



Appeal Decision

Site visit made on 5 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/Y9507/D/23/3327098

6 Heather Close, West Ashling, West Sussex PO18 8DR

- 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 Mrs Hayley Carr against the decision of South Downs National Park Authority.
- The application Ref SDNP/22/05020/HOUS, dated 26 October 2022, was refused by notice dated 10 May 2023.
- The development proposed is rear dormer with internal alterations.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character of 6 Heather Close (No 6), having particular regard to planning policies relating to extensions to dwellings in a National Park; and
 - the appearance of No 6.

Reasons

Character of No 6

3. No 6 is an end-of-terrace dwelling located in a predominantly residential area in West Ashling.
4. Part 1. a) of Development Management Policy SD31 of the South Downs Local Plan (2014–33) (adopted 2019) (Local Plan) provides that, amongst other things, development proposals for extensions to existing dwellings will be permitted where the proposal does not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances. Paragraph 7.92 of the Local Plan provides that, amongst other things, the term 'existing dwelling' for the purposes of this policy refers to the residential unit that existed on 18 December 2002 or, if built after that date, as originally built.
5. No 6 was originally a 2-bedroom house. The Local Planning Authority have calculated that the Gross Internal Area (GIA) of No 6 in 2002 was approximately 70.7 square metres, and that, due to a 2-storey extension which was granted planning permission in 2014, No 6 currently has a GIA of more than 120 square metres. These figures have not been disputed by the appellant. On this basis, it is clear that the floorspace of the existing dwelling

has already increased by more than 30%, in relation to Policy SD31 of the Local Plan.

6. The appellant has confirmed that the loft at No 6 is currently used as storage, and that a staircase has not yet been installed. In this regard, paragraph 3.20 of the Extensions and Replacement Dwellings Technical Advice Note (published 2023) provides that, amongst other things, the floorspace of a loft is only counted towards the calculation of the floorspace of the existing dwelling if it has been brought into use as habitable accommodation before 18 December 2002. As the loft is not currently in use as habitable accommodation, it does not count towards the calculation of the floorspace of No 6.
7. As the proposed rear dormer with internal alterations would result in habitable accommodation in the loft, the proposed development would further increase the floorspace of No 6 beyond the 30% threshold referred to in Policy SD31. The conflict with Policy SD31 would thereby undermine the aspiration to protect the limited supply of small and medium-sized homes in the National Park, referred to at paragraph 7.91 of the Local Plan.
8. I have carefully considered the reasons put forward relating to the extension which was granted planning permission in 2014. Although I appreciate the desire for enlarged living accommodation at No 6, these do not amount to exceptional circumstances in the terms of Policy SD31. Accordingly, these considerations do not alter my findings on this main issue.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on the character of No 6, having particular regard to planning policies relating to extensions to dwellings in a National Park. It would conflict with part 1. a) of Development Management Policy SD31 of the Local Plan, which has been summarised above.
10. Strategic Policy SD27 of the Local Plan, referred to by the Local Planning Authority in their decision notice, relates to planning permission for residential development and therefore is not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Appearance of No 6

11. In common with the roofs of the terrace of which it forms a part, the roof to the rear of No 6 has a simple appearance, which in the case of No 6 is interrupted by the upper part of the hipped roof which protrudes from it.
12. The proposed rear dormer would project close to the maximum ridge height of No 6 and it would span a considerable proportion of the total width of the roof. It would also have a sizeable depth in comparison with the central part of No 6 to which it would be attached.
13. As such, although it would be partly concealed by the hipped roof, at the scale proposed it would unduly dominate the roof, thereby undermining its simple form, referred to above. The proposed development would be sited to the rear of No 6, meaning that its impact on the street scene would not be significant, but this would not alter the impact of the proposed development on the appearance of No 6 itself, which would be visible from the gardens of nearby properties on Heather Close and in glimpsed views between buildings from Down Street.

14. I have had regard to the examples of nearby development referred to by the appellant¹. From the limited information provided, it is unclear whether any of these examples were considered under the same planning policy context as that which is under consideration in this appeal. Additionally, the presence of similar development nearby does not justify development which has been found on its own merits to be harmful to the particular host dwelling in question. Reference has been made to Design Guides adopted by Chichester District Council, but no copies of these documents have been provided. Any windows installed at the front of No 6 would not alter or overcome the harm to the appearance of No 6 arising from the development proposed to the rear of No 6. Therefore, none of these matters changes my findings on this main issue.
15. I therefore find that the proposed development would have an unacceptable and harmful effect on the appearance of No 6. It would conflict with part 1. f) of Strategic Policy SD5 of the Local Plan which provides that, amongst other things, development proposals should utilise architectural design which is appropriate and sympathetic to its setting.
16. The proposed development would also conflict with paragraph 135 b) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are visually attractive as a result of good architecture.
17. Strategic Policy SD4 of the Local Plan relates to landscape character, and Development Management Policy SD31 of the Local Plan does not refer to the appearance of host dwellings, and therefore although these policies were referred to by the Local Planning Authority in their decision notice, these policies are not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Other Matters

18. The Local Planning Authority did not refuse the application on matters relating to the living conditions of nearby occupiers. However, even if I were to likewise reason that the proposed development would be in compliance with the development plan and the Framework in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposed development.
19. It has been stated that the proposed loft conversion comes within the definition of permitted development. However, no details have been provided to substantiate this. As such, it has not been demonstrated that there is a greater than a theoretical possibility that such a development might take place. This matter therefore does not change my findings on the main issues.

Conclusion

20. Given the adverse impacts identified on both main issues, the proposed development would not assist in meeting the purposes of the National Park, referred to in part 2. of Core Policy SD1 of the Local Plan. None of the matters advanced in support of the proposed development would outweigh the conflict

¹ Including previous dormer window conversions in Heather Close highlighted on a satellite image, and previous planning permissions at 10, 36, and 61 Heather Close.

with the development plan identified, nor do they indicate that the development plan should not be followed.

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR