

**Application No:** 19/00508/FULL Full Application

**Site:** Cherry Lea, 215 Woodlands Road, Woodlands, Southampton, SO40 7GJ

**Proposal:** Replacement conservatory roof

**Applicant:** Mr & Mrs Taylor

**Case Officer:** Carly Cochrane

**Parish:** NETLEY MARSH

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP6 Design Principles  
DP11 Extensions to Dwellings  
CP8 Local Distinctiveness

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment  
Sec 16 - Conserving and enhancing the historic environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Netley Marsh Parish Council: Recommend permission. The proposals would make no visual difference, no impact on neighbouring properties.

**8. CONSULTEES**

No consultations required

## 9. REPRESENTATIONS

9.1 Two letters of representation have been received, in support of the application.

## 10. RELEVANT HISTORY

10.1 Installation of flue (16/00104) granted on 12 April 2016

10.2 Replacement dwelling; outbuilding; temporary siting of a mobile home (08/93238) granted on 16 September 2008

10.3 Demolish existing dwelling (Conservation Area Consent to demolish) (08/93256) granted on 15 September 2008

## 11. ASSESSMENT

11.1 The application property comprises a detached dwellinghouse, located to the north western side of Woodlands Road, within the Forest North East Conservation Area.

11.2 By way of background, the original dwelling has been replaced pursuant to planning permission reference 08/93238. The Officer's report to that application sets out that the replacement dwelling incorporated the 30% increase in floorspace permissible under Policy DP11, as well as taking advantage of adding a conservatory on the rear elevation, permitted as an exemption under the former New Forest District Council policies which gave a discretionary allowance for conservatories over and above the relevant floorspace limitation. This exemption from the floorspace calculation was applied on condition that qualifying conservatories could not subsequently be incorporated into the main habitable accommodation of the dwelling. The materials and appearance of the conservatory are controlled in this case by condition 3 of the 2008 permission which states:

*"The conservatory shall only be constructed to the design and materials shown on the approved plans. No alteration shall subsequently be made to the external walls and roof of the building, notwithstanding the provisions of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (as amended).*

*Reason: Permission would not normally have been granted for an addition to this property as this would have been contrary to policy NF-H3 of the adopted New Forest District Local Plan First Alteration. The New Forest National Park Authority considers that an exception could reasonably be made for a conservatory of the size and type proposed as this would only serve as secondary*



*accommodation rather than as part of the living space of the dwelling."*

In addition, permitted development rights were removed under Condition 5, to ensure the dwelling cannot be further enlarged contrary to Policy DP11.

- 11.3 This application seeks planning permission to replace the majority of the glazed roof panels with solid insulated aluminium panels; four panels would remain glazed. There would be no changes to the elevations, which comprise a brick dwarf wall with glazing to the eaves.
- 11.4 Condition 3 of planning permission reference 08/93238 therefore sought to ensure that the conservatory would remain predominantly glazed and would not subsequently be incorporated into the main house. In contrast, the current policies of the Core Strategy (2010) seek to ensure that all conservatories would fall entirely within the relevant floorspace limitation, as does the equivalent policy within the draft Local Plan (which is now at a very advanced stage of preparation and due to be adopted on 29 August 2019). The Inspectors' Final Report on the draft Local Plan (July 2019) concludes that the new Plan provides an appropriate basis for the planning of the New Forest National Park subject to a number of main modifications.
- 11.5 Paragraph 48 of the National Planning Policy Framework ("NPPF") (February 2019) states that weight may be given to relevant policies in emerging Local Plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight given); b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to the NPPF. When assessed against these tests, the Authority's new Local Plan should be afforded significant weight due to its advanced stage of preparation, the fact that the unresolved objections to relevant policies have been considered in the Inspectors' Report, and as in addition the Report provides commentary on the consistency of the Local Plan with national policy. The policies within the Core Strategy relevant to this application are being carried forward into the Local Plan, with no significant changes to the wording of the policies. These policies have been found sound by the Planning Inspectorate, and are considered to provide an appropriate basis for planning within the National Park.
- 11.6 Under the former policies (pre the 2010 Core Strategy) a conservatory was defined as *"having not less than three-quarters of the area of its roof and not less than one-half of the area of its external walls made of translucent material"*. This definition is also carried forward in the new Local Plan. The proposal seeks to alter the roof of the conservatory, so that it would be approximately

75% solid, as opposed to 100% translucent as it is currently. The proposed changes to the roof of the conservatory would result in a structure which no longer meets the definition of or qualifies as a conservatory as set out in paragraph 7.39 of the Core Strategy, and for the purposes of applying Policy DP11. This is also the view of previous Inspectors in relation to two appeals, APP/B9506/D/18/3211430 and APP/B9506/D/18/3195319, who dismissed these appeals on the grounds that the proposals were in conflict with Policy DP11, and the appellants desire to use the conservatory throughout the year did not outweigh this fact.

