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## Appeal Decision

Site visit made on 10 January 2023

**by J White BA (Hons) MA MRTPI**

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

**Decision date: 27 January 2023**

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**Appeal Ref: APP/B9506/W/22/3293546**

**Cadnam Garage, Southampton Road, Cadnam SO40 2NB**

- 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 A Frost of Cadnam Garage Ltd against the decision of New Forest National Park Authority.
  - The application Ref 21/00872, dated 23 September 2021, was refused by notice dated 19 November 2021.
  - The development proposed is the refurbishment, alterations and improvements to existing car repair garage.
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### Decision

1. The appeal is allowed and planning permission is granted for the refurbishment, alterations and improvements to existing car repair garage at Cadnam Garage, Southampton Road, Cadnam SO40 2NB in accordance with the terms of the application, Ref 21/00872, dated 23 September 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1590/P/10B, 1590/P/11B and 1590/P/12B.
  - 3) Prior to their use in the development hereby approved details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
  - 4) Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before its installation within the site. The lighting shall be carried out in accordance with the approved details.

### Preliminary Matter

2. Some interested parties raise concern about the accuracy and clarity of the submitted drawings. I am cognisant that the Authority does not dispute the accuracy of the drawings and I have taken this concern into account in my assessment of the proposed development, which is based on all the evidence before me and an inspection of the site and its surroundings. On that basis, I am satisfied the details of the appeal scheme as shown on the plans and details

in the written evidence allow a reasonable assessment of the development sought.

### **Main Issue**

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Forest View and The Brambles, with particular regard to outlook and daylight.

### **Reasons**

4. The appeal site relates to a car repair garage in Cadnam within New Forest National Park. The site lies on a busy main road through the settlement and adjacent to the junction with Kennington Lane, which is a cul-de-sac street with access from the main road. There are houses to either side and behind. However, the area is not solely residential. There is a garden centre on the opposite side of the road as well as other commercial premises further up and down the road. Whilst the residential dwellings immediately behind and to the side are bungalows, there is a wider context of two storey dwellings. There is therefore a varied built form along the main road.
5. The proposal would increase the height of the existing building and extend its front façade at either end, replacing an existing timber gate closest to Forest View with a wall and new access door. The shared boundary with Forest View comprises a brick retaining wall with a timber fence above. Forest View is a single storey dwelling and its front elevation faces towards the main road. It has been extended to the rear and, although the dwelling is smaller in scale, it lies approximately in line with the end gable of the garage building. A small open area beside the garage and an access path down the side of Forest View separate the two buildings. Forest View has a window in its side elevation toward the appeal site. The window is obscure glazed and small-size.
6. Whilst there may be some loss of light and additional overshadowing to Forest View, particularly during the morning, there is already an element of overshadowing. In this context, any additional overshadowing would not be significant given the position of the appeal site to the side and the apparent secondary nature of the small window within the affected elevation.
7. The accessway beside Forest View is enclosed by the side elevation of the dwelling and the boundary fence. It is not suitable for outdoor dining or associated activities. Although the garage building would be increased in height, given its position in relation to the garden areas of Forest View and its principal windows, there would be adequate outlook and the proposal would not cause detriment to the enjoyment of the garden spaces or comprise visual intrusion. As such I find no reason that the proposal would be overbearing or cause adverse detriment to the living conditions of this neighbouring dwelling, with particular regard to outlook and daylight.
8. The Brambles is a single storey dwelling to the rear of the appeal site. A high timber panel fence forms the boundary, with an accessway separating the garage building from the boundary. The front elevation of The Brambles faces onto Kennington Lane. Its side elevation faces the appeal site and an access drive and parking area for the dwelling lies alongside the shared boundary. The rear elevation faces its rear garden area. There are two windows within the side gable facing the appeal site, however, these appear to be secondary with

main windows in the front and rear elevations of the dwelling serving the respective rooms.

9. The proposal would increase the ridge line of the existing roof by 0.5 metres and the existing eaves level close to The Brambles would be increased in height. Although, due to the shape of the existing roof and the relative ground levels, the existing eaves line of the building sits below the height of the boundary fence, the proposal would extend the eaves level so that it would be taller than the fence.
10. Given the presence of existing development and the position of the garage to the south of The Brambles, there is already an element of enclosure and overshadowing. From observations during my site visit, the proposal would not be excessive in terms of its size or scale when considered against that of the existing development. Whilst there would be some loss of light and additional overshadowing to the side elevation and garden, this would not be significant given the limited increase in overall height of the garage building and the apparent secondary nature of the windows within the affected elevation of The Brambles.
11. Although the eaves height of the building close to the boundary would be increased, which would provide a greater sense of enclosure, due to its position to the side of The Brambles it would not be unduly overbearing or create an unacceptable sense of enclosure to the occupiers. The outlook from the main windows would largely remain unaltered. As such, I find no reason that the proposal would cause adverse detriment to the living conditions of this neighbouring dwelling, with particular regard to outlook and daylight.
12. Third party comments have raised concerns that the proposal would harm the living conditions of the occupiers of Glenside, with particular regard to outlook and daylight. Whilst the Council has not raised concerns in this regard in its statement, during my site visit I observed that Kennington Lane separates Glenside and the appeal site. Glenside occupies a position to the north east of the site and is orientated with its front elevation facing the Lane and The Brambles, which lies opposite. Given the relative position of Glenside, there would be sufficient separation distance between it and the proposed development to ensure that there would be no adverse detriment to outlook or daylight for residents of the dwelling.
13. For the reasons set out above, I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of Forest View and The Brambles, with particular regard to outlook and daylight. Furthermore, the proposal would not cause adverse detriment to the living conditions of the occupiers of Glenside. Accordingly, the proposal would comply with Policy DP2 of the New Forest National Park Local Plan, which amongst other things seeks to ensure there is no unacceptable adverse impacts on amenity.

## **Other Matters**

14. The statutory purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage and to promote opportunities for the public understanding and enjoyment of the special qualities of the Parks. Paragraph 176 of the National Planning Policy Framework (the Framework) attaches great weight to the conservation of landscape and scenic beauty in National Parks. Although third parties comments have raised concerns in

relation to the effect of the proposal on the character and appearance of the area, there is no dispute between the parties over the effect of the proposal on the National Park. Whilst the proposal would increase the height and mass of the building, there is a varied built vernacular alongside the main road and the proposal is not considered to result in an unacceptably prominent or dominant development within the street scene. Therefore, I find that the character and appearance of the area would not be adversely affected, and the landscape and scenic beauty of the National Park would be conserved.

15. In relation to concerns relating to landownership of Hampshire County Council along the frontage of the site, the proposal would not increase the footprint of the existing building, nor would it alter the existing access arrangements. Moreover, landownership is a separate matter between the involved parties and is not within the remit of my decision. The Highway Authority has not objected, and the Highway Authority has separate power to control disruption to the public pathway were that to occur.
16. I observed the site access, visibility along the road and the relationship with pedestrian pathways and areas of street parking during my site visit. I am satisfied that the proposal would not be of such a scale as to cause significant impacts to highway safety, including pedestrian safety and with regard to availability of parking, or to warrant a refusal of planning permission.
17. I acknowledge the concern raised in relation to the effect on the efficiency of solar panels on the roof of Forest View. The interference with solar panels is a material consideration by reason of the part played by them in addressing issues of climate change. However, whilst it may have some effect, from observations during my site visit and based on the submissions, it would be unlikely that there would be any harmful reduction in sunlight to the solar collectors.

### **Conditions**

18. I have considered the conditions put forward by the LPA. Where necessary I have amended the wording of the conditions for clarity, to reflect the advice in the Framework and to meet the six tests. I have attached the standard time condition and I have specified the approved plans in the interests of certainty.
19. There is some detail with the submitted information to indicate the materials to be used, but this is not at a level sufficient to ensure suitable materials are to be used. Therefore, in the interests of the character and appearance of the building and this part of the National Park, a condition requiring samples or full details of materials to be submitted to the LPA is to be included. In order to safeguard neighbouring residential amenity and the character and appearance of the locality, a condition to control external lighting on the building is imposed.
20. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Based on what I have seen and read and having regard to the position of the first-floor accommodation within the proposal, there is no substantive evidence to justify such a condition. There are no first-floor windows proposed and permitted development rights would not apply where any part of the development would be within five metres of any boundary of the curtilage of the premises.

21. A condition requiring all materials, machinery and any resultant waste materials or spoil to be stored within the appeal site is not necessary as the land outside the appeal site would be subject to other controls. I note the suggestion of Hampshire County Council and Copythorne Parish Council that a condition be imposed to prevent parking within the area of highway land. However, conditions in respect of encroachment on the highway are not necessary as this area is not within the appeal site and would be subject to other controls.

### **Conclusion**

22. For the reasons given above, and having regard to the development plan as a whole, I conclude that the appeal should be allowed.

*J White*

INSPECTOR