



Appeal Decision

Site visit made on 21 June 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/M1710/W/21/3287060

10 Dryden Way, Liphook GU30 7QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Mark White against the decision of East Hampshire District Council.
- The application Ref 28906/007, dated 19 February 2021, was refused by notice dated 1 July 2021.
- The application sought planning permission for a 'single storey extension to front incorporating porch. Single storey extension and raising of roof level to rear' without complying with conditions attached to planning permission Ref 28906/004/HSE dated 12 June 2008.
- The conditions in dispute are No 3 and No 4 which state that:
Condition 3: Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no windows or openings shall at any time be inserted in the roof extension of the dwelling hereby permitted without the prior written consent of the Planning Authority.
Condition 4: The roofspace in the dwelling hereby permitted shall be used for ancillary domestic storage only and for no other purpose.
- The reason given for both conditions 3 and 4 is:
The property lies outside of any recognised settlement where the Planning Authority seeks to retain a range of dwellings, and therefore wishes to control any further alterations, extensions or conversion of the roof space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the revised National Planning Policy Framework (the Framework) into account, which was published on 20 July 2021. The substance of which hasn't changed in regard to the main issue of the case.

Background and Main Issue

3. The Council has set out in its decision notice that the current proposal would result in an unacceptable cumulative addition to the property, which has been extended in the past, representing a 183 per cent increase in floor area relative to the original property. The Council consider this to cause harm to the retention of a range of dwellings of various sizes in the countryside. This is consistent with the original reason for the condition. The main issue is

therefore whether Conditions 3 and 4 are reasonable and necessary to ensure a range of dwellings are available in the countryside.

Reasons

4. Policy H16 of the East Hampshire District Local Plan: Second Review (2006) (LP) allows the extension and replacement of dwellings outside of settlement boundaries, provided they meet certain size restrictions. These specific size restrictions are dependent on the original size of the dwelling. The policy sets out four categories of property size, and applies different criteria to each, ranging from small dwellings to very large dwellings. The objective of the policy is to ensure that a range of dwelling types and sizes are available in out of settlement locations. The objective of this policy remains broadly in line with the Framework in respect of housing choice.
5. There is no dispute between the main parties that the original¹ floorspace of the dwelling measured 75.47sqm. This means that the property, in its original form, would fall under the mid-range dwelling category where a dwelling has an original floorspace of between 67sqm and 266sqm. Under Policy H16, this mid-range dwelling size should not, through extension or replacement, exceed the original dwelling size by more than 50%.
6. The dwelling has previously been extended. In addition to more historic permissions², planning permission ref 28906/004 was for the erection of single storey extensions and the raising of the roof level. Planning permission ref 28906/005 was for a further single-storey extension. Combined, these implemented extensions resulted in a total floorspace of approximately 152.68sqm, increasing the original floorspace of the property by more than 50% its original size, clearly conflicting with the provisions of LP Policy H16. The roofspace permitted under 28906/004 planning permission has not been included in the total floorspace figure calculated as that floorspace was conditioned to be used as ancillary storage space only and therefore is not habitable. There is no dispute between the main parties on this point.
7. The proposed development would mean that the existing roofspace would become habitable, increasing the total floorspace of the property further to around 211sq.m. Were I to allow the appeal, the proposed development would clearly fail to comply with the provisions of LP Policy H16 in that respect.
8. Notwithstanding this, my attention has been drawn to a series of planning permissions and appeals³ relating to similar issues, and in particular to LP Policy H16. I note the planning permission granted under ref 32281/002 at nearby 7 Dryden Way. Here, the Council found that the original dwelling had, through a series of extensions over time, exceeded the 50% increase allowance under the mid-range category of Policy H16. It was determined in that case that the additional floorspace proposed would, although still conflicting with that policy, remain within the mid-range size category and would have a limited impact on the range or variety of dwelling sizes in the countryside.

¹ As defined in Policy H16 as effective from 1 April 1974 or, if built at a date beyond 1 April 1974, the date when the dwelling was built.

² F.26561 and F.28906/00.

³ APP/M1710/D/17/3166860, APP/M1710/W/21/3272897, APP/M1710/D/13/2196250, APP/Y9507/D/15/304927815, APP/Y9507/D/15/3049278

9. As was the case at No 7, the appeal property would, as a result of the proposed development, remain within the mid-range category of between 67sqm and 266sqm. However, the scheme at No 7 proposed 19sqm of additional floor area. This was considered by the Council to be only a modest increase, although acknowledging the threshold had already been breached by previous extensions. Whilst only resulting in a reasonably limited floorspace increase, that planning permission, and the others highlighted by the appellant, illustrate the trend of increasing the size of properties in out-of-settlement locations. There is nothing before me to suggest that trend has abated or improved since 2006. Moreover, Planning Practice Guidance (PPG) is clear that people living in rural areas can face particular challenges in terms of housing supply and affordability⁴.
10. Whilst the increase in habitable floorspace would take the overall figure, including previous extensions, to around 213.68sqm, the property would still fall within the mid-range size. However, the scale of the property would move towards the upper echelons of the category. Moreover, the wording of LP Policy H16 is clear stating that 'subsequent extensions which would result in an increase in floorspace beyond [the 50%] limit will not be permitted'.
11. In my view, there comes a point where, cumulatively, the effect of many smaller changes over time crosses the threshold of acceptably. In this case, that is the requirement to ensure a mix of property sizes in out-of-settlement locations, which inevitably affects choice and affordability where very few new properties are likely to be constructed. If there were a wholesale increase in the size of existing dwellings in out of settlement locations, each becoming a larger property, this could ultimately result in a very limited range of dwelling types being available. To my mind, noting the Framework's objective of delivering a range of homes and the PPG's reference to the challenges of rural housing affordability, the addition of a further 61sqm of habitable floorspace to the previously extended appeal property would tip the balance of the proposed development into harmful and would undermine the policy objectives of H16.
12. It is clear, both from the reason for the imposition of condition 3 and from evidence before me outlining previously refused schemes for rooflights at the property, that the removal of permitted development rights was imposed to control the extension of the property without proper consideration by the Council. I have reasoned above why I consider the proposed development to conflict with the provisions of LP Policy H16 and the same reasons apply in respect of the rooflights.
13. Consequently, I conclude that the proposed development would conflict with the provisions of LP Policy H16, which seeks, in summary, to ensure that the extension and replacement of dwellings outside settlement boundaries is restricted in the interests of housing choice. I consider the conditions to be both reasonable and necessary to achieve the objectives of the policy.

Other Matters

14. The appellant suggests the Local Plan predates the most recent revision of the Framework and is therefore partially out of date. However, as reasoned above, I do not consider that they are inconsistent.

⁴ Paragraph 009 Reference ID: 67-009-20190722

15. I note the benefits the scheme would bring to the appellant in providing extra accommodation, including a home office. However, being effectively personal, these matters do not outweigh the clear planning harm I have identified above, nor is there an indication that the property would be unsuitable or unduly compromised in the absence of the development.
16. I acknowledge the comments that the proposed rooflights would not unduly affect the living conditions of the occupants of neighbouring occupants or the character and appearance of the area. These matters are not in dispute and I have no reason to disagree. However, and as a lack of harm, these matters would be neutral and thus not be sufficient to make the proposed development acceptable.

Conclusion

17. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed and the dispute conditions should therefore remain.

A Price

INSPECTOR