



Appeal Decision

Site visit made on 4 June 2018

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2018

Appeal Ref: APP/B9506/W/17/3189678

2 Nichols Corner, Brockishill Road, Bartley, SO40 2LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs P Schepens against the decision of New Forest National Park Authority.
 - The application Ref 17/00774, dated 11 September 2017, was approved on 9 November 2017 and planning permission was granted subject to conditions.
 - The development permitted is a two storey side extension.
 - The condition in dispute is No 3 which states that:
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extensions (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.
 - The reason given for the condition is:
To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
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Decision

1. The appeal is allowed and the planning permission Ref 17/00774 for a two storey side extension at 2 Nichols Corner, Brockishill Road, Bartley, SO40 2LN, granted on 9 November 2017 by New Forest National Park Authority, is varied by deleting condition 3.

Preliminary Matter

2. The appeal form cites the address as 'Nicols Corner'. However, all the other evidence refers to 'Nichols Corner' therefore I have used this spelling in my appeal decision.

Background and Main Issue

3. Planning permission was granted for a two storey side extension which included a condition removing permitted development rights for extensions to the appeal dwelling including additions and alterations to the roof. The Authority considers the condition to be necessary to protect the character and appearance of the surrounding countryside. The appellants, however, object to the condition as they consider it to be unreasonable.
4. The main issue, therefore, is whether the condition is reasonable or necessary in the interests of the character and appearance of the surrounding countryside.

Reasons

5. 2 Nichols Corner is one half of a pair of traditional, semi-detached cottages. It occupies a very generously sized plot but is itself, modest in size. The living rooms and three bedrooms are in the main/original part of the house and the kitchen and bathroom facilities are in a single storey side extension. The area surrounding the appeal property is open and rural, interspersed with residential dwellings.
6. Policy DP10 of the Core Strategy and Development Management Policies DPD (2010) is not relevant as it relates to replacement dwellings. However, Policy DP11 concerns extensions to dwellings. Broadly speaking it requires these to be appropriate to the existing dwelling and its curtilage. As extended the appeal property would remain a modest three bedroom property, albeit with a more modern layout of larger bedrooms and upstairs bathrooms. The permitted development rights which have been removed would, in the main, permit further modest extensions to the rear of the original property and perhaps a small loft conversion, but even if these rights were fully exercised the resulting dwelling would not appear overly large or disproportionate in relation to its original size or the plot it occupies. I therefore find no conflict with this policy by allowing the proposed extension together with the development rights permitted under Classes A-C of Part 1 of Schedule 2 to the Order.
7. The National Planning Policy Framework (the Framework) is also a material planning consideration and this states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance (PPG) also advises that conditions of this nature will rarely pass the test of necessity and should only be used in exceptional circumstances. For the reasons given I find that the relevant tests in the Framework and the PPG have not been met in this case.
8. I therefore conclude that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the surrounding countryside. I shall therefore allow the appeal and vary the original permission by deleting the disputed condition.

Hayley Butcher

INSPECTOR