



Appeal Decisions

Site visit made on 8 August 2017

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 6 October 2017

Appeal A: APP/B9506/W/17/3172266

Blackheath Farm, Toms Lane, Linwood, BH24 3QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Stanford against New Forest National Park Authority.
 - The application Ref 16/00624, is dated 20 July 2016.
 - The development proposed is replacement dwelling and garage.
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Appeal B: APP/B9506/W/17/3172265

Blackheath Farm, Toms Lane, Linwood, BH24 3QX

- 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 and Mrs Stanford against the decision of New Forest National Park Authority.
 - The application Ref 16/00988, dated 23 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is replacement dwelling and garage.
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Decision

1. The appeals are dismissed.

Main Issue

2. The main issues in these appeals are: **first**, whether the proposed developments comply with the Council's development plan policy on replacement dwellings and their effect on the character and appearance of the surrounding area; and **second**, if I find harm in relation to the above whether any other material considerations, including the fallback position put forward by the appellants, would justify the proposal.

Reasons

Appeal A

Whether the proposed development would comply with the Council's development plan policy on replacement dwellings and its effect on the character and appearance of the surrounding area

3. The appeal site is located well within the area of the New Forest National Park Authority. It is located to the south of a narrow road/track off which there is a

- limited scatter of other houses/buildings of varied design. Land to the south of the site is farmland whilst to the north is open heathland on rising ground.
4. The bungalow to be demolished to make way for the proposed development is set quite well back from the road within a fairly large curtilage and surrounded by other land in the appellants' ownership. It is of an unremarkable 1960s design typical of its period and with no design links to traditional New Forest cottages. There is a linked detached garage. A combination of its set back from the road and frontage hedgerows means it is reasonably well screened and unobtrusive.
 5. Policy DP10 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (2010) sets out the Council's approach to replacement dwellings. It says that outside defined villages, as in this case, the replacement dwelling shall be of no greater floorspace than the existing dwelling. Explanatory text to the Policy refers to concerns about the cumulative impact of replacement dwellings across the New Forest and the effect that this would have on the long-term urbanisation and erosion of local distinctiveness within the area.
 6. The existing bungalow has a floorspace of approximately 150m². The proposed replacement dwelling, which would be 2 stories high, would have a floorspace of around 344m². Such a substantial increase would result in the proposed development being in significant conflict with Policy DP10. The appellant suggests that lesser weight should be attached to this Policy because it predates the National Planning Policy Framework (the Framework) which sets no size limits for replacement dwellings other than in the Green Belt. However, the Framework also places great weight on conserving landscape and scenic beauty in National Parks. Policy DP10 accords with this approach and thus should be given full weight as a development plan policy.
 7. I now turn to the effect of the proposed house on the character and appearance of the area. In terms of its design and materials it would result in an attractive property in keeping with its New Forest. However, notwithstanding this the substantial increase in size over and above the existing bungalow would make it overly intrusive to the detriment of this attractive rural setting. From the front it would be seen down the driveway and would be far more noticeable over frontage hedgerows than the existing bungalow. It would also stand out more clearly when seen from fields and some more distant dwellings to the south. This harm would greatly outweigh any benefit in removing the existing more mundane, though inoffensive, bungalow.
 8. A proposed detached garage would replace a number of scattered small outbuildings. However, although these outbuildings are not especially attractive they are unobtrusive and are types of structure not uncommonly found in the curtilage of the properties in the New Forest. Their replacement would be of no substantial advantage to the character and appearance of the area
 9. It is concluded that the proposed development would fail to comply with the Council's development plan policy on replacement dwellings and detract from the character and appearance of the surrounding area. It would fail to comply with DPD Policy DP10 and also with DPD Policies CP8 and DP1 which seek to prevent the erosion of the National Park's local character and ensure the landscape character is respected.

Other material considerations

10. I look first at the submitted fallback position. The appellants have obtained planning permission for a ground and first floor extension. They have also obtained Lawful Development Certificates indicating that as permitted development the following could be constructed: front and rear extensions; and a porch and substantial outbuilding. Combined this development, if undertaken, would result in an extended dwelling of just over 347m² and closely adjoining outbuilding of approximately 113m². The appellant says that the combined extensions and outbuilding would result in a property exceeding the size of the proposed replacement dwelling. I share the Council's concern in taking the proposed outbuilding into account as it would be a stand-alone structure rather than part and parcel of the extended dwelling. Discounting the outbuilding would mean that the appellants could, as permitted development, provide little greater floorspace than the proposed dwelling and thus create an extended dwelling of no materially greater impact in terms of size.
11. However, even including the outbuilding would not greatly assist the appellants' case. This is because I find the works either permitted, or found to be permitted development, would result in a property extended in a most contrived way. They would result in a property with a series of disparate extensions poorly related one to the other in a way that suggests an attempt to indicate the largest possible degree to which the property could lawfully be extended rather than represent a fallback position with a reasonable possibility of being exercised.
12. Looking to other matters the proposed dwelling would have a better energy efficiency standard than the bungalow it replaces. To this extent there would be some environmental benefit. However, that would be greatly outweighed by the harm to the visual character and appearance of the area on which I attach substantial weight given the Government Policy on protecting the National Parks. There would be some albeit modest advantage to the economy of the area during the construction period. There could potentially be some, albeit modest, social advantage if the proposed development is to be self-build as suggested. However, the weight I attach to this is further limited by the fact that no mechanism has been suggested by which the property would be self-built. Having regard to the above although the proposed development might meet some of the dimensions of sustainable development outlined in the Framework taken in the round the proposal would not be sustainable development in the terms of that document. Moreover, although the proposal may accord with some development plan policies, on for example supporting energy efficiency, seen in the round it would be contrary to the development plan when read as a whole.
13. It is concluded that there are no material considerations which, given the harm I have found on the first issue, would justify the proposed development.

Appeal B

Whether the proposed development would comply with the Council's development plan policy on replacement dwellings and its effect on the character and appearance of the surrounding area

14. The proposal in this scheme is for dwelling of a slightly reduced size to that proposed in appeal A. In terms of overall floor area it would, at 340m², still be

substantially larger than the existing dwelling. Thus there would still be a notable conflict with DPD Policy DP10.

15. The proposed dwelling would be of a lesser height than the scheme in appeal A and on the front elevation a reduced length would be at 2-storey height. However, it would still have a ridge and eaves height well above that of the existing bungalow. Thus although these changes would make the proposed development somewhat less intrusive than the scheme in the previous appeal this would not be to a degree that would make it acceptable.

16. I conclude on this issue in the same way that I have for appeal A.

Other material considerations

17. Turning to the fallback position much the same considerations apply in this appeal as in the appeal A. Particular attention has been drawn in this appeal to the fact that the ridge height in this proposal is marginally less than in the first floor extension permitted by the Council. However, the eaves line of the permitted extension is notably lower than that in the proposal before me. Thus the appeal building with this extension would appear less intrusive than the development now applied for. On the other material observations to be taken into account my views remain as for those set out on appeal A.

18. I conclude on this issue in the same way that I have for appeal A.

Conclusion

19. For the reasons given above it is concluded that the appeals should be dismissed.

R J Marshall

INSPECTOR