



Appeal Decision

Site visit made on 1 February 2021

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/B9506/D/20/3261334 **15 Peterscroft Avenue, Ashurst SO40 7AB**

- 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 Alex Start against the decision of New Forest National Park Authority.
 - The application Ref 20/00467, dated 25 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is replacement garage and outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement garage and outbuilding at 15 Peterscroft Avenue, Ashurst SO40 7AB in accordance with the terms of the application, Ref 20/00467, dated 25 June 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, including the materials specified thereon: 020, 030 Rev A, 031, 032, 050, 051 Rev A.
 - 3) The building the subject of this permission shall only be used for purposes incidental to the residential use of the dwelling at 15 Peterscroft Avenue and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the New Forest National Park, and the living conditions of 13 Peterscroft Avenue in respect of outlook and light.

Reasons

Character and appearance

3. Paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. It goes on to state that the scale and extent of development within these designated areas should be limited.

4. Policy DP37 of the New Forest National Park Local Plan 2016-2036 (LP) permits domestic outbuildings where they meet specified criteria. The Policy seeks to resist proposals that impact on the character of the New Forest, result in overdevelopment of sites and loss of amenity space, while recognising the role of outbuildings, such as in supporting home-working.
5. The host property has been extended to the rear and side and is set back from the road in a long, relatively wide plot with hedges to the front and side boundaries. As such, it is characteristic of the general pattern of development along Peterscroft Avenue. The proposed outbuilding would be set back from the front of the main dwelling and would sit within an existing cluster of buildings and structures within its curtilage. It would not encroach into the undeveloped part of the site or reduce parking. A large area of private outside space would also remain. As such it would comply with criteria b) and e) of Policy DP37.
6. Although the proposal would have a fairly large footprint it would be significantly smaller, narrower and lower in height than the main dwelling. The taller rear section would not appear a full two storeys in height, due to its low eaves and ridge, which would be close to the eaves height of the main dwelling. The front section would be significantly lower than the rear, which would break up the massing of the building. Therefore, from the road the proposed outbuilding would appear much smaller than the main house.
7. Due to its simple form and timber cladding, from the public realm the proposal would have the appearance of a rural outbuilding, as the more domestic features such as bi-fold doors would be screened from public view. The design would therefore be appropriate to this semi-rural setting near the edge of the village. Taken together, the proposal and the existing outbuildings would occupy only a relatively small proportion of the large plot and would not compete in scale with, or detract from the appearance of the main dwelling. The proposal would be close to the boundary with No 13, and together with the main dwelling would occupy much of the width of the plot. However, many dwellings in the road are similarly wide and as such this would not appear out of character with the area.
8. Consequently, overall, the proposal would be proportionate and subservient to the large dwelling it would serve in terms of its design, scale, size, height and massing as required by Policy DP37a). Furthermore, it would not result in overdevelopment of the site or have a suburbanising effect on the site or the street scene. Nor would it harm the landscape setting or natural beauty of the National Park.
9. The proposal would be used as a garage, bulky garden storage and a home office. All of those uses would be incidental to the use of the main dwelling and would not provide additional habitable accommodation as required by Policy DP37 c) and d). It is not unreasonable to have toilet facilities for a home office in an outbuilding, and the provision of that room in the roof space would not mean that the use of the proposed building was not incidental to the main dwelling. I am also mindful that Policy DP37 does not restrict outbuildings to a single level of accommodation.
10. Although interested parties have raised concerns about future uses of the proposed outbuilding, its use for incidental purposes could be secured by an appropriately worded planning condition, which could be enforced by the Authority. Therefore, irrespective of the design features of the proposed

building, other non-incidental uses would require a separate application, including any proposal to use it as a separate dwelling.

11. Accordingly, the proposal would not harm the character and appearance of the area or the National Park and would meet the criteria set out in LP Policy DP37. I also find no conflict with LP Policies DP2, DP18 and SP17 which, amongst other things, require development to demonstrate high-quality design and be contextually appropriate, and seek to avoid development which would erode the Park's local character.
12. The proposal would also follow the guidance for outbuildings in the Authority's adopted Design Guide Supplementary Planning Document (SPD). Furthermore, I find no conflict with the aims of the Framework in respect of the National Park, given the limited, domestic scale of development proposed.

Living conditions

13. The front section of the proposed outbuilding would occupy a similar position to that of the existing garage, with an existing hedge between it and No 13. Consequently, it would have a limited impact on the outlook from the side windows of that property. Due to its height and rearward projection, the taller rear section would be seen from the rear windows of No 13. However, the roof would slope away from those windows and the open outlook across their rear garden would not change significantly. Therefore, although tall, the proposal would not dominate the outlook from those windows or create an undue sense of enclosure.
14. The proposal would increase shading of No 13 during the early morning however this only would be for a short period. The proposal would also be set outside of a 45-degree line drawn from the nearest window of No 13. Consequently, it would not result in a significant adverse impact on daylight or sunlight to that property.
15. Accordingly, I consider that the proposal would not result in an unacceptable adverse impact on the living conditions of the occupiers of No 13 in respect of outlook and light, and therefore would not conflict with LP Policy DP2e).

Other Matters

16. The evidence before me is that a previous scheme refused in 2008¹ was significantly bulkier than the appeal proposal, incorporated first floor windows and a balcony and had a more domestic appearance. Consequently, in terms of its likely impacts on the character and appearance of the area and the living conditions of neighbours, it was not comparable to the appeal proposal, which I have considered on its own merits. It was also considered against different development plan policies, which I cannot be certain contained the same requirements as those of the recently adopted LP. Therefore, as the two schemes are materially different, that refusal does not mean that this appeal should also be dismissed, given that I have found no conflict with the LP.

Conditions

17. Along with a restriction on the use of the building discussed above, conditions are required to require compliance with the approved plans, including the

¹ Authority Ref 07/92306

specified materials, in the interests of certainty and the character and appearance of the area. I have amended and amalgamated the Authority's suggested conditions where necessary, in order to meet the Framework tests for conditions.

18. The Authority suggests a condition to remove permitted development rights for windows, doors and rooflights. However, alterations to an outbuilding are only permitted development where they meet specified criteria, including size limits, which the proposed outbuilding would exceed. Therefore, alterations to it would not be permitted development. Accordingly, the condition is not necessary and I have not imposed it.

Conclusion

19. The appeal is therefore allowed subject to the conditions set out above.

L McKay

INSPECTOR