



Appeal Decisions

Site visit made on 24 January 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/Y9507/D/21/3278850

Leith House, Angel Street, Petworth, GU28 0BG

- 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 Roger Brown against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/00278/HOUS, dated 15 January 2021, was refused by notice dated 6 May 2021.
 - The development proposed is householder planning application for the demolition of an existing double garage and alterations and extensions to existing dwelling, following refusal of planning application reference SDNP/20/02062/HOUS at Leith House, Angel Street, Petworth, GU28 0BG.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal Ref APP/Y9507/D/21/3284599 on this site. That appeal is the subject of a separate decision.
3. The appellant has requested that I consider amendments as shown on proposed elevations and sections Plan Ref 0074/05 REV H and associated revised montages. These are: roofing material changed from zinc to slate; roof lights reduced from three to two, reduced in size and re-aligned; and an additional elevation drawing showing the sliding shutters in a closed position. The Council says that the plans as outlined within the decision notice should be those assessed at this appeal. The decision notice does not identify the revision version, but the Council has confirmed that its decision was taken on the basis of proposed elevations and sections Plan Ref 0074/05 REV F.
4. The appellant offered interested Parties the opportunity to comment. However, there is no formal route for comments at appeal stage by third Parties or the Council in the householder planning appeal process. On this basis I cannot confidently conclude that the revisions would not prejudice the interests of interested parties¹. Accordingly I have determined the appeal on the basis of the plans on which the Council reached their decision.

Main Issue

5. The main issue is the effect of the proposed extensions on the character and appearance of the area, the wider landscape, the setting of listed buildings and the Petworth Conservation Area (the CA).

¹ Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

Reasons

6. The appeal site is within a settlement boundary where extensions are acceptable in principle provided planning policies and material considerations are satisfied. It is also within the CA.
7. The CA comprises a nucleated settlement surrounded by open fields closely associated with the Petworth House estate. The historic core has a tight urban grain and, recognising the way the town has grown, the CA has a number of character areas.
8. The CA Statement and the Petworth Neighbourhood Plan 2018 (the NP) describe the Angel Street character area as an early suburb developed from the C16 onwards and distinct from the more densely developed commercial core. The buildings provide a historic reflection of the rich variety of architectural forms which have developed over six centuries or more, emphasised by the many Listed Buildings locally. This lends the richness and interest to the streetscape which is a vital element of the predominantly residential character of the Angel Street area.
9. Due to the road layout, with the sunken lane behind the appeal property and the valley beyond, the land mark exuberant, Gothic revival, Grade II Listed Church of the Sacred Heart and its Presbytery are particularly prominent and contribute significantly to the historic street scene of this part of the CA. The appeal site occupies a central, prominent and highly visible position near them.
10. When approaching the appeal site along Angel Street, from the west in particular, the Church and Presbytery can be clearly appreciated to the north of the appeal site. Also the side wall of the Grade II Listed C17 Leith Cottage, directly to the west of the appeal site, can be seen across the Church car park and over the boundary walls. Leith House is a mid C20 two storey brick house with a timber garage building connected at ground floor level by a flat roofed link. It is unlike the nearby prevailing architectural character, and although, it was originally identified as a Building of Townscape Merit, this has been rescinded and it is no longer on that List. Nevertheless, due to its modest scale, appearance and traditional simple form and appearance, it does not compete with, or detract from, the surrounding and historic street scene. I judge it has a neutral effect on the CA.
11. The timber garage is the closest and most obvious building in views of the Church and Presbytery. However, due to its scale, height and simple appearance, I consider that it does not dominate views of the Church, Presbytery, Leith Cottage or the wider historic street scene.
12. The garage and single storey link would be replaced by a two storey extension and link. The extension would be partially below existing ground levels and, though having two floors, its overall ridge height would be some 310mm higher than that of the existing garage. This would project above the eaves of the main house whereas the ridge of the existing garage appears to sit level with the eaves. The top of the glazed two storey link would be below the eaves of the main house and would not be visible in views from the west.
13. The extension would be wider than the garage, projecting further towards Angel Street, and the roof would be asymmetrical. In views from the east the proposed building would obscure more of the Church than the existing garage.

Although the proposed horizontal black/grey timber cladding would not, in itself, appear dissimilar to the timber of the garage, the large triangular window in the apex of the west elevation, the inset roof windows, whether two or three, and large, full height glazed openings on the south elevation, together result in a modern contemporary character. This would be at odds with the host property and the combining of two distinct styles would introduce a discordant feature within this historic setting. The appearance would be of two separate buildings rather than a subservient extension. This together, with the modern and contemporary design, would overwhelm and draw attention away from its unassuming host, and compete with views of the Church and Presbytery.

14. The original proposal for a dark grey zinc roof would add to the contemporary appearance of the extension. Depending on the type of slate and how it was fitted, slate could have a modern or traditional appearance. Because of this, and as the overall scale and design would remain the same, the different roof material would not lead me to any different conclusion.
15. Overall, the proposed extension would result in an incongruous addition that would be out of keeping in this historic location, harming the setting of the Presbytery and Church, both during the daytime and during darkness when lights from windows in the proposed positions would appear incongruous in the historic street scene. These buildings are of significant importance, not only in terms of their listing, but also because of the important contribution they make to this historic street scene. The proposed extension would, in my view, cause significant harm to their setting. However, because of the distance to the shared boundary and the intervening Leith House, the proposal would have a neutral effect on the setting of Leith Cottage and how it is appreciated.
16. The appellant has offered to install low level lighting, internal lighting sensors, internal automated blinds that can close during darker hours, and sliding shutters which, when used, could overcome the effect of lit windows in relation to the street scene. However, no mechanism has been offered to ensure these measures would be used and maintained. Whilst I do not doubt the intentions of the appellant in this respect, other occupiers in the future may behave differently. Accordingly I give these matters little weight in this case.
17. Various alterations are proposed to the host building, including a new two storey bay window at the rear, replacement windows and a new porch. On the whole these changes would not be overly intrusive. Provided all the windows in the host building would have a consistent pattern of glazing bars I consider the window frame concerns expressed by the Council could be overcome by requiring detailed approval of the windows and frame materials.
18. The Parties do not agree as to the extent by which the proposed extension would increase the floorspace compared to the existing house. I have seen no detailed calculations but, broadly based on the floor plans, I would be more inclined towards the Council's figure of an increase of over 40%. Even the appellant's calculation of 35% exceeds the approximately 30% increase considered acceptable under Policy SD31 of the South Downs Local Plan 2019 (the LP). One of the purposes of this policy is to avoid the over extension of existing properties due to the adverse impact this can have on the character and appearance of the settlement. I do not consider that the appellant's contention that the property would regularly accommodate the extended family

