The Planning Inspectorate

Appeal Decision

Site visit made on 3 January 2019

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2019

Appeal Ref: APP/B9506/D/18/3214619
Spring Acre, Monument Lane, Walhampton, SO41 5SE

- 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 R Gambi against the decision of the New Forest National Park Authority.
- The application Ref 18/00511, dated 29 June 2018, was refused by notice dated 6 September 2018.
- The development proposed is the erection of a single-storey ground floor extension.

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 it 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 recognised as important with strict control imposed by Policy DP11.

4. The appeal property lies within the Forest South East Conservation Area (CA) but outside of any defined village. There is no dispute between the parties that Spring Acre is not a small dwelling for the purpose of Policy DP11.

5. The property's planning history shows that the building as it stood in 1982 has been enlarged. The appeal proposal would effectively square-off part of the dwelling's footprint by adding a single-storey extension to one corner at the rear. According to the Authority, the appeal proposal would add to an overall accumulation of extensions equivalent to an increase of 42% over the floorspace that existed in 1982. This figure, which has not been disputed by the appellant, exceeds the 30% limit given within Policy DP11 by a margin that is not inconsiderable. The appeal proposal would therefore directly conflict with Policy DP11.

6. The appellant has set out the potential for the dwelling to be further extended by using permitted development rights and that this would represent a 'fallback' position that should be ascribed weight as a material consideration in this case. This would take the form of a single-storey extension to the opposite rear corner of the building, potentially larger in floorspace to the appeal proposal.

7. I accept that the 'fallback' option would have a similar visual impact and that in terms of floorspace, the 30% limit would be equally, if not further, breached. As such, I attach some weight to this argument in favour of the proposal. However, the amount of weight I attribute to it is tempered for two reasons. Firstly, the alternative proposal is not a genuine 'fallback' option for the development that is before me. It would extend an alternative part of the dwelling and would serve a different function. In those circumstances the purpose for the appeal proposal in seeking to rationalise the shape of the existing kitchen space, which the appellant finds to be awkward and irregular, would fall away. Secondly, despite the appellant's offer to accept a condition of planning permission to withdraw permitted development rights for further extensions, this would only take effect after the relevant planning permission had been implemented. The 'fallback' option could be constructed and completed beforehand and therefore both corner infill developments could lawfully co-exist.

8. 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.

9. Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The 30% threshold is explicitly stated within Policy DP11 rather than being given as an accompanying guiding principle. This carries significant weight. The considerations that have been put to me in this instance do not lend sufficient weight in favour of the appeal to outweigh the conflict with the development plan. I accept that the proposal would be unlikely to impact upon the balance of housing stock but, whilst only small, it represents the type of extension that contributes to an accumulation of additions that have been identified as causing harm to the unique character and quality of the National Park and which Policy DP11 specifically seeks to resist.

10. 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 CA. 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