
Appeal Decision

Site visit made on 25 February 2020

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/B9506/D/20/3245701

Myrtle Cottage, Royden Lane, Boldre, Hampshire SO41 8PJ

- 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 Joe Purcell against the decision of New Forest National Park Authority.
 - The application Ref 19/00748, dated 10 June 2019, was refused by notice dated 29 November 2019.
 - The development proposed is two storey rear extension, alterations to existing conservatory and replacement of all windows.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant does not dispute the Authority's identification of Myrtle Cottage as a non-designated heritage asset and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area, having particular regard to the significance of the non-designated heritage asset and location in the New Forest National Park; and (ii) biodiversity, having particular regard to protected species.

Reasons

Character and Appearance

4. Myrtle Cottage is a detached two storey house located in the countryside, within the New Forest National Park. Royden Lane passes the appeal site alongside its east boundary. The lane and its immediate environs have a remote rural character. The route of a public bridleway runs past and alongside the north boundary of the appeal site, on the edge of a copse. There are public views of Myrtle Cottage from Royden Lane and the bridleway, over or between existing boundary treatments/features, including of the parts that are proposed to be extended and altered. These views are likely to be more restricted during summer months when the hedges and trees are in leaf.
5. Myrtle Cottage originates from circa 1890 and was substantially altered in the 1970s. A rear (north) two storey extension largely emulated the simple traditional (now south) roof and narrow floorplan of the original house. It

resulted in a distinctive 'double pile' sequence of two similar pitched gable end roofs. Despite a later side conservatory, the principal front elevation has a legible symmetrical form and appearance. The house as it exists today retains an intrinsic character and appearance of modest, traditional rural artisan accommodation that is locally distinctive in the New Forest and is therefore of significance.

6. New brickwork and glazing in the proposed single storey side extension would be level (flush) with the front elevation of the house. The brickwork would extend above as a parapet wall to within less than one metre of the main roof eaves and above existing first floor window cill height.¹ This would as a result be visually discordant and unduly emphasise the presence, scale and massing of this part of the development relative to the proportions and appearance of the existing discrete front elevation.
7. The proposed two storey side extension extrudes the general form and height of the main existing north roof. However, it would entirely obscure the existing west gable end of the north roof and any appreciation of its current relationship to the original companion south gable end roof. The resulting proposed north elevation would also contain a stark proportion of brickwork on a single unrelieved plane and with few openings.
8. Nearly the entire length of the proposed west elevation is glazed from floor to door height and almost half is capped above by the parapet wall. The top of the parapet wall extends close to the eaves level of the new roof and the brickwork is on the same plane as the two storey part, so flows seamlessly into it. While more contemporary in design and appearance, the overall result as proposed would nonetheless be visually discordant and unduly emphasise the visual presence, scale and massing of this part of the development. It would also obscure a substantial proportion (more than half) of the original west elevation of the house. Furthermore, it does not maintain any meaningful visual expression or sense of a narrow 'double' floorplan below first floor gable level.
9. For the above reasons the development would cause material harm to the fundamental core of the existing house, including parts that are of most architectural and historic interest and so to the significance of this non-designated heritage asset. It would as a result also cause material harm to the character and appearance of the area and is incompatible with the first purpose of the New Forest National Park insofar as it would not conserve and enhance the natural beauty and cultural heritage of the National Park.²
10. The development is therefore contrary to policies DP2, SP7, SP16, SP17, DP18 and DP36 of the New Forest National Park Local Plan 2016-2036, August 2019 (the LP). These policies generally seek to ensure that development is appropriate and of high quality design which conserves and enhances local character and distinctiveness and makes a positive contribution to the significance of local vernacular buildings and non-designated heritage assets, including in the National Park.
11. In this regard the LP is consistent with design and heritage policies of the National Planning Policy Framework 2019 (the Framework)³ and associated

¹ According to the appellant's plans.

² Section 61(1)(a), Part III, Environment Act 1995.

³ In particular, Framework paragraphs 124, 127(a)(b)(c), 130, 131 and 197.

Planning Practice Guidance and the National Design Guide 2019. It is also consistent with the Authority's New Forest Design Guide, December 2011⁴ and the Boldre Parish Design Statement, September 2013.⁵

Biodiversity

12. The appellant's 'Bat Report' confirms that the existing roof voids of the house provide roosts for bats and that other roof features have limited potential to support hibernating bats.⁶ It is a relatively low intensity of use but nonetheless includes two 'priority species' due to vulnerability or rarity. Therefore, there is a reasonable likelihood of bats being present at the appeal property.
13. The development would result in the loss of some roosts (by the proposed re-roofing) and the modification of a roost (to tie-in the proposed two storey side extension). This would cause significant harm to bats, including the priority species, which are a European Protected Species (EPS) and protected, *inter alia*, under the 'Habitats Regulations'.⁷
14. When effects on EPS are being considered in appeals, decision makers should have regard to the 3 tests that are used when EPS licences are being determined by Natural England (NE). These are (in summary): that the development is necessary for reasons of overriding public interest, that there is no satisfactory alternative and that it will not be detrimental to maintaining the population of the [bat] species at a favourable conservation status in their natural range.
15. Whilst the Authority has no 'in principle' objection to extension and alteration of the existing house, for the reasons set out above the development is contrary to the development plan and therefore not in the public interest. Accordingly, the first test is unlikely to be met.
16. Furthermore, there is no evidence before me in this appeal about potential repairs or alterations to the existing roof other than complete replacement of slates with clay tiles. Nor whether the works to tie-in the proposed two storey side extension to the existing house would be the same, or different, in any two storey side extension. It has not therefore been substantiated that there is no satisfactory alternative to the development which might avoid the harm to bats from the identified loss or modification of the existing roosts. Consequently, the second test is unlikely to be met.
17. The Bat Report recommends mitigation, compensation and enhancement measures including to minimise the harm to bats and provide net gains for biodiversity. These are otherwise accepted by the Authority and could otherwise be implemented through a suitably worded planning condition. This would therefore mean the development would not be detrimental to maintaining the favourable conservation status of bats at the appeal site and the third test would likely be met.
18. Notwithstanding this, NE can only issue a licence if all three tests are met. Accordingly, in light of my findings above I consider it is unlikely that NE would issue a licence. I therefore find that the development is contrary to Policy SP5

⁴ Supplementary Planning Document.

⁵ Prepared by Boldre Parish Council.

⁶ 'Preliminary Roost Appraisal and Bat Activity Surveys Report' prepared by ABR Ecology Ltd, September 2019.

⁷ Conservation of Habitats and Species Regulations 2017.

of the LP (which requires that development must comply with the Habitats Regulations) and that this policy is consistent with natural environment policies of the Framework.⁸ However, this matter is not determinative in this appeal.

Other Matters

19. The appellant has been advised by a planning consultant pre-application. There are no protected trees at the appeal site, it is not located in a conservation area and Myrtle Cottage is not specifically referred to in any relevant appeal document. The Authority has no objection to improving living conditions at the property or to the proposed increase in floorspace per se. There is a sincere intention to restore, renovate and modernise the property, including with sympathetic materials, planting and associated land drainage improvements. The principle of such works would otherwise help to maintain the significance of the non-designated heritage asset and in turn the character and appearance of the area and New Forest National Park. These matters do not, however, lessen or outweigh the harm that I have identified above.
20. I understand that planning permission existed in the past for a two storey side extension to Myrtle Cottage.⁹ However, it was not implemented and is no longer extant, was granted under a different development plan and Government planning policy regime and prior to the designation of the New Forest National Park. Therefore, this matter has little weight in the current appeal.
21. There are other houses in the locality which may be replacement dwellings or have been extended in the past, including two storey side extensions (though not the same as the proposed development) so that there is some variety in dwellings within the locality and wider New Forest – some perhaps even within a conservation area. Some may also have incorporated similar bat mitigation, enhancement and compensation measures. However, even if any of the example extensions referred to by the appellant were similar to the proposed development, they are nonetheless different sites and contexts and full details of these are not before me; but, in any event, I must determine this appeal on its merits.
22. Finally, I accept that there is no harm to the living conditions of the occupiers of any nearby properties, but the absence of such harm is only a neutral factor in my determination.

Conclusion

23. For the reasons given, the appeal is dismissed.

Robin Buchanan

INSPECTOR

⁸ In particular, Framework paragraphs 170(d), 172 and 175(a).

⁹ According to the appellant, granted in 1980.