

Planning Committee - 19 May 2020

Report Item 2

Application No: 20/00126/FULL Full Application

Site: Long Acre, Adlams Lane, Sway, Lymington, SO41 6EG

Proposal: Conservatory

Applicant: Mr Parker

Case Officer: Liz Young

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
DP36 Extensions to dwellings
SP17 Local distinctiveness
DP18 Design principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend permission:

- Whilst recognising the terms of Policy DP36 an important material consideration is that the application proposes a high standard of design.

- No light pollution.
- No impact upon the housing stock.
- Would not contribute to over development.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 No comments received.

10. RELEVANT HISTORY

10.1 Replacement dwelling; double garage; access alterations; demolition of existing dwelling (14/00403) approved on 11 July 2014

10.2 Replacement dwelling; double garage; access alterations; demolition of existing dwelling (13/99152) withdrawn on 17 February 2014)

10.3 Extension to kitchen, addition of utility room, store and attached garage with additions on first floor to form granny annexe (84/26092) approved on 30 July 1984

11. ASSESSMENT

11.1 This application relates to a large, two storey, detached dwelling set within residential surroundings off a rural cul-de-sac and in close proximity to the open forest. The site is set on fairly elevated ground which slopes steeply away to open fields to the west. The house itself is a relatively new building and was a replacement of a more modest property following the granting of planning consent in 2014. The site lies outside the defined settlement of Sway.

11.2 Consent is now sought to add a single storey extension to the rear of the existing dwelling. The extension would have an internal floorspace of 23 square metres. Facing materials (facing brick work and clay tiles) would match those on the main house.

11.3 It was established on site that the development would not have any direct or harmful implications for the amenities of neighbouring residents or the character of the wider area. Because the site lies outside the perimeter of the defined settlement boundary of Sway, however, it is subject to the 30% floorspace limit which applies under Policy DP36 (the key issue to consider as part of this application). The dwelling which originally existed on site in 1982 measured 203 square metres. As a result

of the recent replacement, the size of the dwelling was increased to 264 square metres (just within the 30% limit). A condition was attached to this consent removing permitted development rights. The proposed further extension would result in a 41% increase which exceeds the limits set out under Policy DP36. The extension now proposed could not be built under permitted development rights because it projects beyond a side wall of the original dwelling and because condition 3 of the 2014 consent removes permitted development rights under Class A of the General Permitted Development Order. The reason for imposing Condition 3 reads as follows:

To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)

This condition has not subsequently been appealed and no applications have been made to remove it.

- 11.4 Paragraph 7.79 of the Local Plan expands upon the reasoning behind Policy DP36 (which supercedes Policy DP11 of the former Core Strategy) and the limitations imposed upon extensions:

“Proposals to incrementally extend dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest. In addition, extensions can over time cause an imbalance in the range and mix of housing stock available. For these reasons it is considered important that the Local Plan continues to include a clear policy to guide decisions for extensions to dwellings. Successive development plans for the New Forest have included such policies which strike an appropriate balance between meeting changes in householder requirements and maintaining a stock of smaller sized dwellings”.

- 11.5 The supporting statement submitted with the application recognises the proposal is contrary to Policy DP36. The specific points put forward are summarised as follows:

- Condition 3 was imposed contrary to government guidance.
- A precedent has already been set following an appeal decision in Bartley (case reference 17/00774).
- The proposed extension would not have a significant impact upon the overall market value of the house.

The appropriate procedure for establishing the merits of condition 3 would either be through appealing the condition or making a further application to remove it. In any event, the information provided with this application does not demonstrate any specific

exceptional circumstances in this case which might give the Authority sufficient reason to grant permission for an extension larger than 30%. Even in cases where it is accepted that a larger extension is justified to meet the genuine family needs of an occupier who works in the immediate locality, the total floorspace of an extended dwelling must not exceed 120m². The proposed development clearly exceeds this limit. The explanatory text supporting Policy DP36 also defined a genuine family needs as:

"an exceptional and unique family need that could not have been reasonably anticipated at the time of purchase of the property. For example, additional floorspace may be required to cater for specialist equipment and facilities required in connection with an unforeseen event, such as severe disability arising from an accident whilst in occupation of the property; but, it normally would not cater for the needs of growing families or the need to care for elderly relatives, as these needs are not considered to be so 'exceptional' as to warrant a departure from the floorspace restrictions set out in this policy."

