



Appeal Decision

Site visit made on 6 June 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2022

Appeal Ref: APP/Y9507/W/21/3281735

2 Manor Farm Cottages, Church Lane, Exton S032 3NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs S Martin against South Downs National Park Authority.
 - The application Ref SDNP/20/04881/HOUS, is dated 4 November 2020.
 - The development proposed is for a first-floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues in this case are:
 - whether the proposal would preserve or enhance the character or appearance of the Exton Conservation Area (CA) and the cultural heritage of the South Downs National Park (SDNP), and;
 - the setting of the surrounding listed buildings.

Reasons

Character and appearance

4. The appeal site is located within the CA and the SDNP and faces on to the junction of Church Lane and Shoe Lane within the settlement of Exton. From Shoe Lane the 18th Century Grade II listed dwelling of Manor Farm can be seen to the right-hand side of No 2 Manor Cottages. To the western side of the host property the 13th Century flint and stone St Peter and St Paul Church (the Church) and its road-facing grave-yard can also be seen over the detached garage belonging to No 2. The special character and significance of the CA is typified by traditional stone and brick type dwellings many of which are set out as balanced pairs or tidy rows. For example, those seen at Manor Farm Cottages, Rose Cottage, Kingfisher Cottage and Wyndham Cottage, some of which are set behind flint walls, which in addition to the Church and Manor Farm make a positive contribution to the CA.

5. The proposal is to construct a first-floor side extension to No 2 in materials similar to the host dwelling over the existing garage.
6. The appeal site is located within the SDNP. Therefore, proposals should seek to conserve and enhance the cultural heritage of the area, as required by Paragraph 176 of the Framework, to which I attach great weight. Nonetheless, the proposal would be located in a residential area. As such, the principle of development is accepted.
7. However, while the appeal scheme would be relatively modest it would nonetheless extend across the breadth of the appeal site to first-floor level and would be approximately double the width of the host dwelling. Indeed, the scale and mass of the proposal would be at odds with the unassuming cottages found in this part of the CA, including the neighbouring dwelling, which I noticed at my site visit are mostly unfettered by more contemporary style or large-scale extensions.
8. Moreover, even if the pitched-roof structure could be constructed without the need for the rebuilding of particular elements of the host garage, the bulky pitched-roof proposal would nevertheless unbalance the pair of simple, yet attractive unlisted dwellings in this highly prominent junction location within the CA. Indeed, the proposal would not only be readily seen by residents in Exton but also by visitors to local events such as garden open days at the Manor House or similar local events as well as those passing through the SDNP.
9. I conclude therefore, that the proposal would detract from the prevailing character and appearance of the CA. Consequently, the proposal would fail to preserve or enhance the character and appearance of the CA and harm the cultural heritage of the SDNP.
10. Accordingly, in respect of the CA, the proposal does not meet the aims of the first statutory purpose of the SDNP, which seeks to conserve and enhance cultural heritage, and Policies SD5, SD12 and SD15 of the South Downs Local Plan 2019, (SDLP) which say that development proposals will only be permitted where they conserve and enhance the historic environment, and the Framework when read as a whole.

Listed buildings

11. I acknowledge that a heritage asset's setting is not fixed and may change as the asset and its surroundings evolve. However, notwithstanding the flint wall to the front and side of No 2 or the retained view to Manor Farm, the fact remains that the extensive proposal would be in close proximity to the Church.
12. As such, while the Church can currently be seen over and above the host garage, the height of the proposed development would serve to permanently erode this important view within the CA. It follows then that the proposal would result in unacceptable harm to the significance and setting of the church, which is an important village landmark with considerable architectural qualities such as, but not limited to, a nave roof, a porch, coursed flint and rubble walls, stone dressings, lancets, perpendicular windows, a shingle spire, a bell-turret of vertical board, a chancel with a double piscina and a range of wall monuments.

13. Subsequently, in respect of the setting of listed buildings, the proposal does not meet the aims of the first statutory purpose of the SDNP, and is contrary to Policies SD5, SD12, SD13 and SD15 of the SDLP, which make clear that development proposals will be refused planning permission where they cause substantial harm to a listed building or its setting, and Section 16 of the Framework.

Planning balance

14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is supported by the national *Planning Policy Guidance* (PPG), requires the decision maker to have special attention to the desirability of preserving or enhancing the character and appearance of designated conservation areas within which development may occur. The same Act also requires that special regard should be paid when assessing proposals for development that affect listed buildings and their setting. Moreover, Paragraph 199 of the Framework states that great weight should be given to an asset's conservation, and that this is irrespective of whether harm is substantial or less than substantial.
15. I have found that the proposed development would fail to preserve or enhance the character and appearance of the CA. It would also have a harmful effect on the significance and setting of the nearby listed Church. In accordance with Paragraph 202 of the Framework, I am required to assess the extent of such harm. In the context of both the CA and listed buildings, I find that the harm would be less than substantial. These are to be balanced against the public benefits arising from the proposal. Having found that the development would result in 'less than substantial harm' to heritage assets, according to various Court decisions, this does not equate to a 'less than substantial planning objection'. The PPG requires that whether a proposal causes 'less than substantial harm', this will be a judgement for the decisionmaker, having regard to the circumstances of the case.
16. The proposal would include short-term employment opportunities connected to the construction of the extension and have a number of biodiversity enhancements that would include rainwater collection, bird-boxes and new planting. It has also been brought to my attention by an interested party that the proposal would provide more flexible accommodation. I afford these benefits limited weight.
17. In accordance with the balancing exercise contained in Paragraph 202 of the Framework, I conclude, even when considered in combination, that the benefits do not outweigh the 'less than substantial harm' to the CA or the significance and setting of the listed buildings.

Conclusions

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

J E JOLLY

INSPECTOR