



Appeal Decision

Site visit made on 23 April 2019

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 7 May 2019

Appeal Ref: APP/B9506/D/18/3217944

Sumaya, Undershore Road, Lymington SO41 5SA

- 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 and Mrs Roger and Hilary Teal against the decision of New Forest National Park Authority.
 - The application Ref 18/00563, dated 13 July 2018, was refused by notice dated 16 October 2018.
 - The development proposed is extension and remodelling of existing dwelling, hard and soft landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters and main issues

2. The appeal site is situated within the Forest South East Conservation Area and it is fairly close to the Burrard-Neale monument (the listed building), which is listed in Grade II*. Whilst the Authority has granted planning permission for a similar proposal, I am required to exercise my statutory duties in respect of the Conservation Area and the listed building. With this in mind, the main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, and whether it would preserve the setting of the listed building, and
 - Whether the proposal would be an acceptable enlargement of the original dwelling, having regard to its location within the New Forest National Park.

Reasons

Conservation Area and the setting of the listed building

3. The appeal site is outside any settlement boundary defined in the Development Plan, so it is, in policy terms, in the countryside. It is also within the National Park which has the highest status of protection in relation to landscape and scenic beauty. The Authority's Forest South East Conservation Area Character Appraisal (CAA) explains that this area of historic landscape and settlement has developed its unique character over the last thousand years. The site is within character area G, 'Walhampton and school', which is mainly characterised by the small linear settlement, known in the C19 as Undershore, that developed along the roughly east shore of the Lymington River estuary, and its rural

hinterland. As well as several listed buildings, the character area includes mainly C19 and C20 dwellings. The pitched roofed forms of most nearby historic buildings, their low-lying siting close to Undershore Road, and the hilly topography contribute positively to the character of this part of the Conservation Area, and the use of traditional forms and materials is important to its appearance. They are also important to its significance as an area of historic estuarine settlement.

4. The listed building is a white granite obelisk that is sited at the top of the hill fairly close to and roughly east of the site. It was erected to form the end of a vista from St Thomas' Church, Lymington as an enduring monument to the memory of Admiral Sir Harry Burrard-Neale of Walhampton, who was MP for Lymington. The connection of the listed building to this important local person and its prominent siting are important to its special historic interest and to its significance as a historic monument. It is an established principle that the settings of heritage assets evolve over time, and whilst the listed building was initially a landscape feature set in parkland, it is now set in woodland close by. Despite the height of the nearby trees, it can still be seen in a range of views from the surrounding area. The contrast between the elegant form of the monument and the scenic beauty of its landscape setting, which includes the appeal site, are important to the significance of the listed building.
5. The appeal dwelling is within a small group of mid to late C20 dwellings on mostly good-sized plots that are reached by a private road that climbs up the hillside behind Undershore Road. The garden of the existing low-profile mostly hipped roofed bungalow adjoins the grounds of the listed building. The bungalow is one of the higher-level dwellings on the hillside, so its siting is at odds with the historic development pattern. It is mainly characterised by its wide roughly west facing frontage and low eaves. The bungalow can only be seen in narrow views from Undershore Road because it is partly screened by other dwellings and vegetation in their grounds. However, when seen across the estuary, including the further part of Bridge Road that leads into the Conservation Area, although its partly white finished walls draw attention to its discordant siting, its largely uninterrupted roof harmonises with and blends into the rural backdrop. The listed building can be seen from the back of the bungalow through the intervening vegetation, and the bungalow can be seen from the grounds of the listed building, which include the nearby footpath.
6. The proposal would modify and extend the existing L-plan bungalow to provide a flat roofed part 2-storey part single storey house in about the same place. The upper floor would include a master bedroom suite, study and balcony. Its walls would be inset in places, but the proposal would include a ground floor flat roof/first floor zone that would be about as wide and nearly as deep as the widest and deepest parts of the existing dwelling, and at its widest, its flat first floor roof would be around 2 thirds of the width of the dwelling. The proposal would also be roughly half a metre taller than the main ridge of the present bungalow, and most of the wide openings in its west, north west and east facing walls would be glazed from roughly floor to ceiling.
7. Due to its tall height, bulky box-like form, large glazed openings and built-up appearance, the proposal would be significantly more prominent on the rural hillside in views across the estuary, and the harm would be worsened when internal lights are on in the upper floor. This harm would be especially damaging to the views of the listed building from around the parking bay in

Almansa Way by its junction with Bridge Road, where the top of the obelisk can be seen above the bungalow. As the built-up character and appearance of the proposal would extend further up the hillside, it would also erode the historic development pattern that is important to the Conservation Area's significance.