- 11.6 Policy DP36 has been carried forward through successive local plans for the New Forest over the last 30 years. When the National Park's Core Strategy was adopted in 2010, the Inspector endorsed this policy as a useful tool in ensuring extensions did not cumulatively erode the modest scale and rural character of dwellings within the National Park. It was carried forward largely unchanged into the Local Plan. The Inspector's 2019 report into the New Forest National Park Local Plan 2016-2036 stated:

Policy DP36 sets out the circumstances within which extensions to existing dwellings would be allowed. Whilst concerns are raised regarding the size restriction for small dwellings and new dwellings (100 square metres total internal habitable floorspace); to allow larger extensions would undermine the aim of Policy SP19 which seeks to achieve a more balanced housing stock. Furthermore, the policy allows for larger extensions (120 square metres total internal habitable floorspace) in exceptional circumstances which provides sufficient flexibility for the needs of agricultural/forestry workers and commoners if so required. On this basis, we are satisfied that the approach is justified and effective.

The policy therefore remains as valid now as it has over the preceding years. The Local Plan Inspectors raised no objection to the restrictive nature of the policy either during the Examination or in their report. It is worth noting that other National Parks in England have a similar floorspace restriction including Exmoor National Park and the South Downs National Park.

- 11.7 Following on from the above, it is acknowledged that Planning

Practice Guidance is cautious about the use of conditions to restrict permitted development rights in other than exceptional circumstances. However, where a rural extension is to be allowed, a restriction on further additions would be required in the interest of protecting the countryside against further encroachment or a further loss of openness. This is also now reflected in Policy DP36, which makes clear reference to the need to consider conditions which remove permitted development rights. Paragraphs 80 and 89 of the Inspector's Local Plan Report reads as follows:

Paragraph 80: *“So that the benefits of the dwelling size limit are not eroded over time, it is necessary to provide for the withdrawal of permitted development rights for extensions to new dwellings.”*

Paragraph 89: *“Policy DP36 sets out the circumstances within which extensions to existing dwellings would be allowed. Whilst concerns are raised regarding the size restriction for small dwellings and new dwellings (100 square metres total internal habitable floorspace); to allow larger extensions would undermine the aim of Policy SP19 which seeks to achieve a more balanced housing stock. Furthermore, the policy allows for larger extensions (120 square metres total internal habitable floorspace) in exceptional circumstances which provides sufficient flexibility for the needs of agricultural/forestry workers and commoners if so required. On this basis, we are satisfied that the approach is justified and effective.”*

- 11.8 A number of recent appeal decisions within the New Forest National Park include conditions which remove permitted development rights. In the case of one recent example (APP/B9506/W/17/3182917), the Inspector concluded as follows:

“although I am mindful that the National Planning Policy Framework advises that conditions should only restrict national permitted development rights where there is clear justification for doing so, in this case I consider the restriction on permitted development rights to extend or alter the replacement dwelling... is justified in order to meet the aims of policies DP10 and DP11 of the Core Strategy”

- 11.9 With regard to the other case referred to by the agent, this decision (made prior to the adoption of the current Local Plan) clearly did not reflect the policy requirements in place at the time. Additionally, there have been more recent appeal decisions which support the Authority's approach of ensuring all extensions fall within the 30% limit in the absence of any exceptional circumstances. One recent example relates to Home Farm, Canada Road (APP/B9506/D/18/3208703). This decision also related to an extension to a dwelling which was a recent

replacement of a much smaller property and was dismissed on the grounds that it would exceed the 30% floorspace limit.

