

PC 385-22

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 18 JANUARY 2022

REVISED PLANNING INFORMATION LEAFLET

Report by: Steve Avery, Executive Director

1. Introduction

- 1.1 In February 2011, we published the Planning Information Leaflet 'Extensions to Dwellings', principally to help applicants and others better understand how the relevant floorspace calculations were applied in the National Park following adoption of the first Park-wide Local Plan in 2010. The Leaflet also included some brief guidance on 'householder' permitted development rights, with links to the Planning Portal, as well as the need to consider whether Building Regulation approval might also be required. A copy of the 2011 Leaflet is attached as Annex 1.
- 1.2 The Leaflet was produced as informal guidance and did not form part of the statutory development plan. That said, it was a 'material consideration' in considering planning applications to extend dwellings and was referred to as such by Planning Inspectors on appeal (we would send a copy of the Leaflet to the Planning Inspectorate together with the relevant Local Plan policies in completing and returning the standard appeal questionnaires).
- 1.3 In preparing the most recent Local Plan (adopted in 2019) we took the opportunity to incorporate some of the text in the Leaflet within the new Local Plan in support of Policy DP36 (Extensions to Dwellings). For this reason we did not see a need to update or continue with the Leaflet.
- 1.4 However, more recently and in the light of some appeal decisions, we believe it would be helpful to update the Leaflet to assist applicants and decision-makers in applying the relevant policies of the adopted Local Plan in regard to proposals for extensions, in particular those relating to replacement dwellings and formerly 'exempt' conservatories'. The note does not create new policy, but explains the purposes of the relevant Local Plan policies and how they are applied. The revised Leaflet, as proposed, is attached as Annex 2.

2. Extensions to replacement dwellings

- 2.1 A replacement dwelling built after 1 July 1982 can only increase the floorspace of the former dwelling it replaced by up to 30% and no more. In most cases replacement dwellings post 1982 took the opportunity to extend the floorspace by 30% at the same time as they were built. It therefore follows that in those circumstances, the replacement dwelling cannot be extended further as it has already utilised 'the full 30%'. It is important to make this clear as a couple of Inspectors have taken the 'base date' for calculating the 30% increase as the date the replacement dwelling was first built – thereby allowing an additional 30% of floorspace to be provided on top of that already allowed in replacing the former dwelling.

- 2.2 A policy that sets a proportionate limit on enlargements to dwellings must have a consistent and fixed base date, otherwise its role in seeking to limit the cumulative enlargement of dwellings is seriously undermined. The revised Leaflet makes this clear.

3. Alterations to previously 'exempt' conservatories

- 3.1 Under previous policies adopted by New Forest District Council, conservatories of up to 20 square metres were allowed as an "exception" to policies relating to floorspace subject to a planning condition limiting their use as a conservatory – defined as having not less than three-quarters of the area of its roof and not less than one half of the area of its external walls made of clear or translucent material. This policy exemption for conservatories was not carried forward by the National Park Authority and ceased to apply on adoption of the first Park-wide Local Plan in 2010.
- 3.2 Until now, we have sought to resist proposals to adapt or extend 'exempt conservatories' where such works would result in a lesser use of clear or translucent material and would no longer meet the definition of a conservatory as described above.
- 3.3 It is recognised that a combination of needs to secure greater energy efficiency in domestic buildings and to reduce light pollution justifies a revised approach of allowing formerly 'exempt' conservatories to be adapted and/or replaced with a more solid roof and/or external walls subject to the footprint, scale and siting of the resultant structure being the same as before with no increase in floor area. The floorspace of such adapted/modified conservatories will continue to be excluded from measurements of the total internal habitable floorspace in assessing future proposals to extend or replace the host dwelling, in conformity with Policy DP36. The revised Leaflet reflects this new approach.

4. Other revisions to the Leaflet

- 4.1 The Leaflet clarifies that attached garages can be excluded from floorspace calculations where (i) there is no internal connection (ii) they retain the appearance and all the characteristics of a garage and (iii) their future use as a garage can be suitably controlled through an appropriate condition.
- 4.2 A flow chart and case study is now included in the Leaflet to aid understanding.

5. Conclusion

- 5.1 Policies DP35 and DP36, and the need to limit the cumulative enlargement of dwellings in the National Park, were supported by the Planning Inspectorate at the Local Plan Examination. This Leaflet has been designed to help applicants and decision makers better understand how the relevant floorspace calculations are applied in the context of Policies DP35 and DP36 whilst allowing a degree of latitude for adapting and replacing 'exempt' conservatories.

Recommendation:

- (i) **Members approved the revised Planning Information Leaflet attached as Annex 2 and:**
- (ii) **Authority be delegated to the Executive Director to make any final minor edits to the Leaflet prior to its publication in consultation with, and the agreement of, the Chairman of the Planning Committee.**

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Papers: **PC 385-22** – cover paper

Equality Impact Assessment: No impacts have been identified.