
Appeal Decision

Site visit made on 23 September 2020

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/B9506/D/20/3253202

High Hazely, Frogham Hill, Frogham SP6 2HP

- 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 Jennifer Croxford against the decision of the New Forest National Park Authority.
 - The application Ref 19/00853, dated 5 November 2019, was refused by notice dated 11 March 2020.
 - The development is for the retention of a conservatory and landscaping works.
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Decision

1. The appeal is dismissed insofar as it relates to the landscaping works. The appeal is allowed and planning permission granted insofar as it relates to the retention of a conservatory (and wood store) at High Hazely, Frogham Hill, Frogham SP6 2HP in accordance with the terms of the application, Ref 19/00853, dated 5 November 2019 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 002; 004; 007; 009 (Rear Elevation); 009 (Left Side Elevation) and 015.

Main Issue

2. It is considered that the main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a detached house which forms part of a small group of dwellings located at the end of a cul-de-sac which itself is within the open countryside. The property is located in an elevated position above a field track which is also a public footpath. When walking along the public footpath the property and some parts of the curtilage are visible albeit for parts of its length the footpath is below the height of the property's front and side gardens. There are views towards the property from the end of the cul-de-sac.
4. The property is located within both the Western Escarpment Conservation Area and the New Forest National Park. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This duty is echoed in Policy SP16 of the New Forest National Park Local Plan 2016-2036 (LP). The *Western Escarpment*

Conservation Area Character Appraisal identifies the character of this area as being an undulating landscape formed by the pattern of field systems which, together with the trees and hedges, gives the area a verdant and open appearance. There are dispersed settlements, groups of dwellings and isolated farmsteads.

5. The statutory purposes of National Parks include conserving and enhancing the natural beauty, wildlife and cultural heritage of the park. Further, the National Planning Policy Framework (the Framework) stipulates that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks. LP Policy SP17 requires built development, whether individually or cumulatively, not to erode the Park's local character or result in a general suburbanising effect.
6. The development has been undertaken and consists of 2 elements. The first element is a conservatory and associated wood store that have been erected and project from the property's northern (side) elevation. The conservatory is of a traditional timber and glass design on 2 sides with the third elevation being a wall set into a slope. Rather than being visually prominent from the available viewpoints, the conservatory is viewed against the context of the property and the slope of the rear garden. The design, materials, siting and scale of the conservatory means that it represents a subservient and appropriate addition to the property and its curtilage.
7. Although the log store has a more contemporary form, this element of the appeal scheme blends into the slope because of its materials, in particular the green roof, and scale. When assessed together, the conservatory and wood store do not significantly detract from, nor do they cause unacceptable harm to, the character and appearance of the surrounding area and the host property. For the same reasons, the character and appearance of the Conservation Area are preserved and the scenic beauty and landscape of the National Park is conserved.
8. The second element of the appeal scheme is landscaping in the form of raised decking, platforms, terraces, beds and retaining structures. The landscaping is predominantly erected in timber and is mainly located within the front and side gardens. Few details of what existed within the curtilage of the property prior to the current landscaping works have been provided. Although reference has been made to the potential for similar landscaping works to be erected as permitted development, I am required to assess the scheme before me and, in any event, no details of what might be erected as permitted development have been provided.
9. I share the Authority's concerns about the extent and form of the extensive timber structures. Although individually some parts could be acceptable, collectively the extent, form, contemporary design and materials of these landscaping works represent an incongruous and inappropriate form of development suburbanising the property, its curtilage and the surrounding area. The suburbanising form and hard appearance of the landscaping works contrasts with the simple character of the host property, the surrounding verdant countryside and the softer landscaping of the gardens of other dwellings fronting the cul-de-sac.
10. The colour of the decking and the ability to include additional planters would not sufficiently mitigate the unacceptable harm identified. Accordingly, this

element of the appeal scheme does significantly detract from the character and appearance of the host property and surrounding area; the character and appearance of the Conservation Area are not preserved and the landscape and scenic beauty of the National Park are not conserved.

11. The Framework identifies that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset then this harm should be weighed against the public benefits of the proposal. The appellant claims, amongst other matters, that the landscaping works promote wildlife and biodiversity and include sustainable drainage. However, this is a case where the benefits claimed by the appellant for the landscaping works do not outweigh the harm which has been identified.
12. However, this is a case where these 2 elements are clearly severable and are both physically and functionally independent. Accordingly, there exists the potential to issue a split decision in this case. For the reasons given, it is concluded that the landscaping works do cause unacceptable harm to the character and appearance of the host property and surrounding area and, as such, they conflict with LP Policies SP16, SP17, DP2, DP18 and DP36. In addition to the requirements already identified, these policies refer, amongst other matters, to the highest standards for the design of new development, including by reason of scale and materials, which should enhance local character and distinctiveness. Further, extensions should also be appropriate to the existing dwelling and curtilage. Securing high quality design is echoed in the Authority's *Design Guide Supplementary Planning Document (SPD)*.
13. Conversely, it is concluded that the conservatory (and associated wood store) do not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, this element of the appeal scheme does not conflict with LP Policies SP16, SP17, DP2, DP18 and DP36 and the SPD.

Conditions

14. The Authority has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. With the exception of the development being undertaken in accordance with the approved drawings, none of the suggested conditions are considered necessary because matters such as lighting and landscaping details are of greater relevance to the landscaping works.

Conclusion

15. For the reasons given, it is concluded that this appeal should be dismissed in respect of the landscaping works but allowed for the retention of the conservatory (and wood store).

D J Barnes

INSPECTOR