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## Appeal Decision

Site visit made on 18 December 2017

**by J Ayres BA Hons, Solicitor**

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

**Decision date: 18<sup>th</sup> January 2018**

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**Appeal Ref: APP/B9506/D/17/3181867**

**The Meadows, Tiptoe Road, New Milton BH25 5SL**

- 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 Peter Sexton against the decision of New Forest National Park Authority.
  - The application Ref 17/00477, dated 31 May 2017, was refused by notice dated 26 July 2017.
  - The development proposed is described as the replacement of existing velux windows with dormer windows. Northwest dormer added to balance appearance of roof form. No additional floorspace provided.
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### Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing velux windows with dormer windows. Northwest dormer added to balance appearance of roof form. No additional floorspace provided at The Meadows, Tiptoe Road, New Milton BH25 5SL in accordance with the terms of the application, Ref 17/00477, dated 31 May 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1518.08B, 1518.09A.
  - 3) The external facing materials to be used in the development shall match those used on the existing building and as shown on plan 1518.09A.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A or C of Part 1 of Schedule 2 to the Order shall be erected or carried out.

### Preliminary Matter

2. The description of development differs between the application form and the Council's decision notice. I have used the description as set out in the application form, as for the reasons set out below, I consider this to be an accurate description of the proposal.

## **Main Issues**

3. The main issue is the effect of the proposed roof alterations/extensions on the character and appearance of the area and whether the proposal would comply with Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies Development Plan Document (the Core Strategy).

## **Reasons**

4. Policy DP11 of the Core Strategy indicates that, outside of defined villages, extensions to dwellings must not increase the floor space of the existing dwelling by more than 30%. The dwelling subject to this appeal falls within the context of Policy DP11 as it existed on 1 July 1982.
5. There is some disagreement between the parties with regards to the application of policy DP11 to this proposal. Policy DP11 applies to extensions to dwellings, and aims to ensure that the local distinctive character of the New Forest is retained, by providing a mix in the size and range of dwellings. The proposal, in respect of the dormer windows, would be an extension to the existing roof of the property. Accordingly, I find that Policy DP11 is applicable in this case.
6. There is no dispute between the parties that the loft was converted pursuant to permitted development rights in 2008, nor that the space is habitable floorspace, used to accommodate a bedroom and an en-suite bathroom. The outcome of this appeal will not alter that position, other than to result in a very slight reduction of floorspace.
7. The dwelling house has already, through the implementation of the 2004 permission and the subsequent loft conversion, been extended in excess of the 30% restriction applied by Policy DP11, but there is nothing before me to suggest that these extensions were unlawful. This proposal would not increase the floorspace of the dwelling house. The addition of the dormer windows may enhance the use of the space, but they are not required to facilitate that use, and accordingly this proposal would not lead to an increase in habitable floor space, and on the evidence before me, would not, therefore, conflict with Policy DP11 in this regard.
8. The Council has referred to a similar appeal which related to the use of roof space at Meeting Oaks<sup>1</sup>. However, that appeal related to the removal of a condition which specifically restricted the provision of additional floor space in the roof in order to allow the conversion to take place. The particulars of that appeal were different to the scheme before me, with specific regard to the fact that the implementation of this proposal would not physically increase the habitable floor space.
9. The Council has referred to a number of appeal decisions where Inspectors have applied Policy DP11 in a consistent manner. The appeal at 11 Ash Grove<sup>2</sup> related to a proposed loft extension and first floor extension which, had the scheme been permitted, breached the floorspace limitations of Policy DP11.

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<sup>1</sup> APP/B9506/D/15/3129453

<sup>2</sup> APP/B9506/D/17/3168849

10. Mariners Quay<sup>3</sup> proposed an enclosed stairwell extension and porch. Although the extension would only result in a modest increase in floorspace, it would still go beyond the 30% remit. In order to avoid cumulative increases in floorspace the Inspector dismissed the appeal. Talbot Cottage<sup>4</sup> proposed a side addition. Again, although modest in size the proposed extension subject to that scheme would go beyond the 30% limit. Accordingly Policy DP11 was applied in its correct form, and the appeal dismissed.
11. 180 Burley Road<sup>5</sup> also related to a side extension. In this instance not only would the proposal extend beyond the remits of Policy DP11, the Inspector was also concerned in respect of the change to the character of the host property.
12. I have carefully considered the decisions referred to and I agree with the consistent approach in applying Policy DP11. However, the particulars to this case are fundamentally different from those to which I have been referred. In all of the above decisions the works proposed would result in an increase in habitable floorspace. Therefore Policy DP11 was engaged and applied in a consistent and rigorous manner. The proposal before me would involve alterations to the roof slope, through the insertion of dormer windows, but these would not result in an increase in habitable floorspace for the reasons set out above. Therefore it is materially different from the appeals to which I have been referred.
13. Accordingly, I find that the proposal would not result in an increase in habitable floor space, and it would therefore comply with policy DP11 in this respect.
14. The area provides a mix of residential dwellings, varying in size and design, occupying relatively generous sized plots. The residential development has a distinct countryside feel to it. The appeal property has a modest roof line, with velux windows currently situated in the rear roof slope. The proposal would provide modest gables on both the front and rear roof slopes. They would be relatively discreet, and would add an element of interest to the roof, whilst not appearing overbearing in their size. The design is not dissimilar to that demonstrated on other properties in the area, thereby ensuring that the alterations would respond positively to the local character of the area.
15. Accordingly, I find that the proposal would preserve the character and appearance of the dwelling house and area. It would therefore comply with Policies DP1, DP6 and CP8 of the Core strategy in respect of ensuring high quality design that respects the character of the National park.

## Conditions

16. The Council has suggested conditions. I have considered these against the advice in the Framework and PPG<sup>6</sup>, and have amended some of them for clarity. In addition to the standard condition requiring commencement of the development I have included a condition specifying the plans for certainty. A condition relating to materials is necessary to protect the character and appearance of the area.

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<sup>3</sup> APP/B9506/D/15/3004446

<sup>4</sup> APP/B9506/D/12/2182668

<sup>5</sup> APP/B9506/D/11/2162626

<sup>6</sup> National Planning Policy Framework and Planning Practice Guidance

17. Conditions restricting permitted development rights should only be used in exceptional circumstances. The habitable floorspace of this property has already been increased in excess of the allowances set out in Policy DP11. Accordingly, I consider this restriction to be necessary to ensure that no further additions are made to the property that would conflict with the aim of the development plan.

### **Conclusion**

18. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

*J Ayres*

INSPECTOR