11.7 Policy DP11 of the Core Strategy seeks to prevent the cumulative erosion of the National Park through successive extensions to residential properties. It can only be effective if applied in a consistent manner. The property has clearly made use of the additional 30% increase in habitable floorspace when it was replaced, hence why the conservatory was permitted under the former exemptions. The proposal would therefore conflict with Policy DP11 of the Core Strategy, and cumulative similar development (where the habitable floorspace of a dwelling exceeds the relevant limitation) would result in an adverse impact upon the special qualities of the National Park, contrary to Policy CP8 of the Core Strategy.

11.8 Additional information has been submitted by the applicants with regard to the justification and need for the change of roof material, which is on the basis that the roof in its current form (being wholly glazed) requires regular replacement, which is costly, and suffers from condensation during cold weather. The proposed new roof would result in the structure being more energy efficient and enable the applicants to use the space year round, and would comply with other policies within the Core Strategy, as well as Building Regulations requirements. Whilst these arguments are noted, these could be repeated at other sites and do not constitute exceptional circumstances as set out by Policy DP11. Further, whilst the application has been accompanied by supporting information with regards to insulation and the efficiency of materials, it is not evident that other alternatives have been considered which would enable a translucent roof of some form to be retained.

11.9 In relation to the above, the Inspector, when considering appeal reference APP/B9506/D/18/3195319, stated:

*"The appellant seeks a...roof that would be "solid" rather than glazed, with the change in materials intended to increase the structures thermal efficiency. However, because the present extent of glazing in the walls would remain, there would still be a temperature difference to the remainder of the house. Despite this difference, the grounds of appeal imply that the useability of the structure would increase because the replacement roof would to some extent 'iron out' the existing loss of heat in the winter and*



*the excess of heat in the summer, including the ingress into the adjoining living room. In my view, the extent to which the structure would be 'incorporated' into the main habitable accommodation as alleged by the NPA would still essentially be 'weather-dependent', given its hybrid form of mainly glazed walls and a solid roof, but in any event its duration of use in any year is likely to measurably increase".*

These comments are considered to be directly applicable to the application, in that the purpose of the change in the roof material is to make the conservatory more useable all year round.

- 11.10 The applicants have cited appeal reference APP/B9506/D/18/3218864 ('Halvergate'), which the applicants consider comparable with the application. Paragraphs 3-7 of the Appeal Decision Notice recognise that the change in the roof materials is in direct conflict with Policy DP11, however the Inspector goes on to allow the appeal on the basis 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".*

- 11.11 However, this decision is directly in conflict with those cited previously within this report. Whilst, in the case of Cherry Lea, as with Halvergate, the conservatory may not be visible from outside the site, the Inspector for APP/B9506/D/18/3195319 noted that:

*"as this is a policy which uses the terms 'cumulative' and 'gradual' it is not always necessary for an individually noticeable impact to occur and be demonstrated in any one case for the objectives of preserving the National Park's unique rural qualities to be achieved. I acknowledge that the impact of such an all-encompassing policy as Policy CP8 can easily be perceived as being unfairly restrictive for a particular applicant or appellant. Despite this and the counter-intuitive concept of an owner not being allowed to make the most effective use of his property, because the aforementioned policies are in place following public consultation the planning balance in this appeal clearly falls in favour of the case argued by the NPA".*

- 11.12 Whilst it is acknowledged that the use of a solid roof would reduce a proportion of light emissions from the conservatory, by virtue of there being some translucent panels remaining, and the fact that there would be no change to the glazed elevations, this would not be completely overcome. Therefore, whilst the proposal would be in accordance with Policies CP4 and CP6 to a limited degree, this

would not outweigh the fundamental policy objection in relation to Policies DP11 and CP8, and the Inspector's comments in relation to APP/B9506/D/18/3195319 set out above are considered pertinent. To reiterate, the equivalent policies are being carried forward into the new Local Plan and have recently been found to be sound by Inspectors.

11.13 In conclusion, it is considered that the proposed changes would incorporate the conservatory into the main habitable accommodation of the dwelling and would cause harm to the objective of protecting the locally distinctive character of the New Forest National Park in conflict with Policies DP11 and CP8 of the New Forest National Park Core Strategy. The proposal would also be in direct conflict with the original purpose of Condition 3 of the permission for the existing house (which is still applicable).

