
Appeal Decision

Site visit made on 8 November 2018

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Appeal Ref: APP/B9506/D/18/3211694

Little Pond Cottage, Bisterne Close, Burley, BH24 4AZ

- 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 and Mrs Salmon against the decision of the New Forest National Park Authority.
 - The application Ref 18/00388, dated 15 May 2018, was refused by notice dated 7 September 2018.
 - The development proposed is described as "*Construction of roof extension to garage*".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the locally distinctive character of the New Forest National Park having particular regard to the proposed increased in floorspace over the size of the existing dwelling.

Reasons

3. Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies Development Plan Document 2010 (DPD) seeks to limit the size of extensions to dwellings that are not small dwellings, and which lie outside defined villages within the National Park. The maximum size of an extension is limited to 30% of the size of the existing dwelling, that being defined as the dwelling as existed on 1 July 1982, or as it was originally built if after that date. The DPD explains that extensions to dwellings can affect the locally distinctive character of the New Forest and that they may also cause an imbalance in the range and mix of housing stock available. Limiting the size of residential extensions is therefore properly recognised as important with strict control imposed by Policy DP11.
4. The appeal property lies within the Burley Conservation Area but outside of any defined village. It comprises a detached, two-storey dwelling with a detached two-storey outbuilding to one side. The outbuilding is used as a garage, utility area and store at ground floor, but also with a WC and shower room used in connection with a bedroom space over. This is occupied as ancillary living

accommodation associated with the main dwelling. There is a linked range of stables that extend to the rear of the outbuilding. The appeal proposal is for a first-floor extension to the outbuilding, projecting the pitched roof over a flat roof element to the rear to provide enlarged ancillary living space for use as a dressing area.

5. There is no dispute that Little Pond Cottage is not a small dwelling for the purpose of Policy DP11. DPD paragraph 7.39 provides the definition of an existing dwelling for the purposes of applying Policy DP11 and goes on to state that floorspace of proposed extensions will include conservatories and attached outbuildings and any habitable floorspace provided within a detached outbuilding. There is no dispute between the parties that Little Pond Cottage existed prior to the relevant 1982 date or that the appeal proposal includes habitable floorspace within a detached outbuilding.
6. To support their decision the Authority has relied upon past applications for various alternative extensions to the appeal property and three appeal decisions since 2008 that all found the dwelling to have been increased in size by more than 30% since 1982. Although I have only been provided with some extracts from the appeal decisions the Authority has confirmed that all the Inspectors concluded that further proposed extensions would conflict with Policy DP11. All the appeals were dismissed.
7. The appellants argue that there is doubt about the extent of the dwelling's floorspace in 1982 and that therefore it is possible that previous decisions may have been made using floorspace calculations that were flawed. The appellants' view is founded upon a plan (Drg No A 8178/4) dated December 1982 and which was submitted to the local planning authority in relation to a planning application (Ref 83/23435) that was subsequently approved for alterations and extensions to the dwelling. At that time the property was known as Pondsclouse Cottage. The 'Ground Floor Plan' on the drawing shows dashed outlines of buildings that are annotated as being existing buildings to be demolished. Three of those buildings are obviously detached, the fourth is shown as being attached to the rear of the dwelling as it existed at that time. The corresponding 'First Floor Plan' shows the same outline for the building attached to the rear of the dwelling. No elevations are shown or are available of the buildings that were earmarked for demolition or of the dwelling as it originally stood.
8. The appellants have argued that the dashed outlines clearly show two equivalent areas of floorspace at ground and first floor levels that were part of the existing dwelling in 1982 and that there is no evidence that the local planning authority accounted for these in their calculations relating to any additional floorspace figures that were proposed post 1982 and which have subsequently been carried forward to be considered in all future applications. They go further by taking measurements from the 1982 plan and, based on the floorspace of the dwelling that currently exists, calculate that there has only been an uplift in additional floorspace since 1982 of around 9%. They argue therefore that there is ample capacity to accommodate the modest sized addition that is proposed as part of the current appeal.
9. The historical planning documents are not definitive. However, the appellants' position relies upon one specific assumption about the 1982 plan. To my mind

there may be other explanations for the dashed outline that is shown on the 'First Floor Plan' particularly as I note that it is drawn with an obviously lighter pen to that shown on the 'Ground Floor Plan'. There is a difficulty in that the purpose of the dashed line on the 'First Floor Plan' is unknown and can only now be supposition. On the other hand, the findings of the past appeal decisions are there to be read and understood.

10. With this in mind, I turn to the email exchange presented to me by the appellants and which took place between their agent and the Authority's case officer through the period June to August 2018. I note specifically that in relation to an application in 2007 that went to appeal (Ref 07/91753), in an extract from the officer's report at that time the 1983 application (83/23435), amongst others, is referenced. Regardless of the property's subsequent name change, its past history was obviously known to the local planning authority in relation to more recent proposals. Moreover, the 2007 report states that the 1983 planning file indicated the floorspace of the dwelling as it existed in 1982 (including attached buildings) to be 145sqm. This is significantly below the measurement that has been extrapolated by the appellants for this current appeal. Furthermore, given the outcome of the 2007 appeal, despite the officer's report at that time clearly stating that floorspace calculations had been based upon '*best available evidence*', there was obviously no doubt cast in the Inspector's mind for them to be concerned about the accuracy of the figures.
11. I have noted the appeal example at Linford Road, Shobley (Ref APP/B9506/D/18/3203948) from September 2018 where an Inspector gave the benefit of the doubt to the appellant in circumstances where previous floorspace additions to a dwelling were disputed with no substantive evidence to support either party's views. However, I do not know the precise details in that case. Nevertheless, in this instance there is a significant amount of planning history that points to previous conflict with Policy DP11. Without any clear evidence to lead me to contradict the conclusions of previous appeal Inspectors, I consider in this case that it is more likely than not that the 30% limit set within Policy DP11 has already been breached. Any further enlargement of the appeal property would therefore conflict with Policy DP11.
12. The Authority has also identified conflict with DPD Policy DP12. This deals with the construction of outbuildings. The appeal proposal is for the extension of an existing outbuilding rather than a new building. In these circumstances I find Policy DP12 to be not directly relevant.
13. The appellants have argued that the amount of additional floorspace proposed is small and needed to provide reasonable space and headroom within the lawfully established ancillary living area. However, I saw for myself that the existing room at first floor, although not large, was not unreasonably cramped. I am not persuaded that the proposal is necessary to improve upon unsatisfactory living conditions. Neither do I consider that a pitched roof over the existing flat roof element would bring visual benefits of any significance to the building when seen from its surroundings. I therefore attach little weight to these arguments.
14. I am aware of examples where appeal decisions have turned in favour of an appellant where the 30% limit has been exceeded by just small amounts from further additions. On the other hand, I am equally aware of other cases where

such circumstances have resulted in the appeal being dismissed. I have considered this case on its own merits and based upon the information available to me.

15. Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The considerations that have been put to me do not lend any significant weight in favour of the appeal for reasons that I have given. Although only small, the appeal proposal represents the type of extension that contributes to an accumulation of additions that cause harm to the unique character and quality of the National Park and which Policy DP11 specifically seeks to resist. As such, in addition to the conflict with the development plan, the proposal would also conflict with the National Planning Policy Framework's objectives for conserving and enhancing the natural environment.
16. It is clear that the Authority is satisfied that the proposal would be well-integrated with the existing dwelling and comfortable in its setting without harm to the character or appearance of the Burley Conservation Area. I have no reason to disagree and am satisfied that the area's significance as a heritage asset would be unaffected. Notwithstanding, for the reasons I have given I find there would be clear conflict with the development plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John D Allan

INSPECTOR