
Appeal Decision

Site visit made on 15 March 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/B9506/W/21/3286429

Selborne, Manchester Road, Sway SO41 6AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr P Bulkley against the decision of New Forest National Park Authority.
 - The application Ref 18/00736, dated 4 June 2021, sought approval of details pursuant to condition no.7 of planning permission Ref 18/00736, granted on 18 December 2018.
 - The application was refused by notice dated 18 August 2021.
 - The development proposed is 1 no. new dwelling.
 - The details for which approval is sought are external lighting.
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Decision

1. The appeal is allowed, and the details submitted pursuant to condition no.7 attached to planning permission Ref 18/00736, granted on 18 December 2018, in accordance with the application Ref 18/00736, dated 4 June 2021, and the plan submitted with it, are approved.

Main Issue

2. The main issue is whether the details submitted would be acceptable, having regard to impacts on the character and appearance of the area and night-time ecology.

Reasons

3. The development approved under permission Ref 18/00736 has been completed. As such, the appeal site is occupied by a detached, coach-house style two storey dwelling, with a detached garage/carport to its side and vehicular access from Manchester Road. The buildings are set well back from the road frontage behind a lawned front garden, and the site has a tranquil and sylvan character, due to mature protected trees within and around the site, and soft landscaped front, side and rear boundaries.
4. Condition no.7 states that no external lighting shall be installed on the site unless details of such are approved by the National Park Authority. The reason for the condition is to protect the amenities of the area in accordance with Policies DP1 and CP6 of the former *New Forest National Park Core Strategy and Development Management Policies DPD* (2010). These policies, amongst other things, sought to secure high quality design which enhances local character and distinctiveness, to control and reduce the impact of light pollution on the 'dark

- skies' of the National Park and to prevent artificial lighting from eroding rural darkness.
5. A previous application to discharge condition no.7 was approved in May 2020. This gave permission for 6 no. wall-mounted external lights, positioned on the front, rear and one side elevation of the dwelling. The Council found the number of lights and their positions, close to doorways in each case, to be acceptable.
 6. In addition to the approved lighting, the lighting the subject of this appeal comprises 8 additional external lights of a similar design to those already approved. Two are located on the north side wall, 3 on the rear elevation, one on the south side wall and one on each of the front and rear walls of the garage/carport.
 7. All 14 lights have been installed on the property. This does not affect my decision in respect of this appeal, which I must determine on the merits of the appeal scheme.
 8. Notwithstanding that the Council's reason for refusal in respect of the current lighting scheme includes reference to the 'type of lighting', the Council's statement of case confirms that the lighting design per se was considered acceptable when discharging the previously submitted lighting details in May 2020. At that time, no objection was raised to the lighting details, which comprised wall-mounted downlights with a 6.5W lamp, operating on a Passive Infrared (PIR) sensor system.
 9. The appeal scheme comprises a similar type of lighting, which would provide downward facing light, emitted from a bulb with a maximum power of 6.5W, resulting in a restricted wash of light beyond the dwelling and garage walls. Moreover, the lights would be controlled by motion sensors limiting the duration of the time they would be on to a period of less than 2 minutes. As such, having regard to these details, I too raise no objection to the design of the lighting.
 10. Two of the appeal scheme lights are sited close to the front and rear garage doors, and the other 6 are proposed on walls immediately adjacent to the paved footpath access around the house. As such, the lights are positioned where they can reasonably be argued to provide a useful functional purpose in association with safe pedestrian access around the dwelling and safe access in and out of the garage, as well as providing security to the property. For these reasons, I do not find the amount of lighting to be unduly excessive having regard to the needs of the property.
 11. The appeal scheme is likely to result in an increased amount of external light emission associated with the property, and there would be a degree of reflection of light upwards towards the sky, due to the paved areas around the main building. I acknowledge the high level of protection afforded to National Parks in accordance with the *National Planning Policy Framework 2021* (the Framework), and I have considered the impacts of the appeal scheme upon rural darkness and ecology, having regard to the context of the existing character of the site and its surroundings.
 12. Notwithstanding its location in relation to the Dark Skies of the Open Forest and to the New Forest SPA, SAC, Ramsar Site and SSSIs, the site lies within

the defined settlement boundary of the village of Sway. As such, it is within an area of the National Park where new built residential development is acceptable in principle, and such existing development forms part of the character of the area. The site is surrounded by residential development, including a ribbon development of dwellings on the opposite side of the road, a large building occupied as flats to the northwest, and detached dwellings to the south and southwest. Some of this development is sited closer to the Open Forest to the north than the appeal property.

13. There is no information before me to suggest that these neighbouring properties do not benefit from external lighting in association with their residential use. Also, a significant amount of uncontrolled light emission already exists within the appeal site locality due to existing residential window and door openings. These include unrestricted light emission from the fenestration of the appeal property, which includes windows and doors on all elevations, including 3 sets of double door openings facing onto the front and rear external living areas.
14. Within the context of this existing built environment, where lighting within rooms could be left on for indefinite periods of time without screening of the glazing, I am not persuaded that the external lighting, the subject of this appeal, would be materially harmful, particularly in light of its proposed design, and intermittent motion sensor activation, whereby it would only be on for very short periods of time, so that all of the external lights are unlikely to be activated simultaneously.
15. For the above reasons, I conclude that the submitted details would not significantly harm the character and appearance of the area and night-time ecology. The proposal would therefore accord with Policies DP2, SP6, SP7, SP15 and SP17 of the *New Forest National Park Local Plan 2016 – 2036* (2019) and the Council's adopted *Design Guide Supplementary Planning Document* (2011), in so much as these policies and guidance seek to ensure that new development respects the natural and built environment, landscape character and biodiversity of the National Park, and avoids suburbanising effects therein.
16. For similar reasons, the submitted details would accord with Policies of the Framework which require well-designed places and the conservation and enhancement of the natural environment, including affording great weight to the conservation and enhancement of landscape and scenic beauty in National Parks, as set out in Chapters 12 and 15 respectively.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed, and the details submitted pursuant to Condition No.7 of the permission¹ are approved.

S Leonard

INSPECTOR

¹ 18/00736