of a separate range to the rear of the dwelling. The roof ridge would run parallel to the existing roof and there would be a short section of pitched roof linking the two. Although the development would be set back from the western gable, the additional roof mass at first floor level would be significant

- and this would overwhelm the host dwelling to the detriment of its simple form and character.
5. The Clayton Conservation Area Character Appraisal explains that the buildings within the village are insufficient in number to define any themes. However, it notes that the buildings are, for the most part, modest. The proposed extension would fail to respect the unassuming scale of Claylands Cottage and for this reason it would erode the established character of the Conservation Area.
 6. Paragraph 202 of the National Planning Policy Framework states that in cases such as this, where the harm to a designated heritage asset is less than substantial, the harm should be balanced against the public benefits of the proposal. There would be some minor biodiversity gains from new landscaping, but otherwise no significant public benefits have been identified. Although the proposal would consolidate existing extensions and improve the living accommodation within the dwelling, these are private benefits which do not outweigh the harm in any event.
 7. I have taken account of the submitted Landscape Visual Impact Appraisal and the fact that the architects have taken a landscape-led approach to developing the scheme. This is in line with the methodology advocated in the development plan. However, I do not consider that the proposal is acceptable. The scheme would represent an unsympathetic addition to the host dwelling and it would fail to preserve or enhance the character or appearance of the Clayton Conservation Area. This would bring it into conflict with Policies SD1, SD5, SD15 and SD31 of the South Downs Local Plan (2019) (SDLP) insofar as these seek to conserve and enhance the special qualities of the National Park through sensitive and high quality design which makes a positive contribution to the overall character and appearance of the area.

Size of extension

8. Policy SD31 of the SDLP sets out the criteria to be applied to proposals for extensions to existing dwellings. Amongst other things, it states that extensions will be permitted where the proposal does not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances. The supporting text explains that the term 'existing dwelling' for the purposes of the policy refers to the residential unit that existed on 18 December 2002 or, if built after that date, as originally built. The appellant describes this as an arbitrary baseline, but it forms part of the development plan and has been given weight accordingly.
9. Claylands Cottage was originally permitted as a garage but was subsequently occupied as a single residential unit in breach of planning control. This use became lawful in or around 1997 following an appeal decision in which an enforcement notice was quashed. At some point in time a first floor was added to the building. Then, in 2006 planning permission¹ was granted for a single-storey side and rear extension which was subsequently built.
10. The appellant contends that in 2002 Claylands Cottage was not a dwelling in the accepted sense of a house having been built in accordance with a planning permission and Building Regulations approval. It is put to me that the building was no more than a garage, converted to deliver basic human habitation. This

¹ Ref HA/06/10693

argument has no evidential basis, given that the building became lawful as a dwelling in 1997. The plans submitted with the 2006 application show the existing building laid out as a dwelling with 2 bedrooms in the roof space.

11. The appellant states that the garage measured 52.3 m² and the Design and Access Statement calculates the first floor at 26.7 m². Using this information, the floorspace of the property in 2002 could have been no more than around 80 m². This is the baseline for the purposes of applying Policy SD31.
12. The submitted plans show that the proposal would create a dwelling with a floorspace of 198.7 m². This is more than double the baseline figure and the 30% limit would be exceeded by some margin. The policy would only support a grant of permission where exceptional circumstances can be demonstrated. Paragraph 7.93 of the SDLP explains that a larger proposal may be permitted where it can be clearly demonstrated that it is needed to accommodate exceptional family needs, for example, arising from a disabled or elderly member of the family; robust evidence will be required to support such applications.
13. Although described by the Conservation Officer as 'ragbag', the 2006 extensions are not visible from the street and they have a neutral effect on the Conservation Area. The improvements to the quality and layout of internal accommodation by consolidating the existing extensions may provide a reason to apply Policy SD31 flexibly, but there is no substantive evidence to justify an addition of the scale and design being proposed. Although the appellant provides details of cases where the Authority has granted larger extensions, these do not give rise to any material planning harm. The SDLP makes clear that larger extensions will only be permitted where it can be clearly demonstrated that there will be no harmful intrusive impact in the landscape and that there is an enhancement in the appearance of the host dwelling. For the reasons I have set out above, that is not the situation here.
14. One of the Authority's aims is to protect the limited supply of small and medium-sized homes in the South Downs National Park. Paragraph 7.89 of the SDLP defines a small dwelling as having a total Gross Internal Area of 120 m² or less, but the Technical Advice Note (TAN) on Extensions and Replacement Dwellings explains that this relates specifically to applications for the replacement of a single dwelling with two or more dwellings. Guidance within the TAN indicates that the term small and medium-sized dwelling is a matter for interpretation based on the circumstances of the case. In my judgement, it is reasonable to treat Claylands Cottage as a medium-sized dwelling, bearing in mind that its current floor area is approximately 153 m². The addition of 45 m² of floorspace would represent a significant enlargement and in my view this would result in the loss of a medium-sized dwelling.
15. I have already concluded that the proposal would conflict with Policy SD31 in relation to its impacts on the character and appearance of the host dwelling and Clayton Conservation Area. However, the scheme also conflicts with criterion 1a of the policy insofar as it seeks to avoid the over-extension of existing dwellings.

Conclusion

16. I have noted the absence of objection from the Conservation Officer and the representations of support from Hassocks Parish Council and residents of Underhill Lane. I have also had regard to the pre-application advice provided by officers. However, none of this alters my overall conclusions.

17. The appeal scheme conflicts with the development plan taken as a whole and there are no material considerations to justify a decision otherwise than in accordance with the development plan.

18. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR