

Appeal Decision

Site visit made on 4 April 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 16 April 2018

Appeal Ref: APP/B9506/D/17/3191595

Ivy Lea, Fritham, Lyndhurst SO43 7HJ

- 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 J Giddings against the decision of the New Forest National Park Authority ('the NPA').
 - The application, Ref. 17/00602, dated 10 July 2017, was refused by notice dated 25 September 2017.
 - The development proposed is 1 No. replacement outbuilding with roof over; 1 No. new single storey outbuilding; demolition of 2 No. existing outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for 1 No. replacement outbuilding with roof over; 1 No. new single storey outbuilding; demolition of 2 No. existing outbuildings at Ivy Lea, Fritham, Lyndhurst in accordance with the terms of the application, Ref. 17/00602, dated 10 July 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: OS base Location Plan; Drawing Nos. 1615/1; 1615/2A; 1615/3A;
 - 3) No development shall take place above slab level until samples or exact details of the facing and roofing materials for both outbuildings have been submitted to and approved in writing by the New Forest National Park Authority. Development shall only be carried out in accordance with the details approved.
 - 4) The buildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and in addition shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.
 - 5) All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the Local Planning Authority.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Fritham Conservation Area.
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Reasons

3. In the officer's report appraising the appeal application the NPA cites a conflict with its policies for the National Park. Of particular relevance are Policies DP1, CP8 & DP12 of the Core Strategy and Development Management Policies DPD 2010; their supporting paragraphs, and pages 35 & 36 of the Design Guide SPD 2011.
4. On first reading, the NPA's case appears persuasive having regard to the size, design and siting of the buildings in relation to the policies, but a number of factors arising from my visit to the property, the grounds of appeal and national policy in the National Planning Policy Framework 2012 ('the Framework') need to be weighed in the balance.
5. Firstly, as regards siting, the NPA argues that in the light of the policies and design guidelines the outbuildings would be too close to the boundary with Brinton House and would extend too far into the site towards the rear field boundary, the latter point compounding the impact of built development on the site contrary to the historic linear pattern.
6. However, the existing garage, outbuildings and structures are already very close to the boundary with Brinton House, whilst the combination of both proposed outbuildings would not extend any further towards the rear of the site than at present. Furthermore, this part of the garden has a large swimming pool and paved surround, and the replacement buildings would essentially have the same spatial relationship with it. Bearing in mind that this part of the garden is already 'developed'; that the new building would be cut into the rising slope of the land, and the existing and extensive landscaped part of the curtilage to the north west would remain undisturbed, I do not regard the siting of the proposal as either having a significant visual impact or undermining the linear character of Fritham.
7. Turning to size and design, the 'Relevant History' section of the officer's report refers to permission ref. 074000 approved in March 2002 for alterations and additions to the dwelling and an extension to the garage to provide a gym. Bearing in mind that this permission precedes the establishment of the National Park by three years it would normally have only limited relevance and therefore merit little weight.
8. However, the appellant has explained that this permission remains extant because part of the scheme in relation to the dwelling was carried out. The drawings for 074000 are appended to the grounds of appeal and the latter include a summary table comparing the details of that scheme and the current proposal. Excluding the proposed woodstore, which is neither referred to in the Notice of Refusal nor criticised in the officer's report, the height, width and length of the proposed building envelope on the one hand and its permitted and still implementable predecessor on the other are almost identical.
9. The appellant's summary of the comparison, which I consider to be accurate, is that *'the small changes in length and width [the identical heights are not mentioned] are immaterial and would not be discernible; the only real material changes relate to the fenestration and the replacement of a hip with a gable end'*. Accordingly, the appellant has a 'fallback' position which I consider likely he would implement if the current proposals are not permitted. This is a

significant material consideration that would not appear to have been given weight in the NPA's appraisal, the requirement in well established case law to do so where relevant notwithstanding.

10. In respect of the increased glazing and other design changes, I consider that these represent an improvement in the appearance of the buildings compared to that already approved. I accept the NPA's view that this moves the design away from a utilitarian character normally concomitant with outbuildings towards the more domestic appearance associated with habitable accommodation, and in many cases this would be inappropriate.
11. However, in this case the significant setback of the outbuilding into the site and the narrow viewpoint through the driveway's gap at the side of the dwelling preclude any meaningful visual relationship with the street scene. Furthermore, there is some logic in the increased glazed area because the garage is to be used for the storage and display of the appellant's classic cars and the gym and swimming pool have the common denominator of recreational use. In my opinion this is a good example of the applicability of paragraph 60 of the Framework: *'..... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'*. I do not regard Ivy Lea to be sufficiently locally distinctive in terms of its design and siting in a ribbon of development to negate this point.
12. In summary, I referred in paragraph 4 to the NPA's case being ostensibly persuasive but in the light of the matters outlined above, in particular the fallback apparently not being taken into account, I conclude on balance that the appeal should be allowed. There would not be any harm caused to the character or appearance of the conservation area and its significance as a heritage asset, and there would be no harmful conflict with Policies DP1, C8, DP12; the Council's Design Guide and Sections 7 & 12 of the National Planning Policy Framework 2012.
13. I shall therefore allow the appeal and impose the conditions suggested by the NPA. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. The condition in respect of further details will safeguard the appearance of the proposed buildings, whilst the restriction of use condition will address the need to protect the character and appearance of the countryside. The condition regarding storage of materials during construction will help to prevent any harm being caused to the New Forest SSSI.

Martin Andrews

INSPECTOR