



Appeal Decision

Site visit made on 11 March 2024 by C Glaister

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/Y9507/D/23/3332958

Theakstone, The Avenue, Kingston, East Sussex BN7 3LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs. Yvonne Jeffery against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/03167/HOUS.
 - The development proposed is described as "Loft conversion involving a complete new roof forming first floor accommodation".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host dwelling and the surrounding area; and
 - the living conditions of the occupiers of St Ronans, with regard to overlooking, overshadowing, noise, and whether or not it would be overbearing.

Reasons for the Recommendation

Character and Appearance

4. Theakstone is an extended bungalow which occupies a large proportion of the corner plot it sits within. Unlike the majority of surrounding properties, there is very limited outdoor amenity space, and the dwelling closely adjoins its neighbour to the east and St Ronans directly behind it. These three properties are all bungalows, though there are larger two-storey dwellings in the wider vicinity. The property is situated within the South Downs National Park.
5. The proposal would represent a considerable increase to the height and overall size and bulk of the property. It would introduce 2 dormers and a clipped-gable element to the front elevation, 3 dormers to the rear, and a dormer and large clipped-gable element on each of the side elevations. The eastern end of the

roof would also extend beyond the ground-floor and create a noticeable overhang. As a result, the dwelling would appear top-heavy and overdeveloped at roof level to the detriment of the character and appearance of the host dwelling. The property would also appear overly large in its somewhat confined plot.

6. The Design Guide SPD¹ suggests that dormers should not dominate the roof and should complement the proportions, form, and size of the house. There would be 7 dormers in total which, although individually modest, would collectively dominate the roof and fail to complement the existing features of the house. The proposal would therefore fail to align with the guidance in the SPD. There are some examples of front-facing dormers, such as on the property opposite. This property is, however, set back from the road, significantly larger, and has only two small dormers visible which take up very little of the roof. It is therefore not directly comparable to the development proposed. There are some more examples further south along Ashcombe Lane, however these are also to properties of a different style and setting.
7. Although the site is fenced, with varying amounts of vegetation, the extended dwelling would be highly visible from the public realm and would appear highly prominent and dominant at the corner of the junction. The design of the proposal would therefore also adversely affect the character and appearance of the surrounding area.
8. Policy SD31 of the Local Plan² states that extensions to existing dwellings will be permitted where, among other criteria, they do not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances. The policy's supporting text states that the purpose of the 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, and that it seeks to protect the limited supply of small and medium-sized homes. The policy does not, however, only apply to small and medium sized homes.
9. The TAN³ guides the interpretation of the policy and states that small and medium-sized homes are typically defined as having a GIA⁴ of less than 120m² and/or having up to 3 bedrooms. However, it also states that the wording of the policy does not indicate that a different approach should be taken where the existing dwelling is already over the size taken to be a 'small/medium dwelling'. Where the proposal represents a greater than 30% increase in GIA but does not result in the loss of a small/medium dwelling, this is weighed against other material considerations, whether it accords with other relevant policies and the purposes and duty of the National Park.
10. The proposal in combination with the previous extensions to the property would represent a 102% increase in GIA. However, the original dwelling had 4 bedrooms and a GIA of 155m², and would not therefore be considered a small/medium dwelling as per the policy's definition. With regard to the advice provided in the TAN, conflict would nevertheless arise with Policy SD31 by virtue of the increase being far in excess of 30%, but consideration is given to

¹ Adopted Design Guide Supplementary Planning Document (July 2022)

² South Downs Local Plan (July 2019)

³ South Downs Local Plan Extensions and Replacement Dwellings Technical Advice Note (October 2023)

⁴ Gross Internal Area

the absence of a small/medium dwelling being lost. The proposal would also in any case be an over-extension of the existing dwelling in visual terms and with respect to the very significant increase in GIA, and would have an adverse impact on the character and appearance of the area.

11. The Framework ⁵ states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. Policy SD6 of the Local Plan states that development will only be permitted where it preserves the visual integrity, identity, and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks. The development would relate to a limited area of the National Park as a whole and would not significantly affect the overarching landscape and scenic beauty of the National Park, or impact upon key views or views of key landmarks. Accordingly, the development would comply with Policy SD6. The absence of harm is, however, a neutral factor and this would not overcome the harm identified above.
12. For these reasons, the proposal would cause harm to the character and appearance of the dwelling and the surrounding area, and result in an overdevelopment of the site. It would conflict with Policies SD4, SD5, and SD31 of the Local Plan which together seek to ensure development conserves and enhances landscape character and contributes positively to the character and appearance of the area. It would also conflict with the Framework and its aim to achieve well-designed places.

Living Conditions

13. St Ronans and Theakstone sit perpendicular to one another and the rear elevation of Theakstone faces the side elevation and rear garden of St Ronans. St Ronans has an attached garage on the side elevation between the main dwelling and Theakstone, and there is a small area of amenity space between the rearmost section of the garage and an extension which protrudes from the middle of St Ronans' rear elevation. St Ronans is positioned to the south of Theakstone and has a much more spacious garden.
14. Given the proximity of the two dwellings, the width and positioning of Theakstone, and the substantial increase in height and massing which would result from the proposal, the appeal property would have a considerable presence and an overbearing effect on a large majority of the rear garden at St Ronans including the area closest to its rear elevation from which the occupants would access their outdoor amenity space.
15. Of the three dormers proposed to the rear of Theakstone, 2 would have obscure glazing. The middle dormer would have clear glazing and would be positioned roughly in line with the rear elevation of St Ronans. Due to the position of the middle dormer and the proximity to St Ronans, there would be overlooking of the rear garden, including the dwelling's garden access on the rear elevation. Overlooking of this kind is not currently present for St Ronans. The effect of the overbearing impact and overlooking would both be significant and harmful to the living conditions of the occupiers of St Ronans.
16. Due to the position of St Ronans south of Theakstone, overshadowing would be minimal and not unacceptable. Increasing the number of bedrooms and the

⁵ National Planning Policy Framework (December 2023)

potential occupants at Theakstone would be very unlikely to result in a significant increase in the amount of noise associated with the use of the property, and there is no reason to believe the noise would not remain congruent with the noise expected from a residential dwelling. No harm would therefore arise with respect to overshadowing or noise.

17. For the reasons above, the proposal would cause harm to the living conditions of the occupiers of St Ronans with regard to overlooking and having an overbearing impact. The proposal would therefore conflict with Policies SD5 and SD31 of the Local Plan which together seek to ensure development avoids harmful impacts on surrounding uses and amenities, and is not overbearing or of a form which would be detrimental to the amenity of nearby residents. The absence of harm in terms of noise and overshadowing is, however, a neutral factor and this would not overcome the harm identified above.

Other Matters

18. It is understood that the proposal would represent a cost-effective means towards enabling the appellant's family to live closer to one another. The TAN states that exceptional family needs tend to relate to those arising from disabled or elderly family members, and robust evidence such as a letter or statement from a qualified medical or clinical practitioner is required. Evidence of this kind has not been submitted and exceptional family needs have not therefore been demonstrated. The above is therefore a matter of personal circumstance with limited weight which would not outweigh the harm identified.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR