
Appeal Decision

Site visit made on 21 May 2018

by Sue Glover BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2018

Appeal Ref: APP/B9506/D/18/3198057
Merrifield, Flexford Lane, Sway, SO41 6DN

- 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 Black against the decision of the New Forest National Park Authority.
 - The application Ref 17/01093 was refused by notice dated 14 February 2018.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed extension relative to the cumulative enlargement of the dwelling is acceptable having regard to adopted policy which seeks to safeguard the distinctive character of the New Forest National Park and maintain a balance in the range and mix in the housing stock, whilst also taking other material considerations into account.

Reasons

3. Merrifield is a modest sized bungalow located in a semi-rural area at the fringe of the village. There is a lawful development certificate (LDC) for a proposal to extend the bungalow at the rear. The appeal proposal is to extend the attached side garage at the rear with a similar floor space to the LDC scheme. Both schemes would convert the garage into living accommodation.
 4. The appeal proposal, together with previous built extensions, would be significantly in excess of the 30% increase in floor space allowed for extensions to existing dwellings as specified in Policy DP11 of the Core Strategy and Development Management Policies DPD. The appeal proposal fails the objectives of this policy that aim to limit the size of extensions in order to safeguard the distinctive character of the National Park, and to maintain a balance of housing stock. In cumulative terms, more development and activity in the National Park over time erodes the special qualities that led to its designation. No exceptional circumstances in terms of the policy have been cited.
 5. The appellants indicate that the LDC is their fallback position and the intention is to develop this alternative scheme should the appeal fail. They indicate that the appeal proposal is preferable to the LDC scheme given that the LDC
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extension is more visible from public vantage points in the lane and is of a poorer quality of design.

6. At my site visit I saw that the rear of the bungalow is well screened from the lane by trees and holly bushes, so that any extension at the rear of the bungalow would not appear highly conspicuous from the lane. However, I accept that the LDC scheme is not of a high quality of design given the unsympathetic truncated "crown" roofs, although the Council indicates that it may be possible to find a more acceptable design solution.
7. The appellants have provided a copy of a proposed unilateral undertaking, but it remains a proposal only as it is unsigned and not therefore in place. Such an undertaking would need to be place before any planning permission may be granted.
8. A condition could be imposed to take away permitted development rights to build further extensions, but such a condition would only come into effect once the permission has been implemented. In such circumstances both the appeal scheme and the LDC scheme, which occupy different site areas at the rear of the bungalow could be built, exacerbating further the impact on the special qualities of the National Park through the cumulative increase of development and activity.
9. A number of appeal decisions and case law examples have been drawn to my attention relating to proposals elsewhere. All these cases are noted, but the circumstances are sufficiently at variance that I have judged this appeal proposal on its own individual merits.
10. Taking all these matters into account, I find material harm from the appeal proposal to the distinctive character of the New Forest National Park and to the balance in the housing stock, contrary to DPD Policy DP11. The development plan policy is compatible with the objectives of paragraph 115 of the National Planning Policy Framework, which sets great weight to conserving landscape and scenic beauty in National Parks as well as the cultural heritage. The proposal does not accord with the Framework in these respects.
11. Merrifield lies just beyond the boundary to the Sway Tower Conservation Area, but taking into account the significant boundary screening, and the setback of the proposed extension from the lane, I am satisfied that there would be no material harm to the conservation area's setting.
12. I have taken into account all other matters, including representations in favour of the proposal, all the policies in the Framework, and other national planning policy and guidance. Notwithstanding my findings on the other matters, the harm that I have identified to character and to the balance in housing stock is significant and overriding. The appeal therefore does not succeed.

Sue Glover

INSPECTOR