



Appeal Decision

Site visit made on 8 July 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2020

Appeal Ref: APP/B9506/D/20/3252643

Wood Close, Hangersley Road, Ringwood, Hampshire BH24 3JN

- 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 Dr Jon Linton against the decision of New Forest National Park Authority.
 - The application Ref 19/00946, dated 16 December 2019, was refused by notice dated 26 February 2020.
 - The development proposed is a two-storey rear extension.
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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. Wood Close is a large detached dwelling located on Hangersley Road within the New Forest National Park (the 'National Park'). The property is situated within a substantial plot which features extensive mature tree coverage.
4. It is proposed to erect a two-storey extension to the rear of the building, which would provide an additional bedroom at first floor with a study at ground floor. The extension would have a traditional design and be constructed from materials to match the host building.
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 dwellings¹ 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 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 post-dates 1 July 1982.
7. The main parties agree that the existing dwelling was extended approximately twenty-five years ago, pursuant to a planning permission granted at appeal² in 1994. The approved works were extensive and a detached garage, which was located to the rear of the original dwelling, was converted into habitable accommodation and a single-story extension, with a bathroom above in the roof space, was erected to link the converted garage to the host building. The additional floorspace that was created now forms a guest room, lounge and kitchen at the appeal property.
8. Based on the evidence before me, it is unclear whether the dwelling at the appeal site existed on 1 July 1982. However, the Authority explain that the original dwelling³ had a gross internal floor area of 120 square metres, before the extensions were undertaken. This matter has not been disputed by the appellant. Therefore, for the purposes of Policy DP36, the current dwelling has to be regarded as the 'existing dwelling' and the 'original dwelling' with a total internal habitable floor area of 120 square metres.
9. The Authority explain that the previous works taken together with the proposed rear extension would amount to a floorspace increase of about 98% of the internal habitable floor area of the original dwelling. This calculation has not been disputed by the appellant. Consequently, the proposed extension together with the previous works would amount to a floorspace increase of more than 30% of the internal habitable floor area of the existing dwelling, which would conflict with Policy DP36 of the LP.
10. In terms of the design of the proposed extension, I recognise that the Authority concluded that the proposal would not cause harm to the character of the wider area. Nevertheless, this does 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.
11. The appellant contends that the host building could be further extended using permitted development rights and that such works would be of a larger size than the proposed development and of a less appropriate form and design. Therefore, he argues that the appeal should be allowed and, if so, permitted development rights could be removed by a restrictive planning condition to prevent any further extensions.
12. In support of this argument, the appellant's planning statement⁴ includes a set of indicative floor plans and elevations, which show the erection of two single storey extensions of a flat roof design to the rear of the host building, which the appellant contends could be erected using permitted development rights.
13. However, the Authority explain that the larger of the two extensions would not be permitted development because the enlarged part of the dwellinghouse

² Appeal Ref: T/APP/B1740/A/93/232862/P7

³ Paragraph 7.82, part of the supporting text for Policy DP36, explains that the term 'original dwelling' means the dwelling as first built.

⁴ Planning Statement by DUA Architecture LLP (December 2019 – Ref 1896 Rev. A)

would extend beyond a wall forming a side elevation of the original dwellinghouse. Based on the evidence before me, I have no reason to disagree with the Authority's assessment. Therefore, such extensions that could be carried out under permitted development are not likely to be as substantial as the scheme before me.

14. In addition to the above, no substantive evidence has been provided to demonstrate that the appellant would genuinely pursue this option if the appeal failed. Indeed, I note that the aim of the appeal proposal, as set out within the appellant's statement, is to provide additional first floor accommodation to meet the needs of a growing family. The construction of a ground floor extension using permitted development rights would not achieve this aim. Therefore, this is a matter of negligible weight.
15. My attention has been drawn to a previous decision by New Forest District Council from 1990 which grants planning permission⁵ for a two-storey rear extension at the appeal site. The approved extension is identical to the current proposal. The Authority states that the planning permission was not implemented and is no longer extant.
16. However, the appellant questions whether the two-storey extension formed part of the extensive works that were granted planning permission at appeal in 1994. He argues, if so, then planning permission for the two-storey extension would remain extant because the garage conversion and single storey extension works have been undertaken at the appeal property. The appellant's contention is based on an acknowledgement by the Inspector that when the appeal was allowed in 1994, the works permitted pursuant to the planning permission from 1990 could also have been implemented at that time.
17. Whilst it may have been the case that the two-storey extension could have been constructed when the appeal was determined in 1994, because the five-year commencement period for the works permitted pursuant to the planning permission from 1990 had yet to cease, no substantive evidence, such as a certificate pursuant to Section 191/192 of the Town and Country Planning Act 1990, has been put forward to demonstrate that this remains the case. Indeed, Paragraph 11 of the appeal decision makes clear that the works permitted by the Inspector in 1994 were only those shown on the approved plans (dwg no: 52896).
18. Therefore, as a matter of fact and degree, based on the evidence before me, I consider that the planning permission from 1990 is not extant. The previous planning permission pre-dates the designation of the New Forest National Park and was determined in accordance with a previous local plan, where different policies and material considerations would have applied. As such, I have given limited weight to the previous planning permission.
19. 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.

⁵ Council Ref: 00045545

20. Consequently, the proposal would not accord with Policy SP17 of the LP, which states that built development which would individually or cumulatively erode the Park's local character, or result in a gradual suburbanising effect within the National Park will not be permitted.
21. The development plan policies align with the aims of Paragraph 172 of the National Planning Policy Framework (the '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

22. The northern boundary of the appeal site is located adjacent to the Western Escarpment Conservation Area (the 'CA'). Given the minor nature of the proposed development and its rearward location, in addition to the extensive intervening tree coverage, which screens the appeal site from the CA, I conclude that the proposal would preserve the setting of the CA. However, this is a matter of neutral consequence in the overall planning balance and therefore does not outweigh my conclusions on the main issues.

Conclusion

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

Christopher Miell

INSPECTOR