11.14 It is therefore recommended that the application be refused.

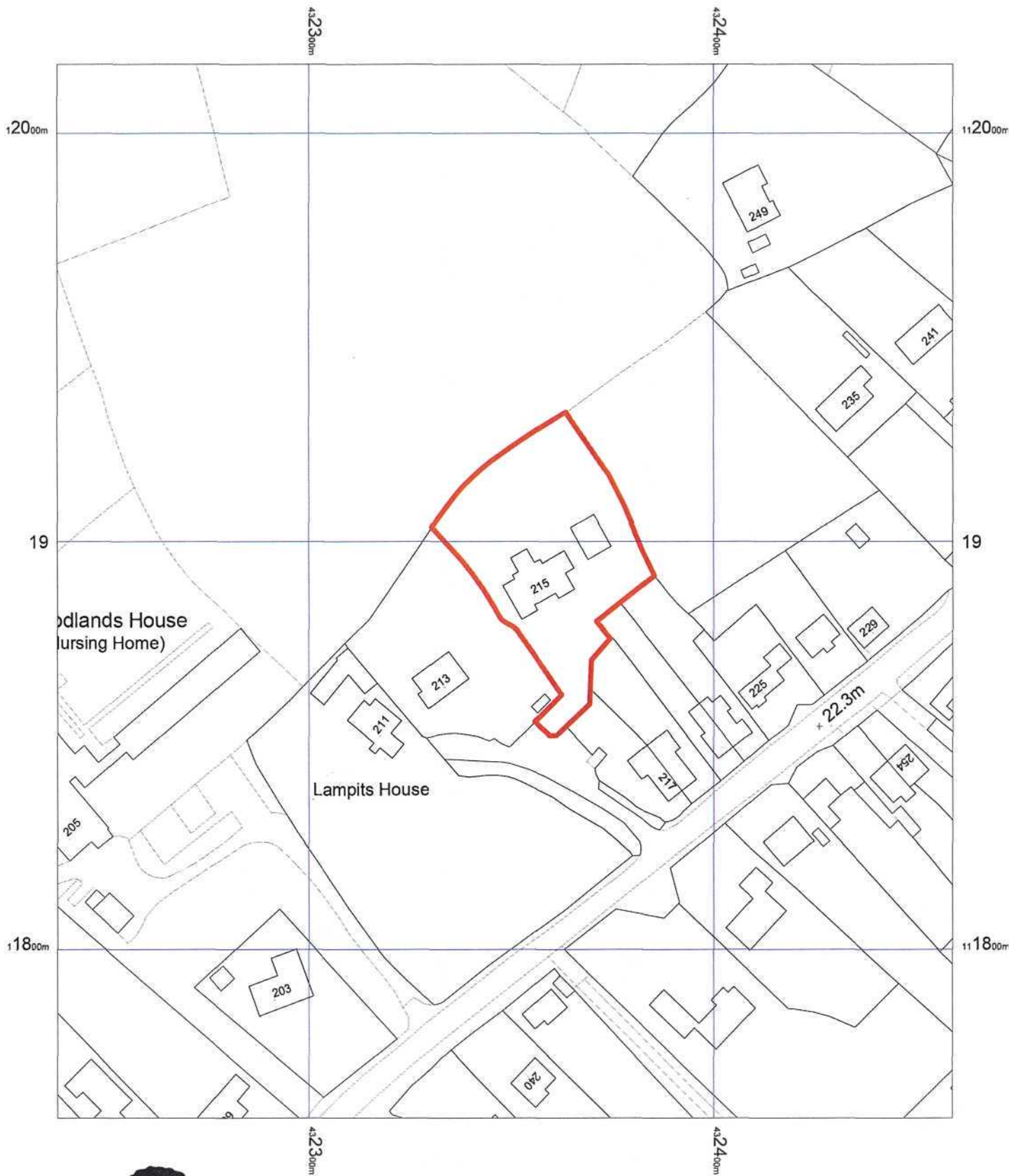
## **12. RECOMMENDATION**

Refuse

### **Reason(s)**

- 1 The proposed development would result in the significant further increase in habitable floor space of the dwelling since 01 July 1982. Contrary to the aims of Policy DP11 and Condition 3 of planning permission 08/93238 to minimise the impact of buildings and activity generally in the countryside, this enlargement of incorporating the conservatory into the main habitable accommodation of the dwelling by virtue of the change in the roof materials would result in an unacceptably large dwelling that would cumulatively be harmful to the unique rural qualities of the New Forest National Park without justification. The proposals would therefore be contrary to the Policies DP11 and CP8 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).





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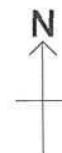
New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

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