



Appeal Decisions

Site visit made on 10 September 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal A Ref: APP/B9506/D/19/3224452

Appeal B Ref: APP/B9506/D/19/3224457

The Breakers, Saltgrass Lane, Keyhaven, Hampshire S041 OTQ

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeals are made by Mr and Mrs Spencer-Churchill against the decision of New Forest National Park Authority.
 - The applications Ref 18/00791 (Appeal A) and Ref 18/00792 (Appeal B), dated 9 October 2018, were refused by notices dated 19 December 2018.
 - The development proposed in Appeal A is demolition of existing single-storey extensions, construction of replacement single storey extension to rear and side of dwelling, construction of three full height bay windows to the front elevation, alterations to existing dwelling, relocation of log store and associated landscaping.
 - The development proposed in Appeal B is demolition of the detached cottage annex and detached garage and annex, construction of a two-storey annex to the main dwelling comprising ancillary domestic accommodation and associated landscaping.
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Decisions

1. The appeals are dismissed.

Procedural Matters

2. These decisions relate to two separate appeals. Although each appeal is for a different development, they are on the same site and involve similar issues. Accordingly, whilst I have considered each appeal proposal on its own merits, I have dealt with them in this one decision letter and, in accordance with the above banner header, have referred to them as Appeal A and Appeal B.
3. Since the decisions of the New Forest National Park Authority (the Authority) on the planning applications, the New Forest National Park Local Plan 2016-2036 (NFNPLP) has been adopted. Accordingly, the previous development plan policies referred to in the Authority's decision notices have been superseded by relevant NFNPLP policies. The main parties were given the opportunity to comment on this matter, and I have taken the comments received into account in reaching my decisions.
4. The National Planning Policy Framework (the Framework) was revised in February 2019. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

5. The main issues are:

- In both appeals, the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the Keyhaven Conservation Area;
- In the case of Appeal B, whether the proposed annex would constitute a separate or ancillary residential unit; and
- In both appeals, whether the proposals are acceptable with regards to the enlargement of floorspace within the New Forest National Park.

Reasons

Character and appearance

6. The appeal site is located within the New Forest National Park and the Keyhaven Conservation Area (CA). Accessed via a private driveway, the site contains a distinctive but restrained Arts and Crafts style dwelling, known as The Breakers (the house), and a number of outbuildings. Set back from Saltgrass Lane and within elevated, landscaped grounds with well-defined boundaries, the house is identified by the Authority as a non-designated heritage asset due to its local significance within the CA. It has been altered and extended, and the appellants' heritage assessments set out that it has a low aesthetic value and a low to moderate level of historic and architectural significance. However, it retains much of its original, modest character. Its projections, whether original or additions, also read as subordinate features which respect the house through their similar materials and pitched roofs.
7. The single-storey cottage annex (the cottage) and the garage, which contains roof accommodation, are set-back from the house. Despite the appellants' design approach identifying that the site suffers from a poor relationship between existing buildings and external spaces, I observed on my site visit that the arrangement provides reasonable space around the site and does not create a notably cramped feel or detract from the setting of the house. Their relatively low height and unobtrusive appearance also mean that, despite their differing architectural language, the outbuildings generally complement rather than detract from the house, appear as subordinate to it and do not detract from the significance of the CA.
8. The surrounding area includes several properties running along one side of Saltgrass Lane, facing Keyhaven Marshes and the coast path. Although there is no predominant architectural style apparent in these properties, there is a consistency in character stemming from, amongst other aspects, their relatively generous sizes and spacing. This is apparent from the Lane above boundary hedges and in longer views from the coast path. With the naked eye, I observed on my site visit that while the house is a relatively notable feature from the path, the garage and cottage are not particularly visible due to soft landscaping and their set-back and limited height.
9. Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area in the exercise of planning powers. I am also mindful of the statutory requirement that relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in a National Park, shall have regard to the purposes

of conserving and enhancing, amongst other aspects, the natural beauty of the National Park.

10. The evidence before me indicates that the significance of the CA derives from, amongst other aspects, its historic development – with Saltgrass Lane developed from the later part of the 19th and during the 20th centuries – and its thirty six buildings of local vernacular or cultural interest. The Keyhaven Conservation Area Character Appraisal sets out that the eclectic mix of buildings on the Lane represent architectural styles and detailing from this period, and it identifies The Breakers as belonging to a group of unlisted buildings that are of local, vernacular or cultural interest. As detailed in the appellants' Heritage Statement, The Breakers is characteristic of Arts and Crafts houses in the early decades of the 20th century and, despite its various alterations, it makes a positive contribution to the character and appearance of the CA due to its design and prominent location.
11. Appeal A would involve the erection of a part-open, part-enclosed extension that would wrap around the rear and side of the house. Amongst other aspects, three full-height bay windows would also be introduced on the front elevation of the house, and various existing windows would be replaced.
12. The extension would replace the existing projections, project no further than them, be set back from the front elevation and have a lightweight structure to contrast with the solidity of the house. Nevertheless, the wrap around extension would be read as a significant addition that would detract from and erode the well-proportioned form of the main building. Irrespective of how visually permeable and visible it would be compared to the existing projections, its relatively bold and modern design, including flat roof, would serve to emphasise this and detract from the significance of the building and the character and appearance of the surrounding area.
13. The full height bay windows would replace some original and some non-original windows. While there are a mix of designs and arrangements present on this elevation, I observed on my site visit that the windows do not significantly detract from the house. In contrast, the proposed bay windows, which would be visible from the surrounding area, would dominate the front elevation and involve a stark form that would have little affinity with the less formal nature of the building. Consequently, despite bay windows in general being a feature of Arts and Crafts properties and vertical elements being present on surrounding properties, they would appear as insensitive and incongruous additions. Rather than blending in, they would therefore detract from the building's restrained form throughout the year. The appeal proposal would also result in some loss of historic fabric, such as loss of the original entrance to the house, and this would serve to erode its historic character.
14. The existing projections on the house are not all original and contain varied roof forms and window designs. However, their scale and appearance, including through the use of similar materials, mean that they are experienced as relatively unobtrusive features that respect the house. Accordingly, they do not detract from it and their removal would not be particularly beneficial in respect to character and appearance. Their replacement with the wrap around extension – despite its design involving a simple language, its use of natural materials and the clear distinction between old and new – does not therefore lead me to a different conclusion.

15. The house has a variety of window designs including on the front elevation. However, the replacement of the altered, mixed and somewhat competing fenestration on that façade would not offset the harm arising from the proposed bay windows. In coming to this view, I have taken account of the simpler, more consistent form of the proposed bay windows and their design reflecting examples from Voysey, Lutyens and Arts and Crafts designs from the turn of the 20th century.
16. Appeal B would involve demolition of the cottage and garage and the erection of what is described on the plans as a 'residential annexe'. It would reduce the number of buildings on the site, be slightly further away from the side of the house and not extend as far to the other side and rear as the outbuildings. However, due to its greater height and its location, scale and mass, the annex would have more of a presence than the outbuildings and would be more visible in the locality throughout the year. Given it would be less set back than the cottage and due to its size and less unassuming appearance relative to the outbuildings, it would also appear less subservient. Consequently, it would be experienced in the locality as more of a stand-alone building rather than as a secondary feature related to the house, which is the case for the existing outbuildings. It would therefore appear as a cramped addition that would detract from the house and erode the spaciousness of the site and its locality.
17. The annex would consolidate the footprint of the existing outbuildings. Its orientation would mean that its main mass and scale would be to the rear and would therefore not be particularly visible. Soft landscaping would also provide some screening. However, its relatively substantial size and depth would nonetheless be apparent in the locality, including on the coast path to the south-east. Its simple architectural language, the use of timber cladding and glazing, its pitched roof and its lower ridge and eaves compared to the house would not sufficiently mitigate its bulk and mass, nor ensure that it would read as sufficiently subservient and sympathetic to the character of the house.
18. It has been put to me that the cottage, although appearing to be broadly contemporary with the house, has been much altered and, with little of its original character and architectural integrity remaining, is of low significance. The garage appears to be a later addition. Their loss is therefore not objectionable. Nevertheless, they respect the house through their subservience and generally similar appearance and materials, whereas the proposed annex would not. Accordingly, these matters do not lead me to a different conclusion.
19. Both proposals are supported by significant heritage details, including additional information submitted at appeal stage. Setting out the significance of the house as a non-designated heritage asset and its contribution to the character of the CA, the information is sufficient to understand the impacts of the proposals on the locally listed building and CA. Notwithstanding this, the heritage details do not alter my findings that both appeals would harm the character and appearance of the house and surrounding area, and would neither conserve nor enhance the character or appearance of the Keyhaven CA.
20. As the harm I have identified from both appeal proposals would be relatively localised and the site is visually separate from the historic core of the village, the harm would – in the words of the Framework – constitute "less than substantial harm" to the significance of the CA as a whole. However, this still

constitutes harm, and in such circumstances, the less than substantial harm should be weighed against the public benefits.

