
Appeal Decision

Site visit made on 15 February 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/Y9507/W/21/3280855
76 Portsmouth Road, Liphook GU30 7EF

- 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 Mark Tweddle against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/00523/FUL, dated 28 January 2021, was refused by notice dated 30 July 2021.
 - The development proposed is conversion of garage/workshop building to create a one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the planning application was submitted retrospectively, and I have dealt with the appeal accordingly.
3. I saw, during my site visit, that the conversion works carried out are not fully in accordance with the planning application drawings. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me, as listed on the Council's decision notice. These include proposed floor plans and elevations drawing Refs 0218 PA 01 Rev E and 0218 PA 02 Rev G.

Main Issue

4. The main issues are:
 - Whether the appeal scheme provides a suitable location for a new dwelling, having regard to the location of the site within open countryside and the effect of the appeal scheme on the character and appearance of the area; and
 - Whether the appeal scheme provides appropriate living conditions for future occupiers of the development, with particular regard to outlook, privacy and private external living space provision.

Reasons

Character and appearance

5. The site lies on the northwest side of Portsmouth Road, within open countryside to the southwest of Liphook, and within the South Downs National

Park. It forms part of a cluster of buildings surrounded by open land. These include a linear development of terraced houses fronting the road, a public house, and a cat boarding business.

6. The information before me is that the detached garage/workshop building lies within the residential curtilage of an end-of-terrace dwelling at 76 Portsmouth Road, and its use is restricted, by condition, to that of parking motor vehicles and ancillary domestic storage in association with the host property.
7. The appeal scheme would create an independent one-bedroom market dwelling, for which no essential need has been demonstrated. Policy SD25 of the *South Downs Local Plan* (2019) (the Local Plan) sets out the development strategy for the area located within the National Park. The appeal site lies outside any settlement boundary where Policy SD25 only permits development in exceptional circumstances, which are set out as a number of alternative requirements. Of relevance to the appeal scheme, is criterion (d) which requires the development to comprise an appropriate use of a previously developed site, excepting residential gardens, and to conserve and enhance the special qualities of the National Park.
8. The Council has not come to a view as to whether it considers that the site can be considered to be "*previously developed land*". Also, it has not specifically confirmed which uses would be considered to be "*appropriate*" for the purposes of criterion (d).
9. Notwithstanding this, there is no requirement for me to consider these matters further, having regard to my conclusion below in respect of the additional requirement of criterion (d), that the development must conserve and enhance the special qualities of the National Park.
10. The appeal site lies within an enclave of built development, surrounded by open countryside, which is physically and visually distinct from the built-up area of Liphook to the northeast. The existing arrangement of buildings comprises a road-facing linear arrangement of properties (terraced housing and a public house) which are positioned close to the road frontage. There is a more sporadic arrangement of associated detached outbuildings, including a small block of domestic garages, and structures associated with a cat hotel business, which are set well back behind the road frontage.
11. The density of residential development is low, with properties sited in generous plots, and incorporating private rear gardens. As a domestic outbuilding, the garage/workshop building on the appeal site, is wholly in keeping with the established pattern of built development. It has a single-storey, low-key appearance, and, in terms of its use, form and position in relation to surrounding development and the road, it is clearly perceived as an ancillary outbuilding.
12. The proposed occupation of the building as an independent dwelling, whilst involving minimal alterations to the outside of the property, would result in a significant increase in the intensity of use of the building, and a higher density of residential development than is characteristic of the immediate locality. The form and layout of the resulting dwelling and its plot would not respect the prevailing spacious character of residential development.

