



Appeal Decision

Site visit made on 1 November 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/Y9507/W/22/3292952

Oakleaves, School Lane, Lodsworth GU28 9DH

- 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 Michael Fletcher of EPC Ltd against South Downs National Park Authority (the NPA).
 - The application Ref SDNP/21/05908/HOUS, is dated 24 November 2021.
 - The development proposed is the extension of existing bungalow to provide first floor accommodation and construction of a new garage building.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of existing bungalow to provide first floor accommodation and construction of a new garage building, at Oakleaves, School Lane, Lodsworth GU28 9DH in accordance with the terms of the application, Ref SDNP/21/05908/HOUS, dated 25 November 2021, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.OL.SITE, 21.OL.P02, 21.OL.P01, 21.OL.P03, 21.OL.P04, 21.OL.P05 and 20.OL.SITE with 'wild area (native species)' detail overlay.
 - 3) The roof lights hereby approved shall be fitted with automatic blackout blinds, to be closed during hours of darkness. Once installed the roof blinds shall be maintained in working order and retained in perpetuity.
 - 4) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.
 - 5) The existing hedge along the Hollihurst Road site boundary shall be retained and any part of the hedge which is removed without consent, dies, or become seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.
 - 6) The development hereby permitted shall be carried out in accordance with the proposals contained within the email from the applicant, dated 25.11.2021, and the accompanying plan reference 20.OL.SITE unless

details of other ecosystems proposals are otherwise agreed in writing by the Local Planning Authority.

- 7) Prior to first use of any part of the development hereby permitted, details of 1 bat box, including its type and proposed location on site shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the first use of any part of the development hereby permitted the bat box shall be installed in accordance with the approved details.

Applications for costs

2. Applications for costs were made by Mr Michael Fletcher of EPC Ltd against the NPA, and by the NPA against Mr Michael Fletcher of EPC Ltd. These applications are the subject of separate decisions.

Preliminary Matters

3. The appellant provided to the NPA their written agreement to the description of development within the banner.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on;
 - the character and appearance of the area;
 - the living conditions of the occupiers of Hollihurst, with particular regard to privacy and light;
 - the supply of small/medium sized homes within the National Park; and,
 - European Sites designated under the Habitat Regulations.

Reasons

Character and appearance

5. The appeal site comprises a detached single storey dwellinghouse located on the corner of School Lane and Hollihurst Road. It is within a residential area on the edge of the village of Lodsworth. To the far side of School Lane is an area of woodland. Houses within the area are predominantly 2 storey and detached, and display a range of different external materials including brickwork, render, and hanging wall tiles. They are of a variety of heights, styles, and ages.
6. In terms of their bulk, massing and design detailing, the proposals to extend the dwelling to provide accommodation over 2 storeys and to erect a single storey garage building in the location of an existing car port would assimilate well with other development within the area.
7. Located within the National Park, the appeal proposal has the potential to affect the character and appearance of the designated landscape. However, given the small scale of the development proposals, and the site's setting within a built-up area, the proposed development would not result in any adverse effect on the character and appearance of the designated landscape.
8. For the above reasons, the proposed development would not harm the character and appearance of the area. Accordingly, and in this respect, it would comply with Policies SD1 and SD5 of the South Downs Local Plan 2019 (the Local Plan) which seek to ensure sustainable development of a high-quality design which makes a positive contribution to the overall character and

appearance of the area. It would also accord with requirements of Policy 1 of the South Downs National Park Partnership Management Plan 2020-2025, which seeks to ensure development conserves and enhances the natural beauty and special qualities of the landscape.

Living conditions

9. Between the house subject of this appeal and Hollihurst there is a thick hedgerow of moderate height; a road; and a full and tall area of shrubbery planting on the boundary of Hollihurst.
10. The outlook available from first floor bedroom windows within the proposed development would be towards Hollihurst. However, due to the separation distance between the houses at Hollihurst and Oakleaves and the intervening planting, the proposals would not lead to any harmful reduction in privacy available to the occupiers of Hollihurst, either within their garden or house.
11. The separation distance and intervening planting would also prevent both the garage and the upward extension from having a harmful adverse effect upon the level of light available within the house and garden at Hollihurst.
12. Therefore, the proposed development would not result in any unacceptable harmful effects on the living conditions of the occupiers of Hollihurst with particular regard to light and privacy. Consequently, and in these respects, it would comply with Policy SD5 of the Local Plan which seeks to prevent development from causing a harmful impact upon any surrounding uses.

