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## Appeal Decision

Site visit made on 23 July 2019

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2019**

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**Appeal Ref: APP/B1740/D/19/3225421**

**Allens Farm, Rockbourne Road, Sandleheath SP6 1QG**

- 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 Richard Peters against the decision of New Forest District Council.
  - The application Ref 18/11445, dated 29 October 2018, was refused by notice dated 6 March 2019.
  - The development proposed is described as single and two storey additions; front porch; removal of existing conservatory.
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### Decision

1. The appeal is allowed and planning permission is granted for single and two storey additions; front porch; removal of existing conservatory at Allens Farm, Rockbourne Road, Sandleheath SP6 1QG in accordance with the terms of the application, Ref 18/11445, dated 29 October 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P623/1/02; P624/3/02; P624/3.
  - 3) Before any construction above DPC level of the extensions hereby permitted takes place, the conservatory on the front elevation of the dwelling shall be demolished in its entirety.

### Procedural Matters

2. An application for costs was made by Mr Richard Peters against New Forest District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. Having noted previous extensions to the dwelling, the Council states that the development would breach the 30% limit on cumulative increases in floorspace since 1 July 1982 set by Policy DM20 of the New Forest District (outside the

National Park) Local Plan Part 2: Sites and Development Management 2014 (the LP2).

5. Neither the text of Policy DM20 nor the supporting text specifically explains the purpose of the 30% floorspace limit it sets, or the reason for the 1982 start date. The officer report however indicates that it serves to maintain a balance in the housing stock, and to safeguard the rural character of the area. In this regard the Council's specific, and indeed broader concern is that the development would harm the rural character and appearance of the area.
6. The existing dwelling stands within a rural setting. Aside from noting its pleasing design, the Council has not indicated that the building holds any particular architectural importance. Indeed, though described as 'traditional', it is of 1930s origin and has a form generally typical of the period. Nonetheless in view of its rural setting, and the fact that it stands adjacent to a range of agricultural sheds, it is readily perceived as being a farmhouse. This therefore appears to be the principal contribution that the existing dwelling makes to the rural character and appearance of the area.
7. The existing dwelling is made up of a number of different 2-storey and single storey components whose visibility varies moving around the site. With the exception of the existing conservatory, which awkwardly projects forward of the front elevation, these components together provide a compact building form, albeit one which occupies a large footprint.
8. The principal public view of the dwelling is from the adjacent lane, from the frontage with which it is set well back. From the lane the symmetrical arrangement of openings in the 2-storey core of the dwelling is appreciable, hinting at the modest character of the original building. Single storey additions to the west side, and a 2-storey addition to the rear are however also visible. Viewed as a whole therefore it is apparent that the dwelling as it currently exists, is not modest in size, or entirely balanced in its overall composition.
9. The proposed 2-storey extension would occupy the position of an existing single storey addition on the west side of the dwelling. Addition would see the first floor and roof of the dwelling elongated. The resulting increase in scale and mass would both alter the existing proportions and physical presence of the dwelling, and cause the arrangement of openings on the front elevation to appear less symmetrical than at present.
10. The extension would however be harmonious in form, resulting in the building being appreciably more symmetrical in shape than it is at present. The proposed window arrangement and details would also directly complement the existing. This would in fact only involve the provision of one new opening in the frontage, given that an opening already exists at ground floor level, currently concealed by the conservatory. In this regard, removal of the conservatory would benefit the appearance of the dwelling by fully exposing the frontage.
11. Viewed within the context of the building as a whole, and given the harmonious design, the extension would not appear excessively sized, and the resulting increase in the physical presence of the building would not appear intrusive within the immediate setting. Indeed, it would not alter the perception that the dwelling was a farmhouse, or therefore conflict with the current contribution that the dwelling makes to its rural setting.

12. The proposed single storey extension would entail elongation and associated remodelling of an existing single storey extension to the rear of the dwelling. This would protrude beyond the side elevation. Though this would be at odds with the otherwise compact form of the dwelling, the effect would be balanced by removal of the existing conservatory. The latter is far more visible than the extension would be from the lane, and far less sensitively positioned. The external appearance of the extension would furthermore complement that of the rest of the dwelling. Again therefore, both the appearance of the dwelling, and contribution it makes to the rural character and appearance of the area, would be unharmed.
13. The development would also entail addition of a porch. This would be modest in appearance, and again not visually harmful.
14. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, I find that whilst the development would be in excess of the 30% limit on cumulative floorspace increase imposed by Policy DM20 of the LP2, and would not meet the exceptions listed, it would otherwise comply with the design requirements set out in the policy. Indeed, I conclude that the development would have no adverse impact on the rural character and appearance of the area. As no other harm arising from the breach of the 30% limit is or has been identified within either the policy or by the Council, there is no clear reason for the development to be restricted on these grounds. In my opinion these considerations indicate that planning permission should be granted despite conflict with Policy DM20. Additionally, and in view of my findings above, the development would not conflict with Policy CS2 of the New Forest District (outside the National Park) Core Strategy 2009, which requires new development to be well designed to respect the character, identity, and context of the area's towns, villages and countryside.

### **Other Matters**

15. The appellant has drawn attention to a lawful development certificate issued in 2018, reference 18/10746, which confirms that a large single storey extension can be added to the west side of the existing dwelling without the need for planning permission (the LD scheme). The Council has acknowledged that the LD scheme would not only breach the 30% floorspace limit applied in relation to the appeal scheme, but that it would also increase the floorspace by a greater amount. Though the parties dispute whether or not the LD scheme should be considered as a realistic fallback, in view of my findings above, I consider that the appeal scheme is appropriate in itself. It is not therefore necessary for me to consider the LD scheme any further.
16. The appellant has given thought to whether both the LD scheme and the appeal scheme could be implemented together, and, despite concluding that they could not, has supplied a draft Unilateral Undertaking (UU) waiving the appellant's rights to carry out future extensions. The UU is however incomplete, and I furthermore note that this is this is not a matter over which the Council has expressed concern.
17. Nonetheless, in the absence of such a UU it is clear that a condition restricting permitted development rights under Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as is suggested by the Council, could be circumvented. Here the Planning Practice Guidance indicates that conditions restricting the future use

of permitted development rights will rarely pass the test of necessity, and should only be used in exceptional circumstances. In this instance, and in view of my findings above, the fact that the 30% limit on cumulative increases in floorspace set out in Policy DM20 of LP2 would be breached by the development does not in itself represent an exceptional circumstance. Moreover, in the absence of any clearly identified harm should the condition not be imposed, no necessity for the imposition of such a condition has been demonstrated. Consequently there is no requirement for a UU.

### **Conditions**

18. I have imposed standard conditions setting out the time limit for the commencement of development, and identifying the approved plans for sake of certainty.
19. The Council has requested a condition requiring use of matching materials. I note however that use of matching materials is annotated on plan P624/3. Such a condition is therefore unnecessary.
20. As considered above, the Council has requested a condition restricting future use of permitted development rights. For the reasons outlined above I have not imposed this.
21. I have however imposed a condition requiring demolition of the existing conservatory, and removal of the demolition materials. This condition is required on account of the fact that I have considered the proposed design to be acceptable partly on the basis that the conservatory will be demolished, and to ensure that this takes place.

### **Conclusion**

22. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR