



Appeal Decision

Site visit made on 4 December 2015

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: 15 December 2015

Appeal Ref: APP/B9506/D/15/3132488

Cherry Tree Cottage, Holly Lane, Pilley, Lymington SO41 5QZ

- 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 & Mrs Roger Lane against the decision of the New Forest National Park Authority.
 - The application, Ref. 15/00399, dated 18 May 2015, was refused by notice dated 21 July 2015.
 - The development proposed is a replacement outbuilding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for the occupiers of Stream Cottage as regards outlook.

Reasons

3. The design of the outbuilding and its scale in relation to the host dwelling and its curtilage is in my view acceptable and would thereby preserve the character and appearance of the Forest South East Conservation Area. However, the building would be positioned in the south-eastern corner of the site at a distance of between 1.2m and 2.4m from the boundary with Stream Cottage, thereby having a much closer visual relationship with that building than the host dwelling.
 4. Stream Cottage has its longest elevation facing the boundary and this includes an outlook from habitable rooms at both ground and first floor level. Although not all of this elevation would be directly affected, about 5m of it would be directly opposite the end of the proposed outbuilding and within close proximity to it. The particularly important factor is that Stream Cottage is set lower than the land level of Cherry Tree Cottage at this point and the proposed building would have a ridge height of over 4m.
 5. In my view, the combination of nearness to the mutual boundary, the lower position of Stream Cottage and the height of the proposed building would be likely to have an overbearing effect on the outlook from habitable rooms of Stream Cottage and from the part of its garden between its western elevation
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and the property boundary. In this regard I consider the difference in land levels to be significant, as this would have the effect of a perceived foreshortening of the distances between the two buildings. I have noted that the appellant would accept a condition in respect of the slab level but whilst this would have the potential to mitigate the amount of dominance of the building, it would not eliminate the adverse effect on outlook.

6. I have also taken into account the fact that the appellant has a fall back position in the form of a larger building erected under permitted development rights. However, even if implemented this would have the advantage of a minimum 2m gap to the boundary, which would reduce the harmful impact on the outlook from Stream Cottage.
7. Overall, I conclude that the proposal would have an unacceptable effect on the living conditions for the occupiers of Stream Cottage as regards outlook. This would conflict with paragraph d) of Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 and the core planning principles of the National Planning Policy Framework 2012.
8. I have taken account of all the other matters raised in the grounds of appeal but have read nothing to alter my conclusion that I should dismiss the appeal.

Martin Andrews

INSPECTOR