



Appeal Decision

Site visit made on 31 October 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/B9506/W/23/3321914

**The Blacksmiths House, 4 Lyndhurst Road, Brockenhurst, Hampshire
SO42 7RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs T Thew against New Forest National Park Authority.
 - The application Ref 23/00034FULL, is dated 6 January 2023.
 - The development proposed is replacement garage.
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Decision

1. The appeal is allowed and planning permission is granted for replacement garage at the Blacksmiths House, 4 Lyndhurst Road, Brockenhurst, Hampshire SO42 7RL in accordance with the terms of the application, Ref 23/00034FULL, dated 6 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) Development shall only be carried out in strict accordance with drawing numbers:

1321.02.A, 1321.03.A, 1321.04.B.
 - 3) No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority. Development shall only be carried out in accordance with the details approved.
 - 4) The building the subject of this permission shall only be used for purposes incidental to the dwelling known as The Blacksmiths House, 4 Lyndhurst Road, and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Preliminary Matters and Main Issue

2. As set out in the banner heading above, the Authority failed to determine the application to which this appeal relates within the prescribed period. Since the appeal has been made, the Authority has provided reasons that they would have refused planning permission for, had they retained jurisdiction to do so. The appellant has had the opportunity to respond to these in their final comments. Therefore, they would not be prejudiced by my taking these into account and forming the main issue. With these reasons for refusal in mind, I consider the main issue to be:
 - The effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site features a large two storey dwelling, with a single storey flat roof garage within the rear garden. The frontage of the appeal site along Lyndhurst Road lies within the Brockenhurst Conservation Area (CA), although the rear garden and location of the proposal are outside of the CA. This part the CA is partly characterised within the Brockenhurst, The Weirs and Sway Conservation Character Appraisal as consisting of linear historic development along Lyndhurst Road. I find that, in so far as it relates to this scheme, the significance of the CA arises from the age of properties, period architecture and historic pattern of development. Notwithstanding, the character of the appeal site and surrounding area is derived from a mix of modern and period residential and commercial built form consisting of a variety of scale and appearance with a notable prevalence of steep pitch roofs.
4. The proposal would result in a garage which would be more visually prominent in the wider area than the existing flat roof single storey garage building due to its ridge height. However, due to modern development including two storey and room in roof dwellings that surround the appeal site, the proposal would be seen in conjunction with a backdrop of numerous other pitch roofs. Therefore, despite the relatively bulky roof form, the ridge height, pitch roof design and overall scale would not appear incongruous within this urban area subject to appropriate facing and roofing materials being utilised which can be secured via the imposition of a planning condition.
5. Furthermore, although the proposal extends over the majority of the width of the garden of the host dwelling, a sufficient area of garden would remain. This garden would provide visual separation between the host dwelling and the garage, which in combination with the notable greater height, size, scale and overall massing of the host dwelling would result in the proposal appearing as a subservient outbuilding. Given the proposal's traditional design, its separation from the CA and its relationship with the modern host dwelling and surrounding modern built form, the proposal would have a neutral effect on the CA.
6. Likewise, due to the location of the appeal site within the urban form of the settlement, I find there would be no effect on the wider New Forest National Park from the proposal. It would thus conserve the landscape and scenic beauty of the National Park as required by paragraph 176 of the National Planning Policy Framework (Framework).
7. Consequently, I conclude that the proposal would not harm the character and appearance of the area. The proposal would accord with policies DP2, DP18, DP37, SP16 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019). These policies seek, amongst other things, to ensure development is of high design quality that is contextually appropriate and proportionate in scale and protects the historic environment. The proposal would also accord with the provisions of the Framework in relation to achieving development that is well-designed and conserves the historic environment.

Other Matters

8. Given the increase in height over the existing flat roof garage, the outlook from neighbouring properties would inevitably change. However, due to the orientation of the proposal and pitch roof, low eaves design, the proposal would not be seen as an overly dominant feature or result in any significant loss of

light to these properties. Furthermore, rooflights proposed to provide natural light to the home office area would be within the southern roof slope and therefore, although more oblique or distance views would be available, they would not directly or significantly overlook any neighbouring residential properties or gardens.

9. An interested party has stated that a right of way exists which only provides for access to and egress from a private garage. The proposal before me does not seek a change of use to a commercial use, but relates to a replacement garage, with home office above. In any case, a right of way is a civil matter that falls outside of the planning regime.
10. My attention has been drawn to a previous refusal of planning permission for a development which the Authority state to be the same as that the subject of this appeal. However, the full details of that proposal are not before me, and in any case that proposal would have been considered under a differing policy context. This appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given above.

Conditions

11. A number of conditions have been suggested by the Authority in the event of the appeal being allowed which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. A condition regarding the approved plans is necessary to provide certainty.
12. A Condition requiring details of materials of external surfaces is reasonable and necessary in the interests of the appearance of the development and surrounding area. A further condition is necessary and reasonable in order to ensure that the proposal remains incidental to the host dwelling and is not used for habitable accommodation.

Conclusion

13. For the reasons given, the proposal complies with the development plan, read as a whole. No material considerations have been shown to have sufficient weight as to warrant a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

S Harrington MA MRTPI

INSPECTOR