



Appeal Decision

Site visit made on 20 December 2021

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2022

Appeal Ref: APP/Y9507/W/21/3272202

Laudacre Cottage, Beechwood Lane, Duncton GU28 0NA

- 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 J Alderton against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/05361/FUL, dated 28 November 2020, was refused by notice dated 12 March 2021.
 - The development proposed is "replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL)".
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL) at Laudacre Cottage, Beechwood Lane, Duncton GU28 0NA in accordance with the terms of the application, Ref SDNP/20/05361/FUL, dated 28 November 2020, subject to the conditions set out in the schedule below.

Applications for Costs

2. An application for costs was made by the appellant against the Authority. This is the subject of a separate decision.

Preliminary Matters

3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.
4. The parties agree that there is an extant and implemented planning permission for the erection of a replacement dwelling on the site (reference SDNP/16/01733/FUL). This was granted planning permission prior to the adoption of the South Downs National Park Local Plan in 2019. During my site visit I found that part of the foundations and groundworks associated with the new house had been carried out alongside the existing single storey house which remained occupied.

Main Issue

5. The main issue is the effect of the development proposed on the character and appearance of the area, having particular regard to the statutory purposes of the National Park.

Reasons

6. The site currently contains a modest single storey house. The appeal site sits close to two other existing buildings, being Laudacre to the south, with which it shares a driveway, and a property on the northern side of Beechwood Lane which I understand to be known as Orchard Cottage. Together these properties sit within a secluded rural location. Views of the appeal site are possible from Beechwood Lane through gaps within the trees and over a number of ponds, however longer views of the site are limited due to the gradient of the land to the south and the surrounding tree belts.
7. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which, among other designated areas, have the highest status of protection (paragraph 176). The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. Where there is a conflict between the two purposes, greater weight is to be attached to the conservation purpose.
8. The Authority's reason for refusal relates primarily to the increased upward massing of the development and the introduction of accommodation at the first floor level. The proposed replacement house would be considerably larger than the existing house, in terms of both its footprint, bulk and height. The Authority calculate that the replacement dwelling would entail a 256% uplift in the gross internal area of the existing building. This figure has not been disputed by the appellant and as such the proposal clearly conflicts with policy SD30 of the South Downs National Park Local Plan 2019, which seeks among other things to restrict the net increase in replacement dwellings to 30% of the gross internal area of the existing building.
9. Despite this, the parties agree that the 2016 planning permission for a new house on the site has been implemented. While this approval pre-dates the adoption of the Local Plan in 2019, based on the evidence available and the findings of my site visit, I have no reason to believe that there is not a very real prospect of these works being continued. I therefore consider this fall-back position to be a material consideration of significant weight.
10. The appeal scheme would result in a number of changes to the 2016 permission, most notably an increase in the height of the development and changes to part of the roof form to provide a 'barn end' to the western side of the development, alongside the inclusion of two first floor level windows and other smaller scale changes. I agree with the Authority that compared to the approved plans of the extant permission, these changes would result in the development being perceived as a larger building on the site, although this is limited by the modest scale of the changes proposed.
11. The proposed 'barn end' would be of a similar design to those previously approved to the northern and southern ends of the replacement house but with the inclusion of a first floor level window. Visibility of this change would be experienced from Beechwood Lane through gaps in the foliage and over the pond. These views are restricted to a short distance on Beechwood Lane however, due to the dense hedgerow which lines the lane further to the west. Largely unobscured views of Laudacre, which sits in a more prominent position to the south on higher ground, are also possible from these view points.

