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# Appeal Decision

Site visit made on 20 March 2017

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 16 May 2017

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**Appeal Ref: APP/B9506/W/16/3164836**

**Gardenia, Winsor Road, Bartley, Southampton, Hampshire SO40 2HR**

- 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 Miss Hayley Shergold against the decision of New Forest National Park Authority.
  - The application Ref 16/00299, dated 10 March 2016, was refused by notice dated 15 June 2016.
  - The development proposed is a replacement house and detached garage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area and on the supply of smaller dwellings.

## Reasons

3. The existing house is a detached two storey dwelling set in a large curtilage. It is one in a line of dwellings on the west side of Winsor Road.
  4. Saved Policy DP10 of the New Forest National Park Core Strategy and Development Management Policies (CS) aims to control replacement dwellings. The principle of replacing a dwelling is acceptable unless two criteria fail to be met, one of which is that the existing dwelling makes a positive contribution to the historic character and appearance of the locality. The Council argues that this criterion is not met.
  5. The site lies outside of the Forest North East Conservation Area. The boundary of the conservation area has been drawn with care, and rather than following road boundaries, it omits the appeal site and dwellings to the south on Winsor Road and those around the crossroads. However, the Council argues that the building is a non-designated heritage asset.
  6. The appeal property is a traditional brick-built cottage that has been fairly extensively altered. Unsympathetic replacement windows and extensions to the front and rear elevations mar the simple cottage architecture. The supporting text to CS Policy CP7, which deals with the built environment, says that many unlisted cob buildings, simple brick cottages and early bungalows give parts of the New Forest their distinctive character but every year fewer – and fewer in original condition – survive.
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7. This part of Winsor Road has a very mixed character. A junior school not far from the site, dating from the inter-war period, has, because of its size, a prominent impact on the street scene. Elsewhere, the road is typified by detached dwellings of various sizes and designs lining either side of Winsor Road. Many of the dwellings are bungalows, and whilst there are some traditional cottages in the road, there are also several modern dwellings. Most of the dwellings, whilst pleasant, lack any historic value or architectural distinctiveness.
8. In my view, whilst the appeal property has some modest historical significance, it is a much altered cottage, set within a very mixed area, with little of the distinctive character which Policy CP7 seeks to protect. The immediate vicinity of the appeal site has little historic significance, and no further information is needed in order to assess the implications of the proposal. Paragraph 135 of the National Planning Policy Framework indicates that applications involving non-designated heritage assets require a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Although the proposal would involve the complete loss of the building, I consider that its small heritage significance is outweighed by the benefit of providing a new dwelling, making better use of the site.
9. A further criterion of the policy is that, other than for small dwellings (which the text of the plan makes clear is not applicable here), and those outside the defined villages, as is the case here, the replacement dwelling should be of no greater floorspace than the existing dwelling. There is no dispute that the proposal would have a larger floorspace than the existing dwelling.
10. The policy allows for an exception if it is essential to meet the genuine family needs of an occupier who works in the immediate locality. There is no claim that such exceptional circumstances apply here, and thus the proposal would conflict with this policy.
11. However, Policy DP11 allows for extensions to existing dwellings, and, although not specified in Policy DP10, the Council take the view that an allowance for extensions can be applied, presumably on the basis that the existing dwelling could be extended, and then a replacement sought for that larger dwelling. That policy allows up to 30% greater floorspace than the existing dwelling. There is a dispute between the Council and the appellant as to whether the 30% increase would be exceeded.
12. A part of the proposed dwelling which is in dispute is a covered veranda at the rear, comprising a L-shaped roof supported by three columns. There would also be a first floor balcony supported by 4 columns at the rear of the dining room. Whilst the balcony may be a lightweight structure, which could be readily removed, I consider that it is unlikely that it would be removed, and has been included in the design as a desirable attribute of the new dwelling. The ground floor areas of the covered veranda and the patio below the balcony would be open to the elements.
13. The Council has referred me to its *Planning Information leaflet (PIL)– Extensions to dwellings*, which provides further guidance as to what considerations are taken into account when assessing floorspace. It says that substantial open sided areas which are covered by a roof, such as verandas and large porches may also be included in calculating new additional floor space (my emphasis). However, the PIL has no formal planning status, and therefore it carries only limited weight.

14. To my mind, it is important to look at the objective of the policy in deciding what is or is not floorspace. It aims to limit the size of replacement buildings. The provision of a roof over a veranda and a first floor balcony would give the appearance of a substantially larger building than would otherwise be the case. As both structures contribute materially to the size of the dwelling, I therefore consider it appropriate to treat these areas as constituting floorspace.
15. The other component in dispute is floorspace within the first floor, but as it is, the floorspace included in the veranda and beneath the balcony are sufficient to bring the total floorspace well above the 30% addition permissible under Policy DP11.
16. The Council has also criticised the proposed dwelling in terms of its design. I acknowledge that the proposed replacement would be larger than the existing dwelling and of a different plan form. However, there is no policy requirement for it to replicate any features of the existing dwelling, and in the mixed context of the area, there is no compelling reason for it to do so.
17. The proposed replacement would be 3m wider than the existing dwelling, and the roofline would be marginally higher. However, the plot is an unusually large one and there would be generous gaps between the house and the side boundaries. The house would also be set back into the plot further than the existing dwelling, and the eaves level on the front elevation would be lower than that of the existing dwelling. The combined effect of these factors would ensure that the proposal would not appear unduly dominant or out of keeping with the area. Whilst it would be visible from the nearest part of the conservation area, from a field to the north-east of the site, it would appear as part of a mixed line of dwellings.
18. I therefore conclude that although the proposal would not result in material harm to the character and appearance of the area, it would conflict with the objective of protecting the stock of smaller dwellings, and would be contrary to Policy DP10. There would be no conflict with CS Policies DP1 or DP6 which respectively deal with general development principles and design principles or with policy CP7, to which I have referred above.

*Planning balance and conclusion*

19. The Council has referred me to a recent appeal decision<sup>1</sup> in which the Inspector has referred to other decisions, and where the importance of retaining the stock of small dwellings in the National Park has been upheld. I share the concern that there needs to be a rigid application of the permissible size increases to avoid the incremental dilution of the policy's effect. Although I have found that the proposal would be visually acceptable, it would nevertheless undermine the objective I have referred to above. I therefore conclude that the proposal would conflict with the development plan as a whole, and for the reasons given above, the appeal should be dismissed.

*JP Roberts*

INSPECTOR

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<sup>1</sup> Ref: APP/B9506/D/15/3004466