21. Appeal A would remove the modern extensions on the house. The varied and non-original fenestration and associated features such as shutters would be replaced with traditional windows in a single period style. Non-original gutters, eaves and fascias would also be replaced, and existing pebble dash would be repaired. However, the public benefits from these aspects would be limited because their positive effects would be offset and eroded by the loss of some historic fabric and the harm arising from the proposed wrap around extension and bay windows. Other benefits arising from Appeal A would include resolution of various faults with the existing dwelling, such as the inadequate head height of the existing bay windows, improvement of the seasonal environment and energy efficiency of the house and provision of a modern living space for the appellants and their family with direct connections to the garden. However, given the scale of the development, the extent of the benefits stemming from Appeal A would be modest based on the development and its use, and would therefore not outweigh the great weight given to the conservation of the designated heritage assets.
22. Appeal B would result in removal of the outbuildings which were either not built contemporaneously with the house and/or have been significantly altered over time. By consolidating the existing outbuildings' footprint, it would also to some extent open up the site and views through it. It has been put to me that Appeal B would rectify the shortcomings of the existing outbuildings, such as their lack of insulation, and would provide improved ancillary accommodation within one building. The annex would also allow for direct access through to the rear the site, which is not currently possible. However, given its scale and use, and my findings that the existing outbuildings do not detract from the character and appearance of the site or the CA, the extent of the benefits stemming from Appeal B would be modest. Accordingly, the benefits would not outweigh the great weight given to the conservation of the designated heritage assets.
23. It has been put to me that the appeals would bring social and economic benefits by helping to ensure the long-term preservation of the locally listed house that might otherwise be lost. However, I have little substantive evidence that dismissing the appeals would result in loss of the non-designated heritage asset. I therefore place limited weight on this.
24. For the above reasons, I conclude that the proposed developments would harm the character and appearance of the surrounding area, with particular regard to the Keyhaven Conservation Area. I therefore find that both appeal proposals conflict with NFNPLP Policies SP16, SP17, DP2, DP13 and DP18. Amongst other aspects, these require development to be contextually appropriate and in keeping with the character of the surrounding area, enhance local distinctiveness, respect local character, protect and enhance the built and historic environment, and conserve the significance and special interest of designated and non-designated heritage assets. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places and conserving and enhancing the historic environment.

Separate or ancillary

25. The Authority considers that the annex proposed under Appeal B would be tantamount to a new separate dwelling. With a relatively significant scale and

floor area and with its own entrance, the detached annex would contain all the internal facilities necessary to allow for separate, independent living. However, the evidence is not conclusive that it would be used in this way.

26. The appellants describe the proposed building as an annex providing ancillary domestic and guest accommodation which would allow their friends and family to visit. The planning application form makes it clear that planning permission is sought for the erection of an annex to the main dwelling comprising ancillary domestic accommodation. The annex would not have separate outdoor garden space, parking or access from the highway. It would also include a utility room, laundry room and wine store which would serve the house, external storage to serve the appellants' garden and a shower room to serve their swimming pool. This points towards the ancillary nature of the development. The ancillary use of the annex to the main dwelling could also be controlled by a condition if planning permission were to be granted.
27. With a kitchen, living space and three double bedrooms, the annex would be relatively large and have a sizeable internal area. However, the outbuildings that would be demolished currently provide a significant amount of ancillary space, including habitable accommodation. This includes bedspace for four people, a bathroom, office space and storage in the Cottage, while the garage contains storage space and a bathroom and a room on the first-floor sufficient to accommodate a double bed. The annex would therefore essentially replace the existing provision rather than provide additional habitable accommodation.
28. Accordingly, and subject to a suitable condition restricting the use of the building to an ancillary annex, I conclude that the development under Appeal B would not be tantamount to the creation of a separate dwelling and would not therefore constitute a separate residential unit outside a defined village. I therefore find that it does not conflict with NFNPLP Policies SP19 and DP37. Amongst other aspects, these set out the circumstances when new dwellings and outbuildings within the National Park are permissible.
29. The site is within a flood zone and the submitted Flood Risk Assessment (FRA) has treated the annex as 'more vulnerable' given its residential use. The Authority therefore refers to occupants of the annex as potentially being at risk from flooding. However, it is not alleged that the FRA is inadequate nor that Appeal B would conflict with any development plan policies related to flood risk. With no substantive evidence to indicate otherwise, I shall make no further reference to this matter.

