



Appeal Decision

Site visit made on 20 May 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/Y9507/D/24/3355141

2 Hillview, Elsted, Midhurst, West Sussex GU29 0JX

- 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 Carol Walker against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/01723/HOUS.
 - The development proposed is described as decking to the south-east elevation.
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Decision

1. The appeal is allowed and planning permission is granted for decking to the south-east elevation at 2 Hillview, Elsted, Midhurst, West Sussex GU29 0JX in accordance with the terms of the application, Ref SDNP/24/01723/HOUS, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The external materials of the extension hereby permitted shall match those specified on the application form.
 - 3) The development hereby permitted shall be carried out in accordance with drawings: 001, 002, and 6179.22.11 A.
 - 4) No external lighting shall be installed to the building or anywhere within the site. This exclusion shall not prohibit the installation of internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.

Preliminary Matters

2. The site lies within the South Downs National Park which benefits from inspirational and varied landscapes, internationally important wildlife, rich cultural heritage, and vibrant market towns and villages. The statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife, and cultural heritage, and to promote opportunities for the understanding and enjoyment of those areas by the public.
3. Section 11A of The National Parks and Access to the Countryside Act 1949 (as amended) now includes the duty on relevant authorities that they must seek to further the purposes when exercising or performing any functions in relation to, or so as to affect, land in any National Park. Furthermore, the National Planning Policy Framework ("the Framework") requires that great weight should be given to

conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

4. The Authority's description of the development, on its decision notice, differs from the description contained on the application for planning permission form. I have used the Authority's description in the banner heading above as it concisely describes the development. This description is also used on the Appellant's planning appeal form.

Main Issue

5. The main issue is the effect of the proposed development upon the living conditions of existing residential occupants with particular reference to privacy and tranquillity, and the character and appearance of the area.

Reasons

6. The appeal site includes a terrace style dwelling which is flanked by dwellings either side. The gardens, while landscaped with hedges and ornamental soft features, are generally open to this south-east side, and clear views are mutually possible across the garden areas of 1, 2 and 3 Hillview. The proposed development would introduce decking to the garden area of No 2 and this would moderately sit higher than existing sloping ground levels.
7. Occupiers of the appeal site would be elevated over the existing ground levels with broadly clear and unobstructed views from the proposed decked areas into the garden areas and windows of No 1 and No 3. However, the increase in height would be modest and given the existing arrangement at these dwellings, the change in privacy and tranquillity would not be materially more harmful than the existing situation.
8. The appeal site is well screened and set back from Elsted Road. However, some views of the decking, and any domestic paraphernalia placed on it, could be possible from vantage points. Nevertheless, the moderate increase in height, size, position, and scale of the proposed development would have a limited impact when viewed against the existing terrace of dwellings particularly given the existing layout of the appeal site, which includes a garden where domestic paraphernalia is already sited. Accordingly, the proposal would conserve the relative tranquillity, distinctive character, pattern, and evolution of the landscape, while safeguarding its experiential and amenity qualities.
9. The proposed development would therefore have an acceptable effect on the living conditions of existing residential occupants with particular reference to privacy and tranquillity, and the character and appearance of the area. The proposal would therefore comply with the relevant provisions of Policies SD1, SD4, SD5 and SD7 of the South Downs National Park Local Plan 2019. These, amongst other things, address the need for high quality design which respects the living conditions of residential occupiers and the landscape character of the area.

Other Matters

10. While not shown as part of the proposed development, privacy screens are suggested in evidence and could be imposed via conditions. However, given the proposal does not materially harm the established level of privacy there is no need for me to consider the acceptability of privacy screens.

Conditions

11. The Authority has suggested conditions which I have considered and where necessary amended in line with national policy and guidance. In the interest of certainty, conditions specifying time, and the approved plans are needed. The details of materials are also necessary to ensure the proposed development integrates into the locality. Finally, a condition to control external illumination is necessary in the interests of amenity and to protect the South Downs International Dark Night Skies Reserve.

Conclusion

12. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed subject to the conditions listed above.

N Praine

INSPECTOR