The Planning Inspectorate

Appeal Decisions

Site visit made on 21 March 2022

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal A: APP/Y9507/C/21/3284029
Honeysuckle Cottage, Horsham Road, Findon, Sussex BN14 0UY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms C Scerri against an enforcement notice issued by South Downs National Park Authority.
- The enforcement notice was issued on 20 August 2021.
- The breach of planning control as alleged in the notice is: Without planning permission and within the last 4 years, the erection of a rear extension on Honeysuckle Cottage.
- The requirements of the notice are: 1. Remove the light lantern situated on top of the rear extension of Honeysuckle Cottage. 2. Remove the resultant building waste from site.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B: APP/Y9507/C/21/3279810

- 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 C Scerri against the decision of South Downs National Park Authority.
- The application Ref SDNP/21/00622/HOUS, dated 2 February 2021, was refused by notice dated 24 June 2021.
- The development proposed is described as: Single storey rear conservatory. Change of use for incorporation of open space to side of property into garden and construction of new boundary wall.

Summary of Decisions

1. The appeals are allowed, the enforcement notice as corrected is quashed, and planning permissions are granted in the terms set out below in the Formal Decision.

Preliminary Matters

2. The plan attached to the notice incorrectly identified the site. The parties have however since agreed a substitute plan, and so no injustice arises from making this correction.

3. The planning application (Appeal B) relates to a single-storey rear extension, change of use of land to garden and construction of a boundary wall. The

application was however only refused owing to the rear extension. As no planning harms were identified in respect of the other developments, I need not consider these further for the purposes of my assessment.

4. The reason for issuing the notice does not succinctly describe the planning harm arising from the rear extension. However, as the Authority has refused planning permission for the same rear extension (Appeal B), and given a succinct reason for doing so, I shall also consider this for the purposes of my ground (a) assessment.

5. Whilst I appreciate the notice has been issued in order to remedy an injury to amenity, the main requirement is to merely remove the roof lantern from the rear extension. There is then no requirement as to how the appellant should make-good the resultant void. This leaves the appellant in a potentially invidious position as the expectation of the Authority might be for a flat roof, or could it be fully glazed, or perhaps planning permission may then be required. It is however not for me to unilaterally decide a prospective roof treatment.

Appeals A and B – The ground (a) appeal and refusal of planning permission

Main Issue

6. The main issue is whether the roof lantern is harmful to the character and appearance of the area and the dark night skies of the National Park.

Reasons

7. The site consists of a semi-detached property located on a corner plot. The immediate area is developed and residential in character, of mixed designs, with the majority of properties set in comparatively modest sized plots.

8. The single-storey rear extension is constructed from brick to match the dwelling, under a flat roof with glazed roof lantern.

9. The site is said to be located within a dark skies intrinsic zone of darkness transition zone, although I have only limited evidence before me about this particular zone and its planning objectives. I do however accept that roof lanterns can result in upward light spill which may not conserve the intrinsic quality of the dark night skies.

10. However, the site is situated in developed residential surroundings. The adjoining semi-detached property comprises a rear conservatory, with fully glazed roof, and I could see during my site visit that there are numerous examples of such structures in the immediate area and potential forms of light pollution.

11. Against this backdrop, I am simply not convinced that the addition of the roof lantern leads to excessive or harmful upward light spillage, to the detriment of the intrinsic qualities of the area's dark night skies or any wider unlit environment within the parish.

12. Whilst the roof lantern can be seen in views from the public realm, the extension and with-it roof lantern are set back from the road frontage and are therefore not unduly prominent. The materials, height and design of the roof lantern therefore does not have a detrimental impact on the character and appearance of this area, given it comprises a mix of property designs. Given

the developed location of the site, there is no wider landscape harm. The roof lantern therefore respects and makes a positive contribution to the established character of the local area.

13. I conclude the roof lantern is not harmful to the character and appearance of the area and the dark night skies of the National Park. It therefore accords with Policies SD4, SD5, SD8 and SD31 of the South Downs Local Plan, adopted July 2019, and Policies CFW8 and HD7 of the Findon's Future, Findon Neighbourhood Development Plan 2016-2035, adopted December 2015, amended March 2020. These policies, amongst other things, require development to safeguard the amenity qualities of the landscape, make a positive contribution to the overall appearance of the area, conserve and enhance the intrinsic quality of dark night skies, respect the established character of the local area, not detract from the unlit environment of the Parish, and, ensure that the valued physical qualities and characteristics of the village and its surroundings are conserved.

14. For the same reasons the development accords with the conserving and enhancing the natural environment objectives of the National Planning Policy Framework and the first statutory purpose of National Park designation.

Planning Conditions

15. The Authority has provided suggested conditions in the event I was minded to allow the appeals. However, in light of my assessment I do not consider it necessary for low transmittance glass or automatic black out blinds to be installed. Whilst the appellant has then indicated a willingness to provide a bird box, there is very limited evidence to demonstrate why it is necessary or reasonable in planning terms in connection with the retention of the roof lantern, or indeed the other developments.

16. A condition to list the approved plan is however necessary for Appeal B.

Conclusion

17. For these reasons and having regard to all other relevant matters raised, I conclude that the appeals on ground (a) and against the refusal of planning permission should succeed.

Formal Decisions

Appeal A

18. It is directed that the enforcement notice be corrected with the substitute plan dated 23 February 2022.

19. The appeal is then allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a rear extension at Premises known as Honeysuckle Cottage, Horsham Road, Findon, Sussex BN14 0UY referred to in the notice.

Appeal B

20. The appeal is allowed and planning permission is granted for Single storey rear conservatory. Change of use for incorporation of open space to side of property

into garden and construction of new boundary wall at Premises known as Honeysuckle Cottage, Horsham Road, Findon, Sussex BN14 0UY in accordance with the terms of the application, Ref SDNP/21/00622/HOUS, dated 2 February 2021, subject to the Schedule of Conditions attached to this decision.

Paul T Hocking

INSPECTOR

APPEAL B SCHEDULE OF CONDITIONS

1. The development hereby approved shall be constructed in accordance with the drawing title numbers:- As Built Plans and Elevations, Site Location Plan and Site Block Plan, dated 26 January 2021.