Floorspace

30. NFNPLP Policy DP36 sets out that extensions to dwellings with an existing floor area greater than 80 square meters and which are outside the Defined Villages must not increase the floorspace of the dwelling, as it existed on 1 July 1982, by more than 30%. NFNPLP Policy DP37 permits outbuildings where they, amongst other aspects, do not provide additional habitable accommodation. Together, these policies seek to limit extensions and avoid additional habitable accommodation in outbuildings in order to preserve the character of the New Forest by maintaining a balance in the range and mix of housing stock.
31. The main parties agree that the house had a floor area of 284 square metres in 1982. The evidence before me indicates that the enclosed floor area of the

house would, as a result of Appeal A, be increased to 363 square metres. This would be approximately 6 square metres below a 30% increase.

32. It has been put to me that the open-sided areas covered by the roof of the extension should also be included in the calculation and could in future be filled-in. In support of this, my attention has been drawn to an explanatory leaflet issued by the Authority – titled Planning Information Leaflet, Extensions to Dwellings – which states that substantial open sided areas which are covered by a roof, such as verandas and large porches, may also be included in calculating new additional floor space.
33. However, Policy DP36 and its supporting text do not include reference to taking this approach, and while I do not know the status of the leaflet, it is not identified as a Supplementary Planning Document. I therefore attach limited weight to it, and I note that it also only indicates that such open areas *may*, rather than *should*, be included in the calculation. Furthermore, it seems to me that it would be feasible and not unreasonable to control future filling-in of the undercroft areas through a planning condition. Consequently, the extension would not increase the floor space beyond 30%. Appeal A would not therefore be inappropriate or unacceptably large and accords with NFNPLP Policy DP36.
34. Appeal B would create a building with a floor area of approximately 152 square metres, just over half the 284 square metre floorspace of the house. Combining this with the extra floor area that would be provided via the Appeal A extension, there would also be a cumulative increase in floorspace at the site well beyond that permitted by NFNPLP Policy DP36.
35. The supporting text to the policy indicates that detached outbuildings should not be included in the calculation of existing floorspace. Doing the calculation in this way would therefore discount the 167 square metres of floorspace within the cottage and garage. However, given that those outbuildings appear to have been in place for a considerable period and would be replaced under Appeal B, it seems to me that this approach would, in this particular instance, unreasonably disregard that existing floorspace.
36. As such, it would be reasonable in this case to take account of the existing outbuildings. In this context, Appeal B would replace existing habitable accommodation rather than provide additional accommodation. Compared to the existing situation, the proposed annex would also lead to a small reduction in overall ancillary floorspace. In this context, the floorspace of the annex would therefore not be inappropriate or unacceptably large. Appeal B would therefore accord with NFNPLP Policy DP37 and I find that material considerations, in this instance, outweigh the conflict with NFNPLP Policy D3P6.
37. Accordingly, in the context of the existing outbuildings and the relatively substantial size of the house, the appeal proposals would not be inappropriate in relation to the existing dwelling and its curtilage. They would not significantly change the dwelling's position towards the higher end of the housing market and would therefore not harm the balance of housing stock in the area nor significantly add to the pressure for change in the countryside. For the above reasons, I therefore conclude that both appeals are acceptable with regards to the enlargement of floorspace within the New Forest National Park.

Planning Balance

38. My attention has been drawn to permitted development rights that exist at the appeal site, including in relation to a potential ground-floor rear extension and erecting single-storey outbuildings. It has been put to me that permitted development rights represent credible fallback alternatives to both appeals, and would deliver significant improvements to the dwelling and substantial outbuildings with a greater footprint but without the same architectural quality. Be that as it may, I have little substantive evidence that indicates that this is anything more than a theoretical scenario. There is also no suggestion from the appellants that they would do this. I therefore do not consider the scenarios to be particularly likely and consequently attach limited weight to them.
39. Appeal A would resolve the various faults with the existing dwelling, such as its low window heights on the first-floor, improve its energy efficiency and resilience to a changing climate, and provide the appellants and their family with a modern living space connected to the established and newly landscaped garden and the swimming pool. Appeal B would improve access to the rear of the site and provide ancillary accommodation in an energy efficient building that would suit the needs of the appellants and their visitors. These aspects would align with the duty to seek to foster the economic and social well-being of local communities in national parks. The proposed wrap around extension and bay windows would also have a more consistent design and form compared to the existing situation, while the annex would consolidate the footprint of the existing cottage and garage and open up views through the site.
40. No objections were received from neighbours for either of the proposed developments, several letters of support were submitted for both, and the appellants engaged with the Authority and local community prior to submitting the planning applications, as supported by the Framework. There would also be no overlooking issues arising from the appeal proposals.
41. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan. Furthermore, the benefits associated with both appeals do not outweigh the great weight given to conserving designated heritage assets and the landscape and scenic beauty of National Parks, which have the highest status of protection in relation to these matters.

Conclusion

42. For the above reasons, the appeals are dismissed.

Tobias Gethin

INSPECTOR