



Appeal Decision

Site visit made on 21 July 2016

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: **31 August 2016**

Appeal Ref: APP/B9506/D/16/3149942

3 Dukeshead Cottages, Lower Woodside, Lymington, Hampshire, SO41 8AJ.

- 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 Mr A Chandler against the decision of New Forest National Park Authority.
 - The application Ref 16/00074, dated 2 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is described as first floor extension to rear of cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed addition, in relation to the cumulative enlargement of the dwelling, would be acceptable having regard to the adopted policy which seeks to both safeguard the character and appearance of the New Forest National Park and maintain a balance in the housing stock within it, whilst taking other material considerations into account.

Reasons

3. The property the subject of this appeal, 3 Dukes Head Cottages, is an end of terrace two-storey cottage set in a large mature garden plot. The cottage faces directly onto the Lymington Salt Marshes, a Site of Special Scientific Interest, Special Protection Area and Ramsar Habitat.
4. The appellant proposes a modest first floor extension, of some 17 square metres, over an existing ground floor outshot to reorder the first floor accommodation to provide an enlarged kitchen/breakfast room and en-suite bathroom to bedroom 3. The design of the extension, that would not extend the footprint of the dwelling, would replicate the rear of the cottage by extending the existing three gables.
5. The Authority sets out in the text to Policy DP11 of the New Forest National Park Local Development Framework - Core Strategy and Development Management Policies DPD (Adopted December 2010) (DPD) that proposals to extend dwellings can affect the local distinctive character of the New Forest National Park and increasing the size of dwellings has the potential to cause an imbalance in the range and mix of housing stock available. For these reasons it

considers it important to limit the size of extensions to dwellings and include more detailed development management policy on the issue.

6. DPD Policy DP11 requires extensions to existing dwellings to be appropriate to both the host property and its curtilage. Further, in the case of dwellings outside the defined villages, such as this one, any extension should not increase the floorspace by more than 30%. However, the policy goes on to advise that, in exceptional circumstances, a larger extension may be permitted: a) to meet the genuine family needs of an occupier who works in the immediate locality; or b) to meet design considerations relating to the special character of the dwelling (e.g. listed buildings).
7. From the evidence before me I understand that the floorspace of the property before 1 July 1982 was some 141 square metres. Further, subsequent extensions have resulted in a current floorspace of approximately 302 square metres, which equates to an increase of about 115%. Accordingly these earlier extensions have already exceeded the 30% limit set out in Policy DP11. The additional floorspace proposed by way of the appeal is identified as 17 square metres. This would result in a new floor area of some 319 square metres or a total increase of around 125% over and above the floor area of the property on 1 July 1982.
8. No evidence has been provided to suggest that the proposed extension is justified on the basis of the exceptions to the policy (criterion a) and b)) set out above. Accordingly, therefore, in terms of its cumulative enlargement the proposed development would be contrary to the development plan. However, Section 38(6) of the Act says that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
9. One such consideration in this case is that the proposed extension, which represents an increase of just 4.6% or thereabouts, is very modest. In this respect, I consider that given the size of the existing five-bedroom house, the proposed development here would not in itself cause an imbalance in the range and mix of housing stock available in the National Park.
10. The existing lean-to roof is not an attractive feature of the property. However, in my judgement, the proposed extension, that would add considerable bulk to the rear of the house, is not of such a high quality of design as to represent a significant improvement in the design and appearance of the host building and thereby its setting. Accordingly, even given the size and enclosed nature of the plot, I do not consider that the current development would be appropriate to both the existing host property and its curtilage as required by DPD Policy DP11.
11. The appellant has suggested that there is a fall back position and that is the demolition of the existing monopitch roof extension and the construction of deeper extensions added as permitted development that may well result in more than a doubling of the additional area of 17 square metres proposed here. However, neither a proposal nor any evidence has been submitted to justify such a fall back position. In addition, given the current layout of the house, with the living accommodation at first floor level and the bedrooms principally on the ground floor, I am not persuaded, given the applicant's desire for a

larger kitchen/breakfast room, that this is necessarily a likely fall back position in any case. Furthermore, unlike the appeal referred to (APP/B9506/D/15/3139442) a unilateral agreement has not been submitted with a view to preventing future occupiers from implementing permitted development rights. Accordingly, if I were to allow the appeal proposal there is no guarantee that either the current or future occupiers would not seek to implement any permitted development rights that they may enjoy, thereby resulting in further enlargement of the dwelling in this sensitive location. Consequently I give this consideration limited weight.

12.I accept that the extension does not represent an increase in the building's footprint. However, the policy addresses only the question of floor area and not footprint. Further, I acknowledge that no increase in floor area has been sought in over 32 years. While that may be so the effective base date of the policy is nevertheless 1 July 1982. Accordingly I give these matters little weight in the planning balance.

13.I have found that the proposed extension would not cause an imbalance in the range and mix of housing stock available. However, and while I give significant weight to that consideration, the development would not be appropriate to the existing host property and its curtilage and therefore would result in harm to the character and appearance of the National Park. Furthermore, I can give no weight to either the appellant's suggested fall back position or the fact that the addition would not result in an increase in the footprint of the building. On balance, therefore, while taking the foregoing into account, I conclude in respect of the main issue that to allow the appeal would be contrary to the objectives of DPD Policy DP11 as they seek to safeguard the character and appearance of the New Forest National Park.

Other matters

14.In reaching my determination of the appeal I have been mindful of the second appeal decision APP/B9506/D/09/2109787 drawn to my attention by the appellant. However, I am not persuaded that the particular circumstances surrounding that case and the current appeal are directly comparable. Furthermore, this appeal decision predates the adoption of DPD Policy DP11 by well over a year. Accordingly, in these particular circumstances, I give limited weight to this appeal decision.

Conclusions

15.I have found that the proposal would not in itself cause an imbalance in the range and mix of housing stock available in the National Park. However, it would result in harm to the character and appearance of the area, which I consider to be a compelling objection. For the reasons given above and having regard to all other matters raised, I therefore conclude that the proposal is not in accordance with the development plan, when read as a whole, and that the appeal should be dismissed.

Philip Willmer

INSPECTOR