



## Appeal Decisions

Site visit made on 19 June 2023

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 July 2023**

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### **Appeal A Ref: APP/Y9507/W/22/3308085**

#### **Forge Cottage, Northchapel, Petworth, West Sussex GU28 9HX**

- 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 Philip Jones-Lloyd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/22/00481/HOUS, dated 30 January 2022, was refused by notice dated 1 August 2022.
  - The development proposed is a rear single storey extension / conservatory, including the removal of existing external WC, removal of 1no. casement window and lowering of 1no. window cill.
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### **Appeal B Ref: APP/Y9507/Y/22/3308084**

#### **Forge Cottage, Northchapel, Petworth, West Sussex GU28 9HX**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Philip Jones-Lloyd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/22/00482/LIS, dated 30 January 2022, was refused by notice dated 1 August 2022.
  - The works proposed are a rear single storey extension / conservatory, including the removal of existing external WC, removal of 1no. casement window and lowering of 1no. window cill.
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### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Preliminary Matters**

3. I have taken the addresses and descriptions in both appeals from the respective appeal forms as these are more concise and reflect the amendments made to the scheme prior to the applications being determined by the Council.
4. The planning and listed building appeals relate to the same scheme. Although the legislative regimes dealing with these aspects are different, to avoid repetition I have dealt with both appeals together unless otherwise noted in this decision letter.

### **Main Issues**

5. The main issues are:

- whether the proposal would preserve the Grade II listed building<sup>1</sup> and any features of special architectural or historic interest that it possesses; and
- whether the proposal would preserve or enhance the character or appearance of the Northchapel Conservation Area and the role it plays in the cultural heritage of the South Downs National Park.

## Reasons

### *Listed building*

6. The listed building consists of Forge Cottage (previously known as 1 and 2 Forge Cottages) and Foxglove Cottage (previously known as Robertsleigh). It is a two-storey brick building with rooms in the roof space, the southern end (Foxglove Cottage) forming a later continuation to the earlier northern range. It has a hipped, tiled roof which at the rear of Forge Cottage continues down to single storey height in the form of a cat slide roof. Alongside Forge Cottage, and now forming part of its living space, is a substantial single storey range formerly used as the village forge.
7. The significance and special interest of the listed building lies in its simple plan form, traditional appearance and historic connection with the former forge. In so far as it relates to the appeal proposal, the catslide roof at the rear is characteristic of cottages of this period as a way of providing additional space under a continuous roof. It is a feature of the building that contributes towards its historic and architectural interest.
8. In terms of its scale, the proposed extension would not be overly dominant when compared to the size of the existing cottage. Nor do I find the materials to be incongruous. However, in terms of design it would sit awkwardly in relation to the rear elevation with the extension butting up to the rear wall but with the roof unconnected either physically or visually in terms of its form. That awkward juxtaposition would, in my view, appear at odds with the simple lines of the existing cottage. It would in particular interrupt views of and draw the eye away from the largely unbroken sweep of the catslide roof that is the prevailing feature of this part of the listed building.
9. The proposal was amended during the course of the application to reduce the amount of glazing by adopting a solid southern wall and a predominantly tiled roof, and to lower the ridge height by having a slightly smaller floor area. While those changes go some way to addressing the concerns raised by the Council, I do not consider that they overcome the unsatisfactory relationship between the proposal and existing building.
10. A comparison has been made with the extensions and buildings at the rear of Foxglove Cottage. However, this cottage differs materially from Forge Cottage in that it does not have a catslide roof, instead the eaves being full two storey height at the rear. This has enabled differently designed additions to its rear elevation, one a lean-to and one a hipped roof single storey extension, which extend directly from the rear wall without the disjointed junction found on the appeal proposal. There is also a pitched roof garage in the rear garden. This is detached from the cottage and perceived as a separate building, unlike the appeal proposal.

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<sup>1</sup> List entry number: 1223366, recorded as nos 1 and 2 Forge Cottages & Robertsleigh

11. The proposal would result in the removal of a window, a section of wall and a small domestic outbuilding that appears originally to have been a privy. The Council raises no objection to the loss of this fabric. Given the limited amount of fabric that would need to be removed, I also consider that its loss would not materially harm the special interest or significance of the listed building.
12. The appellant intends to reuse an existing chimney that stands on the rear elevation of the building and which would be partly enclosed by the proposed extension. I see no objection to the chimney being reused, but in terms of better revealing the significance or special interest of the listed building I consider that its effect would be neutral.
13. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special regard is paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest that it possesses. I conclude that the proposed extension would fail to preserve the listed building because it would result in an addition to the rear elevation that would sit awkwardly in relation to the catslide roof, which forms a significant architectural feature of the heritage asset. This would cause less than substantial harm, but which nevertheless carries considerable importance and weight in determining the appeals.

#### *Conservation area*

14. The listed building lies within the Northchapel Conservation Area, which is centred around the historic core of the village and includes the village green as well as a range of listed and non-listed buildings along the main road. Its significance and special interest lies in the collective value of these buildings illustrating the development of the village, and its layout with buildings grouped around the green and views outwards connecting the village with its countryside setting.
15. As one of the listed buildings fronting the main road, and with its rear seen in views from the village green, Forge Cottage makes a significant contribution to the character and appearance of the conservation area. It also contributes to the role the village plays in the wider landscape and cultural heritage of the South Downs National Park.
16. The awkward juxtaposition between the roof of the proposed extension and the catslide roof would be seen from the village green, and a result would be detrimental to it. Those views would be oblique, across the garden of Foxglove Cottage and seen in context with the extensions and the garage at the rear of the neighbouring property. Based on the appellant's calculations, which are not challenged by the Council, the amount of catslide roof visually screened by the extension would also be small. I acknowledge that all these factors would serve to reduce the visual impact caused by the extension. Nevertheless, the unsatisfactory relationship between the roof of the extension and the existing catslide roof would still be visible.
17. Section 72(1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Although the impact on public views within the conservation area would be limited, the proposal would still fail to preserve or enhance its character or appearance. Such harm would be less than substantial. For the

same reason it would also conflict with the role the building and wider village plays in the cultural heritage of the South Downs National Park.

### **Other Matters**

18. The site lies with the zones of influence of the Ebernoe Common and The Mens Special Areas of Conservation, which are recognised for their populations of protected bat species. Since the proposal could have an effect, albeit small, on bat roosts or bat foraging and commuting grounds, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be undertaken to determine whether there would be harm, and if so whether it could be mitigated.
19. A screening assessment and an appropriate assessment carried out by the Council conclude that there is insufficient information to rule out there being an adverse impact on bat populations in the area. A preliminary bat roost assessment was carried out in conjunction with a proposal for works to the former forge in 2021, but this related to a different part of the building. There would therefore appear to be a need for further information before a decision could be reached on this matter. However, given my conclusions on the main issues, I have not sought any additional information as it would not alter the outcome of the appeals.
20. The site lies within an area identified as E1(a) Dark Night Sky Buffer Zone<sup>2</sup>, in which Policy SD8 of the South Downs National Park Local Plan 2019 (2014-2033 (the Local Plan) seeks to conserve and enhance the intrinsic quality of dark night skies. Although not included in the reasons for refusal, concern is raised by the Council that the proposed extension could give rise to light pollution harming the dark night sky.
21. However, the amendment made to the design of the extension during consideration of the application has reduced the amount of glazing, and a light spill assessment submitted at that stage concluded that, based on the use of certain light fittings, the amount of light spill would be negligible<sup>3</sup>. I note the Council's concern about enforcing such lighting design, but I see no reason why that could not be done through a condition.
22. Given the amended design of the extension, the limited amount of lighting, and the position of Forge Cottage where it is located amongst other buildings in a village rather than being in a more isolated countryside position, I consider that any additional light spill as a result of the proposal would not have a materially adverse effect on the quality of the dark night sky or tranquillity of the area. This aspect of the proposal has not therefore influenced my judgement of the appeals.
23. In the design and access statement, the appellant has made reference to other conservatory style extensions that have been granted planning permission and listed building consent in Northchapel, Lurgashall and Petworth. As the circumstances of these examples differ from that of Forge Cottage in terms of the age and form of the respective buildings and their locations, I consider that they are not comparable and do not set a precedent for the current proposal.

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<sup>2</sup> The Council's appeal statement incorrectly identifies it in E0 Dark Sky Core (paragraph 5.14) although that is later corrected to E1(a) at paragraph 6.10.

<sup>3</sup> I have not been provided with a copy of this assessment although I note the conclusion reached in both the appellant's and council's appeal statements.

## Conclusion

24. In respect of both main issues the harm that would be caused would be less than substantial. In such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) advises that the harm to the heritage assets should be weighed against the public benefits of the proposal including, in the case of the listed building, securing its optimum viable use.
25. I appreciate that the extension would allow the appellant and his family to better enjoy views of the rear garden. However, that is a private rather than a public benefit, designed to meet the needs of the appellant's family rather than preserve the significance and special interest of the listed building or the conservation area. I note the intention to reuse the existing chimney but assess this as neutral in terms of its benefit in revealing the significance of the listed building.
26. The cottage is already in residential use. The absence of a conservatory extension at the rear would not seriously threaten the continued use and enjoyment of the building as a dwellinghouse. Its optimum viable use would not therefore be affected.
27. Even though I have found that the harm to the designated heritage assets would be less than substantial, it nevertheless attracts great weight by virtue of the statutory requirements of the Act and national policy in paragraph 199 of the Framework. In this case there are no public benefits that outweigh that harm. It follows that in weighing harm against benefits, the balance lies against the proposal.
28. For the same reasons, the proposal would conflict with Policies SD1, SD5, SD6, SD12, SD13, SD15 and SD31 of the Local Plan which require new development to be well designed, and to conserve and enhance the historic environment, including through safeguarding of heritage assets and their settings. It would also conflict with one of the principal purposes of the South Downs National Park which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. I do not consider that the proposal would materially affect the relative tranquillity of the area or dark night skies and therefore it would not conflict with Policies SD7 and SD8 of the Local Plan. However, when considered together, it would conflict with the development plan taken as a whole.
29. For the above reasons, I conclude that the appeals should be dismissed.

*Guy Davies*

INSPECTOR