



## Appeal Decision

Site visit made on 24 September 2019

**by S Leonard BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 October 2019**

---

**Appeal Ref: APP/B9506/D/19/3233031**

**The Glen, Winsor Road, Winsor SO40 2HE**

- 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 Miss Jill Beck against the decision of New Forest National Park Authority.
  - The application, Ref 19/00341, dated 28 April 2019 was refused by notice dated 25 June 2019.
  - The development proposed is erection of single storey rear extension and alterations to dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. On 29 August 2019, and since this appeal was submitted, the Council adopted the New Forest National Park Local Plan 2016 – 2036 (Local Plan). Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (CSDMPDPD) has been superseded by Local Plan Policy DP36. I have determined the appeal having regard to this recently adopted policy, since Policy DP36 is so similar to Policy DP11, that neither party would be prejudiced by the consideration of the appeal on the basis of the new policy.

### Main Issue

3. The main issue is the effect of the proposed extension on the supply of small homes within the National Park.

### Reasons

4. The Glen is a detached, two storey, traditionally designed cottage finished in brick under a tiled pitched roof. It is thought to date back from around 1907. It lies on the north side of Winsor Road and is surrounded by open fields to both sides and to the rear. The building has two gable-ended pitched roof two storey projections to the rear, which were granted planning permission in 1988. The appeal proposal would extend as far rear as the longer of the two storey projections, effectively 'squaring off' the ground floor of the building, and it would replace an external canopy over an area of paving.

5. Local Plan Policy DP36 places a restriction on the size of dwelling extensions, having regard to the need to ensure an adequate range and mix of housing within the National Park and the potential harm to the stock of smaller sized dwellings resulting from incremental extensions. In the case of small dwellings, the extension must not result in a total internal habitable floorspace exceeding 100sqm.
6. The supporting text to Policy DP36 defines a "small dwelling" as one with a floor area of 80sqm or less as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use post-dates 1 July 1982.
7. Both parties are agreed that the appeal property comprises a "small dwelling" for the purposes of Policy DP36. Both parties are also agreed that, in considering the proposal against Policy DP36, the size of the extension built under the 1988 planning permission needs to be added to the size of the appeal proposal.
8. There is a difference of opinion between the Council and the Appellant as to the cumulative floorspace of the previous extension and the current proposal. The Council considers that the proposal would increase the habitable internal floorspace of the dwelling to 117sqm. The planning application officer report does not include a detailed breakdown of how that figure has been calculated. However, the Council has confirmed that the calculation is based on a gross internal floorspace figure, measured from the inside of the external walls. The Appellant has challenged the Council's interpretation of "habitable floorspace" for the purpose of determining the appeal proposal against the relevant Development Plan policy, asserting that certain areas of internal floorspace, including bathrooms, W.C.s, ensembles and cupboards, should not be included as "habitable floorspace". The Appellant contends that, by excluding these areas, the resulting total internal habitable floorspace would not exceed the 100sqm threshold of Policy DP36.
9. Policy DP36 does not specifically define "habitable". However, the supporting text implies that it includes all rooms other than conservatories, modest basements and outbuildings. The Council has confirmed that it has consistently based its calculations on gross internal floorspace on the basis that, the presence of bathrooms, stairwells and landings and such like within a building would add to its overall bulk and massing, which if unrestricted, could significantly increase the size of the dwelling and cumulatively erode the character of the surrounding area. I consider these elements of accommodation to comprise an integral part of the overall internal living space and, having regard to the aforementioned objectives of Policy DP36, I find no reason to disagree with the Council's methodology.
10. Based on the Council's methodology for calculating habitable floorspace, both parties are in agreement that the existing floorspace of the already extended house exceeds the 100sqm allowed by Policy DP36. I acknowledge that the proposal is modest when compared with the dwelling as a whole, and it would only seek to improve the kitchen/dining room facilities and layout of the ground floor accommodation. I also accept that the proposal is of an acceptable design. However, these matters do not override the size restriction criteria of Policy DP36. The Policy relates to the

potential impact of incremental increases to dwelling size. Regardless of the size of each individual proposal, it is the resulting overall floorspace which is the determining factor. Therefore, even though the proposed extension is small, it clearly breaches Policy DP36.

11. I have considered whether there are exceptional circumstances relating to the genuine family needs of an occupier who works in the immediate locality, which would allow a greater increase in floorspace in accordance with Policy DP36. The Appellant confirms that the property is owned and occupied by a local person with strong local connections through family and work, having resided and worked in the locality for more than 40 years. However, the supporting text to Policy DP36, confirms that "genuine family need" is defined as an exceptional and unique family need that could not have been reasonably anticipated at the time of purchase of the property, which in this case was 2011, such as the need to cater for specialist equipment and facilities required in connection with an unforeseen event, such as a severe disability arising from an accident. No evidence to support any such exceptional circumstances has been provided.
12. The Appellant has drawn my attention to three allowed appeals determined within the context of superseded CSDMPDPD Policy DP11. Notwithstanding that the Policy requirements were for all intents and purposes similar to those of Local Plan Policy DP36, I do not find these appeals directly comparable with the current appeal. Each case involved additional matters which were material considerations to be weighed in the balance, such as comparative fall-back position, proposal constituting an improvement to existing conservatory floorspace, and the inclusion of an existing garage as an integral part of the building. Since, none of these circumstances specifically apply to the current appeal, these cases are not directly comparable with the appeal proposal. Therefore, these decisions do not persuade me to come to an alternative view with regard to the main issue.
13. For the above reasons, I conclude that the proposal would be in conflict with Local Plan Policy DP36 which seeks to ensure that the modest scale and rural character of dwellings in the National Park is not eroded as a result of cumulative extensions and to maintain balance in the range and mix of housing stock available. There are no other material considerations that outweigh the conflict with Policy DP36. Therefore, notwithstanding the modest size of the proposal, it is unacceptable.

### **Other Matters**

14. 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 proposed extension will amount to a small single storey rear 'infill' extension to the existing dwelling, with materials and fenestration to match the existing building, it would not materially harm the landscape or scenic beauty of the New Forest National Park.
15. The site lies within the Forest North East Conservation Area (FNECA), so I have a statutory duty to consider the effect of the proposal on this designated heritage asset. The Council has not found any harm to the character and appearance of the FNECA as a result of the proposed development, and neither do I. The site lies within the Dispersed Farms and

Arable Land character area which comprises open undulating arable landscape with scattered wooded areas. There is very little built development which is generally limited to isolated farmsteads and associated ancillary buildings and cottages. The appeal property is not statutorily listed but does have a local vernacular and is typical of small traditional cottage style dwellings scattered throughout the conservation area.

16. The property has already been significantly extended following the 1988 planning consent. The proposed extension is of a very modest size in comparison to the existing building. It would maintain the existing building character and would be subservient in scale to the main dwelling, sited at the rear of the dwelling, and contained within the existing area of built development on the site. As such, the design is acceptable within the context of the surrounding countryside and street scene and would not harm the character and appearance of the FNECA. However, this is a requirement of the development plan in any event, and does not diminish the aforementioned harm that I have identified arising from the overall increase in the size of the building.

### **Conclusion**

17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*S Leonard*

INSPECTOR