would amount to sufficient exceptional circumstance to justify an extension of the size proposed. Nor do I consider that it has been demonstrated that there are particular design or functional requirements that require a larger floorspace to optimise design or that the proposal amounts to a particularly outstanding or innovative design.

19. I note that the appellant considers that, due to the lowered floor levels, the assessment should be in relation to the above ground volume increase rather than floor space. However, this is not the policy test. Moreover a second purpose of Policy SD31 is to protect the limited supply of small and medium sized houses in the National Park. Due to its three bedrooms and modest living accommodation Leith House would currently meet the definition of a medium sized house as explained in the South Downs Local Plan Extensions and Replacement Dwellings Technical Advice Note.
20. The proposed plans show the extended property would have three bedrooms. However, the plans show the existing house would be re-modelled into very generous living accommodation on both floors and there would be no mechanism to prevent parts of this being converted to bedroom(s) in the future. Although not specifically referenced on the decision notice, I also conclude that the extended dwelling would no longer amount to medium sized in the terms of the LP. Taking both purposes together I do not consider the proposal accords with the thrust of Policy SD31.
21. It is intended that the rear stone and brick masonry plinth wall would be incorporated into the proposal. The Council has raised concerns about its structural capability for supporting the proposed works and, in the absence of other evidence, I cannot confidently conclude that it would be retained. Had my conclusions been otherwise I would have sought more information on this matter.
22. There would be a higher ratio of glazing within the proposed development compared to existing. However, the appeal site is within the built-up area of Petworth. Taking account of existing street lighting and light spill, I do not consider any increase in light spill resulting from the larger areas of glazing would have such a significant effect in terms of Dark Skies policies as to justify the refusal of planning permission. Similarly, having seen the relationship of the appeal site to the wider open landscape and public footpaths to the north east, I do not consider that the appeal proposal would result in any material harm to the tranquillity or visual qualities of the wider landscape.
23. Beyond Leith Cottage are the Grade II Listed Buildings of Holly Tree Cottage, Hill Cottage and Grays. On the opposite side of Angel Street, at much higher land levels, is the Grade II Listed Egremont Row. Due to the topography and intervening buildings, the extensions proposed would not harm the setting of these buildings or the appreciation of their historic and architectural characters.
24. For the reasons set out above, I find that the appeal proposal would result in significant harm to the character and appearance of the area, and as such it would not preserve or enhance the CA and would harm the setting of the Grade II Listed Church and Presbytery.
25. I am required to pay particular attention to the effect of proposals on heritage assets and to give great weight to their conservation. In the terms of the National Planning Policy Framework (the Framework) I consider the harm to

the significance of the heritage assets that I have identified would be less than substantial. Nevertheless it would be real and enduring. This harm should be weighed against the public benefits of the proposal.

26. The existing house and garage are in need of repair, and the appellant considers the garage is no longer fit for purpose. The proposal would modernise Leith House and undoubtedly improve the energy efficiency of the property which would amount to a small public benefit. However, lack of maintenance resulting in a degraded appearance would not in itself justify an otherwise unacceptable proposal. Moreover, there may be other less harmful ways in which these benefits could be achieved, so I give them little weight in the context of this appeal. The proposal would provide good quality accommodation for the appellant and future occupiers, but this amounts to a private rather than public benefit. Overall I consider there would be insufficient public benefits to outweigh the harm I have identified.
27. I conclude that the proposed extensions would have a harmful effect on the character and appearance of the area, the setting of listed buildings and on the CA. Accordingly there would be conflict with Policies SD5, SD12, SD13, SD15 and SD31 of the Local Plan; Policies PP2 and ESD1 of the NP and those principles of the Framework that seek to ensure development respects the character and appearance of the local area and protects designated heritage assets.

Other Matters

28. I acknowledge that the appellant seeks to deliver a high quality design that would be sensitive to the local area and has revised the proposal to address previous reasons for refusal. I note the changes since the appeal decision Ref APP/Y9507/D/20/3264363 including: retaining the brick finish to the main house, the use of roof lights rather than dormers, and reductions in width and in above ground level heights. However, I have reached my own decision on the planning merits of the proposal before me and the fact that amendments have been made do not lead me to any different conclusions.
29. There are many reasons why comments are not made in respect of planning proposals. The absence of third Party comments in itself is not material and I have reached my own conclusions. The appellant has expressed dissatisfaction with the way in which the Council handled the application but this does not go to the heart of the planning matters before me.

Conclusion

30. I have concluded that the harmful effect of the proposed extensions would conflict with a number of development plan Policies. In failing to comply with these Policies the proposal cannot accord with the development plan taken as a whole. I have found no material considerations to outweigh this conflict. The appeal should be dismissed.

S Harley

INSPECTOR