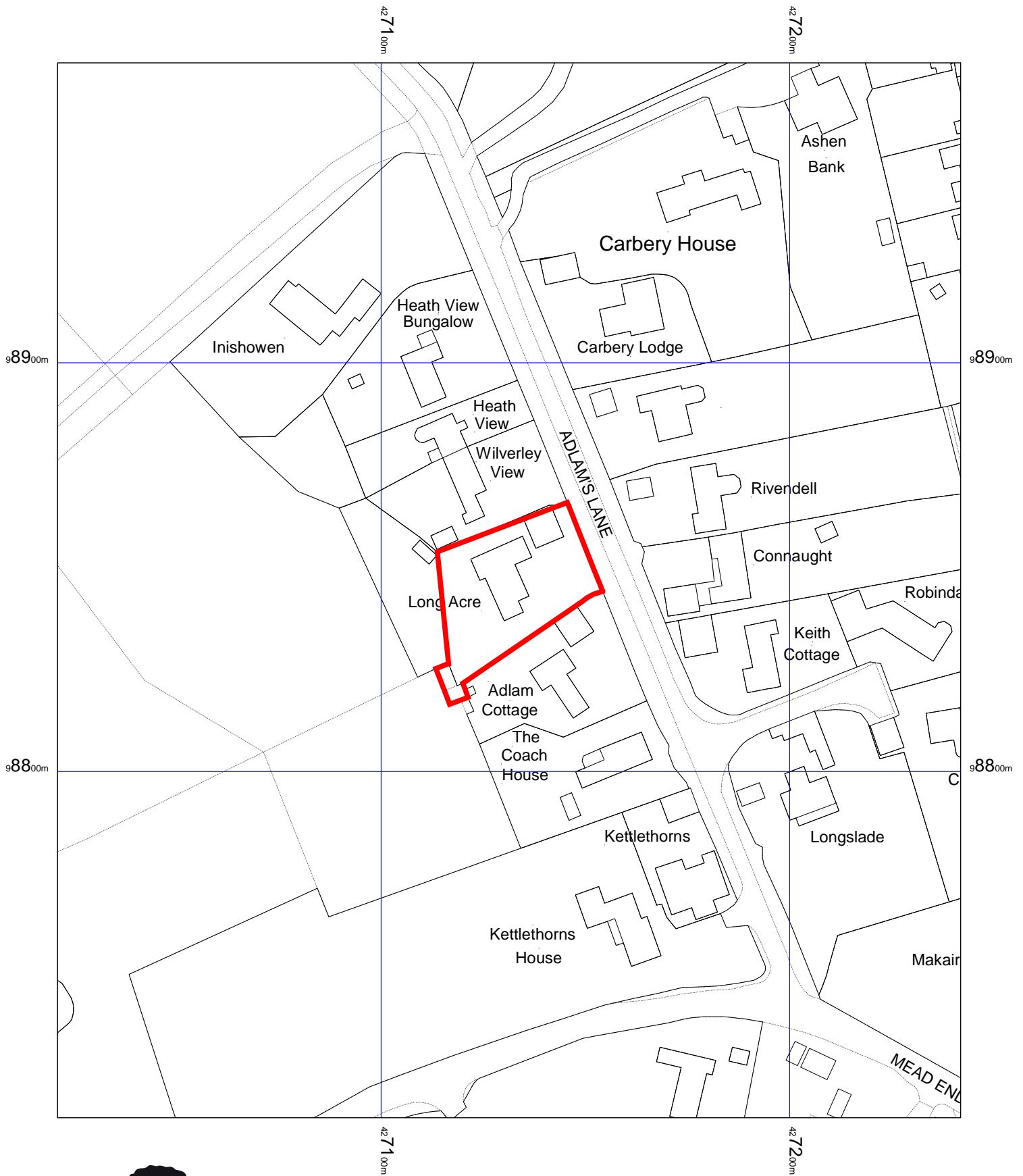
- 11.10 In conclusion, although the proposal would result in the enlargement of the floorspace of the *replacement* dwelling by less than 30%, this would represent more than a 30% floorspace increase of the original dwelling as defined by Policy DP36, that is the dwelling as it existed on 1 July 1982. The proposal would therefore not accord with Policy DP36 of the Local Plan, which seeks to limit the extension of existing properties within the New Forest National Park in order to prevent the harmful incremental extension of dwellings in the national park, which is a nationally designated landscape.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 In order to help safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently Policy DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) seeks to limit the proportional increase in the size of such dwellings in the New Forest National Park recognising the benefits this would have in minimising the impact of buildings and activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal, taking into account a previous enlargement, would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside.



NEW FOREST
NATIONAL PARK

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