12. The rear of the property, and parts of the north elevation, would similarly be evident in mid-distance views enjoyed from Beechwood Lane further to the east. In these views the appeal site can be viewed more openly across the ponds and field. However, in these views the nature of the changes proposed are likely to have very little visual impact given the scale of the changes to these elevations and the distance from public view points.
13. Despite this visibility of the appeal site, in travelling along Beechwood Lane, the appeal site reads as part of a small cluster of development formed by the three buildings. Those nearby buildings are of a larger bulk than the development proposed with both containing floorspace in the roofspace served by first floor level windows. While I acknowledge there is an increase in bulk of the proposed development, due to the positioning of the site within this small cluster of development, and the particular nature of those existing buildings, I do not consider that the changes now proposed beyond the 2016 scheme would cause unacceptable visual harm to the character of the area. I consider that it would sit comfortably within this context and would not appear unduly prominent a result of the changes proposed.
14. Moreover, the slight reduction in the footprint of the building on its western side would also provide some minor benefit in reducing the prominence of the development when viewed from Beechwood Lane from the west.
15. There is dispute between the parties as to whether the appeal scheme sees the introduction of a first floor level to the building. Notwithstanding this dispute, it is necessary to assess how the changes proposed affect the character and appearance of the area. By reason of the scale and location of the two proposed first floor windows, in combination with the removal of two rooflights in the west facing roofslope, I do not consider that the first floor accommodation would become visually prominent and that it would continue to appear subservient to the ground floor accommodation. I consider that the addition of the flue as shown on the drawings would add little to the perception of bulk at the first floor due to its slim profile. In addition, for the reasons discussed above relating to the visibility and context of the site, I consider that the manifestations of the first floor level would not cause unacceptable visual harm to the character and appearance of the area in this particular case.
16. I also note the Authority's concerns that the existing property has a more modest appearance of a simple shallow pitched roof and simple detailing, and that this sits comfortably and quietly within the landscape. While this may be the case, the extant 2016 permission has a similar appearance to that which is before me now and I have found that to be a material consideration of significant weight. The negotiations which took place with the Authority under the earlier applications do not affect my assessment of the planning merits under this appeal.
17. The officer's report raises concerns for the impact of the openings at first floor level on the dark night skies in this location. As the proposals entail the removal of upward facing rooflights from the extant permission, and as the site is in relatively close proximity to other buildings with large openings, I do not consider the development would have an unacceptable impact on the darkness of the night sky.
18. I therefore conclude that, given the existence of the extant 2016 permission, the proposed development would not have an adverse effect on the character

and appearance of the area, having particular regard to the statutory purposes of the National Park. The proposal would conserve and enhance the natural beauty of the area, and would not cause conflict with the purposes of the designation of the National Park.

Conclusion

19. A number of policies have been cited in the Council's reason for refusal. While the proposal would conflict with policy SD30 insofar as it restricts the floorspace uplift of a replacement dwelling, the proposal would comply with policies SD1, SD4, SD6, SD5, SD7 which together seek to conserve and enhance the landscape character and include a requirement for sensitive design.
20. Given the clear conflict with policy SD30 of the Local Plan, the proposals would not be in accordance with the development plan as a whole. However, I have found that material considerations indicate a decision should be made otherwise. I therefore find that the appeal should be allowed.

Conditions

21. The Authority have suggested a number of conditions and I have considered these against the tests contained in the Framework and Planning Practice Guidance.
22. I have imposed conditions requiring compliance with the submitted plans to provide certainty for all parties. The Authority have recommended that permitted development rights for the property be removed for various works including any alterations, extensions, new windows, roof level openings or outbuildings. The reason why this is recommended has not been given and, as the General Permitted Development Order already limits permitted development rights for properties within National Parks, I am not convinced that further restrictions are necessary in this case. I am also mindful in this respect of the advice in Planning Practice Guidance that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity.
23. A condition is imposed to ensure that the soft landscaping shown on the plans is delivered to ensure the proposal sits comfortably within its verdant setting and delivers enhancements to the landscape. A condition is also imposed in relation to storage of construction materials on the site so as to protect the adjacent water course. Given the size of the proposed structure as the conversion of the garage into a separate unit of accommodation would likely require planning permission in its own right, I do not consider it necessary to impose a condition in relation to its use.

C Shearing

INSPECTOR

Conditions Schedule

- 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: LC-EX-GFEL-001; LC-PP-SBP-001; LC-PP-SLP-001; LC-PP-GF-001; LC-PP-FF-001; LC-PP-RP-001; LC-PP-EL-001; LC-PP-EL-002; LC-PP-SE-A; 1001_01_P02; 1001_02_P02; 1001_03_P02; 1001_05_P02; 1001_06_P02; 1001_07_P02.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 4) Any materials or storage of materials including oils, fuels or chemicals used during construction of the dwelling hereby permitted or during subsequent occupation shall be sited on impervious bases so as not to prevent leeching or contamination into the ground or nearby watercourse.