

Appeal Decision

Site visit made on 27 February 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2017

Appeal Ref: APP/B9506/D/17/3168849

11 Ash Grove, Ashurst, Southampton SO40 7BN

- 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 David Charrett against the decision of New Forest National Park Authority.
 - The application Ref 16/00905, dated 21 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is described as a loft conversion and first floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed roof alterations/extensions on the character and appearance of the area and whether it would comply with Policy DP11 of the New Forest Core Strategy and Development Management Policies DPD (CS).

Reasons

3. The appeal dwelling is a small bungalow at the end of a cul-de-sac of other twentieth century small bungalows, some of which have had dormer and/or other extensions but many of which are in their unaltered original state. Ash Grove is one of several roads containing mainly similar bungalows accessed from the main A35 on the edge of the Forest proper. The proposal is for front and rear dormers and a loft conversion to create 23.5m² of additional habitable floorspace.
 4. The Council's refusal reason is framed in terms of CS Policy DP11 seeking to limit the proportional increase in size of rural dwellings in order to help safeguard the long term future of the countryside. The wording of Policy DP11 indeed commences by stating: *"Extensions to existing dwellings will be permitted provided that they are appropriate to the existing dwelling and its curtilage."*
 5. I agree with the appellant that the proposed front and rear dormer windows would not be so sizeable as to be inappropriate to the character and appearance of the area, which is characterised by suburban bungalows. This is because they would be of relatively modest proportions in terms of the existing roof planes of the bungalow, would sit no higher than the existing roof ridges and be of similar sizes and designs to other such dormers in the vicinity.
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6. But the refusal reason goes on to state the second objective of Policy DP11, namely the ability to maintain a balance in the housing stock. The explanatory text to Policy DP11(CS paragraphs 7.36-7.38) explains that extensions to dwellings can affect not only the locally distinctive character of the New Forest but also cause an imbalance in the range and mix of housing stock available.
7. The wording of Policy DP11 deals with both these objectives and in respect of housing mix is very specific. This bungalow fits within the definition of a small dwelling in the Policy because it had a floor area of under 80m² on 1 July 1982, the current rear conservatory having been added according to the applicant in about 2010. The appellant maintains that there was a previous older conservatory which it replaced but I have seen no evidence of this, including when it was erected.
8. The wording of the Policy makes clear that extensions to such dwellings must not result in a total floorspace exceeding 100m². There is no dispute that the proposal would, when taking into account the existing conservatory, result in a total floorspace of about 115m².
9. The appellant states that he is willing to accept that the conservatory is not used for habitable accommodation, which is a requirement of Policy DP11 if conservatories are not to be included as existing floorspace¹. But this is an impractical suggestion and would be difficult and time-consuming to enforce in terms of monitoring, given that at present it is clearly used for habitable purposes.
10. At the same time he points out that he does not wish to demolish the conservatory because it is required for the needs of his family and visiting friends. His assertion that he could demolish it and rebuild it under permitted development rights at a later date is not, in my opinion, a valid fall-back position because it is unlikely to happen for that reason. For these reasons the Council is correct in taking the floorspace of the existing conservatory into account.
11. The proposal to add an extra 23.5m² of first floor space to the bungalow would clearly breach the specified limit on such small dwellings being kept to no more than 100m² and conflict with the objective of Policy DP11 to maintain a reasonable stock of such small dwellings. Policy DP11 is very specific and no satisfactory justification has been given by the appellant as to why this proposal should be allowed as an exception to development plan policy.
12. There is no suggestion by the appellant that Policy DP11, which predates the National Planning Policy Framework (NPPF), is not in accordance with current national policy. But, for the avoidance of doubt, it seems to me that the CS complies with the requirements of NPPF paragraph 50 to plan for a mix of housing including houses of different sizes based on current and future demographic trends and the needs of different groups in the New Forest community.

¹ CS paragraph 7.39 and Footnote 35 on page 44

13. The appellant has drawn my attention to a recent allowed appeal at 20 Ash Grove next door to the site². But I notice in that decision that no reference was made to CS Policy DP11 and so I do not consider it comparable with this appeal where the interpretation of Policy DP11 is the main issue. I also note the 2015 dismissed appeals referred to by the Council³, where Policy DP11 was also at issue, and that my conclusion on DP11 sits full square with those decisions.

14. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

² APP/B9506/D/16/3154841

³ APP/B9506/D/15/3005303 & APP/B9506/D/15/3129453