

# Appeal Decision

Site visit made on 11 January 2018

**by C J Leigh BSc(Hons) MPhil MRTPI**

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

**Decision date: 29 January 2018**

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**Appeal Ref: APP/B9506/D/17/3186217**

**The Jays, Winsor Road, Winsor, Southampton, SO40 2HE**

- 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 Wayne Loon against the decision of the New Forest National Park Authority.
  - The application Ref 17/00620, dated 18 July 2017, was refused by notice dated 26 September 2017.
  - The development proposed is described as 'second storey addition, rebuilding of rear conservatory and solar panels'.
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## Decision

1. The appeal is dismissed.

## Main issues

2. The first main issue in this appeal is whether the proposed development is consistent with the local planning authority's planning policy relating to the range and mix of housing stock within the National Park. The second main issue is the effect on the character and appearance of the Forest North East Conservation Area.

## Reasons

### *Range and mix of housing stock*

3. Policy DP11 of the adopted New Forest National Park Core Strategy and Development Management Plan DPD 2010(CSDMP) sets out the circumstances in which extensions to dwellings that are not 'small dwelling' and lie outside defined villages (as is the case with the appeal site) will be allowed. The Policy states the extension must not increase the floorspace of the existing dwelling by more than 30%. 'Existing dwelling' is defined in the Policy (as relevant to this appeal) as the dwelling as existing on 1 July 1982. The Policy also defines how existing floorspace is to be measured, which is to include '*total internal habitable floorspace of the dwelling but will not include floorspace within conservatories, attached outbuildings and detached outbuildings (irrespective of whether the outbuilding's current use is as habitable floorspace)*'.
  4. The local planning authority's calculation of the proposed increase over the 1982 floorspace is 46.5%. The appellant does not agree with this figure as it is
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based on the local planning authority's opinion that the existing garage, utility room, two smaller rooms to the rear of the garage, and a covered area form an 'attached outbuilding', rather than the appellant's assertion that they are part of existing floorspace of the dwelling itself.

5. It is apparent to me that the question of whether the floorspace within an outbuilding should be included within the 'existing' floorspace of a dwelling may sometimes be a matter of judgement. The local planning authority accept such a contention in their Delegated Report, where they refer to their Planning Information Leaflet 'Extensions to Dwellings' which states there may be 'borderline' cases where an attached outbuilding is part of the main house. I have also been referred to an appeal where the Inspector accepted in the circumstances of that case the area in question was an integral part of the dwelling (ref. APP/B9506/D/15/3110144).
6. At my site visit building work was underway pursuant to planning permission for a first floor extension, solar panels, replacement rear conservatory, cladding and replacement outbuilding (Ref. 17/00029). Nevertheless, together with the submitted drawings and written evidence from both main parties I could ascertain the layout and function of the areas of the property in question at this appeal. Based on what I have seen and read it is apparent to me that the garage, utility room and two smaller rooms were separated by a covered area, and all were built together (with some later modifications to roof and doors). There was a kitchen door opening into this covered area, and then three doors opposite providing access to the garage and rooms: one shown in current plans as a utility room, with the original 1959 plans showing these rooms for tools and for fuel. The original plans also show drainage runs and soil pipes through the covered area.
7. I concur with the local planning authority's opinion that this layout shows there was no direct access between the main dwellinghouse and the garage and rooms. Those have always been separated by a covered area that has the character and appearance of a walkway linking an external garage and utility rooms to a main house. Furthermore, one of the smaller rooms to the rear of the utility room is only accessible from the rear garden. I also note (and as the local planning authority state) the roof above the area in question is not shared with the main dwellinghouse, and indeed there is no first floor above the garage and rooms. This fact to my mind emphasizes the appearance of the garage and rooms as not being integral to the house.
8. I acknowledge that the electrical fuse box to the property is in the garage, and that the covered way had heating. Whilst the heating no doubt made the use of the covered way more comfortable, these matters do not change the function or character of the space as being a separating area between the kitchen and the garage and rooms. Hence, they therefore do they change my view that the garage and rooms have the character, appearance and function of attached outbuildings.
9. On the basis of the facts before me, I therefore concur with the local planning authority's judgement that the existing garage, utility room, two smaller rooms to the rear of the garage, and a covered area form an 'attached outbuilding'. The proposed extension would thus lead to a percentage increase in floorspace above that permitted by Policy DP11.

10. The appellant has put forward considerations to be taken into account to warrant an increase above 30% floorspace. There is an existing permission for extensions to the property which is being implemented, and it is said that this would not allow enough space at the house to meet the needs of a growing family and the care of elderly relatives in the future. The further space would enable an additional bedroom.
11. Policy DP11 does allow for exceptions to the 30% floorspace limit to be taken into account. However, it is clear in the supporting text to the Policy that this will be where there is an exceptional and unique family need that could not have been reasonably anticipated at the time of the purchase of the property, and that it will normally would not cater for the needs of growing families or the need to care for elderly relatives (paragraph 7.39). The introduction to Policy DP11 states that the purpose of the Policy is both to protect the locally distinctive character of the New Forest and to avoid an imbalance in the range and mix of housing stock available (paragraph 7.36). Given the strong objectives of the Policy and that it is specific in when exceptions may be made, although I acknowledge the appellant's wish to provide a larger house I consider the matters put forward in support of the proposed extension do not outweigh the development plan.
12. As Policy DP11 strongly resists floorspace increases above 30% on the basis of seeing a range and mix of housing stock, I give little weight to the appellant's assertion that the appeal proposal would not be a significant enlargement and that an extra bedroom to the house would not make a significant difference to the balance of housing in the New Forest. Policy DP11 is part of the statutory development plan and sets out the local planning authority's objectives for land use planning in the area, and the provisions of that Policy form part of those objectives.
13. The appellant also states that the 30% rule is based on an arbitrary cut-off date of 1982. However, that date is part of the adopted development plan which has statutory weight, and so I give little weight to the appellant's submission on this point.
14. On the first issue it is therefore my conclusion that the proposed development would not be consistent with the consistent with the local planning authority's planning policy relating to the range and mix of housing stock within the National Park, and so would conflict with Policy DP11.

*Effect on the conservation area*

15. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Forest North East Conservation Area. The Area is characterised by a low density of housing, where there are gaps between buildings that contribute to the spacious appearance and rural nature of the Area.
16. The proposed extension would notably increase the width of the house at first floor, reducing the gap between the property and its neighbour. I agree with the local planning authority that the design of the extension with a small set-back would create a somewhat unbalanced appearance to the front elevation of the house. Together with the appreciable reduction in spaciousness in the area,

this would be harmful to the character and appearance of the area. The works would therefore conflict with the objectives of Policies DP1, DP6 and CP8 of the CSDMP, whose general aim is to seek to ensure all new development is of a high standard of design, which reflects local distinctiveness.

17. The rear extension and the replacement outbuilding would be acceptable changes to the property, but the harm arising from the side extension would lead to harm to the significance of the Conservation Area as a designated heritage asset, and so the proposals would not be consistent with Section 12 of the National Planning Policy Framework. This would be less than substantial harm, but is not outweighed by any public benefits of the proposal.

*Conclusion*

18. The proposed development would conflict with the development plan, and with the National Planning Policy Framework. The appeal is dismissed.

*C J Leigh*

INSPECTOR