



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: 3 February 2022

Appeal Ref: APP/Y9507/D/21/3283228

St Peters Well, Vicarage Lane, Lodsworth GU28 9DF

- 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 Claire Penhallurick against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/04726/HOUS dated 5 October 2020, was refused by notice dated 6 July 2021.
 - The development proposed is 'New build timber-framed garage building, brick retaining wall and relocation of existing oil tank.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the development proposed on the setting of the listed building of St Peters Well; whether the development would preserve or enhance the character or appearance of the Lodsworth Conservation Area, and; the effect of the development on the landscape character and cultural heritage of the South Downs National Park.

Reasons

3. The appeal site lies on the edge of the village of Lodsworth and adjoins the eastern extremity of the Lodsworth Conservation Area. It contains the historic property of St Peters Well which sits within the north eastern corner of its plot and which is grade II listed. It is separated from Church Lane by a historic stone wall which is also grade II listed in its own right. The property lies within a spacious garden which rises gently in height to the south and west.
4. The significance of St Peters Well as a grade II listed building is derived not only from its physical characteristics but also its setting. The appeal site comprises the large plot which provides its verdant domestic garden. As an early domestic building, the appreciation of St Peters Well within its landscaped garden is an important part of its setting and significance. The physical proximity and linkage along Church Lane to St Peters Church, also inform the significance of St Peters Well.
5. The appellant's Design, Access and Heritage Statement identifies that the Conservation Area derives its significance from its unique historical values and the inter-relationship of the development pattern, and that the scale and character of the buildings within it provide its special interest. St Peters Well is

- understood to be one of the earliest domestic buildings within the Conservation Area and together with its verdant garden setting, contributes positively to the significance of the Lodsworth Conservation Area.
6. The spaciousness and vegetation within the appeal site provide an important transition and buffer between the village of Lodsworth and the adjoining countryside and surrounding landscape. This understanding of the development pattern of the village and its transition into the open countryside also makes an important contribution to the natural beauty and cultural heritage of the South Downs National Park.
 7. By reason of the footprint of the proposed garage in combination with its substantial pitched roof, the proposed structure would fail to appear as a visually subordinate outbuilding to this garden setting. Its height and eaves levels conflict with the low linear forms and proportions of St Peters Well and its proximity to the existing historic outbuilding would serve to further exacerbate its scale.
 8. In addition to the built form of the garage, the proposals entail significant ground works to provide an extended driveway and facilitate access to the garage. These works would remove a notable section of the gentle slope of the garden and create a manufactured landscape of increased hard surfacing and extensive retaining walls. This would appear stark and at odds with the soft landscaped garden. Despite being set some distance away from St Peters Well itself, the works would occupy a significant portion of the southern part of the garden and would create a prominent landscape feature within the site. While the area of the proposed garage currently includes scrub and brambles of little landscape value, they nonetheless contribute to the character of the domestic garden which has been found to be important to the setting of St Peters Well and the Conservation Area.
 9. The appellant has provided a Landscape and Visual Appraisal (LVA) in support of the proposals. This identifies the landscape in which the works are proposed to be of Medium-High sensitivity in light of its location in a domesticated garden setting, on the eastern edge of the High sensitivity Lodsworth Conservation Area and within the national landscape designation of the South Downs National Park. The LVA finds that the proposed development would bring a Medium magnitude of change to the landscape character of the site, but that this would be most apparent during the construction period.
 10. Public views of the site are experienced primarily from Church Lane itself and from longer views from the bridleway which crosses the field to the north east. I disagree with the LVA insofar as it considers views of the site are restricted by the listed boundary wall on the Church Road, and I have found the area of works would be apparent from a substantial length of Church Lane in front of the appeal site. Glimpses of the area of the proposed development would also be possible from Vicarage Lane to the north. The proposed development would therefore be apparent in these public views from which the significance of the designated heritage assets, as described above, is perceived. Boundary planting would assist in screening the development in some short term views, however this would be unlikely to provide any meaningful mitigation or screening for the impact of the development in the longer views from the north.

