



Appeal Decision

Site visit made on 29 September 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/B9506/D/20/3255112 Long Acre, Adlams Lane, Sway SO41 6EG

- 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 R Parker against the decision of New Forest National Park Authority.
 - The application Ref 20/00126, dated 19 February 2020, was refused by notice dated 19 May 2020.
 - The development proposed is single storey extension.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey extension at Long Acre, Adlams Lane, Sway SO41 6EG in accordance with the terms of the application, Ref 20/00126, dated 19 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 5934.01, 5934-WLA-ZZ-GF-DR-A-0010, 5934-WLA-ZZ-GF-DR-A-0110, 5934-WLA-ZZ-01-DR-A-0011, 5934-WLA-ZZ-01-DR-A-0111, 5934-WLA-ZZ-RF-DR-A-0012, 5934-WLA-ZZ-XX-DR-A-0113, 5934-WLA-ZZ-XX-DR-A-0020, 5934-WLA-ZZ-XX-DR-A-0120, 5934-WLA-ZZ-XX-DR-A-0021 and 5934-WLA-ZZ-XX-DR-A-0121.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing dwelling.

Procedural Matter

2. I have taken the description of development from that used on the decision notice, as it more precisely describes the proposal than the description used on the application form and appeal form.

Main Issue

3. The main issue is whether the proposed extension in relation to the cumulative enlargement of the dwelling is acceptable, as regards development plan policy which seeks to safeguard the distinctive character and appearance of the New Forest National Park and maintain a balance in the housing stock within it, whilst also taking account all other material considerations.

Reasons

4. The appeal property is a detached, two storey house located in a residential cul-de-sac within open countryside within the New Forest National Park (the National Park). It lies outside the Sway designated settlement boundary, which runs along the eastern side of the road. It is bounded by residential properties, with open fields to the rear.
5. Policy DP36 of the *New Forest National Park Local Plan 2016 – 2036 (2019)* (the Local Plan) states that extensions to existing dwellings will be permitted provided they are appropriate to the existing dwelling and its curtilage. Extensions to dwellings (not small dwellings) outside the Defined Villages, must not increase the floorspace of the existing dwelling by more than 30%. The policy relates to concerns that proposals to incrementally extend dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest, and can, over time, cause an imbalance in the range and mix of housing stock available. The aim of this policy is consistent with Chapter 15 of the *National Planning Policy Framework 2019* (the Framework), which seeks to conserve and enhance the natural environment. In particular, Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
6. There is no dispute that the appeal site lies outside of the Defined Villages, and that the dwelling is not a small dwelling as defined in the Local Plan. The existing house is a replacement dwelling granted permission in 2014. The Council states that the floorspace of the previous, replaced, dwelling, which existed in 1982, measured 203 sq. metres and that the replacement house increased the floorspace to 264 sq. metres, just falling within the 30% increase limitation. This is not disputed by the appellant.
7. The proposal would add a sunroom extension to the rear of the house, which would be built over part of an existing paved terrace. Both parties are agreed that that the proposal could not be built as permitted development, due to a planning condition removing permitted development rights for further extensions to the property. In addition, the Council's view is that the appeal scheme would not comprise permitted development in any case, as it would project beyond the side wall of the property.
8. Paragraph 7.82 of the Local Plan provides a definition of the existing dwelling for the purposes of applying Policy DP36, which is stated as 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.
9. The proposal, which according to the main parties would have a floorspace of around 18 – 23 sq. metres, would result in a 39 - 41% increase in floorspace above that of the previous dwelling. As such, it would fail to comply with the permitted 30% increase allowed under Policy DP36. No exceptional circumstances under Policy DP36 have been put forward to allow a larger extension.
10. The approach of using the size of the previous dwelling as it existed on 1 July 1982 as the benchmark against which the floorspace increase arising from extensions to the replacement house will be measured, has been established over successive development plans for the New Forest as a means of guarding

against harm from cumulative extensions. These include the National Park Core Strategy adopted in 2010 and the recently adopted Local Plan in 2019, where the Local Plan Inspectors endorsed the strategy.

11. The Council states that this approach has been supported through recent appeal decisions and has drawn my attention to one dismissed appeal in respect of a single storey rear extension to a replacement dwelling, (APP/B9506/D/18/3208703). The appellant has referred to me to 3 allowed appeals in respect of Policy DP36, or the former equivalent Policy DP11 of the previous local plan, in support of the appellant's case (APP/B9506/D/18/3197383, APP/B9506/W/17/3189678 and APP/B9506/W/19/3237595). I am not aware of all the details of these cases, but on the basis of the evidence before me, I am satisfied that they do not relate to identical circumstances to those of the current appeal in respect of site planning history and character and appeal proposal. In any event, I must determine this appeal on the merits of the scheme before me and any harm arising from the proposed development in relation to Policy DP36.
12. In this respect, I have given careful consideration to the objectives of Policy DP36 of avoiding harm to the distinctive character of the National Park and preventing an imbalance in the range and mix of available housing stock due to a loss of smaller dwellings.
13. Supporting paragraph 7.79 of the Local Plan states that incremental extensions to dwellings can affect the locally distinctive character of the built environment of the New Forest and that, over time, extensions can cause an imbalance in the range and mix of available housing stock. It also comments that policies such as DP36 intend to strike an appropriate balance between meeting changes in householder requirements and maintaining a stock of smaller sized dwellings.
14. The appeal property lies within a road of residential properties, and within a row of detached properties of varying designs. The Council has confirmed that the proposal would not harm the character of the wider area, and I concur with this view following my site inspection. The proposed extension would be of a very small scale in relation to the size of the existing building and would be wholly subservient in nature to the existing property. It would occupy a discreet position to the rear of the building and comprise materials and a hipped roof form in keeping with the host property. It would be sited on part of an existing large rear patio, thereby not extending built development further within the site curtilage. As such, I find that due to its combined size, design and position within the site and the location of the site within a built-up residential road, the proposal would be appropriate to the existing dwelling and its curtilage, as required by the first paragraph of Policy DP36, and would not harm the character and appearance of this part of the National Park countryside.
15. The appeal property is not a small dwelling, as defined by Policy DP36. The floor plans submitted with the application show that it is a substantial 3 bedroom dwelling. In addition to 3 large bedrooms, it has a family sized bathroom, 2 en-suites and 2 dressing rooms in at first floor level. The ground floor includes a generous kitchen/dining room, a large separate lounge and a study and utility room. As such, my findings are that the existing property does

not currently make a contribution to the Council's stock of smaller sized dwellings.

16. The proposal would comprise a very modest addition to the property, amounting to about 7% of the of the floor area according to the appellant. This figure has not been disputed by the Council. It would provide a sun-room extension to the existing lounge, replacing part of the outdoor terrace, which I observed during my site inspection appears to be well-used, evidenced by outdoor dining furniture. Having regard to the existing and proposed use of this part of the property, the size of the host dwelling and the relatively small scale of the proposed extension, I do not consider that the appeal scheme would alter the role of the dwelling within the housing stock of the National Park. There is no substantive evidence before me to demonstrate how the proposal would result in, or contribute to, a significant imbalance in the range and mix of the Council's housing stock.
17. The Council's refusal reason also relates to concerns about the impact of the proposal on activity generally within the countryside. Whilst there would be an increase in habitable floorspace as a result of the appeal scheme, given the existing size of the dwelling and the relatively small ancillary nature of the proposal, I find that it would be unlikely to result in a material increase in activity in the countryside. I have no substantive evidence before me to the contrary, or to indicate that increased activity arising from the appeal scheme would be harmful to the Council's objective of protecting the character of the countryside.
18. Policy DP36 aims to resist the cumulative effect of enlargements to dwellings, which can affect the locally distinctive character of the New Forest. Supporting paragraph 7.79 refers to a significant number of planning applications each year for residential extensions. This is indicative of pressures for change which cumulatively could undermine aims to safeguard the long term future of the countryside, and the Council's refusal reason includes the assertion that the proposal would "undesirably add to pressures for change which are damaging to the future of the countryside". However, on the basis of limited harm that would arise from the circumstances in this case in relation to Policy DP36, I find that it has not been shown that the degree to which the proposal would add to pressures for change would alone be sufficient to warrant the dismissal of this appeal. In this respect, I have also had regard to the additional controls over future extensions to the replacement dwelling as result of the removal of permitted development rights, which provides an additional safeguard against harmful incremental enlargement of the property.

Conclusion

19. The appeal scheme would result in the enlargement of the dwelling above the permitted 30% floorspace threshold of Local Plan Policy DP36, and, as such, it would conflict with this policy. However, having regard to the current size of the replacement dwelling, the proposal would not result in the loss of a small dwelling, nor would it undermine the Council's aims to retain small dwellings so as to maintain a balanced housing stock. The small scale of the proposal, its design which is in keeping with the host property, and the limited physical changes to the appeal site, would result in an acceptable impact in relation to the landscape character of the countryside, and any increase in activity at the site would be unlikely to materially impact on the countryside character. Whilst

acknowledging that the cumulative effect of enlargements to dwellings can add to pressures for change, the proposal's effects on those pressures alone would not be sufficient reason to withhold permission.

20. For the reasons given, and having regard to all other matters raised, the appeal is allowed, subject to the standard implementation condition, and, in the interests of the character and appearance of the area, conditions to define the plans and ensure that the proposed materials match those of the existing dwelling.

S Leonard

INSPECTOR