
Appeal Decision

Site visit made on 2 August 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/Y9507/W/24/3345575

Madhuban Tandoori Restaurant, 94 Station Road, Liss GU33 7AQ

- 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 Bedar Miah against the decision of South Downs National Park Authority.
 - The application Ref SDNP/23/03173/FUL, dated 16 November 2022, was refused by notice dated 21 February 2024.
 - The development proposed is a two storey extension to the Madhuban Restaurant.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and street scene;
 - whether the proposal would provide satisfactory living conditions for the occupiers; and
 - whether the access, car parking, delivery and waste disposal arrangements would be acceptable.
3. A further issue, ensuring that acceptable foul and surface water drainage is provided, could be addressed by imposing suitable conditions.

Reasons

Character and appearance

4. The proposal is for a two-storey extension to the side of the Madhuban Tandoori Restaurant onto some vacant land on the corner of Station Road and Western Road in the built-up area of Liss. The ground floor would form an extension to the existing restaurant and the first floor an extension to the existing staff accommodation above.
5. The corner plot is clearly seen by those leaving the village but is unattractive with an area of car parking and some poor-quality vegetation on the frontage. The view that this is an 'important landscaped frontage' is misplaced although the prominence of the site, complicated by the quite steep gradient of Station Road, requires a careful design approach to any development.

6. In order for the extension to have the same floor levels notwithstanding this gradient, the ground floor, fascia and ridge height of the existing building along Station Road would be maintained¹. However, to achieve this, the scheme would include an incongruous brickwork plinth increasing in height towards and around the corner, with a flight of steps on the Western Road elevation drawing attention to the anomaly. In addition, whilst the ground floor would follow the same alignment as the existing immediately behind the footway, the first floor would not, angling back to align with the rear section of the building and resulting in an oddly projecting out ground floor. The ground floor would also oddly extend further towards Western Road than the first floor, with the first floor oversailing two parking spaces in an undercroft below.
7. Overall, the extension would fill the plot hard up to the junction with Western Road giving an unduly cramped appearance on the corner. The eaves and ridgelines of the extension would also change direction slightly from the existing building, with the front facing line of dormers not completely aligning either; these features would contribute to an odd appearance for the overall building. The void to accommodate two undercroft parking spaces would be out of character in the context of the housing in Western Road.
8. Whilst the materials would match the existing building, the overall result would be a disjointed, bulky, cramped and oddly quirky addition to the street scene on this visually important corner. The extension would be a discordant, unduly distracting feature, out of character with its surroundings.
9. For these reasons the proposal would significantly harm the character and appearance of the host building and the street scene in conflict with Policies SD5 and SD31 of the South Downs Local Plan 2019 (the SDLP) and Policy 9 of the Liss Neighbourhood Plan 2017 (the NP). These require architectural design which is appropriate and sympathetic to its setting, proposals that respect and enhance the established character of the local area, and proposals that make a positive contribution to the character of the village taking into account the context of the site.

Living conditions

10. The first floor of the extension would provide additional accommodation for restaurant staff. At present the first floor provides two bedrooms, a store and w/c & shower. When extended five bedrooms would be provided with an office, small store, additional w/c & shower and a further w/c. However, no kitchen or dining room is provided upstairs at present nor under the proposals; the staff apparently use the kitchen and restaurant space downstairs and would continue to do so, presumably when the restaurant is closed. No general living room is or would be provided upstairs either, nor external amenity space.
11. The staff accommodation raises numerous unanswered questions. Is the restaurant run and occupied by a family unit, perhaps an extended family, who live together as a single unit? Are other unrelated staff employed? Do these unrelated staff currently occupy the upstairs accommodation, or would they if extended as proposed? Do they, or would they, live independently or as a group? In the absence of kitchen, dining and living space, where do staff cook and eat when off duty?

¹ The slight reduction in ridge height would be too small to be noticeable.

12. Even if the premises are occupied at present by a single family unit who accept the current unconventional living arrangements, extending the accommodation to provide further bedrooms for possibly non-family staff without satisfactory kitchen, dining and living space independent of the restaurant would be to provide unsatisfactory living conditions for the occupiers. The Authority also raise other concerns relating to noise and odour from the restaurant which are not addressed by the proposals.
13. For these reasons the proposal would not provide satisfactory living conditions for the occupiers in conflict with SDLP Policies SD5 and SD54. These require sufficient internal space and outdoor amenity space appropriate to the needs of the occupiers and ensure that noise and odour does not have a significant negative effect on people. Whilst listed in the reason for refusal, SDLP Policy SD31 is not relevant in this context.

Access, car parking, deliveries and waste disposal

14. Currently an irregular area of tarmac to the side of the restaurant provides space for some parking, but it is not marked out nor signed for the purpose. The Authority state it provides three spaces but the frequency of use of this informal area is unclear, particularly by customers. The area also provides space for servicing, with a bin store within an adjacent brick enclosure.
15. The proposal is for two parking spaces to be provided in an undercroft and one delivery space on the site of the current bin store; the latter would be relocated to the western side of the building. However, the delivery space would be too small to accommodate many vehicles and no tracking has been provided to demonstrate safe access and egress to the road. The narrow passageway next to No 100 appears too small to accommodate and manoeuvre waste bins from a larger restaurant and, located away from the kitchen, use of the delivery or one of the car parking spaces instead seems likely in practice.
16. In relation to car parking provision, the Authority's standard of one space per 5 m² of restaurant might suggest a need for 28 spaces for the existing 142 m² premises and 42 spaces when extended to 213 m², plus 7 spaces for staff. However, with just three spaces at the moment rather than 28 and only one representation concerned about parking, this standard is clearly excessive. The premises are close to the village centre and easily accessible by walking with ample unrestricted on-street parking adjacent and car parks nearby.
17. Whilst car parking provision should be considered flexibly in this location, the scheme as it stands attempts too much in too small a space. Maximising built development on the site with two undercroft parking spaces, restricted delivery space and a reduced waste storage area would combine to result in a cramped and problematic development likely to lead to parking, delivery vehicles and/or waste storage encroaching onto the adjacent footway or causing a nuisance to nearby residents.
18. For these reasons the access, car parking, delivery and waste disposal arrangements would not be acceptable and would conflict with SDLP Policies SD5, SD19 and SD22 and NP Policy 15. These require suitable waste storage facilities, the avoidance of a harmful impact upon surrounding uses, safe operation of the local road network, and appropriate parking provision.

Conclusion

19. The proposal would provide additional jobs, economic benefits and social opportunities for the village, plus extended ancillary accommodation for the restaurant's use. However, these material considerations do not outweigh the conclusions in respect of the three main issues and the associated conflict with the development plan.
20. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR