
Appeal Decision

Site visit made on 28 October 2024

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

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/D3830/D/24/3349366

1 Finches Cottages, Old Brighton Road South, Pease Pottage, West Sussex RH11 9AH

- 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 Mr Zeni Dragjoshi against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/0752.
 - The development proposed is Single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for Single storey side extension at 1 Finches Cottages, Old Brighton Road South, Pease Pottage, West Sussex RH11 9AH in accordance with the terms of the application, Ref DM/24/0752, subject to the conditions set out in Schedule A at the end of this Decision.

Main issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site is situated on the roughly west side of Old London Road South within the built up area of Pease Pottage. The appeal dwelling is at the roughly east end of a terrace of 3 two-storey cottages, which are set well back from the road by 2 of their gardens and reached by a lengthy shared drive. The attached dwelling at 2 Finches Cottages lies roughly west, the drive, boundary treatments, and dwellings in The Hemsleys lie roughly north, and the appeal dwelling's garden lies roughly east of the front part of the dwelling. The path and the garden of the dwelling at 2 Finches Cottages lie roughly south, beyond which lies mainly open countryside.
4. The appeal dwelling includes single storey front and back extensions, and planning permission has been granted for a detached garage and workshop with home office over (garage) in its garden. Two linear groups of trees, G1 and G2, by Old London Road South and by the drive respectively, are subject to Mid Sussex District (No.3) Tree Preservation Order 2017 (TPO). The TPO trees partly screen the development within The Hemsleys in north westward views from Old London Road South, and whilst some have the forms and character of an overgrown hedge, they are important to the sense of place and to the rural setting of the village, and thus, to amenity.

5. The proposed single storey side extension, with its hipped double range roof and central valley, would be set back from the foremost part of the existing dwelling, and it would extend into the nearby part of its garden. Due to its scale, form and siting, and the intervening boundary treatments, the proposal would barely be seen from the public realm regardless of the leaf cover or the season. Whilst the upper part of the low profile proposal would be seen by users of the drive and above the fence from the garden at 2 The Finches, its traditional form would harmonise with the character and appearance of the appeal dwelling and its surroundings. The proposal and the garage would leave ample space within the garden, so most of the leafy northward outlook from the garden at 2 The Finches would be sustained.
6. The appellant's tree survey (TS), arboricultural impact assessment (AIA) and arboricultural method statement (AMS) dated April 2021 was produced to inform the design and construction of the garage, so it provides little support for the proposal. Even so, based on the data in the previous TS, the plans show that the proposal would be outside the root protection areas of the nearest trees in group G2, which lie roughly north east of the proposal. It is likely that the proposal would be further from the nearest TPO trees than the permitted garage, so the proposal should be acceptable even if it were to require engineered foundations to minimise root damage. Moreover, due to the relationships between the proposal and the group G2 trees, and the orientation, the proposal would not be likely to lead to future pressure from its occupiers to reduce or fell the nearest TPO trees. So, a pre-commencement condition for an arboricultural scheme including a TS, AIA, AMS and tree protection plan could reasonably be imposed. The nearby trees within the garden at 2 The Finches, and the biodiversity value of the TPO trees, were not concerns of the Council in its reasons for refusal, and I agree.
7. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area. It would satisfy Policy DP26 of the Mid Sussex District Plan 2014-2031 (LP) which seeks high quality design and respect for context, LP Policy DP37 which aims to protect important trees, guidance in the Mid Sussex Design Guide Supplementary Planning Document, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, sympathy for local character, and to retain existing trees.
8. So, as the proposal would be acceptable, planning permission should be granted subject to the imposition of suitable conditions.

Conditions

9. The Council's suggested conditions have been considered and reworded in the light of Framework paragraph 55 and Planning Practice Guidance. In addition to the standard implementation condition, the condition identifying the approved plans is necessary to provide certainty for all parties.
10. The conditions for the arboricultural scheme and to control the external materials are reasonable and necessary to protect the character and appearance of the area. The condition for the arboricultural scheme needs to be a pre-commencement condition because the tree protection measures and appropriate working methods need to be in place from the outset. As the appeal dwelling's external surfaces are finished in a range of different materials, the Council's suggested condition has been reworded for precision.

Conclusion

11. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
12. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with plans numbered 2307/001A, 2307/002A, 2307/003, 2307/004A, 2307/005A, and 2307/OS1 except in respect of the proposed development shown on plan number 2307/OS1.
- 3) No site clearance, preparatory work or development shall take place until an arboricultural scheme including a tree survey, arboricultural implications assessment, a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as shall be specified in writing by the local planning authority. In this condition "retained tree" means an existing tree which is subject to group of trees G2 in the Schedule to Mid Sussex District (No.3) Tree Preservation Order 2017.
- 4) No development above ground floor slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

End of Schedule A