
Appeal Decision

Site visit made on 11 February 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/B9506/D/19/3239771

Forest Way, Lyndhurst Road, Landford, Wiltshire SP5 2AJ

- 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 C Marshall against the decision of New Forest National Park Authority.
 - The application Ref 19/00315, dated 15 April 2019, was refused by notice dated 06 August 2019.
 - The development proposed is described as: alterations and extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr C Marshall against New Forest National Park Authority. This application is the subject of a separate Decision.

Procedural Matters

3. In their decision notice, the Authority has referred to Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (CSDMPDPD).
4. However, on 29 August 2019, and since the application was determined, the Authority adopted the New Forest National Park Local Plan 2016 – 2036 (LP). Policy DP11 of the CSDMPDPD has been superseded by Policy DP36 of the LP. I have determined the appeal having regard to the recently adopted Policy DP36, and since it is so similar to Policy DP11 neither party would be prejudiced by my consideration of the appeal on the basis of the new policy. Moreover, the Appellant acknowledges the new policy in the statement of case.
5. I recognise that there has been a previous appeal decision¹ at this site. I have also been referred to the Planning Inspectorate's letter dated 18 September 2019 clarifying some aspects of the previous appeal decision. I have taken the content of both into account in assessing the appeal.
6. The description of development in the application form differs to that in the appeal form. Nevertheless, Part E of the appeal form states that the description of development has not changed, therefore I have referred to that used in the application form in determining this appeal.

¹ APP/B9506/D/19/3229804

Main Issue

7. The main issue is whether the proposal adheres to the Authority's strategy for the extension of existing dwellings in the New Forest National Park (NFNP).

Reasons

8. The appeal site comprises a two-storey detached dwelling located in the village of Landford. The main two storey portion of the house is adjoined by a single storey lean-to porch extending across the rear of the house, and a single storey side outbuilding that adjoins the northern flank wall of the dwelling.
9. The appeal proposal would involve the removal of the single storey elements adjoining the house and their replacement with a two-storey side and single storey rear extension.
10. Policy DP36 of the LP stipulates that extensions to 'existing dwellings' will be permitted provided they are appropriate to the existing dwelling and its curtilage; and in the case of 'other dwellings' outside the defined villages, the extension must not increase the floorspace of the existing dwelling by more than 30%. The settlement of Landford is outside one of the defined villages.
11. The supporting text to Policy DP36 at Para 7.82 clarifies that an 'existing dwelling' consists of the dwelling as it existed on 1st July 1982. And in calculating the 30% allowance states that 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 and detached outbuildings, irrespective of whether the outbuilding's current use is as habitable floorspace.
12. Given that there is acceptance on the part of the Appellant that the side outbuilding does not form part of the floorspace calculations as they would relate to Policy DP36, the main contention between the parties is whether or not the existing lean-to porch forms part of the 'existing dwelling' and whether it should be included in floorspace calculations.
13. The Authority calculates that the habitable floor space of the existing dwelling excluding the lean-to porch would be 90.83m². The proposed total resulting floor area would be 130.72m², a 44% increase in floor area. This would be in excess of the 30% permitted by Policy DP36 of the LP. However, if the porch is included within the floorspace, as advocated by the Appellant, the increase would be 29.9% and within the floorspace allowance of the policy.
14. In support of the contention that the lean-to-porch forms part of the existing dwelling, I note reference is made to an aerial photograph of the dwelling dating from about 1970. However, this has not been submitted in the evidence before me, and in any event, it is evident, from the Appellant's statement of case, that there is no exact date attributed to when the picture was taken other than an estimate. Accordingly, I cannot be sure that the lean-to porch was in existence on or prior to 1st July 1982. Furthermore, the evidence provided by a former neighbour, while detailed in respect of the side adjoining outbuilding, does not provide clarity on the location and specific use of the lean-to porch, while precise dates have not been provided that would attribute the room to habitable floorspace on or before 1st July 1982.

15. The appellant also refers to the 'Planning Information Leaflet - Extensions to Dwellings' published by the National Park Authority. This states that outbuildings are normally defined as subsidiary buildings which have not been designed or built for habitable use as part of the main dwellings and will often be distinguishable from the main dwelling, both in their visual appearance and physical construction. On this topic it concludes "There will inevitably be some 'borderline' cases where it could be argued that an attached building is part of the main house and there will be some discretion on this interpretation depending on the individual characteristics of the site and buildings".
16. Although, the Authority confirms that this information leaflet is not part of the development plan I consider that it should be given significant weight as it assists in providing consistency across the consideration of this type of application.
17. The lean-to porch, although adjoined to the house and having roof tiles and floor tiles to match the original two storey portion of the house, has a less substantial construction. The exterior walls of the porch are clad in timber, in contrast to the brick outer walls of the two-storey part of the dwelling, while it was evident during my site visit that the porch's internal walls were single skin with no evidence of a cavity wall. The porch encloses a narrow and functional space where I saw wood and a BBQ being stored. An air brick and water pipe integrated and extending respectively from the rear brick wall of the two-storey portion of the house was visible from within the porch, that suggested, in my view, that this wall once formed the main exterior of the dwelling. Therefore, the porch appears to be of a less solid construction and as an outbuilding attached to the existing dwelling rather than part of an integral whole.
18. This means that the proposed extension would exceed the 30% criterion set out in Policy DP36 of the LP and be contrary to that policy. The determination should follow the policies of the development plan unless other material considerations indicate otherwise, and the appellant has set out a number of these.
19. The design of the proposed extensions would relate well to the dwelling and not harm the original architectural qualities of the house. I also acknowledge that the removal of the unsightly outbuildings would result in a reduced overall floorspace. However, these factors do not overcome the proposal's failure to comply with the 30% limitation. While the increase is not substantial, strict and consistent application of the floorspace standards of Policy DP36 is important to ensure it is not weakened, which would be to the detriment of the intrinsic character of the NFP.
20. The Appellant refers to pre-application discussions which took place with the Authority. However, I have not been referred to the full details of this. In any case, Planning Practice Guidance² sets out that pre-application advice is not binding on the Council. Therefore, whilst I note this background and the alleged change in the Authority's position, I am unable to place any significant weight on this in light of the limited details before me.
21. The Appellant considers that the proposal does not conflict with the National Planning Policy Framework (the Framework), however, I have not been

² Reference ID: 20-011-20140306

directed to the part of the Framework that the proposal would accord with. Therefore, I attribute limited weight to this view.

22. The Appellant draws attention to the approach outlined by the Inspector in paragraph 12 of the previous appeal decision. However, I do not share this view and echo the comments made in the Planning Inspectorate's letter dated 18 September 2019.
23. For the above reasons, I conclude that the proposal would be in conflict with Local Plan Policy DP36 which seeks to ensure that the modest scale and rural character of dwellings in the National Park is not eroded as a result of cumulative extensions and to maintain balance in the range and mix of housing stock available. There are no other material considerations that outweigh the conflict with Policy DP36.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR