



Appeal Decision

Site visit made on 26 February 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8th March 2023

Appeal Ref: APP/Y9507/D/23/3330868

20 Nevill Cottages, Ditchling, East Sussex BN6 8UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 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 Pauline Gandy against the decision of South Downs National Park Authority.
 - The application Ref SDNP/23/02190/CND, dated 23 May 2023, was refused by notice dated 3 July 2023.
 - The application sought planning permission for Single storey rear extension and rendering of flank wall without complying with a condition attached to planning permission Ref SDNP/22/03243/HOUS, dated 29 September 2022.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".
 - The reasons given for the condition are: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary matters and main issue

2. Paragraph 55 of the National Planning Policy Framework (Framework) explains that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The Framework and Planning Practice Guidance add that planning conditions should be kept to a minimum and only imposed where they are, amongst other things, necessary.
3. The variation of Condition 2 would enable the first floor fourth bedroom in the proposed first floor rear extension (proposal) to be included in the development that has been permitted (development permitted). So, the main issue is whether the disputed condition is necessary for the avoidance of doubt and in the interests of proper planning to protect the character and appearance of the surrounding area, which is within the South Downs National Park.

Reasons

4. The National Park has the highest status of protection in relation to landscape and scenic beauty. The appeal site includes the end of terrace appeal dwelling, which is situated on the roughly west side of the island in Nevill Cottages. The attached dwelling at 19 Nevill Cottages lies roughly north east, and 21 and 22

Nevill Flats and their grounds lie roughly south beyond the appeal dwelling's side garden and the public right of way (PRoW). The back of the site adjoins a mainly open field within the surrounding gently sloping mostly open countryside beyond the foot of the South Downs, which lie to roughly south.

5. The development permitted includes an L-plan single storey extension at the back of the appeal dwelling, in place of the narrow back outshoot by the common boundary with 19 Nevill Cottages. The deep flat roofed proposal would be nearly half the width of the back of the existing dwelling and it would align with the shallower part of the development permitted and the appeal dwelling's roughly south west side.
6. However, due to its first floor siting and bulky box-like form, the proposal would damage the character and appearance of the existing dwelling and the mostly traditional form of the terrace, to the detriment of the local character. Whilst the proposal would be sited at the back of the dwelling, it would be incongruous in the nearby views from the PRoW, which continues into the mainly open field beyond the appeal dwelling's back garden. Because the proposal would erode the important openness at the back of the existing dwelling, it would fail to conserve and enhance the landscape and scenic beauty of the National Park.
7. Policy SD31 of the South Downs Local Plan (LP) aims to permit proposals for extensions to existing dwellings where they satisfy 3 criteria, including that the proposal does not exceed the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances. The supporting text in the LP explains that the purpose of this policy is to avoid the over-extension of existing dwellings and the adverse impact that this has on the character and appearance of both settlements and the countryside. The supporting text adds that this policy is consistent with LP Policy SD27 regarding the mix of homes and seeks to protect the limited supply of small and medium-sized homes in the National Park, and explains that compliance with any size limits will not alone be sufficient in itself to secure planning permission.
8. So, whilst the Authority's Technical Advice Note 'Extensions and Replacement Dwellings' says that 'approximately' 30% could mean up to 35% unless there are exceptional circumstances, the other criteria in LP Policy SD31 are relevant. Due to the proposal's orientation, and its distances from and relationships with the dwelling and its grounds at 19 Nevill Cottages, it would not harm the adjoining occupiers' living conditions regarding sunlight and daylight. However, for the reasons given above, the proposal would harmfully diminish the established character of the local area. So, although the development would not exceed 35% of the gross internal area as defined in the LP, it would be contrary to LP Policy 31.
9. The use of the airspace above the permitted extension would not result in a new home, and, as the 2 storey hipped and gable roofed extension at 17 Nevill Cottages, which includes a shallow back projection, harmonises with the character and appearance of that dwelling, the terrace, and its surroundings, this nearby development provides little support for this unacceptable proposal. Whilst neighbours did not raise objections, the proposal aims to make efficient use of the site, and its benefits could include jobs during construction, they would not outweigh the harm that the proposal would cause.

10. So, I consider that the proposal would harm the character and appearance of the surrounding area, and that it would fail to conserve and enhance the landscape and scenic beauty of the National Park. It would be contrary to LP Policy SD5 which seeks high quality design and respect for the local character, and LP Policy 31. It would also be contrary to the Framework, which seeks well-designed and beautiful buildings and places, and sympathy for local character, including the surrounding landscape setting.
11. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
12. Therefore, as Condition 2 is necessary to make the development permitted acceptable, I shall not remove or vary the condition.

Conclusion

13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR