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# Appeal Decision

Site visit made on 26 February 2020

**by S Leonard BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 May 2020**

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**Appeal Ref: APP/B9506/D/19/3237426**

**Cherry Lea, 215 Woodlands Road, Woodlands SO40 7GJ**

- 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 and Mrs Taylor against the decision of New Forest National Park Authority.
  - The application Ref 19/00508, dated 20 June 2019, was refused by notice dated 20 August 2019.
  - The development proposed is described as *'replace existing conservatory roof only with insulated aluminium panels, Celotex insulation and plaster finish inside to increase thermal efficiency and reduce carbon footprint. 4 no. eco glass sealed units to be incorporated in the design to retain natural light'*.
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## Decision

1. The appeal is allowed and planning permission is granted to replace existing conservatory roof only with insulated aluminium panels, Celotex insulation and plaster finish inside to increase thermal efficiency and reduce carbon footprint. 4 no. eco glass sealed units to be incorporated in the design to retain natural light at Cherry Lea, 215 Woodlands Road, Woodlands SO40 7GJ in accordance with the terms of the application, Ref 19/00508, dated 20 June 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following drawings: 1; 2; 3; 4; 5; 6; and 7.

## Procedural Matter

2. On 29 August 2019, since the refusal of the planning application and prior to the submission of this appeal, the Council adopted the *New Forest National Park Local Plan 2016 – 2036 (2019)* (Local Plan). The Council has confirmed that Policies DP11 and CP8 of the *New Forest National Park Core Strategy and Development Management Policies DPD (2010)* (CSDMPDPD) have been superseded by Local Plan Policies DP36 and SP17 respectively. These Policies are consistent with the approach of the replaced CSDMPDPD policies. Accordingly, I have determined the appeal having regard to the recently adopted Local Plan policies.

## **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the New Forest National Park.

## **Reasons**

4. The appeal property is a detached bungalow, around 11 years old, situated in a setback position in Woodlands Road. It lies within the New Forest National Park (the National Park) and the Forest North East Conservation Area (FNECA). It is bounded by residential properties, with farmland to the rear.
5. Local Plan Policy DP36 states that outside the defined villages, householder extensions must not increase the floorspace of the existing dwelling by more than 30%. Paragraph 7.82 of the Local Plan provides further clarification regarding the definition of existing dwellings for the purposes of Policy DP36, which is defined as the dwelling as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use post-dates 1 July 1982. The aim of this policy is consistent with Chapter 15 of the National Planning Policy Framework (the Framework), which seeks to conserve and enhance the natural environment. In particular, Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
6. The bungalow is a replacement dwelling granted permission in 2008. From the evidence before me, it appears that the current building incorporated the 30% increase in floorspace above that of the previous dwelling which was permitted under the former development plan policies. The replacement dwelling included the existing conservatory, which was allowed as an exemption to the 30% floorspace allowance on the basis that, given its size and type, it would only serve as secondary accommodation rather than as part of the living space of the dwelling. As such, the property is subject to a condition which stipulates that the conservatory be constructed to accord with the design and materials shown on the approved plans and that no further alteration shall be made to the external walls and roof of the building.
7. The appeal scheme comprises the replacement of the majority of the glazed roof panels with solid, grey aluminium insulated panels. Four panels would remain glazed. The existing walls, comprising glazing above a brick plinth, would remain unaltered. The Appellant's reasons for seeking the alterations include to avoid the ongoing expense of having to replace/maintain the existing panels and to improve the thermal performance of the conservatory.
8. Policy DP36 excludes 'exempt' conservatories from the existing floorspace for the purposes of calculating the percentage increase in dwelling size. Also, the proposed roof alterations would mean that the structure would no longer meet the definition of 'conservatory' as set out in the supporting text to Policy DP36, which defines a conservatory as having not less than three-quarters of the area of its roof made of clear or translucent material.
9. As such, the appeal scheme would amount to the extension of the property under the conditions of Policy DP36 and would effectively extend the dwelling above the permitted 30% floorspace increase. I therefore conclude that the proposed development would conflict with Policy DP36 of the Local Plan.