The supply of small/medium housing

13. The proposed upward extension would facilitate the internal reconfiguration of accommodation within the property. Although 2 first floor bedrooms would be provided, overall, the dwelling would retain 3 bedrooms.
14. An objective of Policy SD31 of the Local Plan is to protect the limited supply of small and medium sized dwellings in the National Park. To secure this objective the policy indicates that development which would lead to the increase in floorspace of the existing dwelling by more than approximately 30% should not be permitted unless there are exceptional circumstances. The South Downs NPA Extensions and Replacement Dwellings Technical Advice Note - 2021 (TAN) advises that small or medium homes are typically considered to have 1, 2 or 3 bedrooms. Although the internal floorspace would increase by in excess of 30%, the house would remain a 3 bedroom property, complying with the definition of a medium sized house as specified in the TAN. Although the percentage increase outlined within Policy SD31 would be breached, the development proposal would not result in the loss of a medium sized house.
15. Therefore, the proposed development would not harm the supply of medium sized dwellings within the National Park. In this respect it would comply with the aims of Policy SD31 of the Local Plan. It would also comply with the guidance contained within the TAN.

European sites

16. The NPA indicate that the appeal site is within the 6.5km zone of the Mens SAC, which is designated for its barbastelle bat maternity roosts. They also indicate that it is within the 12km zones of the Ebernoe Common and Singleton

and Cocking Tunnels SACs which are respectively designated for their barbastelle and Bechstein's bat maternity roosts, and hibernating populations of barbastelle bat and Bechstein's bats.

17. The proposed development would involve the upward extension of a house and the construction of a garage within its residential curtilage. The preliminary roost assessment survey concluded that the building had negligible habitat value for bats and that no further surveys were required. The NPA advise that this view is shared by Chichester District Council's Environment Officer. In the absence of any compelling information to the contrary, I accept these findings.
18. There would be no net increase in the number of houses within the site, and the house has negligible habitat value for bats. Furthermore, it is not proposed that any trees or hedgerows be removed as part of the development proposals. The development would not therefore adversely effect any bat activity which may occur within the area, be it roosting, foraging or travelling between functionally linked habitats. Consequently, alone and in combination with other plans or projects, I find that the development would not give rise to risk of significant effect on the internationally important features of the sites.

Conditions

19. The NPA have suggested 15 conditions. For clarity, the NPA condition numbering is used within this section of the decision.
20. Conditions 1 and 2 are the statutory conditions which specify the time period for the implementation of the permission and identify the plans to which the permission relates. For certainty, the wording of the plans condition is amended to refer to the specific plans to which the permission relates.
21. It is proposed that the walls of the house will be of render with clay hanging tiles above, that the roof will be of clay tiles, and that the windows will be timber framed. These materials are all found within neighbouring development. Conditions 3, 4 and 5 are not therefore deemed to be necessary in an area where houses include a wide range of design detailing, and where the design detailing and materials proposed would relate well to those used elsewhere within the area.
22. Policy SD8 of the Local Plan seeks to protect dark night skies. Having regard to this policy and the inclusion of rooflights within the development scheme, amended versions of conditions 6 and 13 are imposed. Also imposed is condition 7, the purpose of which is to preserve the biodiversity value of the site, and the character and appearance of the area.
23. Conditions 8 and 9 are not imposed, as it has been found that the development proposals as submitted would not cause unacceptable harm to the living conditions of the occupiers of Hollihurst or upon the character and appearance of the area.
24. Amongst other things Policy SD2 of the Local Plan seeks to protect and provide more, better and joined up natural habitats. Conditions 10 and 12 are therefore required in modified forms, to protect the ecological and biodiversity value of the site; and to secure onsite enhancements to biodiversity. The surveyor who undertook the preliminary roost assessment found the house on site to have negligible habitat value for bats, and that therefore the development proposals

would have no likely impacts on bats or bat roosts. Condition 11 is not therefore relevant to the development to be permitted.

25. Condition 14 is not imposed. The garage building would be erected within the residential curtilage of Oakleaves, and therefore planning permission would be required for any change of use. Furthermore, it would be overly restrictive to require that the garage be used solely for vehicle parking, and preventing its appropriate uses for other purposes incidental to the residential use of Oakleaves.
26. Paragraph 56 of the National Planning Policy Framework and the Government's Planning Practice Guidance Notes¹ indicate that conditions should be kept to a minimum, and that restricting the future use of permitted development rights may not pass the test of reasonableness of necessity. No compelling reason has been provided for the imposition of condition 15, which would restrict permitted development rights at the property. As such, I am not convinced that the suggested condition is either reasonable or necessary.

Conclusion

27. For the reasons given above and having regard to the development plan as a whole and any other relevant material considerations, I conclude that the appeal should be allowed.

V Simpson

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20190723