The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/B9506/D/20/3253617
5 Pilley Hill, Pilley, Lymington SO41 5QF

- 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 Ms D Talukdar against the decision of New Forest National Park Authority.
- The application Ref 20/00098, dated 11 February 2020, was refused by notice dated 21 April 2020.
- The development proposed is described on the application form as 'retention of conservatory'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's appeal form gives the site address as 5 Pilley Street, however the application form, plans and other submissions refer to 5 Pilley Hill, which I saw on site is also the name given on highway signage. I have therefore used Pilley Hill in the header above.

3. The conservatory subject of this appeal has been constructed and appears to accord with the submitted plans. I have therefore considered the appeal on the basis that the development has already occurred.

Main Issue

4. The main issue is the effect of the proposed development on the housing stock and character of the New Forest National Park.

Reasons

5. Policy DP36 of the New Forest National Park Local Plan 2016-2036 (LP) sets out that extensions to small dwellings must not result in a total internal habitable floorspace exceeding 100 square metres (sqm), other than in exceptional circumstances to meet the genuine family needs of an occupier who works in the immediate locality, when the total internal habitable floorspace must not exceed 120 sqm. The Policy requires that extensions must also be appropriate to the existing dwelling and its curtilage.

6. As set out in the Environment Act 1995, the statutory purposes of National Parks include conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. The evidence before me is that small dwellings form part of the distinctive, rural character of the National Park, and that there

is an ongoing housing need for small dwellings, but also intense pressure for development. The limits to extensions in Policy DP36 therefore seek to strike a balance between meeting changes in householder requirements and maintaining a stock of smaller sized dwellings, while minimising the impact of buildings in the National Park.

7. There does not appear to be any dispute between the main parties that the appeal dwelling is a small dwelling as defined in LP paragraph 7.82. The dwelling had however already been extended prior to the erection of the conservatory. The Local Planning Authority (LPA) considers that the total habitable floor area before the conservatory was 100 sqm, however the appellant states that the extension increased the overall floorspace to 106 sqm. The conservatory has added approximately 22sqm of habitable floorspace. While the discrepancy between these figures is not explained in the submissions, even taking the lower of the figures suggested, it is apparent that the total internal habitable floorspace of the dwelling now exceeds the 120sqm permitted by Policy DP36 even in exceptional circumstances.

8. The appellant has provided some information about their family circumstances, however the supporting text to the Policy sets out that the needs of growing families are not considered to be so exceptional as to warrant a departure from the floorspace restrictions. Furthermore, it has not been demonstrated that any occupant of the dwelling works in the immediate locality. As such, the exceptional circumstances for a larger extension have not been demonstrated. Accordingly, the development conflicts with LP Policy DP36.

9. In terms of its form and materials the conservatory is appropriate to the dwelling and would not harm the appearance of the area. However, it nonetheless represents a further enlargement of the host property and reduces the stock of small dwellings in the National Park. While there are a mix of dwelling types and sizes in the area, such incremental changes contribute to the imbalance in the range and mix of dwellings which the LP seeks to avoid. Furthermore, such enlargements erode the modest scale of dwellings in the National Park and as such harm its rural character. Therefore, the development has had a small, but nonetheless harmful impact on the housing stock and character of the National Park.

10. While Policy DP36 uses a mathematical calculation to limit the size of dwellings, it allows for some flexibility where justified, and the Inspector who examined the LP in 2019 concluded that the approach in the Policy is justified and effective. The appellant suggests that the decision should not turn on fine mathematical assessments, however the total internal floorspace of the dwelling now exceeds the size permitted by Policy DP36 by 28 sqm. I consider this to be a significant enlargement and more than the 'small mathematical margins' that the appellant refers to. Given how recently it has been assessed and adopted, I afford the conflict with Policy DP36 very considerable weight.

11. The appellant contends that a smaller conservatory could be constructed as permitted development and directs me to a 2018 appeal decision[1] where an extension was allowed elsewhere in the National Park that exceeded the size allowed by the development plan. That Inspector concluded that there was no likelihood that the 'very modest' development he was considering would change the role of the dwelling in the housing stock of the National Park or

[1] APP/B9506/D/18/3197383)

affect its distinctive character and appearance. However, he considered that the proposal would result in a very small increase in floorspace and would have benefits from the rationalisation of existing accommodation. He also gave significant weight to the fact that an 'almost identical' extension could have been carried out under permitted development, which, he considered, would less successfully integrate with the building than the scheme before him.

12. While a smaller rear conservatory could potentially be built on the appeal site as permitted development, the appellant's figures indicate that it would have a floor area 9 sqm less than the existing conservatory. As such, it would be significantly smaller than the appeal scheme, and would fall within the upper limit of what Policy DP36 permits. Therefore, it would have less impact on the housing stock and character of the National Park than the appeal scheme. The existing conservatory provides additional accommodation for the appellant, however that is a private benefit to which I can afford very little weight in the absence of any exceptional circumstances to justify the need for that amount of accommodation. Consequently, the circumstances of this case are not comparable to those considered by the other Inspector, and while there appears to be a realistic fall-back position available, it would be less harmful than the scheme before me. I therefore afford it limited weight.

13. The appellant contends that there are other conservatories in the area, however I do not have any details of the circumstances or policy context under which these were built, and as such cannot be certain that they were comparable to the proposal before me. I therefore give these existing developments minimal weight. The conservatory is south facing and as such has some benefits in terms of energy efficiency, however given the modest scale of development these would be very limited.

14. I recognise that the prospect of enforcement action by the LPA is distressing for the appellant and that removal of the conservatory would cause disruption, however the decision on whether or not to take enforcement action is at the discretion of the LPA and is outside the remit of my decision in this appeal. As such, this is not a matter that weighs in favour of granting permission.

15. Overall, the fall-back position and benefits of the development are comfortably outweighed by the harm that I have identified and associated development plan conflict. Therefore, these material considerations do not justify taking a decision otherwise than in accordance with the development plan.

Other Matters

16. The appeal site is within the Forest South East Conservation Area, however the LPA has not suggested that the development harms the significance of that designated heritage asset. From the evidence before me and my observations on site, given the limited visibility of the conservatory and the use of similar materials to those of the existing house, I see no reason to disagree.

Conclusion

17. Therefore, for the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR