

Appeal Decision

Site visit made on 23 August 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th September 2019

Appeal Ref: APP/B9506/D/19/3231846

Rose Cottage, Tiptoe Road, New Milton, BH25 5SJ

- 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 Mr Chris Kennedy against the decision the New Forest National Park Authority.
 - The application Ref 19/00176, dated 28 February 2019, was refused by notice dated 25 April 2019.
 - The development proposed is a two storey extension; single storey extensions; first floor extension; render; and cladding.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension; single storey extensions; first floor extension; render; and cladding at Rose Cottage, Tiptoe Road, New Milton, BH25 5SJ in accordance with the terms of the application, Ref 19/00176, dated 28 February 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1603 42, 43, 44, 45, 46, 47, 48 & 49.
 4. The extensions hereby permitted shall not be brought into use until the fixtures and fittings allowing habitable use of the outbuilding have been removed, and the outbuilding returned to its previous condition in totality or in part as may be agreed by the New Forest National Park Authority. In both cases this shall be through the submission of details with a plan and subsequent approval in writing by the Authority of details found to be satisfactory having regard to the terms of Local Plan Policy DP36 and material considerations. The agreed internal arrangement of the outbuilding shall be retained thereafter.

Procedural Matters

2. I use the Authority's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.
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3. The principal parties refer to pertinent Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010). By means of August 2019 adoption of the Local Plan 2016-2036 (LP) this policy is now superseded by Policy DP36. To all intents and purposes the policies and their explanatory text are identical. I shall therefore refer to Policy DP36 below and I see no need to seek the comments of the parties on this updating.

Main Issue

4. The main issue is whether the proposed enlargement would be of a scale to cause harm to the appearance, character, or balance of housing stock within the National Park.

Reasons

5. The appeal property is a part cob/part pebble dash/part painted brick dwelling which has been extended in the past. It is situated to the rear of a long site, accessed via a lengthy driveway, and on the edge of open Forest to the north. Close to the side of the main house is a linear outbuilding converted to a well-equipped residential annexe to the main dwelling. Other outbuildings sit within the plot. The proposal is as described above.
6. The extension work is relatively modest in scale compared to the existing principal property as it currently stands. The Appellant puts it at just under 13% internal area. This does not include any reference to a sizeable roof terrace which would be created. On the other hand it takes no account of an existing conservatory which would be removed.
7. The Authority deems that the scheme would not accord with pertinent development plan policy. LP Policy DP36 generally restricts extensions of a home's floorspace to no more than 30% over the existing dwelling. The aim of the policy is to protect the locally distinctive character of the New Forest and seek to prevent an imbalance in the range and mix of housing stock available.
8. Whilst the Authority regrettably did not point out the matter at the times of pre-application contacts the 30% 'allowance' unequivocally includes any habitable floorspace provided within detached outbuildings. However the explanatory text to the policy was clear for the Appellant and professional advisors to see.
9. I have no reason to dispute, and the Appellant does not argue, that the combined increase in floorspace of the outbuilding plus the planned extension work would equate to a floorspace increase of about 42% as calculated by the Authority. This is a sizeable addition in both percentage terms relative to the 30% allowance and taken in its own right – by way of example at some 94 sqm the extensions would be larger than the policy definition of a small home.
10. In the circumstances I am of the opinion that the scale of extension now cumulatively proposed would change the character of this home and erode that of the New Forest. It would be an element in, seemingly, a move towards ever larger more expensive properties when one of the charms and intrinsic characteristics of the New Forest is the variety of homes and the cross section of people who are able to live within its bounds and contribute to its economic and social well-being. It would have implications for the balance of housing stock in the National Park. I have considered carefully all that has been put in

relation to this site and others but I see no reason in this case to make a significant exception to the 30% figure.

11. Given the above I conclude that the proposal, on the face of it, would conflict with Policy DP36. However in the Grounds of Appeal (para 6.39) the Appellant does explain an offer, which is not retracted, to lose the annex accommodation and return to incidental purposes if necessary to achieve the proposed dwelling extensions. The Authority suggests a planning condition to this end. In my opinion this would be a good example of a planning condition being used to make an otherwise unacceptable development able to be allowed. I shall therefore go down the condition route and by doing so I am able to conclude that the proposal would accord with LP Policy DP36.
12. I should add that the dwelling does not lie within a conservation area, it is however considered by the Authority to be a non-designated heritage asset. The Authority raises no objection to the scheme in terms of heritage asset impacts and the Building Design & Conservation Area Officer having considered the form of the planned works and the relationship to the historic core of the building with the retention of its pre-eminence has raised no objection. For the reasons given by this Officer and as set out in the Delegated Report I would agree that the design, taken in its own right, would be acceptable.

Conditions

13. The Council reasonably suggests the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty. A suggested condition requiring external materials to be approved is also appropriate in the interests of visual amenity. I explain above the thinking behind a condition to remove accommodation from the outbuilding to enable the appeal proposal to proceed and how this would be in the interests of protecting the character of the area and the balance of housing stock. The Authority's suggested condition is a good starting point but for reasons of clarity and precision and to be fair to the Appellant bearing in mind the history of the site, the matter of lawful development and the 30% allowance in Policy DP36, I shall modify the precise wording of the condition put forward.

Overall conclusion

14. For the reasons given above I conclude that subject to appropriate planning conditions the proposed enlargement would not be of a scale to cause harm to the appearance, character or balance of housing stock within the National Park. Accordingly the appeal is allowed.

D Cramond

INSPECTOR