
Appeal Decision

Site visit made on 6 November 2018

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th November 2018

Appeal Ref: APP/B9506/D/18/3208703

Home Farm, Canada Road, West Wellow, Romsey SO51 6DE

- 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 Curl against the decision of New Forest National Park Authority.
 - The application Ref 18/00323, dated 20 April 2018, was refused by notice dated 20 June 2018.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal is acceptable in relation to the cumulative enlargement of a dwelling within the New Forest National Park, in the context of the adopted policy.

Reasons

3. Home Farm is a large modern dwelling that received planning permission in 1998, as a replacement dwelling. The dwelling has not been extended since it was built in 1999. The Authority's case is centred on Policy DP11 of the New Forest National Park Local Development Framework Core Strategy and Development Management Policies DPD December 2010 (CSDMP), which seeks to limit the extension of existing dwellings within the National Park, recognising that the incremental extension of dwellings in a nationally designated landscape can affect its character and can cause an imbalance to the range and mix of housing stock. This is in accordance with paragraph 172 of the National Planning Policy Framework (the Framework), which gives great weight to conserving the landscape and scenic beauty of National Parks.
4. In terms of Policy DP11 it is accepted by the parties that the appeal site is outside of a defined village and that the dwelling would not be considered to be a small dwelling. Extensions would therefore be limited to those that do not increase the floorspace of the existing dwelling by more than 30%. Paragraph 7.39, part of the sub text to Policy DP11, clarifies that the existing dwelling should be regarded as the dwelling as it existed on 1 July 1982. If the dwelling was built after this date then the floorspace of the existing dwelling as originally built should be considered. However the final part of this paragraph states that this position should only be taken if the residential use post-dates 1 July 1982. In the case of the appeal site, there appears to be no dispute

between the parties that the residential use of the appeal site pre-dates 1 July 1982, and therefore for the purposes of Policy DP11 the existing dwelling is the dwelling as it existed on 1 July 1982. The appellants suggest that the previous dwelling may have been demolished before the replacement dwelling was built. This may be the case, but there is no evidence to suggest that the residential use of the site had ceased prior to the construction of the replacement dwelling in 1999.

5. The details of the dwelling that previously existed on the site are not entirely clear. The Authority consider that a site plan submitted with the application for the replacement dwelling in 1998 shows a building with an external footprint of 64 square metres. Although the appellants do not dispute this measurement, they make comparisons between the 1998 site plan and a 1964 OS plan that they state shows a dwelling with a footprint that is very similar to the replacement dwelling. The appellant attaches considerable weight to the 1964 OS plan, and I accept that OS plans are known to be generally reliable and accurate. The plan produced by the appellants, which overlays the 1998 site plan with the 1964 OS plan, shows that the replacement dwelling occupies a comparable footprint to the building that existed in 1964.
6. However this only compares the footprint of previous buildings and the replacement dwelling, whereas Policy DP11 refers to floorspace, taking into account habitable accommodation across all floors. The Authority, in reaching its decision to refuse the application, considered it reasonable to assume that the previous building shown on the 1998 site plan had two floors and the appellants similarly seem to be suggesting that the building shown on the 1964 OS Plan also had two floors, though there appears to be no evidence regarding the scale of either of the buildings. Even if the 1998 site plan building had two floors, the replacement dwelling together with the proposed extension would amount to a floorspace increase of over 30%. With regard to the building shown on the 1964 OS plan, there is no substantive evidence relating to the floorspace of this building and whether it was in fact a dwelling and in any event the 1998 site plan suggests that the building may have been subsequently altered or replaced by another building.
7. Taking all these factors into account and based on the evidence before me, I conclude that it is likely that the existing dwelling for the purposes of Policy DP11 had a smaller floorspace than the replacement dwelling and that therefore the replacement dwelling together with the proposed extension would amount to a floorspace increase of more than 30%.
8. The appellants have drawn my attention to an appeal decision on Canada Road (Ref APP/P9506/D/18/3197277) where the Inspector dealing with that appeal concluded that the replacement dwelling built after 1982 is the existing dwelling for the purposes of applying DP11. However, whilst I have had regard to this appeal decision, I am unaware of what evidence was before the Inspector and therefore in reaching my decision I attach limited weight to it. In any event I must determine the proposal before me on its own merits and based on the evidence before me I take a different view in relation to the application of Policy DP11.
9. The appellants state, in support of the proposal, that the proposed extension is well designed, and that the replacement dwelling has not been extended since it was built in 1999. Whilst I note that the Authority did not take issue with the

proposed design, the design of the extension and the fact that the replacement dwelling has not been extended, does not overcome the conflict with Policy DP11.

10. The appellants have suggested that it is possible for a slightly smaller extension that would provide a similar level of accommodation to be erected under permitted development rights along the rear wall of the replacement dwelling. Whilst this may be the case, there is no evidence to suggest that such an extension would be likely to be constructed were I to dismiss this appeal, particularly given that no plans to illustrate this alternative have been submitted and the appellants make it clear that an extension of this form would not be their preferred design. In addition the proposal before me is for a larger extension. In reaching my decision I accordingly give little weight to this stated fallback position.
11. I note that the replacement dwelling was built at a time when the site was within the jurisdiction of Test Valley Borough Council, as the then Local Planning Authority, prior to the formation of the New Forest National Park. It is suggested that Test Valley Borough Council did not have a comparable policy limiting the floorspace of dwellings, so this would not have been a consideration when the application for the replacement dwelling was considered in 1998. However I note that Policy DP11 does not differentiate between different parts of the National Park, so I attach little weight to this matter.
12. Taking the above matters into consideration, I conclude that although the proposal would result in the enlargement of the floorspace of the replacement dwelling by less than 30%, based on the evidence before me this would represent more than a 30% floorspace increase of the existing dwelling as defined by Policy DP11, that is the dwelling as it existed on 1 July 1982. The proposal would therefore not accord with Policy DP11 of the CSDMP, which seeks to limit the extension of existing properties within the New Forest National Park in order to prevent the harmful incremental extension of dwellings in the national park, which is a nationally designated landscape.

Conclusion

13. For the reasons above I conclude that the appeal should be dismissed.

Andrew Tucker

INSPECTOR