

Appeal Decision

Site visit made on 29 January 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 10/02/2016

Appeal Ref: APP/B9506/D/15/3135677

14 Anderwood Drive, Sway, Lymington SO41 6AW

- 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 Ms Leslie Palmer against the decision of New Forest National Park Authority.
 - The application, Ref. 15/00328, dated 18 April 2015, was refused by notice dated 9 July 2015.
 - The development proposed is two dormer loft conversions to include a master bedroom and a main bathroom.
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Decision

1. The appeal is allowed and planning permission is granted for two dormer loft conversions to include a master bedroom and a main bathroom in accordance with the terms of the application, Ref. 15/00328, dated 18 April 2015, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are (i) whether the proposed extensions are acceptable in terms of the National Park Authority's objective of maintaining a balance in the housing stock; (ii) the effect of the extensions on the appearance of the host dwelling and the character and appearance of Anderwood Drive, and (iii) the effect on the living conditions for adjoining occupiers as regards privacy.

Reasons

3. On the first issue, the Authority's concern is that the appeal scheme would breach the limit of 100sqm habitable floorspace permitted under Policy DP11 of the Core Strategy and Development Management Policies DPD 2010 ('the Core Strategy'). However, I accept the argument for the appellant that this is not factually correct because the use of the attic space, referred to on the plans as 'mechanical services, boiler and storage room' cannot be realistically regarded as potential habitable floorspace due to the severely restricted headroom. The landing doorway facilitates access for storage and maintenance purposes, but cannot in itself be construed as resulting in an additional living area.
 4. Without this area the proposal stays within the floorspace limit and the Authority has suggested a condition ensuring that any future dormers would need planning permission, for which a refusal would appear to be justified because of the conflict with Policy DP11. I also agree with the appellant's point that the modestly sized rooflight in this area would be reasonable to provide
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daylight to the storage space and boiler room. The Authority has referred to a recent appeal decision, but this is not relevant because in the proposal now before me the habitable floorspace does not breach the 100sqm limit in the policy. Thus on this issue I conclude that there would be no effect on the balance in the housing stock of the National Park, contrary to Core Strategy Policy DP11.

5. In respect of the second issue, the Notice of Refusal says that *'the proposed roof alterations, by reason of their excessive size and scale, would be an imposing and discordant feature in relation to the existing property and the street scene'*. However, I consider the dormer to be proportionate to the roof plane, and in fact of a modest size compared to some of the other dormers constructed on nearby dwellings, a case in point being the dormer facing the appeal property at No. 12. Bearing in mind the proliferation of dormers in Anderwood Drive, including at both Nos. 12 and 16 on either side, I do not agree that they would be either imposing or discordant.
6. It would be overstating the case to say that they would meet the requirement for development in the National Planning Policy Framework ('the Framework') to be of 'good design', but if the context is appropriate and provided they are not disproportionately large and are constructed of suitable materials, box dormers are generally accepted in the planning system as being a reasonable method of achieving additional living space. Although the appeal dwelling is in the National Park, I saw nothing on my visit to persuade me that they would be inappropriate in this particular location. This is confirmed by the citing in the grounds of appeal of relatively recent dormer permissions at Nos. 5, 20, 28, 35, 39 & 47 Anderwood Drive. On this issue I therefore find that there would not be an adverse effect on the dwelling and the street scene in harmful conflict with Core Strategy Policies CP8 & DP6; the Design Guide SPD, and the Sway Village Design Statement SPD.
7. Turning to the third issue, I carefully have noted the objection from the occupiers of No. 12, which the Authority has summarised as being a perception of being overlooked. However the relationship of facing dormers on adjoining properties in the road is well established, and provided the bathroom window is adequately obscure glazed and of restricted opening in accordance with details first approved by the Authority, I see no basis for a reasonable perception of a loss of privacy.
8. Overall and having had regard to all other matters raised and the comments of the Parish Council I conclude that the appeal should succeed. I shall impose a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. An external materials condition will ensure that the dormers are in keeping with the dwelling and the street scene. Conditions precluding more dormers and restricting the existing dormers to the form approved in this Decision will safeguard the privacy of the neighbours.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision;
- 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos.101; 102 & 103;
- 3) Prior to the commencement of the development, details and samples of the materials to be used in the construction of the external surfaces of the dormers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015, or any re-enactment of that Order, no extension or alterations otherwise approved by Classes A, B, C of Part I of Schedule 2 to the Order, shall be erected or carried out without a grant of planning permission;
- 5) The bathroom window in the proposed dormer on the west elevation shall be obscure glazed and with restricted opening in accordance with details first submitted to and approved in writing by the Local Planning Authority and thereafter retained in perpetuity. No windows shall at any time be constructed in the proposed dormer on the east elevation.