



Appeal Decision

Site visit made on 4 September 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/B9506/D/19/3232171

Dove Cottage, Chilly Hill, Abbotswell Road, Blissford, Hampshire SP6 2JF

- 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 Marc Thomas against the decision of New Forest National Park Authority.
 - The application Ref 19/00158, dated 11 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is a two storey side extension; attached plant room at rear (demolish existing conservatory).
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey side extension; attached plant room at rear (demolish existing conservatory) at Dove Cottage, Chilly Hill, Abbotswell Road, Blissford, Hampshire SP6 2JF in accordance with the terms of the application Ref 19/00158, dated 11 February 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. I have made a minor amendment to the address from that stated on the application form which read 'Chilly Hill, Dove Cottage'. Therefore, I have restructured in order that the property is named first on the address line. This reflects the structure as submitted on the appeal form.
3. During the course of the appeal the Council have adopted the New Forest National Park Local Plan (2016-2036) (the Local Plan) on the 29 August 2019. This has replaced the New Forest Local Development Framework Core Strategy and Development Management Policies DPD (2010) against which the planning application was determined. I have sought the parties comments of this on the implications for the appeal and the parties have identified that the key policy to assess the main issue against is now Policy DP36 of the Local Plan. I have therefore determined the appeal in line with this policy.

Main Issue

4. The main issue is whether the proposal which involves the cumulative enlargement of the dwelling within the National Park is acceptable with regard to the adopted development plan policy.

Reasons

5. Dove Cottage is located amongst a group of properties at Chilly Hill, accessed via a lane off Abbotswell Road and situated within the Western Escarpment Conservation Area. It is a chalet styled property which was granted planning consent in 1983 as a replacement dwelling for a previous timber hut building on the site. The current property was constructed sometime in the 1980's following this permission and subsequently a conservatory has been added.
6. Policy DP36 of the Local Plan sets out the Councils approach to extensions to dwellings. In the case of small dwellings (which means a dwelling of 80 sqm) the extension must not result in the total habitable floorspace exceeding 100sqm. For other dwellings outside a defined village, as in this case the extension must not increase the floorspace of the existing dwelling by more than 30%. For the purposes of the definition of the existing dwelling this is the dwelling which existed on 1 July 1982. The policy recognises that proposals to extend dwellings can affect the locally distinctive character of the New Forest National Park and increasing the size of dwellings has the potential to cause an imbalance in the range and mix of housing stock available.
7. It is clear there is limited evidence to support the size of the dwelling that existed in 1982 and there is no agreement as to what the existing floorspace of the original dwelling would have been on 1 July 1982. The only planning history prior to 1983 (when the replacement dwelling was granted permission) was a consent granted in 1951 for a timber hut building.
8. The Council indicates that whilst the core of this building would have been extremely small, it is likely this would have been extended between 1951 and 1983 and a block plan of the dwelling demolished to make way for the current property indicates a footprint of 50 square metres with the dwelling labelled a bungalow. Whilst this may give an indication of footprint of the building there is no definitive indication of the actual floorspace that existed in this building.
9. I have had regard to the recent appeal decision¹ which the Council has drawn my attention to with regard to this issue. However, from what I can ascertain, that decision was comparing an ordnance survey plan dating from 1964 to a 1998 site plan.
10. In this case, the extract of a block plan from 1983 shows a much larger footprint to Pine Hut than the 1977 block plan, to the extent that the footprint appears to be not too dissimilar in size to the proposed dwelling in 1983. It is also suggested that it is unclear whether the first floor had not been converted by that point in time with the additional floorspace or rooflights.
11. Given this, for the purposes of this appeal, I consider it would be reasonable in this case to adopt the size of the dwelling as granted permission in 1983 as the base point as to which future extensions should be judged against as there are detailed plans where such extensions calculations can be made against. Whilst I accept that this is not strictly in accordance with the explanatory text to Policy DP36 I find that this approach is not unreasonable especially given the short timescale between the base point in time in the supporting text and the 1983 planning permission itself.

¹ Reference APP/B9506/D/18/3208703

12. With regards to the current dwelling as permitted in 1983 (excluding the conservatory) the Council identify this extends to 97.4 square metres with the proposal taking the floorspace up to 135.07 square metres. On the basis of the Councils figures, this would result in a 38% increase in floorspace of the existing dwelling. However, the appellant considers the existing dwelling to be approximately 111 square metres with the proposed extended dwelling taking the floorspace to around 144 square metres.
13. The principal differences between the calculations of the main parties appears to be as a result of the extent of the first-floor accommodation. The Council consider that not all of the existing first floor accommodation should be included as part of it has an internal head height of less than 1.5 metres.
14. However, Policy DP36 states that it includes the total internal habitable floorspace of the dwelling. I have examined the Councils Planning Information Leaflet – Extensions to dwellings that was provided with the submission which provides further guidance on measuring floorspace. I noted that there is a permanent staircase leading to the first floor with rooms benefitting from natural light via a dormer window or roof light. To my mind, for the purposes of the policy I would consider it as habitable floorspace and as such should be considered to be that for the purposes of the calculations in Policy DP36. Furthermore, there is nothing in Policy DP36 which indicates that this should not be the case.
15. In addition to the above, the proposed plant room has been excluded from the Appellants calculations whereas the supporting text to Policy DP36 is clear in that when calculating the floorspace of proposed extensions attached outbuildings should be included.
16. On the basis of the above, the proposed extension without the plant room would accord with the 30% increase in floorspace supported by Policy DP36. However, the plant room would take this over the 30% figure. From the Appellants figures the plant room would be 3.3 square metres. Adding this to two storey extension figures would result in a total increase in the floorspace of the dwelling of around 33% which would not accord with the provisions of Policy DP36.
17. The appellant has indicated that should the appeal not be successful there is a fallback position and the appellant will implement an alternative rear single storey extension to the rear of the property utilising permitted development rights. Having examined the plans for this scheme the arrangement would involve moving the kitchen and dining room into the single storey rear extension with the creation of an additional bedroom in the former kitchen area and would extend along the rear of the house.
18. The appellant suggests that the appeal scheme would be more in keeping with the character of the cottage rather than more modern permitted development proposal, a view to which I concur. Given there are detailed plans in front of me and that there is an indication that this would be delivered in the event I dismiss this appeal I give this fallback position significant weight.
19. To my mind, the benefits of having a development which reflects the design of the host dwelling (as opposed to that in the fallback position) is a significant factor in the overall balance of the planning merits of the scheme, particularly given the small amount of floorspace created by the plant room itself.

20. In coming to that view, I acknowledge that the proposal would not accord with the provisions of Policy DP36 as a result of the small amount of additional floorspace. However, I consider that the benefits associated with the design of the appeal proposal when compared to the fallback position outweigh that harm and is a determinative factor in this case.
21. Furthermore, taking all matters into consideration, there is nothing before me to indicate that this proposal would cause issues in maintaining a balance in the housing stock. I consider that the proposal is of a good design which respects the character of the host property without it being unacceptably large in scale.

Other Matters

22. The site is located within the Western Escarpment Conservation Area (CA). As such I have had regard to the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. The property is of no historic significance and given its location is screened from views. Furthermore, I consider the design of the proposal is acceptable as would not cause harm to the character or appearance of the CA as a whole. Thus, it would preserve the significance of this designated heritage asset.

Conditions

23. The Council has provided a list of suggested conditions that it considers would be appropriate on the appeal questionnaire. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials of the development is also necessary in the interests of the character and appearance of the area.

Conclusion

24. For the reasons given above, the appeal is allowed.

Stephen Thomas

INSPECTOR

Schedule of 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 the following approved plans: Location Plan 13 February 2019, Site Plan 13 February 2019, Ground Floor Plan – Proposed (Option-2) Drawing No 042, First Floor Plan – Proposed (Option-2) Drawing No 044, Roof Plan – Proposed (Option-2) Drawing No 045, Front Elevation – Proposed (Option-2) Drawing No 047, Right Side Elevation – Proposed (Option-2) Drawing No 048, Rear Elevation – Proposed (Option-2) Drawing No 049, Left Side Elevation – Proposed (Option-2) Drawing No 050, All Elevations – Proposed (Option-2) Drawing No 051 and Tree Plan TPO1 13 February 2019.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.