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# Appeal Decision

Site visit made on 29 July 2021

**by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 September 2021**

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**Appeal Ref: APP/B9506/D/21/3273181**

**Corner Ground, Norley Wood Road, Norley Wood SO41 5RS**

- 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 and Mrs Magnus Strom against the decision of the New Forest National Park.
  - The application Ref 20/00583, dated 14 August 2020, was refused by notice dated 22 January 2021.
  - The development is a raised garden terrace.
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## Decision

1. The appeal is allowed and planning permission is granted for a raised garden terrace in accordance with the terms of the application, Ref 20/00583, dated 14 August 2020 and subject to the following condition:
  1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1704-150 Rev C

## Procedural Matters

2. On my site visit I observed that the raised decking area has already been constructed. However, the trellis screening shown on the submitted plans has not yet been installed.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the site and area, including the Forest South East Conservation Area (CA) and the New Forest National Park (NP).

## Reasons

4. The appeal site is located in a rural location on the edge of Norley Wood. The dwelling and rear garden are well-screened within the wider area by a substantial established hedgerow. The site is located within the boundaries of both the CA and NP.
5. The raised terrace area is small in scale and simple in design. It sits comfortably in a discrete corner of the appellants' garden, below the level of the adjacent hedgerow. Consequently, it is well-screened and not visible from outside the appeal site. On this basis, the terrace itself would not harm the character and appearance of the area, including the CA and the NP.

6. The appellants confirm the terrace is used as an outdoor lounge area and, on my site visit, I observed that it includes low level garden seating. Whilst I recognise that there may be limited views within the wider area of users when they are stood on the terrace, given its limited scale and arrangement, for the most part people on the terrace would be likely to be sat down and well-screened by the surrounding hedgerow. In any event, occasional glimpses of users of the terrace would not harm the rural character and appearance of the area.
7. In view of the above, the terrace is not a discordant and suburbanising feature in the landscape. Neither is it at odds with the rural character and appearance of the CA or the rural setting and locally distinctive character of the NP. Therefore, the development does not conflict with Policies SP16, SP17, DP2 and DP18 of the New Forest National Park Local Plan 2016- 2036 (2019) which, taken together, require high quality design which respects the character and appearance of the NP and CA.

### **Other matters**

8. I have considered concerns raised by the Parish Council and neighbouring residents in respect of loss of privacy to a neighbouring property. However, this matter is not contested by the Council and, in my judgement, it is not of sufficient weight to alter the balance of considerations of this appeal.

### **Conditions**

9. I impose a condition in regards to the approved plans to provide certainty.
10. I have not included the Council's following suggested conditions as they would not meet the tests in Paragraph 56 of the National Planning Policy Framework:
  - i) A condition requiring materials to match those of the existing building is not necessary as the terrace has already been constructed and I have found it is not harmful to the character or appearance of the area.
  - ii) A condition setting a timescale for the completion of works in accordance with the approved plans is not necessary. Given that the terrace is already in situ, the purpose of this condition would be to secure the installation of the trellis screens to the decking area. I do not consider the trellis screens to be necessary to safeguard the character and appearance of the area. Also, given the distance between the structure and the nearest residential property, I do not consider them necessary to safeguard the living conditions of neighbouring occupiers. For the same reasons, a condition requiring the retention of the trellis screens at a minimum height is not necessary.
  - iii) A condition restricting the use of the structure is unnecessary as, due to its scale and form, the terrace would not be capable of use as habitable accommodation or for purposes other than incidental to the main dwelling.
  - iv) Conditions setting a minimum height and width for the existing hedge and requiring its replacement if it were removed, dies or

becomes damaged or diseased would not be reasonable and would be onerous to enforce.

**Conclusion**

11. For the reasons given, I allow the appeal.

*Rebecca McAndrew*

INSPECTOR