

Appeal Decision

Site visit made on 1 October 2018

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2018

Appeal Ref: APP/B9506/D/18/3208354

Melita, Burcombe Lane, Hangersley, Ringwood, Hants BH24 3JT

- 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 D H Plumley against the decision of the New Forest National Park Authority.
 - The application Ref 18/00284, dated 29 March 2018, was refused by notice dated 13 June 2018.
 - The development proposed is the erection of an extension to front elevation to increase size of lounge.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an extension to front elevation to increase size of lounge at Melita, Burcombe Lane, Hangersley, Ringwood, Hants BH24 3JT in accordance with the terms of the application, Ref 18/00284, dated 29 March 2018, 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 hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 01, 02 and 9.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order), other than that expressly authorised by this permission, no extension otherwise permitted 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.

Main Issues

2. The main issues are the effect of the proposal on the locally distinctive character of the New Forest and on the balance of the locally available range and mix of housing stock.

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 preamble to Policy DP11 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 important.
4. Melita lies outside of any defined village and there is no dispute that it is not a small dwelling for the purpose of Policy DP11. It comprises an original bungalow with a low profile and integral garage to one side, with a continuous pitched roof over its entire length. Part of the original roof void has been converted into living accommodation at first floor level and is naturally lit via roof lights. There is a conservatory extension to the rear. The proposal would add a modest extension to the front that would enlarge an existing lounge.
5. The Authority has calculated that the proposal, when combined with past additions, would equate to a 79% increase in floor area beyond that which existed in 1982. This calculated accumulation is based upon various explanatory definitions within DPD paragraph 7.39 that are intended to help apply Policy DP11, and further explanation that is given with a Planning Information Leaflet (the Leaflet) entitled '*Extensions to Dwellings*'.
6. The conservatory is an obvious extension to the original building. Other floorspace figures that have been used by the Authority are less clear-cut and to my mind they cast doubt on the arithmetic of their calculations.
7. The DPD definition that relates to existing floorspace says that this will be measured as the total internal habitable floorspace of the dwelling but will not include floorspace within conservatories, attached outbuildings and detached outbuildings. An attached outbuilding is not defined. The Leaflet goes some way to assisting but defines outbuildings generally as normally subsidiary buildings which have not been designed or built for habitable use as part of the main dwelling. Garages are given as being an example. However, the Leaflet goes on to state that outbuildings will often be distinguishable from the main dwelling, both in visual appearance and physical construction. It goes further by conceding that there may be some borderline cases where an attached outbuilding could be argued to be part of the main house and that in those circumstances some discretion will be applied.
8. In this case the garage appears as a fully integrated part of the existing building. The space within it is contained within the fabric of the original building, all of which is consistent in terms of finish, scale, form and detailing.

In my opinion this situation is an example where the garage can be properly interpreted as being part of the original building and therefore should not be counted as part of any accumulated additional floorspace.

9. Turning to the accommodation within the roof space. The DPD offers no clear advice on this particular matter. There is no dispute that the loft conversion post-dates 1982. However, there is equally no doubt that the roof void was part of the original dwelling. The definition within the DPD of original/existing floorspace does not mention space within a roof void. On the other hand, it is significant that it specifically excludes floorspace within conservatories, attached outbuildings and detached outbuildings from being considered as part of the original or existing building. The Leaflet attempts to expand upon this issue but merely states that accommodation within the roof space is included for the purpose of existing and proposed calculations where there is natural light, including via a roof light, as in this case. Importantly, it does not make any distinction between when any such accommodation may have been created within an existing dwelling. Added to this is the fact that the works to utilise part of the loft space did not enlarge the envelope of the original building in any way. There is therefore strong reason in my mind to also discount the floorspace of the loft accommodation from forming any part of accumulated additional floorspace figures.
10. I am mindful that the proposed extension would merely improve upon space within an existing lounge. It would not add any additional rooms and there is no evidence to suggest that the works would shift the accommodation beyond its existing range within the housing market. Neither would the extension impact harmfully upon the appearance of the existing dwelling or its curtilage, which is of ample size to comfortably accommodate its small scale and sympathetic form.
11. According to figures that were provided to the Council by the appellant, the combined floorspace of the conservatory and the appeal proposal would be around 25sqm or 22% the size of the original. This has not been disputed. In these circumstances, when everything is weighed in the balance, I am not persuaded that the proposal would definitively breach the limits that are given within Policy DP11. I am also satisfied that there would be no conflict with the Policy's objectives for conserving the locally distinctive character of the New Forest and the balance of the local housing stock. Therefore, in the absence of any other conflict with the development plan, I conclude that, on balance, the appeal should succeed.
12. A condition specifying the relevant drawings is necessary as this provides certainty. To safeguard the character and appearance of the area a condition is necessary to ensure that the external materials of the extension match the existing building. To ensure that the objectives of the development plan are met in the future, I agree that the exceptional circumstances exist to require a condition removing permitted development rights for other enlargements to the dwelling. I am not persuaded however that it would be reasonable to restrict these rights as they apply to outbuildings having regard to the nature of the appeal proposal.

John D Allan INSPECTOR