



Appeal Decision

Site visit made on 17th October 2022

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 1st November 2022

Appeal Ref: APP/Y9507/D/22/3300153

South Downs Lodge, Truleigh Hill, Shoreham BN43 5FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under s.73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Philip Manns against the decision of South Downs National Park Authority.
 - The application Ref.SDNP/22/00975/CND dated 9 February 2022, was refused by notice dated 3 May 2022.
 - The application sought planning permission for a loft extension and erection of a single storey rear extension without complying with condition no.5 on planning permission (ref. SDNP/19/01796/HOUS) dated 28 June 2019.
 - The condition in dispute is condition 5 stating "The materials and finishes of all new brick external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building."
 - The reason given for the condition is: "In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007)."
 - The appellant seeks deletion of condition 5.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks removal of a planning condition attached to a planning permission granted in 2019 'the 2019 permission' which permitted a loft conversion and erection of a single storey rear extension to a semi-detached bungalow situated within the South Downs National Park. The development has taken place.
3. The condition stated:
"The materials and finishes of all new brick external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building."
4. The permitted development as built does not comply with the condition and its deletion is sought.

Main Issue

5. The appeal site is situated within the South Downs National Park. The main issue in the appeal is the effect of the materials and finishes used for the development allowed by the 2019 planning permission on the surrounding buildings and the extent to which those materials and finishes conserve or enhance the natural landscape beauty of the National Park.

Reasons

6. The appeal property comprises a single-storey, semi-detached dwellinghouse located on the north side of Truleigh Hill. The dwelling is set back from the track and has off-road parking in the front curtilage and steps up to the building. The South Downs Way path, a public right of way runs along the track allowing views of the dwelling.
7. There is a small collection of dwellings and farmsteads around and visible from the appeal site. A Youth Hostel is situated to the west on lower land and is not visible from the site but is passed when accessing the site by road.
8. The attached dwelling to the east of the appeal site is larger and is made of brick and brownish roof tiles and some painted brick. It has three pitched roof front-facing dormers and its window frames, as visible from the front of the house, are white. The property to the west is detached and two storey and is finished in painted brick.
9. The development sought and granted in the 2019 planning permission was for a rear single storey extension and a rear dormer structure and this included conversion of the existing pitched roof space which included a hip-to-gable enlargement. The 2019 planning application form and subsequent planning permission (which had to be in accordance with the plans and particulars submitted with the application received on 11th April 2019) indicated that the materials and finishes of the proposed development were to be: "walls - brickwork and timber boarding; roof - plain tiles and windows - white upvc". The exterior of the dwelling at the appeal site has been finished in a number of materials including grey screed cladding, timber cladding, white painted brick and grey slate roof tiles.
10. The "existing building" referred to in condition 5 of the 2019 permission was made of materials including brick and had brownish roof tiles. From the photographs supplied, it does not appear to have been in a good state of repair. However, the roof tiles tended to blend in colour, texture and finish with the roof tiles on the attached dwelling to the east and with the roof of the detached dwelling to the west. The plans which were ultimately approved in 2019 show, amongst other things, some timber cladding on the proposed rear extension and on the rear face and east-facing cheek of the proposed new dormer structure at the rear.
11. Condition 5 was imposed in order to ensure that the proposed development respected the character of the surrounding area including the character and appearance of any attached or surrounding buildings, and also to ensure that it related sympathetically to the local landscape. Putting aside the approved timber cladding, materials and/or finishes that have been used on new brick external walls, new windows and new roofs of the development permitted by the planning permission jar with the attached building and with the other

nearby buildings in proximity to the appeal site. They also are visually incongruous with the strongly agricultural and rural landscape which surrounds South Downs Lodge.

12. The type, colour and texture of external materials of the building as existing in 2019 when the application was made, were plainly important so as to avoid harming the visual amenity of the attached and nearby buildings and the surrounding designated landscape. In particular, it was and continues to be necessary to conserve the natural beauty of the National Park landscape and this is enshrined in statute. In this case, the unapproved materials and finishes on the development permitted by the 2019 planning permission fail to conserve the natural beauty of the National Park but instead harm it.
13. The fact that there is little symmetry between the appeal dwelling and its attached neighbour does not mitigate the visual harm caused by the unapproved materials and finishes used. Similarly, vegetation at the front on the common boundary between the two dwellings only filters views and cannot in any event be relied upon to provide a permanent screen.
14. I conclude therefore that the unapproved materials and finishes used for the development allowed by the 2019 planning permission unacceptably harms the character and appearance of the surrounding buildings and fails to conserve the natural landscape beauty of the National Park. There is conflict with policies SD4, SD5 and SD31 of the South Downs Local Plan (2019) and policy 8 of the Upper Beeding Neighbourhood Plan (2018-2031).

Conclusion

15. Having taken into account all representations made, for the reasons given above, I do not consider that condition 5 should be deleted and accordingly I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR