
Appeal Decision

Site visit made on 8 October 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/B9506/D/19/3233644

Woodcote, 1 Whartons Close, Ashurst, Southampton, Hampshire SO40 7EE

- 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 Martin Cooper against the decision of the New Forest National Park Authority.
 - The application Ref 19/00280, dated 2 April 2019, was refused by notice dated 28 May 2019.
 - The development proposed is described as a garage conversion to form annexe for family member.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The New Forest National Parks Authority (NPA) adopted the New Forest National Park Local Plan 2016 – 2036 (NFNPLP) on 29 August 2019. Policies quoted in the decision notice have now been replaced with Policies DP2, DP37 and SP17 which, as adopted policies, are afforded substantial weight. This policy change has been brought to the attention of the appellants.

Main Issues

3. The main issues are the effect of the development on: a) the character and appearance of the site and the New Forest National Park; and b) the living conditions of the occupiers of adjacent dwellings.

Reasons

Character and appearance

4. Policy DP37¹ of the New Forest National Park Local Plan 2019 (The Local Plan) tightly defines criteria for domestic outbuildings, including a restriction on their use to that incidental to the use of the main dwelling and their preclusion as additional habitable accommodation. The building though approved as a garage is now in use for storage and as a home gym. Minimal external changes are proposed but they do include additional windows and alteration to the front elevation replacing garage doors with a window and door. Internal changes of dividing walls would form a kitchen bedroom and lounge.

¹ Previously DP12 of the New Forest National Park Core Strategy and Development Management Policies DPD (2010)

5. Whilst the appeal property is located on a residential road it lies in the National Park (NP) where one of the main statutory purposes is to conserve and enhance its natural beauty; Nonetheless the site is within the confines of a residential development and the building is clearly perceived as an ancillary structure within the curtilage of 1 Whartons Close. As no external enlargement of the building is proposed, and external alterations would be modest, I find that the proposal would not adversely affect the character of the locality or the National Park and as such the proposed changes would not undermine the fundamental principles of that designation nor would they compromise local distinctiveness.
6. The proposal would result in additional habitable floor space which could lead to increased activity in the countryside however given the nature and scale of the proposal; the shared access and garden and the close physical relationship between the two buildings; it is unlikely that any increase in activity arising from its use as an annexe would be material. There is little evidence to the contrary, or to indicate that increased activity in this instance would be harmful in relation to the aims of the Authority to safeguard the countryside.
7. Whilst I note the concerns of the Authority regarding the creation of a self-contained unit it is clear from the evidence that, in these particular circumstances, a level of dependency would exist between the family use of the main house and the residential activity in the outbuilding. Even though it would provide facilities for independent day-to-day living it would not, in my view, become a separate planning unit due to that level of dependency.
8. As such in these circumstances I find no conflict with Policy DP37 or SP17² of the Local Plan. These policies seek to protect the character and local distinctiveness of the New Forest and prevent the circumvention of restrictions on additional dwellings which can lead to pressure on parking provision, amenity space and through the overdevelopment of sites.

Living conditions

9. The window in the north west elevation of the garage is already restricted via an earlier restriction to being obscure glazed and fixed shut and does not afford a view out of the rear elevation. The insertion of an additional window to the proposed living space in the side elevation would lead to a view out, albeit a limited one, over the neighbours' garden such that there would be an impact on the living conditions of the occupants of the adjacent property which would be harmful.
10. Whilst a condition could be imposed to ensure that the proposed window in the side elevation is fixed and obscure glazed to ensure that there would be no adverse effect on the privacy of the occupants of the adjacent property it would result in a living room which would have no outlook and no means of ventilation. Fixing shut and obscure glazing the only two windows serving this living space would result in a lack of appropriate ventilation and outlook from the only living space of the annexe. This would create a very poor standard of accommodation for the occupant even though as an annexe to the main property occupants would benefit from use of the accommodation in the main house.

² Previously Policy CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (2010)

11. Whilst the layout specified is not the only configuration which could be achieved, as proposed the annexe would lead to an unacceptable effect on the occupiers of the neighbouring property. Consequently, the development would conflict with Policy DP2³ and the National Planning Policy Framework which together seek to ensure a high standard of amenity is secured.

Other Matters

12. The appellant outlines that the accommodation is sought in order to provide independent living accommodation for a young family member given the affordability of house prices in the New Forest. Whilst I fully understand the challenges of financially accessing property for young people; the personal circumstances are not sufficient to outweigh the harm to the neighbouring property. Neither are they unique or exceptional circumstances which would justify accepting an unsatisfactory relationship with an adjoining property.
13. In reaching my decision I have had regard to the appellants comments regarding permitted development and his suggestion that had it not been for the restrictions on the garage consent then the development could have gone ahead and that this should be given appropriate weight particularly as the reason given for the restriction was to maintain parking provision. I have considered this matter however I have to determine the application in the light of the restrictions in force and with reference to the adopted local plan to which I afford significant weight.
14. I have been referred to two appeals which are argued to be similar to the appeal proposal. I have however come to my judgement on the basis of the individual circumstances of this proposal.

Conclusion

15. Notwithstanding my findings on the issue of character and appearance I have concluded that there would be harm to the living conditions of the occupants of the neighbouring property as a result of the proposal as detailed in the appeal scheme. Therefore, for the above reasons and having regard to all matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR

³ Previously DP1 of the of the New Forest National Park Core Strategy and Development Management Policies DPD (2010)