The Planning Inspectorate

Appeal Decision

Site visit made on 8 July 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/B9506/D/20/3250003
Forest Lodge, Toms Lane, Linwood, Ringwood BH24 3QX

- 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 John Briggs against the decision of New Forest National Park Authority.
- The application Ref 19/00809, dated 14 October 2019, was refused by notice dated 16 January 2020.
- The development proposed is the erection of an oak framed orangery.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal adheres to the Authority's strategy for the extension of existing dwellings within the New Forest National Park, in the context of adopted policy.

Reasons

3. Forest Lodge is a large detached dwelling situated in a rural location within the New Forest National Park (the 'National Park'). The property with its associated stables and outbuildings received planning permission[1] in 2002, as a replacement dwelling. The replacement dwelling has not been extended since its construction.

4. It is proposed to erect a single storey orangery to the rear of the building. The extension would have a floor area of around 32 square metres.

5. Policy DP36 of the New Forest National Park Local Plan 2016-2036 (the 'LP') seeks to protect the locally distinctive character of the National Park and maintain a range and mix of housing stock in the area by restricting the size of extensions permitted to existing dwellings. For dwellings which are not small dwellings[2] and are outside the defined villages, as is the case with the appeal property, the policy states that extensions must not increase the floorspace of the existing dwelling by more than 30%.

[1] Authority Ref: 02/74022

[2] Paragraph 7.82, part of the supporting text for Policy DP36, explains that the term 'small dwelling' means a dwelling with a floor area of 80 sq. metres 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.

6. Paragraph 7.82, part of the supporting text for Policy DP36, explains that the term 'existing dwelling' means the dwelling as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use postdates 1 July 1982.

7. There is no dispute between the main parties that the residential use of the appeal site pre-dates 1 July 1982 dwelling and that the dwelling, as it existed on 1 July 1982, had a total internal habitable floor area of 150 square metres. Therefore, as a matter of fact and degree, for the purposes of Policy DP36, I consider that the existing dwelling had a total internal habitable floor area of 150 square metres.

8. The Authority explain that the replacement dwelling has a total internal habitable floor area of 194 square metres. The appellant contends that the internal floor area of the replacement dwelling is 193.6 square metres, of which 125.3 square metres is 'habitable floorspace'.

9. However, no substantive evidence has been provided to demonstrate how the lower figure of 125.3 square metres has been calculated and how the appellant has determined which areas of the replacement dwelling are considered to be 'habitable floorspace'. Indeed, I note that paragraph 6.16 of the appellant's statement states that "*Forest Lodge is a detached 5-bedroom detached house which comprises 193.6sqm of floorspace".*

10. Taking all these factors into account and based on the evidence before me, for the purposes of Policy DP36, I conclude that the replacement dwelling has a total internal habitable floor area of around 194 square metres, which represents an increase of approximately 29% in the amount of internal habitable floor area of the existing dwelling, as it existed on 1 July 1982.

11. Consequently, the replacement dwelling together with the proposed extension would amount to a floorspace increase of more than 30% of the internal habitable floor area of the existing dwelling, as it existed on 1 July 1982, which would conflict with Policy DP36 of the LP.

12. The appellant argues that as the replacement dwelling at the appeal site did not exist on 1 July 1982 and that the replacement dwelling has not been previously altered or added to, so it must follow that the '30% allowance' set out within Policy DP36 has not been exceeded. However, this interpretation of the policy is based on an incorrect assumption that the replacement dwelling is the 'existing dwelling'. As I have set out above, in the context of Policy DP36 the 'existing dwelling' means the dwelling as it existed on 1 July 1982.

13. I recognise that the Authority concluded that the design of the proposed extension is not contentious. In addition, owing to the ancillary use of the proposed extension as an orangery, I consider that the proposal would not result in any meaningful increase to the level of activity in the countryside associated with the occupants of the appeal property. Nevertheless, these matters do not overcome or outweigh the very weighty conflict with Policy DP36 which seeks to limit the extension of existing properties in order to prevent the harmful incremental extension of dwellings within the National Park, which is a nationally designated landscape.

14. Similarly, I acknowledge that the replacement dwelling at the appeal site is a high value property and that the proposed development would not result in the

loss of a small dwelling or make a small dwelling within the National Park any less accessible to future occupants. However, the existing dwelling had a total internal habitable floor area well in excess of 80 square metres, thus the appeal site was not occupied by a small dwelling on 1 July 1982, which Policy DP36 seeks to protect. Consequently, this is a matter of neutral consequence in the overall planning balance.

15. My attention has been drawn to an appeal decision[3] at Glen Cairn where an Inspector granted planning permission despite finding conflict with Policy DP11 of the New Forest National Park Local Development Framework Core Strategy and Development Management Policies DPD (2010) (the 'CS'). Whilst the CS has now been superseded by the LP, Policy DP11 of the CS was very similar to Policy DP36 of the LP, in so far as it stated that extensions to dwellings (not small dwellings) outside the defined villages must not increase the floorspace of the existing dwelling by more than 30%.

16. The development at Glen Cairn related to the conversion of an existing garage to create additional ancillary living space, as opposed to an extension to the replacement dwelling, as per the current proposal. In addition, the existing dwelling at Glen Cairn was originally a small dwelling with a floor area of 65 square metres, which had been lost when a large replacement dwelling had been erected at the site pursuant to a planning permission granted in 2010, whereas, the existing dwelling at the appeal site, as it existed on 1 July 1982, was not classified as a small dwelling. Therefore, the appeal decision is not directly comparable to the current proposal. In any event, I have determined this appeal on its individual planning merits.

17. For the reasons set out above, I conclude that the proposed extension would exceed the 30% criterion set out in Policy DP36 of the LP. As such the proposal would result in an unacceptably large dwelling in relation to the existing dwelling. Therefore, the proposal would be contrary to Policy DP36, which aims to prevent the harmful incremental extension of dwellings in the National Park.

18. The development plan policy aligns with the aims of Paragraph 172 of the National Planning Policy Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The proposal does not accord with the Framework in these respects.

Other Matters

19. The proposal would provide additional living space at the appeal site, which would improve the existing living conditions for the occupiers of the appeal property. However, such benefits would not be significant enough to overcome or outweigh my conclusions on the main issue.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell
INSPECTOR

[3] Appeal Ref: APP/B9506/W/18/3197277