
Appeal Decision

Site visit made on 3 January 2018

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 17 January 2018

Appeal Ref: APP/B9506/D/17/3180826

Amberley, Romsey Road, Cadnam SO40 2NN

- 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 Neil Butler against the decision of New Forest National Park Authority.
 - The application Ref 17/00288, dated 31 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in an unacceptably large dwelling in relation to the original, having regard to development plan policy.

Reasons

3. Amberley is a two storey semi-detached dwelling located on the southeast side of Romsey Road with a single storey rear extension. Attached to the east side and set back from the front elevation is a single storey structure with an up-and-over door which is shown as being a garage on the application drawing. I will call it a garage for ease of identification.
4. The proposal is to demolish this garage and construct a two storey side extension with porch, set down from the ridge of the property. There is no dispute that the design is appropriate for the dwelling; the issue relates to its size in terms of development plan policy.
5. Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies DPD December 2010 (the CSDMP) includes:

“in the case of small dwellings, the extension must not result in a total habitable floorspace exceeding 100 sq. metres, and in the case of other dwellings (not small dwellings) outside the defined villages, the extension must not increase the floorspace of the existing dwelling by more than 30%”.

The policy then goes on to allow for exceptional circumstances for family needs or design considerations relating to the special character of the building but neither is suggested to be material here. The size of the existing dwelling is

- such that it is not suggested to be a small dwelling and the appeal site lies outside the defined villages.
6. The supporting text to the policy explains that proposals to extend dwellings can affect the locally distinctive character of the New Forest and increasing the size of dwellings has the potential to cause an imbalance in the range and mix of housing stock available. I agree that the policy is an important factor in ensuring that the special qualities of the National Park are maintained.
 7. The supporting text also sets out a number of definitions such as what is meant by the existing dwelling (as existing on 1 July 1982) and how the floorspace of the existing dwelling is measured. This latter definition excludes attached outbuildings and detached outbuildings irrespective of whether the outbuilding's current use is as habitable floorspace.
 8. The habitable floor area of the existing dwelling excluding the garage is 94 m² and that of the proposed dwelling would be 145 m², which represents an increase of 54%, in excess of the 30% permitted by Policy DP11 of the CSDMP. However, if the garage is included within the floorspace this is 112 m² meaning that the increase would only be 29.4%.
 9. There is no dispute between the parties that the garage building was in existence on 1 July 1982 and used as non-habitable accommodation. The issue is whether the garage should be included within the calculation of the existing floorspace.
 10. It is suggested that there is a difference between the "habitable floorspace" applicable to small dwellings and the "floorspace" for other dwellings. However, because of the way that the explanatory text is written, referring only to "floorspace", which applies to both small and other dwellings, I do not think that there is such a difference. In addition, the supporting text is clear that outbuildings, whether attached or detached, do not count within the floorspace of the existing dwelling.
 11. The appellant also refers to a "Planning Information Leaflet" entitled "Extensions to Dwellings" published by the National Park Authority. This states that outbuildings are normally defined as subsidiary buildings which have not been designed or built for habitable use as part of the main dwellings. It continues that examples include garages and that outbuildings will often be distinguishable from the main dwelling, both in their visual appearance and physical construction. On this topic it concludes "There will inevitably be some 'borderline' cases where it could be argued that an attached building is part of the main house and there will be some discretion on this interpretation depending on the individual characteristics of the site and buildings".
 12. Although not part of the development plan I consider that this leaflet should be given significant weight as it assists in providing consistency across the consideration of this type of application.
 13. The garage structure appears to be physically separate from the main house. While the external brickwork is similar it is not identical and the brickwork does not appear to "key-in" to that of the main house. It appears to be of a less solid construction and as an outbuilding different from the main house rather than part of an integral whole.

14. That an owner may, post 1982, change the internal use of such an outbuilding, for example from non-habitable accommodation to habitable accommodation, is a matter of choice for them, but this does not affect the baseline against which later applications should be considered.
15. This means that the proposed extension would exceed the 30% criterion set out in Policy DP11 of the CSDMP and be contrary to that policy. The determination should follow the policies of the development plan unless other material considerations indicate otherwise, and the appellant has set out a number of such considerations.
16. The appellant contends that the proposal would better balance the pair of semi-detached dwellings. The other "half", Glen Rhyn, has been extended with a two storey side extension but this is in a different form to that proposed. In any event the existing form of the overall joint building is not such that it is discordant in the wider street scene. Similarly, the existing garage is not out of keeping with the street scene and the replacement, of itself, is not required to improve the character or appearance of the area.
17. Finally, the appellant refers to the appeal property as being part of a community which needs modest family houses. He considers that existing occupants should be allowed to extend their dwellings to ensure that are able to stay in the community. In this regard I consider while individual needs will change over time this policy ensures that a range of dwelling sizes will be available in the long term ensuring that the special qualities of the National Park are maintained.
18. I therefore conclude that none of the material considerations put forward by the appellant, either individually or cumulatively, is sufficient to outweigh the policy presumption of the development plan. As such the proposal would result in an unacceptably large dwelling in relation to the original and would be contrary to Policy DP11 of CSDMP.

Conclusion

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

RJ Jackson

INSPECTOR