



Appeal Decision

Site visit made on 8 May 2019

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2019

Appeal Ref: APP/B9506/D/18/3218864

Halvergate, Pilley Street, Pilley, Lymington, Hampshire SO41 5QP

- 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 Richard and Mrs Frances Voizey against the decision of New Forest National Park Authority.
 - The application Ref 18/00715, dated 16 August 2018, was refused by notice dated 31 October 2018.
 - The development proposed is described as '*removal of existing glass to existing conservatory roof and replace with an insulated slate roof*'.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing glass to existing conservatory roof and replace with an insulated slate roof at Halvergate, Pilley Street, Pilley, Lymington, Hampshire SO41 5QP in accordance with the terms of the application Ref 18/00715, dated 16 August 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RHHPS/11, RHHPS/12A, RHHPS/13A and the Site Location Plan.
 - 3) All construction materials, machinery and resultant waste materials or spoil shall be stored within the application site, as defined by the Site Location Plan, unless otherwise agreed in writing by the Local Planning Authority.

Main Issue

2. The main issue is whether the proposal would be appropriate with regard to the objectives of protecting the locally distinctive character and balance of housing stock within the New Forest National Park (NFNP).

Reasons

3. Halvergate is a small replacement bungalow which was granted planning permission in 2008¹. It fronts the highway within the settlement of Pilley and the Forest South East Conservation Area (FSECA). It is also adjacent to a Site of Specific Scientific Interest. It has a glass and timber conservatory at the rear, away from public view.
4. The development plan in force at the time of its approval, the New Forest District Local Plan, set a 100sqm limit to the floor area of proposals for the

¹ Ref: 08/93477

replacement of small dwellings. However, it allowed the exclusion of conservatories from the calculation on the basis that they do not form part of the primary habitable part of a dwelling. This was the approach taken at Halvergate; the previous dwelling had a floor area of 75sqm and its replacement has a 98sqm plan when excluding its 15sqm conservatory.

5. The extension of dwellings has the potential to harm local distinctiveness and cause imbalances in the housing stock in the NFNP. Consistent with the Park Authority's policy position on replacement dwellings, Policy DP11 of the Core Strategy and Development Management Policies DPD (CSDMP), which relates to domestic extensions, excludes 'exempt' conservatories from the existing floorspace calculation and restricts small dwellings like Halvergate to a total floor space not exceeding 100sqm. The reroofing of the conservatory therefore amounts to the extension of the property under the terms of the policy and would effectively extend the dwelling above the 100sqm tolerance.
6. I therefore find that the proposed development would conflict with Policy DM11 of the CSDMP. I note that the Council intends to maintain the approach of Policy DM11 in its emerging Local Plan, however, the relevant emerging policy has not been provided to me and has had limited weight in my assessment.

Other Considerations

7. I noted on site that the conservatory, which is used as a dining room, is accessed via a wide opening and a set of insubstantial internal doors. The floor finish continues from the hall into the space and there is no thermal separation with the rest of the property. As such, despite its otherwise lightweight form, the conservatory is already in real terms used as an integral and habitable part of the main house. As the glazed walls would remain, its current use would be unlikely to change as a result of the proposal. In addition, the rear of Halvergate is concealed and therefore makes no significant contribution to local distinctiveness. Taking these matters together, I do not consider that the proposal would prejudice the aims or intentions of Policy DP11.
8. The appellants have previously sought alternative means to resolve the condensation issue, such as the replacement of the glazing within the conservatory walls. However, I observed physical evidence that the lack of thermal separation between spaces continues to cause damage to the fabric of the building. I consider this to be a significant and chronic problem which would logically be resolved by the reroofing of the structure.
9. Further, the lack of thermal separation and the damage to building fabric evidences likely significant energy loss from the house through the conservatory. The proposal would therefore reduce the overall environmental footprint of the NFNP in compliance with Policy CP4 of the CSDMP. The reroofing would also lead to a reduction in light pollution in accordance with Policy CP6 of the CSDMP. I note from photographs that there is glare from the existing roof which is affecting the living conditions of the occupants of Bay Cottage, and it is likely that the proposal would resolve this issue. These would be benefits of the proposal which I return to in the planning balance.

Other Matters

10. I am mindful of the statutory purposes of the National Park designation, and advice within paragraph 172 of the Framework to give great weight to the

conservation and enhancement of landscape and scenic beauty. As the site is well contained to the rear of the property, it would have no material harmful effect on the landscape or scenic beauty of the NFNP.

11. I have also had due regard to my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the FSECA. Having considered its heritage implications, I am satisfied that the proposal would have no harmful effect on the designated heritage asset.

Conclusion and Planning Balance

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of this appeal be made in accordance with the development plan unless material considerations indicate otherwise.
13. I have found conflict with development plan Policy DP11. However, the conservatory is already used as an integral part of the habitable accommodation and is hidden from public view. The proposal would not therefore challenge the aims of the policy. As such, the weight I attribute to the conflict with the development plan in this specific case is limited.
14. I have also found that the proposal would provide a solution to a chronic issue damaging the fabric of the building. It would reduce energy loss and light pollution within the National Park, contributing to the objectives of Policies CP4 and CP6. It would enhance the living conditions of neighbouring occupants. Although these are individually modest benefits, I find that together they amount to material considerations which indicate that a decision should be made other than in accordance with the development plan.
15. Taking all matters into account, I therefore conclude that the appeal should be allowed subject to conditions relating to the approved plans in the interests of clarity, and the storage of construction waste, materials and machinery to protect the scientific interest of the NFNP.

Matthew Jones

INSPECTOR