



Appeal Decision

Site visit made on 18 July 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/B1740/D/24/3343982

5 Daniell's Close, Lymington, Hampshire, SO41 3PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Kilgour against the decision of New Forest District Council.
 - The application Ref is 23/11090.
 - The development proposed is the erection of front gables in association with new first floor; roof alterations; rear extension; front porch; fenestration alterations; attached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of the area, and upon protected species.

Reasons

Character and Appearance

3. The appeal property is a detached bungalow with accommodation within the roof space incorporating dormers to the front and rear. It sits tucked into a corner at the terminal end of a short residential cul-de-sac comprising five properties arranged in a fan shape around a vehicle turning head.
4. Daniell's Close runs as a sole projection along the length of Daniell's Walk, a residential street. The Council's *Lymington Local Distinctiveness Supplementary Planning Document* (SPD) was adopted in February 2011 and identifies both Daniell's Walk and Daniell's Close as a single entity, describing it as a planned connected street layout. The SPD describes Daniel's Walk specifically as a varied, low-rise street dominated by gardens and occasional trees with dwellings comprising hipped bungalows, converted or purpose built with chalet second floors. I saw during my visit an eclectic mix of house styles along Daniell's Walk. Daniell's Close is similar, with Nos 1 and 2 modified beyond their original forms. The proposal would significantly modify the appearance of No 5, including extending its footprint to the rear and side, and introducing twin gable features to the front and rear elevations.

5. The Council asserts that the properties within Daniell's Close are distinctive as a result of their low eaves and hipped roof designs. However, I was unable to detect any particular rhythm or uniformity to the pattern of development surrounding the appeal property that was significant. There is no regimented building line within Daniell's Close and due to past alterations, different house styles co-exist. Given how the wider area has evolved, with notable variations in design and appearance between many neighbouring properties locally, I do not consider No 5 to be sensitive to change.
6. The building's eaves would be undeniably higher and the property would lose its hipped roof profile. But this would merely reflect some of the house styles within the area and which, to my mind, contribute positively to its varied appearance. Prominent forward-facing gables are an established feature, including within Daniell's Close. Given this, and the recessed position of No 5, these features would not appear conspicuous. There would be a marginal increase to the building's overall height, and a reorientation of ridge lines, but the eaves would drop below the height of those on a typical two-storey property, maintaining a squat profile for the building that would be in-keeping.
7. Although the proposal would extend the building to one side, this would be single-storey. There would be no obvious impact from this element upon the street scene, as is accepted by the Council.
8. The changes to No 5 would be stark in contrast to its current modest form. I also accept that there would be a significant increase in floorspace at both ground and first-floor levels. However, I do not agree that the overall envelope of the building would be excessive in size or bulk. Neither do I agree that it would be overly dominant. Instead, I find the remodelled form of the appeal property would introduce a contemporary looking building, consistent in scale, height, and bulk with many locally, and which would sit comfortable within its reasonably secluded setting. As such, I find no conflict with Policy ENV3 of the New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy (the LP) as far as it requires new development to be sympathetic to its context.

Protected Species

9. The planning application was accompanied by a Biodiversity Checklist for Householder Applications. Section 2 of the checklist deals with legally protected and other notable species. In response to the checklist's question asking if the proposal would affect buildings or structures exhibiting features likely to offer bat roosting potential e.g. gaps/crevices/cracks within building materials; hanging tiles, timber weatherboarding/cladding; roof voids; etc, the applicant answered 'no'. However, when prompted to indicate if the checklist was completed or checked by a qualified ecologist, no indication that it was done so is given. On the other hand, the Council's ecologist has noted the extensive alterations including a new first-floor and corresponding roof changes that are proposed and has raised the prospect of the existing building having the potential to support roosting bats.
10. The appellant has not disputed the Council's assertions and has indicated that a preliminary roost appraisal (PRA) would be undertaken. Such an appraisal would inform the possible need for any additional survey effort or mitigation, if required. No such PRA is before me.

11. During my visit, I observed some very mature trees adjacent to the rear garden boundary of No 5 and close to the existing dwelling. These are covered by Tree Preservation Order No 48/92 dated January 1993 and are identified within the TPO as tree Nos 8, 9 and 10. The age, extent of canopy cover, and proximity of the trees to the appeal property give me reason not to deviate from the views of the Council's ecologist.
12. The absence of a PRA means that I cannot be certain that a protected species would not be adversely affected as a result of the development. In these circumstances there would be conflict with Policy DM2 of the LP Part 2: Sites and Development Management, adopted in 2014.
13. The appellant has argued that the PRA could be secured by condition. I disagree. The presence or absence of any protected species is a material consideration in the determination of this appeal. The extent to which they could be affected by the proposed development needs to be established in the first instance.

Conclusion

14. Notwithstanding my findings on the first main issue, in the absence of any clear indication that a protected species would not be affected by the proposal the appeal fails.

John D Allan

INSPECTOR