8. The partial overhanging flat roof and floor planes aim to mitigate light spill after dark. Even so, the substantial areas of tall glazing would have an unacceptably urbanising effect on the dwelling and its grounds, which would harmfully diminish the landscape setting of the listed building in views from the nearby footpath that leads to the listed building. Whilst a contemporary design could be acceptable, the harsh horizontal emphasis of the flat-roofed proposal would be out of keeping with its rural surroundings, where roof slopes are important to local character. The use of timber louvres and materials including tinted glass would not outweigh the harm that the proposal would cause.
9. The CAA recognises that the design and character of some of the later C20 development does not reflect the local distinctiveness and vernacular detailing of the wider Conservation Area. Even so, most nearby dwellings on the hillside behind the historic settlement are partly screened by mature planting in their plots, and more recent alterations to those such as Riverside respect the local character and maintain the predominant roofscapes sought by the *New Forest National Park Design Guide Supplementary Planning Document* (SPD). Bay Tree House, which includes a large glazed gable in its front, was approved under previous policies. Along with Broadwater it looks tall when seen from the private road, but when seen from the site, these dwellings respect their hillside sites. As local and national policy seek sustainable development, and as there is no acceptable mechanism before me to secure the proposed energy and water saving measures, the public benefits of the scheme attract little weight.
10. In the terms of the *National Planning Policy Framework* (Framework) the proposal would cause 'less than substantial harm' to the contribution of its setting to the significance of the listed building, and the public benefits would be insufficient to outweigh that harm. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to preserve the setting of the listed building.
11. In respect of the Conservation Area, and in the terms of the Framework, the proposal would also cause 'less than substantial harm' to its significance. There would be insufficient public benefits to outweigh that harm, and there is not enough clear and convincing justification to show that the proposal would be necessary to preserve or enhance the significance of the Conservation Area as an area of historic estuarine settlement.
12. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area, and that it would fail to preserve the setting of the listed building. It would be contrary to Policy DP1 of the *New Forest National Park Core Strategy and Development Management Policies DPD* (LP) which seeks high quality design that enhances local character, LP Policy CP8 which aims to protect the Park's local character and to resist a gradual suburbanising effect, and LP Policy DP11 which aims to permit appropriate extensions, as well as the guidance in the SPD. As great weight should be attached to the conservation of heritage assets, this is a compelling objection to the scheme, and sufficient reason to dismiss the appeal.

The enlargement of the dwelling

13. LP Policy DP11 seeks to protect the locally distinctive character in the nationally designated landscape of the National Park and to maintain a stock of smaller sized dwellings, which is broadly in line with the Framework. So, the Policy aims to permit extensions to existing dwellings provided that they would be appropriate to the existing dwelling and its curtilage. In respect of the appeal dwelling, it also aims for the extension to not increase the floor space of the existing dwelling by more than 30%, where the existing dwelling means the dwelling as it existed on 1 July 1982.
14. The Authority's report says that the proposal would increase the floor space of the original dwelling by about 34%, having included outdoor areas that would be under its partially oversailing roofs. Whilst I have had regard to my colleagues' appeal decisions that were put to me by the main parties, the appellants' data shows that the internal floor space of the proposal would be below the 30% limit, and I see no reason to disagree. However, the supporting text in paragraph 7.38 explains that although the extension may comply with the criterion on size, there could be another harmful impact which could make the proposal unacceptable, and that, in all cases the Authority will have regard to the scale and character of the core element of the original dwelling in determining whether or not an extension is sympathetic to the dwelling.
15. Due to its scale in relation to its verdant hillside grounds, its low-profile mainly hipped roofed form, the lack of windows in its roof, its low ground floor eaves, and despite its modern materials including concrete tiles, the present bungalow largely respects its countryside setting, which includes a field at the back and woodland to one side. By contrast, due to its bulky massing, height, hard-edged flat-roofed form and copious glazing, the much more prominent proposal would be harmfully at odds with the scale and character of the original dwelling, that is, the bungalow. Because of its built-up character and appearance, including the large partly roofed outdoor sitting areas and glass balustraded balcony, the proposal would also have a suburbanising effect on its site, which would harm the environment of the New Forest.
16. Thus, I consider that the proposal would not be an acceptable enlargement of the original dwelling, having regard to its location within the New Forest National Park. It would be contrary to LP Policy DP11 and the Framework.

Conclusion

17. For the reasons given above and having regard to all other matters raised, including the support of some interested parties, the appeal fails.

Joanna Reid

INSPECTOR