

Appeal Decision

Site visit made on 24 November 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH December 2022

Appeal Ref: APP/Y9507/D/22/3300241

Smugglers Cottage, Jobsons Lane, Windfall Wood Common, Lurgashall GU28 9HA

- 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 & Mrs T & L Davis against the decision of the South Downs National Park Authority.
 - The application, Ref. SDNP/21/00454/HOUS, dated 17 August 2021 was refused by notice dated 10 March 2022.
 - The development proposed is the erection of a garden outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a garden outbuilding at Smugglers Cottage, Jobsons Lane, Windfall Wood Common Lurgashall in accordance with the terms of the application, Ref. SDNP/21/00454/HOUS, dated 9 September 2021 and subject to the following conditions:
 - 1) The existing curtilage boundary with Jobsons Lane shall be supplemented with additional planting in the first planting season after the date of this Decision in accordance with details first approved in writing by the Local Planning Authority. If within 5 years any plant dies or is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with others of a similar size and species;
 - 2) Any external lighting in the front garden shall be limited to that necessary to secure safe access to the outbuilding during the hours of darkness and shall be installed in accordance with details first submitted to, and approved in writing by the Local Planning Authority;
 - 3) The outbuilding hereby permitted shall not be used at any time other than for purposes ancillary to, or incidental to the occupation of, the dwelling known as Smugglers Cottage, Jobsons Lane, Lurgashall.

Procedural Matter

2. The outbuilding has been already erected and is in use. The application is therefore for retrospective permission.

Main Issue

3. The main issue is the effect of the outbuilding on the character and appearance of the host dwelling and its immediate surroundings in Jobsons Lane.
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Reasons

4. Ostensibly, the siting of an outbuilding in front of the dwelling and close to the road is inappropriate and likely to draw the eye as a harmful visual intrusion into the dwelling's curtilage and its setting. In the event, the structure has already been constructed and I have therefore been able to assess its actual impact.
5. Contrary to the NPA's assessment, I consider the outbuilding to be of a modest size for its context and of an appropriately simple and flat roof design, with timber cladding painted green. With these characteristics and substantially screened by the surrounding trees and shrubs, the outbuilding is discreet notwithstanding its forward position.
6. The outbuilding is likely to remain unseen by most if not all drivers along Jobsons Lane, or perhaps more precisely not consciously noticed. And although probably observed by most pedestrians, I do not consider it will be perceived negatively as being harmful to Smugglers Cottage or this part of the road through Windfall Wood Common.
7. Furthermore, the building is used mostly for working from home by one of the appellants who as a psychotherapist on occasion has visiting patients including vulnerable children (one such appointment coinciding with my site visit). The position of the building close to the access and away from the back garden where the appellants' young children play is one that gives more privacy, and a quieter environment than would be the case elsewhere on the site.
8. This is a factor that weighs in the balance and together with its 'non-permanent' construction as a garden building, in my view overcomes the policy objections on the increase in the dwelling's floorspace. However, even with that factor discounted, the overriding conclusion from my visit is that the building with its suitable exterior of green painted timber, simple design and largely hidden presence would not be in harmful conflict with the cited South Downs NPA policies, nor with Sections 12 & 15 of the National Planning Policy Framework 2021
9. I shall therefore allow the appeal. A condition requiring further planting along the roadside boundary will secure even more effective screening of the outbuilding. Whilst I do not regard the emission of artificial light from the flank windows of the building (not shown on the submitted plans) to be harmful to the character and appearance of the area and the Dark Night Skies because of the mitigation from surrounding trees and vegetation, external lighting should be limited to that necessary to secure safe access and can therefore be the subject of a condition. Finally, a condition to restrict the use of the building to being ancillary or incidental to the dwelling will safeguard the character and appearance of the area.

Martin Andrews

INSPECTOR