The Planning Inspectorate

Appeal Decision

Site visit made on 3 February 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 17th February 2020

Appeal Ref: APP/B9506/D/19/3242575
Rooks Farm, Road from A31 to Brook Via Canterton, Brook SO43 7HD

- 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 Mrs S Palmer against the decision of New Forest National Park Authority.
- The application Ref 19/00662, dated 13 August 2019, was refused by notice dated 22 October 2019.
- The development proposed is extension on top of existing flat roof to create additional accommodation at first floor and a small extension to create an oak timber frame to enlarge the kitchen and create an additional bedroom at first floor.

Decision

1. The appeal is dismissed.

Procedural Matter

2. In support of the appeal the appellant has submitted amended plans[1]. The amendments shown on these drawings are not minor in nature and there is no evidence that they have been subject to consultation. If I were to determine the appeal on the basis of these amended plans it is possible that the interests of parties who might wish to comment would be prejudiced[2]. Consequently, I shall not accept the amended plans for the purposes of determining this appeal.

Main Issues

3. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Forest Central North Conservation Area; (ii) whether the proposal adheres to the Authority's strategy for the extension of existing dwellings in the New Forest National Park; and (iii) the effect of the proposal on protected species.

Reasons

Conservation area

4. The appeal property is a detached two-storey dwelling set within a large plot. It is a prominent feature in the locality as a result of its position facing north towards an open area of green between the road that the appeal site lies on

[1] Drawing numbers 19123.06 Rev A, 19123.07 Rev A, 19123.08 Rev A and 19123.10 Rev A.
[2] Annex M of the *Procedural Guide, Planning appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

and the junction of Roger Penny Way (the B3079) and Lyndhurst Road (the B3078).

5. The appeal site is located within the Forest Central North Conservation Area (CA) and as such I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6. The Conservation Area Character Appraisal (CACA) identifies the special historic and architectural qualities of the CA. The key characteristics of the CA include, amongst other things, buildings of local, vernacular or cultural interest with the majority of older houses being originally small and of two storeys in scale.

7. The appeal property has undergone significant extension and alteration over the years. However, it is still a building of some charm with its original core element clearly legible by virtue of the earlier additions being subordinate to the main dwelling. Although the property is not identified in the CACA as one of the un-listed buildings recognised as being of local, vernacular or cultural interest, by virtue of it having maintained much of its traditional character and features it makes a positive contribution to the character and appearance of the CA and thus the significance of the heritage asset.

8. The Authority's adopted Design Guide Supplementary Planning Document 2011 (SPD) states that extensions should '*be compatible with the main building, avoiding significant impact on the scale of the core or original element'*. Although the proposed extensions would not substantially increase the footprint of the building, as a result of their layout and overall scale they would significantly add to the modest and compact built form of the property. Moreover, they would not represent subservient additions to the property. As a result of being too large for the original historic core of the building to accommodate, the extensions would envelop the property. In doing so the proposals would dominate the appearance of the building.

9. One of the key characteristics of the CA is that most of the older houses were originally small. The proposed development would result in a building that would be significantly larger than the original relatively small historic core of the property. Consequently, the proposal would result in a property at odds with the prevailing character of the CA.

10. Whilst the existing rear extensions are not overly sympathetic to the original building and so do not enhance its traditional character and form, they are nonetheless subservient in scale. In contrast, the scale, juxtaposition and design of the proposed two-storey rear extension, with its extensive glazing and visually heavy oak timber frame, would detract from the generally more delicate design of the existing built form and obscure, when viewed from the rear, most of the original building.

11. Although the proposed rear dormer window would be positioned well below the ridge line, by virtue of its width it would not be modest in terms of scale. In addition, its design would not be reflective of a traditional vernacular style and so would detract from the historic character of the original building.

12. The screening afforded by trees and hedges would restrict, to a degree, some local views of the proposed development. However, notwithstanding the

screening and the set-back position of the proposal, as a result of the prominent location of the host building the development would be readily visible from the public domain in views from the north along Roger Penny Way and from the road that the appeal site lies on.