## Other Considerations

10. The Council's concerns are the development would result in a significant further increase in habitable floorspace of the dwelling which would be contrary to Local Plan Policy DP36, which aims to restrict the size of dwellings within the National Park, having regard to the impact of incremental extensions on the locally distinctive character of the built environment of the New Forest. Similarly, the Council is concerned that the proposal would be contrary to Local Plan Policy SP17, which seeks to prevent development which would individually or cumulatively erode the local character of the National Park or result in a gradual suburbanising effect.
11. The Appellant states that the appeal scheme would not result in a significant further increase in habitable floorspace since the conservatory is already effectively part of the habitable floorspace, and has been used as such for a long duration. In support of this view, the Appellant states that, as originally constructed, the conservatory was connected to the kitchen/diner by means of double doors and to a bedroom by means of a single door, with the openings connecting to the main dwelling comprising a width twice that of the separating wall between them, and that the conservatory floor formed part of a continuous tiled floor with underfloor heating from a ground source heat pump shared with the remainder of the dwelling. Furthermore, in 2016 planning permission was granted for a flue to serve a log burner positioned in the conservatory.
12. During my site inspection I observed that the conservatory appears to be well-used as a living room, evidenced by the presence of furniture and other domestic paraphernalia typically associated with living room use, a wood burner and television. I also observed uninsulated internal double doors linking the conservatory directly to the dining room, tiled underfloor heating linking continuously with, and at the same ground level as, that of the dining room, and double glazing of the walls. As such, I find no obvious thermal separation between the conservatory and the remainder of the dwelling. On the basis of the evidence submitted by the Appellant, including a photograph of the building under construction and the approved plans for the underfloor heating and wood burner, together with my site inspection, I find that the conservatory in terms of its current actual use, forms an integral and habitable part of the main dwelling. As the glazed walls would remain unaltered, the appeal scheme is unlikely to alter this current use.
13. The appeal site is located in a set-back position behind residential properties in Woodlands Road and the rear garden is bounded by mature landscaping adjacent to the farmland to the rear. The fundamental roof structure would remain unaltered, and the proposed replacement panels would not be readily visible in views from the public realm. The proposal would not therefore have a significant impact on local distinctiveness.
14. Taking the above two matters together, I do not consider that the proposal would prejudice the objectives of Policy DP36 and SP17.
15. The Appellant has confirmed that fully glazed means of repairing the conservatory roof have been undertaken previously, but that these have not resolved the ongoing issues relating to water tightness, mould and condensation, in part due to the incompatibility of a glass roof with the timber construction of the conservatory. I have taken this into account in my reasoning.

16. Also, I find that the lack of thermal separation between the main dwelling and the conservatory is such that the proposal is likely to reduce energy loss from the house through the conservatory and improve the thermal efficiency of the dwelling. The proposal would therefore contribute towards the reduction of the overall environmental footprint of the National Park in accordance with the objectives of Local Plan Policy SP11. The re-roofing would also result in a small reduction in light pollution in accordance with Policy SP15 of the Local Plan.

### **Other Matters**

17. The site lies within the Forest North East Conservation Area (FNECA), so I have a statutory duty to consider the effect of the proposal on this designated heritage asset. The Council has not found any harm to the character and appearance of the FNECA as a result of the proposed development, and neither do I. The site lies within the Woodlands character area which is characterised by linear development running on both sides of Woodlands Road. Modern development, such as the appeal property is scattered throughout, either between earlier buildings or as an extension to the earlier linear development.
18. The proposed alterations are of a very modest nature, sited at the rear of the dwelling, contained within the existing area of built development on the site and would maintain the existing building character. As such, the design is acceptable within the context of the surrounding countryside and street scene and would not harm the character and appearance of the FNECA.
19. The Council has referred to two recent dismissed appeals in respect of proposals to alter conservatory roofs (Refs APP/B9506/D/18/3211430 and APP/B9506/D/18/3195319). In these cases, the appeal Inspectors concluded that the proposals were contrary to former CSDMPDPD Policy DP11. On the basis of the evidence before me, I do not find the site circumstances and development details of these schemes to be directly comparable to those of the current appeal, in respect of the extent of the likely increase in the duration of conservatory use during the year and the proposed percentage of non-translucent material within the roof. The appeal decisions indicate that the proposals would result in a significant increase in the duration of use of the conservatories during the year, whereas in the case of the current appeal, the conservatory is already used as part of the habitable accommodation of the dwelling all year round, and the proposal would not alter the existing use of the conservatory. Also, the aforementioned appeals involved replacing the whole of the roof glazing with a non-translucent material, rather than a partial replacement as is currently proposed.
20. I acknowledge that Policy DP36 relates to the cumulative impact of sequential residential extensions which does not necessarily require a separate visually apparent impact, and that the Council considers that, in order to be effective, the Policy must be applied in an even manner. With that in mind, notwithstanding the dismissed appeals referred to by the Council, the Appellant has drawn my attention to a number of approved planning applications and an allowed appeal for conservatory roof alterations that involved similar issues to that of the current appeal (Refs 17/00213, 18/00243, 19/00411 and APP/B9506/D/18/3218864).
21. In any event, notwithstanding the decisions referred to me by both main parties, I must determine the appeal on the basis of the particular circumstances of the appeal site and the merits of the scheme before me.

## **Conclusion and Planning Balance**

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of this appeal be made in accordance with the development plan unless material considerations indicate otherwise.
23. I have found conflict with development plan Policy DP36. However, the conservatory is already used as an integral part of the habitable accommodation and is hidden from public view. The proposal would not therefore challenge the aims of the policy. As such, the weight I attribute to the conflict with the development plan in this specific case is limited.
24. I also acknowledge that the proposal would make a small contribution towards reducing energy loss and light pollution within the National Park, contributing to the objectives of Local Plan Policies SP11 and SP15. Although these are individually modest benefits, I find that together with the existing use of the conservatory as habitable floorspace, they amount to material considerations which indicate that a decision should be made other than in accordance with Policy DP36.
25. Whilst I find conflict with Local Plan Policy DP36, I find that appeal scheme would not harm the character or appearance of the New Forest National Park, and would accord with Local Plan Policy SP17, which requires new development to protect the local character of the National Park and avoid a gradual suburbanising effect.
26. Taking all matters into account, I therefore conclude that the appeal should be allowed, subject to the standard implementation condition and a condition defining the plans in the interests of certainty.

*S Leonard*

INSPECTOR