13. Both the plot associated with the new dwelling, and that which would remain for the host property, would be uncharacteristically small in relation to the prevailing density of residential development within the cluster of properties. The resulting detached single storey dwelling would be out of keeping with the neighbouring two-storey terraced dwellings which characterise the group of buildings within which the property is located. Its set-back position in relation to the road would introduce an incongruous residential layout, which would conflict with the established frontage residential development.
14. Moreover, the position of the new dwelling, adjacent to two site boundaries and close to the cattery building at the rear, and the shared garages, parking and access to the southwest, would constitute an unduly cramped and confined layout of residential development that would be at odds with, and significantly erode, the more spacious layout of development which characterises the collection of dwellings as a whole.
15. Whilst a small area of garden already exists to the front of the garage building, this is in addition to a larger enclosed garden at the rear of No.76, which is more private and is readily accessed directly from the house. In contrast, the land in front of the garage is sited in a more exposed, elevated position relative to the road, and is separated from the house by a shared driveway. As such, it does not enjoy the same level of privacy and convenience of access as the private rear garden, and it is reasonable to assume that it is less well-used by the occupants of the host property.
16. Given the proposed lack of private side and rear garden for the new dwelling, and the small and enclosed nature of the proposed courtyard to the front of the building, it is likely that this elevated area of garden would assume a greater importance as an outdoor living space once the building is occupied as an independent dwelling. This would be likely to involve the introduction of more domestic paraphernalia associated with the occupants' enjoyment of this part of the garden.
17. There would also be additional parking in this area of the site as a result of the enlargement of the front parking area and increased vehicular activity and comings and goings associated with an additional household. These impacts would have a notably urbanising impact on the appeal site, and would detrimentally erode the existing spacious rural character of No.76.
18. When combined with the confined and set back position of the new dwelling, the above effects would serve to draw attention to the presence of an additional dwelling, and the discordant, intensive nature of the appeal scheme in relation to the prevailing more spacious character and appearance of this rural group of properties. The result would be detrimental to the established pattern of residential development and would materially harm the character and appearance of this part of the National Park countryside.
19. I note that the garage building is largely screened in wider views towards the site by landscape boundary treatment, and that new hedge planting has been introduced around the front lawn area. However, it is not appropriate to rely upon the future maintenance of sufficiently high boundary landscaping to screen development of an inappropriate form and layout its surroundings.
20. For the above reasons, I therefore conclude that the appeal scheme does not provide a suitable location for a new dwelling, having regard to the location of

the site within open countryside and the effect of the appeal scheme on the character and appearance of the area. As such, the appeal scheme does not accord with Local Plan Policies SD25 and SD5. These policies, amongst other things, require development outside of settlement boundaries, which is not allocated for development, does not have an essential need for a countryside location, or does not comprise community infrastructure, to conserve and enhance the special qualities of the National Park, and for development proposals to adopt a landscape-led approach and respect local character, including contributing to local distinctiveness and sense of place through their relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern.

21. This is consistent with Chapter 15 of the *National Planning Policy Framework 2021* (the Framework), which seeks to conserve and enhance the natural environment, including attaching great weight to the conservation and enhancement of landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Living conditions

22. The siting of the building close to the northern and eastern site boundaries, whose treatment includes close-boarded fencing and hedging, combined with higher ground levels on the adjacent land, means that the outlook from the ground floor accommodation of the new dwelling would be limited to fenestration in the west and south elevations. As such, the amount of light entering the ground floor rooms would be restricted, resulting in a gloomy living environment within the rooms.
23. Although there would be dual aspect ground floor rooms, the outlook from the patio doors on the south elevation of the dining room and the west-facing living room window would be limited to that of a courtyard, enclosed by timber fencing. Moreover, the proposed retention of the existing garage doors to the front of the patio doors, rendering them 'hidden' glass doors, would contribute to a further reduction in daylight entering the ground floor accommodation and an oppressive outlook, to the detriment of the living conditions of the occupiers of the new dwelling.
24. The building is physically separated from No.76 and its enclosed rear garden by a shared driveway which provides access to 3 garages, one of which is used in connection with the host property as a home office with a parking space in front, and the others in association with nearby dwellings. The access also serves a cat boarding business located to the rear of the appeal site.
25. The west elevation dining room window faces the row of garages, and is positioned adjacent to the shared access. Also, the south elevation living room windows would be in close proximity to, and directly face, the proposed enlarged parking area which would be shared by the new dwelling and the host property.
26. As such, comings and goings of neighbouring residents and their visitors, and cattery customers, including people getting into and out of vehicles, and the parking and manoeuvring of vehicles, so close to these windows, would give rise to a loss of privacy for the occupiers of the new dwelling, which would be materially harmful to their living conditions. The sense of an invasion of privacy would potentially be compounded by unrestricted day and night time noise

- impacts arising from vehicle engines, driver and passenger conversations, and in-vehicle music/entertainment systems, and light disturbance from vehicle headlights.
27. I saw during my site visit, that large parts of the glazing of these windows have been treated to be opaque, thereby obscuring views into and out of the windows. Whilst this currently prevents views into the ground floor accommodation, I am not persuaded that it would satisfactorily address the above privacy impacts arising from an unrestricted presence of third parties so close to the building. In addition, the window opaqueness contributes to the oppressive outlook from the new dwelling.
28. The Council has not directed me to any adopted development plan policies in respect of minimum garden size standards, and it has not specifically indicated the amount of outdoor garden space it would expect to be provided for the new dwelling. I find the proposed overall amount of external living space, comprising the courtyard and raised lawn areas, as altered by the parking and access changes, to be sufficient having regard to the small, one-bedroom size of the dwelling.
29. However, the courtyard space, whilst private, would be small and surrounded by fencing, which due to its height and solid nature would have detrimentally enclosing and overshadowing effects on this amenity area, restricting sunlight and daylight. Moreover, the lawned area would not provide a satisfactory level of privacy for its users, due to its combined elevated ground level, and position surrounded on three side by Portsmouth Road, and the shared driveway and parking areas. As such, I do not find the layout and position of the proposed external living spaces to satisfactorily serve the requirements of the occupiers of the dwelling, which would typically include space to enjoy sitting outside and/or outdoor dining, and the provision of outdoor drying facilities.
30. I observed that hedging has been planted along the sides of the lawn. At present, this hedging is not of sufficient height to screen the garden from outside views, and its future retention and growth could not be guaranteed in the future. Moreover, it is not appropriate to rely upon sufficiently high boundary landscaping to provide a satisfactory level of external living space for the development.
31. Whilst the appellant has confirmed that the room sizes meet the Nationally Described Space Standards technical housing standards, this does not outweigh or justify the aforementioned harms that I have identified.
32. For the above reasons, I therefore conclude that the appeal scheme would not provide satisfactory living conditions for future occupiers of the development, with particular regard to outlook, privacy and private external living space provision. As such, the development does not accord with the aims of Local Plan Policy SD5, which, amongst other things, requires development proposals to have regard to avoiding harmful impact from any surrounding uses, meet the day-to-day functional needs of its users, provide high quality garden, terrace or balcony space for residential occupiers, of a size and nature that befits future occupiers' needs, respect the privacy and amenity of future occupiers, and ensure good natural light for buildings and their occupiers.

33. This is generally consistent with guidance within the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users (Paragraph 130).

Other matters

34. The site lies within the 400m – 5km buffer zone of the Wealden Heaths Phase II Special Protection Area (SPA), where new housing, in combination with other plans or projects, is considered likely to have a significant effect upon the integrity of the European Site, as a result of increased recreational disturbance. The Council has confirmed that an Appropriate Assessment (AA) has been completed, which concluded that there would be no adverse impact on the SPA as a result of the appeal scheme.
35. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the European designated site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, by seeking further comments from both main parties. I would also need to undertake an AA of the implications of the appeal scheme for the European designated site.
36. However, as the main issues provide clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision.
37. When judged against some of the core planning principles of the Framework, the appeal scheme would perform well. Although located outside of the defined settlement boundary, it is an accessible site by means of transport other than the car, as it lies within close proximity of the facilities and services and public transport connections within Liphook, which can be easily accessed by foot from the site. Also, there would be a small social benefit in providing an additional housing unit, and economic benefits as a result of the future occupation of the new dwelling. However, these benefits would not overcome the harm to the character and appearance of the area and the living conditions of future occupiers.
38. Notwithstanding that the Framework encourages the effective use of land, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified, and would not address, or outweigh the aforementioned harm I have identified in respect of the main issues.
39. My attention has been drawn to an allowed appeal decision¹ in respect of a conversion of a barn and stables to a dwelling elsewhere within the National Park. I note that the Inspector concluded that the proposal was in accordance with Policy SD25. However, the details relating to that appeal, including the appeal scheme, the location of development in relation to surrounding development, and the site planning history, are not directly comparable with those of the current appeal. In any event, I must determine this appeal having regard to the appeal site circumstances and the merits of the scheme before me.

¹ APP/Y9507/W/19/3224462

Conclusion

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

S Leonard

INSPECTOR