



Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2025

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2025

Appeal Ref: APP/Y9507/D/24/3349118

21-23 East End Lane, Ditchling, East Sussex BN6 8SX

- 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 and Mrs Hill against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/01227/HOUS.
 - The development proposed is for a part single storey part two storey rear extension to replace existing, addition of oak frame front porch, replacement glazing to existing front bay window and replacement of existing windows to front and rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For certainty and clarity, I have used the description of development given on the Council's decision notice.
3. The National Planning Policy Framework (the Framework) was revised on 12th December 2024. However, I am satisfied that any changes to the Framework have not prejudiced any party in this case.
4. Consequently, in reaching my decision I have therefore had regard to the new Framework published in December 2024, and any reference to Paragraph numbers are to this version.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the character and appearance of the Ditchling Conservation Area (CA); and
 - the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site is located in the CA to the northern side of East End Lane. The host dwelling is a terraced, two-storey white rendered, traditional style dwelling with a garden to the front that has a small extension within the patio area to the rear of the dwelling.
7. The built form to the rear of the properties on this section of East End Lane is characterised by pocket garden spaces that are relatively unfettered other than small, rear boundary outbuildings to the west of the appeal site and the modest single-storey extension and structures associated with the host dwelling.
8. Therefore, while the gardens are relatively compact, a sense of spaciousness is maintained in the surrounding built form, which includes ancillary dwellings at a higher level on East Gardens that can be seen beyond the rear boundary treatments.
9. Even though the proposal would be in the CA, the general principal of extension type development to the rear of the host dwelling has been accepted by the Council, particularly as it would not be seen from public views. Moreover, that the materials of the proposal, including those to the front of the dwelling, would accord with the surrounding built form.
10. However, notwithstanding that the proposed development would be less than a 30% addition to the host dwelling and that there is a generous garden space to the front, the fact remains that the development would be of some scale and mass that would extend across most of the rear garden. Consequently, the bulky extension would be cramped on the host garden space and appear as an alien addition to the patio type area.
11. In addition, the Council has concluded that the scale of the oak porch and new fenestration to the front of the dwelling would result in 'less than substantial harm' to the CA. Indeed, while noting the landscaping to the front of the host dwelling, I see no reason to disagree.
12. Overall, I conclude that the proposal would fail to preserve or enhance the CA and harm the character and appearance of the area.
13. Accordingly, the proposal would not meet the aims of Policies SD4, SD5 and SD31 of the South Downs Local Plan 2014-2031 (2019) (SDLP) as supported by Policy CONS 2 of the Ditchling, Streat and Westmeston Neighbourhood Development Plan (2018), which says that development will only be permitted where it utilises architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing.

Living conditions

14. The part two-storey proposal would extend beyond the existing extension across the full width of the host garden and form a new boundary treatment with No 19 East End Lane. It would also be in close proximity to the rear boundary with No 6 East Gardens.

15. As such, the immediate outlook from No 19 would be onto the relatively high and blank rendered elevation of the development. No 6 would look on to the entirety of the development from its elevated position. Therefore, the immediacy and the considerable height and bulk of the new development would create a sense of enclosure in this garden location and harm the outlook of the occupiers of No 19 and No 6. Furthermore, whether the proposal meets the requirements of the '45-degree line' for light or not, given the solar path, due to the proximity and relative height of the proposal it is likely that it would overshadow parts of the neighbouring garden spaces at certain times of the day and throughout some periods of the year.
16. I conclude therefore, that the proposal would harm the living conditions of neighbouring occupiers.
17. It follows then, that the proposal would be contrary to Policies SD5(k) and SD31(1c) of the SDLP which say, amongst other things, that development proposals should not be overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

Other Matters and Planning Balance

18. The Grade II listed building known as 'Bewers' (11 East End Lane) is found to the southwest of the host dwelling and there are other listed buildings on East End Lane. However, as the proposed development would be predominantly to the rear of the host dwelling its effect on those dwellings would be neutral.
19. Paragraph 212 of the Framework states that great weight should be given to a heritage asset's conservation. I have found that the proposed development would fail to preserve or enhance the character and appearance of the area, including the CA. In accordance with the Framework, I am required to assess the extent of such harm. I found that the harm to the CA would be 'less than substantial'. Where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, Paragraph 214 of the Framework is clear that this harm should be weighed against the public benefits of the proposal.
20. As such, there would be some economic benefits associated with the modernisation of the host dwelling. As these would be short term, I attribute this limited weight. There would also be a wildflower/green roof associated with the dwelling. However, as these environmental benefits would be small scale, I afford this minimal weight in the planning balance.
21. Subsequently, even in combination these matters do not outweigh the substantial harm I have found above to the character and appearance of the area and the CA.

Conclusions

22. The proposal would harm the character and appearance of the area and the CA, and as there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with the development plan and the Framework, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR