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## Appeal Decision

Site visit made on 24 January 2023

**by Lynne Evans BA MA MRTPI MRICS**

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

**Decision date: 2<sup>nd</sup> March 2023**

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**Appeal Ref: APP/B9506/D/22/3306830**

**Gorse Cottage, Lymington Road, East End, Lymington SO41 5SS**

- 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 Nick Johnson against the decision of the New Forest National Park Authority.
  - The application Ref: 22/00360 dated 28 April 2022, was refused by notice dated 25 July 2022.
  - The development proposed is to remove the existing aged and damaged timber pergola and install a replacement conservatory (onto the same footprint).
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### Decision

1. The appeal is allowed and planning permission is granted for conservatory; demolition of existing pergola at Gorse Cottage, Lymington Road, East End, Lymington SO41 5SS in accordance with the terms of the application, Ref: 22/00360 dated 28 April 2022, 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: DR1, DR2, DR3, DR4, DR5, DR6, DR7 and DR8.
  - 3) The materials to be used for the external surfaces of the development hereby permitted shall accord with those set out on the application forms.

### Preliminary Matters

2. The description of development extends to include more detailed information than is necessary to describe the proposal. The Council described the proposal as *conservatory; demolition of existing pergola* and this is the description I shall use in my decision.

### Main Issue

3. The main issue is whether the proposed extension in relation to the cumulative enlargement of the dwelling is acceptable, as regards development plan policy which seeks to safeguard the distinctive character and appearance of the New

Forest National Park and maintain a balance in the housing stock within it, whilst also taking account of all other material considerations.

## **Reasons**

4. The appeal property is a detached dwelling set back from Lymington Road and facing towards the open countryside of the New Forest. It is in a loose line of individual residential dwellings on the south east side of the road. It lies outside of a defined settlement boundary but within the Forest South East Conservation Area.
5. The proposal would replace on a similar footprint and to a similar height an existing open pergola at the rear of the house with an enclosed conservatory.
6. Policy DP36 of the New Forest National Park Local Plan (Local Plan) sets out a limit of 30% for extensions to an existing dwelling, which is defined as it existed on 1 July 1982 (or as originally built or legally established if later than 1 July 1982). The supporting text explains that the objective of the policy is twofold; one to ensure that incremental extensions do not affect the locally distinctive character of the built environment of the New Forest and secondly, to seek to maintain a balance in the range and mix of housing stock available. The National Planning Policy Framework (Framework) confirms at paragraph 176 that great weight should be given to enhancing landscape and scenic beauty in National Parks.... which have the highest status of protection in relation to these issues.
7. From the information provided by the Council I am advised that the house was substantially extended in 1984 and therefore is already well beyond the 30% increase since 1982 set out under Policy 36 of the Local Plan, over and above which the presumption is against further extensions. On this basis the conclusion must be drawn that in numerical terms and when account is taken of the previous extensions, the proposal would conflict with Policy DP36 of the Local Plan.
8. The existing pergola is read as part of the dwelling in terms of its built form, in that it is a solid, albeit open structure, which encloses the terrace space. The conservatory would be fully enclosed in terms of its walls and roof but it would be on a very similar footprint and scale to the existing pergola.
9. The policy has two principal objectives, one of which is to maintain a varied housing stock and the second to protect the locally distinctive character of the built environment of the New Forest. Although I have very limited evidence before me, I do not consider that the replacement of an existing pergola with a conservatory of similar modest dimensions would have any material impact on either of these objectives.
10. Whilst I recognise that the proposal would not accord with the floorspace limitations set out under DP36 of the Local Plan, in the particular circumstances of this case and taking account of the nature of the proposed replacement conservatory in place of an existing pergola and the absence of other harm, I consider that planning permission should be granted. There would be no conflict with SP17 of the Local Plan which seeks to protect the distinctiveness of the Forest.

## **Other Considerations**

11. The appeal property is within the Forest South East Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. The Conservation Area extends across a number of small settlements developed out of Forest edge encroachment. The Conservation Area covers a number of different character areas including both the natural landscape of The Forest as well as the built environment and the relationship between the two. The appeal property is part of a linear development facing onto the Forest. Given the modest scale of the proposal and its siting to the rear of the property I am satisfied that the proposal would preserve the character and appearance of this designated heritage asset and its significance in terms of the relationship of built development to the open landscape of the Forest. The Council raised no issue in this regard.
12. The Appellant has referred me to other permissions granted in close proximity of his building. However, it is a fundamental planning principle that each proposal must be considered on its individual planning merits. I have nonetheless taken these other permissions and development into account on the basis of the information provided. These proposals do not appear to be directly comparable with the proposal before me which I have considered on its planning merits.

## **Conditions**

13. I agree that the proposal should be built in accordance with the approved plans for the avoidance of doubt and in the interests of good planning, with materials as specified on the application form.

## **Conclusion**

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*L J Evans*

INSPECTOR