11. While I do not have any evidence to the contrary which would lead me to disagree with the conclusions of the LVA, I am not convinced that the impacts of the proposal that it identifies would result in a development which preserves the setting of the listed building or which preserves or enhances the character and appearance of the Lodsworth Conservation Area, in light of the contribution that the appeal site, as an early property and its domestic garden on the edge of the settlement, makes to their significance.
12. In summary, through the introduction of a substantial built form which fails to respect the scale or form of the listed building, and through the introduction of a contrived area of hard landscaping and engineering to accommodate parking, the proposals would result in the loss of the green and verdant character of the site, thereby causing less than substantial harm to the setting of the listed building which forms an important part of its significance.
13. Moreover, for these reasons and through the failure to respect the historic development pattern and St Peters Well, I consider that the development would fail to either preserve or enhance the character or appearance of the Lodsworth Conservation Area.
14. The scale of the built form and its visibility from surrounding public viewpoints would unacceptably erode the contribution that the site makes to the transition between the edge of the village and the countryside beyond, unacceptably eroding the understanding of the development pattern of the village and the contribution to the natural beauty and cultural heritage of the South Downs National Park.
15. The harms identified to the significance of the heritage assets of the Conservation Area and the grade II listed St Peters Well in this instance are less than substantial. In line with the test at paragraph 202 of the National Planning Policy Framework (the Framework) this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Framework at paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to an asset's conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm.
16. Planning Practice Guidance describes that a public benefit should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. I have had regard for the benefits of the proposals which have been put forward by the appellant. This includes secure parking for four vehicles and garden equipment. I have not been provided with a copy of policy SD22 regarding parking standards, however I acknowledge that the proposals would provide appropriately sized parking spaces with turning areas to serve the property. Despite this, I also acknowledge the existence of the existing area of hard surfacing which serves the purpose of providing off street parking for the property. Based on the information before me, I see no reason why this space could not achieve adequate off street parking, and I therefore afford little weight to the benefit of the proposed car parking provision. The issue of secure garden storage I consider to be a private benefit rather than a public one and I afford this little weight in assessing the proposals against the test in the Framework.

17. The proposed garage would provide the opportunity for some vehicles to be hidden from public view points, particular as the garage doors would face away from Church Lane. However the proposals would provide an enlarged area of hard surfacing and, to the contrary, would increase the opportunities for vehicles to be parked on the site, which would be perceived to some degree in views from Church Lane and Vicarage Lane. In addition, the visual impacts parking of vehicles on the site are transient rather than a permanent, and any such harm would not be continuous. As such I do not agree this to constitute a public benefit of the development in its entirety.
18. Limited information is available in respect of the impact of the development on highway safety and the visibility splays of the access. Similarly the supporting plans do not demonstrate any significant change to the width of the access and the embankments and landscaping to the south of the access. As such, on the basis of the information available, I am similarly not satisfied that this forms a public benefit of the scheme.
19. A map dating from 1841 suggests the presence of a second outbuilding located adjacent to Church Lane, close to the area of the proposed garage. It is no longer evident within the later plan dated c.1897. While this suggests there was historically some built form in that location, there is otherwise little known about the nature of this building, its design or its relationship to the listed building or the Conservation Area. As such I can afford only minimal weight to this evidence as a material consideration in favour of granting planning permission.
20. I note that the current owners are investing in the site and the listed building, which was previously in a state of disrepair, and works are being undertaken to help secure its continued domestic use, which is welcome and a notable public benefit in its own right. However I do not consider that the works proposed under this appeal are integral to securing the optimum viable use of the listed building in this case, particularly given the presence of the existing off street parking area and outbuilding.
21. In summary there are not public benefits, or other matters raised, which would outweigh the harms caused to the designated heritage assets of the St Peters Well listed building and the Conservation Area, to which I afford substantial weight. In turn the proposals fail to comply with policies SD4, SD5, SD6, SD12, SD13, SD15 and SD31 of the South Downs Local Plan insofar as they relate to good design, conservation of the historic environment and require that development conserves and enhances landscape character through its design, layout and scale.
22. I have noted the appellant's comments with regard to the application of policy SD31 and the limit that this policy imposes on floorspace uplift from extensions. However, this is just one part of policy SD31 and in light of my assessment above I find that the proposals would not comply with part b) of the policy insofar as it requires development to respect the established character of the local area.
23. In addition the proposals would fail to adhere to the first purpose of the National Park designation which is to conserve and enhance the natural beauty, wildlife and cultural heritage. This causes conflict with policy SD1 of the South Downs Local Plan which relates to these purposes and the aspirations of the

South Downs Management Plan 2020-2025 to the extent that they seek to protect and enhance the natural beauty and character of the National Park.

Conclusion

24. The development would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations in this instance. The appeal is therefore dismissed.

C Shearing

INSPECTOR