



## Appeal Decision

Site visit made on 23 August 2016

by **D Cramond** BSc MRTPI

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

Decision date: 1 September 2016

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**Appeal Ref: APP/B9506/D/16/3154564**

**The White House, Southampton Road, Boldre, Lymington, SO41 8PT**

- 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 Mr Rory Byrne against the decision the New Forest National Park Authority.
  - The application Ref 16/00181, dated 29 February 2016, was refused by notice dated 25 April 2016.
  - The development proposed is a pool house.
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### Decision

1. The appeal is allowed and planning permission is granted for a pool house at The White House, Southampton Road, Boldre, Lymington, SO41 8PT in accordance with the terms of the application Ref 16/00181, dated 29 February 2016, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and 1200:01B, 02C, & 03.
  3. The building hereby approved shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation.

### Main Issues

2. The main issues are the effect of the proposal: on the character and appearance of the locality; and on the levels of accommodation at the appeal property.

### Reasons

3. The appeal property is a detached two storey dwelling in a secluded rural location, among a group of detached properties in large mature gardens, served by an access lane. There is a large detached garage near the main entrance to the garden and a gravel drive extends between this building and the front of the house. There is also a walled garden, mainly laid to lawn, in which there is an outdoor swimming pool. The appeal scheme is for a pool house within the walled garden, located in the same position as former pool house and storage buildings which have now been removed. A plant house in the corner of the walled garden would remain. The mono pitched pool house
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would measure some 9.5m by 6.6m with a further overhang of 1.8m by 9.5m metres to provide a veranda along the front. Inside the building plans show a small kitchen area, changing area, shower and toilet facilities, gym and an area for seating.

#### *Character and appearance*

4. In summary the Authority is concerned that the proposal would consolidate the impact of built development within the site, resulting in a more suburban character. However the grounds here are extensive and in my opinion the development would appear both low key and modest in the scene. It would be set suitably alongside the wall of this spacious part of the garden and, whilst larger, would be in the position of the former buildings. The function of the building would be clear from its design and simple form as well as its immediate siting alongside the pool. No important soft landscape would be lost. The building would not be likely to be visible beyond the Appellant's ownership but in any event would be read as subordinate in scale, bulk and form to the main dwelling and, indeed, to the existing garage block and a sense of openness would continue to prevail. It would complement the pool and its extensive surrounds which include hard surfaced and grass areas and a tennis court. I would not equate this scheme with the excessive development on the site or with suburbanisation.
5. Policies DP1 and CP8, of New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) (CS) taken together and amongst other matters seek sympathetic development which respects the natural and built environment, protects local distinctiveness and would not lead to a suburbanising effect. DP12 paragraph 7.42 in the CS states that outbuildings should not have an adverse impact on the special qualities of the National Park. The National Planning Policy Framework (the Framework) states that National Parks have the highest status of protection in relation to landscape and scenic beauty (paragraphs 115 and 116). It is recognised that even where public views are limited, this test is important. The Environment Act 1995 (section 62 (2)) requires that, in the event of conflicting considerations, greater weight is to be attached to conservation and enhancement. I would conclude that the development would not run contrary to this local and national planning regime in character and appearance terms.

#### *Levels of accommodation*

6. The Authority is also concerned that the building could be altered to facilitate the provision of further habitable accommodation and it argues this would be contrary to the requirements for domestic outbuildings and upper limit for extensions to dwellings. I recognise that the proposal includes facilities which would go beyond a simple changing or shelter 'shed' by the pool. However the main dwelling is some distance away and in the unusual layout circumstances of this curtilage it would seem reasonable to me to provide for a fair degree of comfort, amenity and convenience within the building by the pool for users in that part of the large garden. I would not translate this provision of ancillary facilities as a unit which would become a separate home and in any event I am satisfied that adequate controls would exist to prevent that occurrence which would be contrary to applicable planning policy.
7. Whether or not one chooses to assess this as an extension or outbuilding I do not see any material conflict with planning policy. In the case of the former,

CS Policy DP11 includes amongst other matters a '30% extension restriction' relative to the dwelling. In this instance depending on how one measures the scheme the development would effectively be at, extremely marginally above or a little below this figure. Taken as an outbuilding CS Policy DP12 would apply and I am satisfied that the locational and functional tests of that policy would be met; the site is a residential curtilage, the purposes of the building are required as incidental to the main dwelling and the scheme is not one for additional habitable accommodation.

8. In the circumstances I conclude that the development proposed would not represent an excessive level of the accommodation at the appeal site nor have inappropriate content.
9. I would add that I have considered the other appeal decisions cited by the Authority but find them to be different from the case in hand in terms of location, development intent and individual site circumstances. In any event I must determine the current appeal proposal on its own merits.

*Conditions*

10. I agree with the Authority that it would be appropriate for the standard commencement condition to apply and as suggested there should also be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning. The use of the building should be restricted to protect the character and appearance of the countryside albeit for clarity and concision I shall not precisely follow the Authority's suggested wording for this condition.

*Overall conclusion*

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality or on the levels of accommodation at the property. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR