
Appeal Decision

Site visit made on 21 May 2018

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

an Inspector appointed by the Secretary of State

Decision date: 29 May 2018

Appeal Ref: APP/B9506/D/18/3197383

Woodlands, Shepherds Road, Bartley, Southampton SO40 2LH

- 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 Neil Vincent against the decision of New Forest National Park Authority ('the NPA').
 - The application, Ref. 17/00872, dated 11 October 2017, was refused by notice dated 19 December 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Woodlands, Shepherds Road, Bartley, Southampton in accordance with the terms of the application, Ref. 17/00872, dated 11 October 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 plan: Drawing No. 2160/07 01;
 - 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.

Main Issue

2. The main issue is whether the proposed extension in relation to the cumulative enlargement of the dwelling is acceptable as regards development plan policy, which seeks to safeguard the distinctive character and appearance of the New Forest National Park and maintain a balance in the housing stock within it, whilst also taking into account all other material considerations. In this context the relevant adopted policy is Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010. This sets a limit on cumulative extensions to achieve the environmental and housing objectives.

Reasons

3. There is no dispute between the appellants and the NPA on a number of salient points, namely that (i) the 30% limit on the increase in floor area from extensions to the original building under Policy DP11 applies in this case; (ii) a previously approved and implemented extension has already resulted in a floor
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area increase of 67%; (iii) the extension now proposed would increase this to 76%, and (iv) in itself the extension would be of modest size, which together with its siting to the rear of the building, would mean that it would not be visible from the public realm and have a minimal visual impact.

4. The combined effect of these factors is that in this case it is only the arithmetic of an increase in floor space further above the limit in Policy DP11 and the fear of setting a precedent for further such breaches here and elsewhere that precludes a grant of permission. However, whilst the NPA has refused the application on the basis that a consistent application of policy limits on floor space is essential to avoid undermining the objectives of Policy DP11, the appeal is in large measure made on the basis that the appellants have the benefit of a 'fall back' with the implementation of permitted development rights.
5. There is an inherent anomaly in this type of case with a development plan policy restricting cumulative extensions to dwellings pulling in the opposite direction to national planning legislation that allows permitted development, including in National Parks. Whilst I do not accept that the existence of a 'fall back' in the form of a less sympathetic extension in lieu of the scheme applied for necessarily holds sway, it does require an assessment of fact and degree in the particular circumstances of any one case.
6. For Woodlands these are that the increase in floor space is very small and the benefit of the extension is equally one of facilitating the rationalisation of the existing accommodation to create a family room. The design is of a good standard and would complement the appearance of the host dwelling. On the other hand, the appellant argues that an almost identical extension can be carried out under permitted development by a 'fractional' detachment from the existing side extension and that this would less successfully integrate with the building's rear elevation. I consider this is correct and merits significant weight.
7. Furthermore, I am also of the view that there is no likelihood that this very modest development would either change the role of the dwelling in the housing stock of the National Park or affect the latter's distinctive character and appearance. Nor do I accept that a permission in this case would make it difficult to resist further additions to the dwelling. On the contrary, the propensity of any rational decision-maker would be to regard the 'fall back' as a one off opportunity for an applicant or appellant to stake a credible case for alterations and additions to their property in technical conflict with policy.
8. On balance, whilst I acknowledge that a permission in this case would be a technical departure from Policy DP11, the fall back position is a material consideration that would enable a reasonable and proportionate proposal to go ahead without undermining either the policy or affecting its objectives.
9. In granting permission, I shall impose a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition requiring matching external materials will ensure that the extension is in keeping with the dwelling.

Martin Andrews

INSPECTOR