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# Appeal Decision

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: 28<sup>th</sup> January 2022**

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**Appeal Ref: APP/Y9507/D/21/3284599**

**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 and Mrs Brown against the decision of South Downs National Park Authority.
  - The application Ref SDNP/21/00350/HOUS, dated 20 January 2021, was refused by notice dated 23 September 2021.
  - The development proposed is provision of a new domestic ancillary outbuilding.
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## Decision

1. The appeal is allowed and planning permission is granted for provision of a new domestic ancillary outbuilding at Leith House, Angel Street, Petworth, GU28 0BG in accordance with the terms of the application, Ref SDNP/21/00350/HOUS, dated 20 January 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. I have also dealt with another appeal Ref APP/Y9507/D/21/3278850 on this site. That appeal is the subject of a separate decision.

## Main Issue

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

## Reasons

4. 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.
5. 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.

6. 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.
7. I have had special regard to the desirability of preserving the settings of nearby Listed Buildings as none would be directly affected by the proposal. The closest one to the proposed shed is the Grade II Listed Leith Cottage which shares a boundary with the appeal site. This dates from the C17 and its interest lies in its history and architectural detailing. Leith Cottage is at an angle to the carriageway and close to it, with one corner protruding into the footway such that views of the shed site are limited when approaching from the east. When approaching from the west, the side wall of Leith Cottage is prominent as viewed over the low stone wall along the front of the appeal site and the adjoining car park.
8. The proposed shed would be to the side of Leith House and would project forward of the main house wall. The gap between the Leith House and structures in the garden of the adjacent Leith Cottage, through which the crowns of trees and glimpses of the countryside beyond can be seen, would be reduced. However, as the shed would be small, and no taller than the neighbouring outbuilding, sufficient views of the crowns of the trees would be retained. Moreover the shed site is not part of a key view as identified on the key diagram of the NP so there would be no conflict with Policy ESD6.
9. The shed would be well set back from the road. Although together with the neighbouring outbuilding it would present an appearance of two gables to the front, this would not be intrusive in the historic street scene which has various heights and styles of buildings much closer to the road side than the proposed shed would be. Nor, due to its the relatively small scale, do I consider the juxtaposition with Leith House to be so awkward as to justify refusal of permission. Moreover, there would be sufficient space between the shed and the road side to preserve soft planting and I find no conflict with the local pattern of development.
10. The proposed shed would be viewed in the context of an outbuilding on the Leith Cottage side of the boundary. As the shed would be lower and set back further than another structure on the Leith Cottage site, I consider it would have a neutral effect on the setting of Leith Cottage and the way in which it is appreciated. For similar reasons I consider that, although the proposal would add to the number of buildings on the appeal site, it would not harm the character or appearance of the CA taken as a whole. Overall, the effect would be neutral, which amounts to preservation. Nor would it affect the wider landscape of the Shillings Valley or the South Downs.
11. 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. Behind the appeal site are the exuberant, Gothic revival, Grade II Listed Church of the Sacred Heart and its Presbytery. Due to the topography and intervening buildings, the small scale

outbuilding proposed would not harm the setting of these buildings or the appreciation of their historic and architectural characters.

12. The outbuilding (described on the plan as a garden shed – “the shed”) would be less than the 30% floor space guideline at Policy SD31 of the South Downs Local Plan 2019 (the LP). It would have two windows but the light spill would not be materially greater in terms of dark skies than that of the existing house and nearby street lights. Even though the garage could also be used for storage I see no reason to suppose that the shed would not be used as storage space incidental to the use as a dwelling even though no special justification has been put forward for it. The character of the site as residential would be unchanged. Overall I find no material conflict with Policy SD31.
13. I conclude that the development would not harm the character and appearance of the area, the wider landscape, or the setting of listed buildings and would preserve the character and appearance of the CA and the National Park. I find no material conflict with the objectives of Policies SD1, SD4, SD5, SD7, SD12, SD13, SD15 and SD31 of the LP; Policies PP2, ESD1 and ESD6 of the NP or the National Planning Policy Framework in respect of seeking to ensure developments respect the local character and appearance of the area; preserve or enhance the CA and the National Park; and protect the setting of Listed Buildings.

### **Other Matters**

14. Maintenance and Party Wall requirements are matters for the respective land owners to resolve.
15. At the time of my visit the site of the proposed shed was freshly cleared soil next to ornamental planting and lawn. Due to its heavily managed nature I consider it offers little in the way of opportunities for protected species. The Decision Notice did not indicate that any protected species or habitats would be harmed and I see no reason to come to a different view.

### **Conditions**

16. As well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is necessary to provide certainty. In the interests of the character and appearance of the area the submission for approval of full details of the external materials of the proposed outbuilding is necessary. A condition is necessary to ensure that the outbuilding is used only in connection with the existing dwelling to safeguard the amenities of the locality.

### **Conclusion**

17. For the reasons set out above I conclude that the appeal would not materially conflict with the development plan taken as a whole. The appeal should be allowed.

*S Harley*

INSPECTOR

### Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0074/11 B and 0074/12.5
- 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) The outbuilding hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the dwelling known as Leith House and shall not be used or occupied separately or severed thereafter.

End of Schedule