13. The statutory duty described in paragraph 5 above is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of the National Planning Policy Framework[3] (the Framework). No public benefits have been put forward to weigh against this harm.

14. Overall, for the reasons outlined above, the proposed development would fail to either preserve or enhance the character or appearance of the CA. It would also be contrary to Policies SP16 and SP17 of the New Forest National Park Local Plan 2016 – 2036 (2019) (LP) which, amongst other things, seek to ensure proposals conserve and enhance the significance of a heritage asset. Moreover, it would also conflict with the more general provisions of Policy DP2 of the LP, which seeks to ensure proposals demonstrate high quality design that enhances local character and distinctiveness.

Strategy for the extension of existing dwellings

15. Policy DP36 of the LP states, amongst other things, that "*the extension must not increase the floorspace of the existing dwelling by more than 30%".* The supporting text to the policy states that for the purposes of applying Policy DP36 the existing dwelling "*means the dwelling as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if residential use post-dates 1 July 1982".*

16. There is no dispute between the parties that the property has not been subject to any significant extension since 1 July 1982 or that the proposed extensions would increase the internal floor area by around 30%. However, the Authority's concern is that if the existing ancillary accommodation within the caravan on the site is taken into account the proposal would result in a building which would be unacceptably large, because the combined floor area of the caravan and the proposed development would result in an overall increase of more than 30%.

17. I saw on my site visit the caravan (described as a mobile home on the appellant's submitted site topographical survey) was positioned within the garden area of the appeal site some distance from the host building. I saw that it was being used as habitable accommodation. Considering its size, it clearly would, in combination with the proposed development, result in an overall increase in floor area of more than 30%.

18. However, the supporting text to Policy DP36 also states that the floorspace of the existing dwelling "*will be measured as the total internal habitable floorspace of the dwelling but will not include floorspace within conservatories, attached outbuildings and detached outbuildings (irrespective of whether the outbuilding's current use is as habitable floorspace)".* Therefore, even if the mobile home were to be considered an outbuilding its floorspace should not be

[3] Paragraph 196 of the National Planning Policy Framework

taken into account within the measurement of the total internal habitable floorspace of the existing dwelling.

19. For the reasons outlined above, I conclude that the proposed development would not increase the floorspace of the existing dwelling by more than 30%, therefore, in this regard, would adhere to the Authority's strategy for the extension of existing dwellings in the New Forest National Park. Consequently, the proposal, in this regard, would not conflict with Policy DP36 of the LP.

Protected species

20. At the planning application stage, the appellant submitted a Preliminary Bat Report dated August 2019. This report concluded that features on the external structure of the property exhibited potential for crevice dwelling bats and there were several access points into the loft space. Therefore, as the building is suitable as a bat roost habitat further survey work would be required. This formed the basis of the Authority's reason for refusal in so far as that without further survey work it was not possible to determine with any certainty whether the proposal would cause harm to bats, a protected species.

21. In support of the appeal, the appellant has submitted a Phase 2 Bat Surveys Work report prepared by Abbas Ecology, dated October 2019. The results of the surveys revealed that a bat roost was found on the site and a few different species of bats were detected. Therefore, a low impact bat mitigation licence must be obtained before development begins at the site.

22. Subject to the mitigation and compensation measures as outlined in the Abbas Ecology report being implemented, including the provision of a bat box and the installation of three sets of bat access tiles on the proposed extensions to provide access points under the roof tiles for crevice roosting bats, I conclude that the proposal would not cause harm to the protected species. To this extent, the proposed development would accord with Policy SP6 of the LP and paragraph 175 of the Framework which, amongst other things, seek to ensure development proposals avoid adverse effects on protected species.

Conclusion

23. In conclusion, the proposed development would not conflict with the Authority's strategy for the extension of existing dwellings in the New Forest National Park and would not cause harm to protected species. However, it would not conserve the heritage asset in a manner appropriate to its significance in line with one of the core planning principles of the Framework. Therefore, for the reasons given, the proposal is unacceptable, and the appeal should not succeed.

Andrew Bremford

INSPECTOR