

**Application No:** 23/00665FULL Full Application

**Site:** Forest Cottage, Lymington Road, Brockenhurst SO42 7UF

**Proposal:** Single-storey extension

**Applicant:** Mr & Mrs T Baynham

**Case Officer:** Carly Cochrane

**Parish:** Brockenhurst Parish Council

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish View

**2. POLICIES**

**Development Plan Designations**

Listed Building

**Principal Development Plan Policies**

DP2 General development principles  
 DP18 Design principles  
 DP36 Extensions to dwellings  
 SP16 The historic and built environment  
 SP17 Local distinctiveness

**NPPF**

Sec 12 - Achieving well-designed places  
 Sec 15 - Conserving and enhancing the natural environment  
 Sec 16 - Conserving and enhancing the historic environment

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

Brockenhurst Parish Council: Recommend permission.

**5. CONSULTEES**

Building Design & Conservation Area Officer: Unable to support.

Planning Policy Officer: Policy conflict identified.

## **6. REPRESENTATIONS**

None received

## **7. RELEVANT HISTORY**

Removal of section of stud partition; alter mounting location of door (Application for Listed Building Consent) (20/00392) granted on 12 August 2020)

Change of use of barn to B2 Use Class (General Industrial); cladding (17/00479) granted on 03 August 2017

Conservatory (10/95205) granted on 08 July 2010

Conservatory (Application for Listed Building Consent) (10/95207) granted on 08 July 2010

Rear section of roof restored to continuous pitch; boarding replaced by matching brickwork (Application for Listed Building Consent) (05/84487) granted on 16 June 2005

Garden room with porch (Application for Listed Building Consent) (05/84488) granted on 26 May 2005

Garden room with porch (05/84473) granted on 26 May 2005

Single-storey rear extension (04/82678) granted on 04 November 2004

Single-storey rear extension (Application for Listed Building Consent) (04/82679) granted on 04 November 2004

Single storey additions (NFDC/LBC/96/59597) refused on 13 September 1996

Single storey addn/stable bldg/det'd gge/store (NFDC/96/59598) refused on 13 September 1996

Alts, single-storey addn & erect two detached barns (NFDC/LBC/95/57614) refused on 19 February 1996

Single-storey addition & erect two detached barns (NFDC/95/57631) refused on 19 February 1996

Alterations & addition of lounge and lobby (NFDC/LBC/89/41413) granted on 15 August 1989

Alterations & addition of lounge and lobby (NFDC/89/41325) granted on 15 August 1989

## 8. ASSESSMENT

### Application Site

- 8.1 The application site is located to the eastern side of the A337 Lymington Road and comprises a Grade II Listed building (dwelling) which has been significantly extended since its first construction through single storey rear additions, including a conservatory, attached to the dwelling via a glazed link. The site is surrounded by agricultural land, some of which is within the ownership of the applicants. The Pig Beer brewery site is located to the front of the residential curtilage and is run by the applicant and other family members.

### Proposed Development

- 8.2 This application seeks permission for a single storey extension attached to the existing single storey additions, again attached to these via a glazed link. The extension would measure approximately 6.8 metres in depth, to include the new glazed link and plant room, 5.2 metres in width, 2.5 metres in height to the eaves and 4.4 metres in height to the ridge to match that of the existing single storey. The extension would be clad in vertically hung timber and have a natural slate roof. The proposal also includes the formation of a basement directly underneath the proposed extension, for use as a laundry and store room, with a biomass heating system. An application for Listed Building Consent has also been submitted (reference 23/00666).

### Consideration

- 8.3 The case put forward for additional floorspace can be consolidated to three points, as follows:
- In relation to the needs of a growing family (currently a family of four);
  - A need to be on site in association with the existing brewery business; and
  - Development constraints as a result of the Listed status of the dwelling.
- 8.4 Policy DP36 of the Local Plan sets out that “in the case of small dwellings...the extension must not result on the total internal habitable floorspace exceeding 100 square metres” however “in exceptional circumstances a larger extension may be permitted to meet the genuine family needs of an occupier who works in the immediate locality. In respect of these exceptional circumstances, the total internal habitable floorspace of an extended dwelling must not exceed 120 square metres.” A ‘genuine family need’ is defined as “an exceptional and unique family need that could not have been reasonably anticipated at the time of purchase of the property. For example, additional floorspace may be required to cater for specialist equipment and facilities required in connection with an unforeseen event, such as a severe disability arising from an accident whilst in occupation of the property; but, it normally would not cater for the needs of growing families or the need to care for

elderly relatives, as these needs are not considered to be so 'exceptional' they warrant a departure from the floorspace restrictions set out in this policy".

- 8.5 This policy was supported at the independent examination into the draft New Forest National Park Local Plan in 2018/19, with the Inspectors' Report (July 2019) concluding, "Policy DP36 sets out the circumstances within which extensions to existing dwellings would be allowed. Whilst concerns are raised regarding the size restriction for small dwellings and new dwellings (100 square metres total internal habitable floorspace); to allow larger extensions would undermine the aim of Policy SP19 which seeks to achieve a more balanced housing stock." (paragraph 89).
- 8.6 All extensions carried out to the dwelling have been after the baseline date for calculating floorspace of 01 July 1982. The single storey extension with glazed link was added pursuant to permission reference 04/82678, and the Officers' Report notes that the dwelling is a small dwelling, with a floorspace of less than 80 square metres. This extension resulted in the floorspace reaching the maximum 100sqm limitation. The application for the conservatory (reference 10/95205) was considered and granted under the exemption policy of the New Forest District Local Plan First Alteration (2005) which allowed for an extension to be added which met the definition of a conservatory, and which did not have a floorspace of greater than 20sqm. This policy exemption was 'closed' with the adoption of the New Forest National Park Core Strategy & Development Management Policies DPD (2010) and has therefore not been in place for over a decade, and the floorspace within such exempted conservatories is now included within the floorspace calculations. The result of the conservatory was essentially that the floorspace restriction of 100sqm was breached, with the total floorspace reaching approximately 112sqm.
- 8.7 The proposal now seeks to add a further 21 square metres of floorspace; this measurement includes the attached plant room, which although is externally accessed, is an attached outbuilding. Paragraph 7.82 of the Local Plan sets out that for the purposes of applying Policies DP35 (not relevant in this case) and DP36, the "floorspace of proposed extensions will include conservatories and attached outbuildings and any habitable floorspace provided within a detached outbuilding." For reference, if it were the case that the plant room were not to be included, which it has not been as per the agent's calculations and which is incorrect, the additional floorspace within the extension would amount to 17.5sqm. This figure again is inconsistent with the agent's stated figures, as the staircase has been excluded. This is also fundamentally incorrect; the Authority's Planning Information Leaflet- Domestic Extensions and Replacement Dwellings- provides guidance on measuring the existing and proposed floorspace, and it is made clear that habitable floorspace is calculated as the "gross internal floorspace, including all floors and stairwells". It is therefore not at the agent's or Authority's discretion to exclude this area from the floorspace calculations. It is also incorrect to exclude stairwells and chimney breasts within the historic core of the dwelling as has been done. Pre-application advice was sought prior to the submission of this application, and the correct way in which to

measure and calculate floorspace was set out to the applicant and their agent at the time; this advice has not been given due regard. The total habitable floorspace therefore amounts to approximately 133sqm, 13sqm over the absolute maximum allowed under policy in the event that a genuine family need is identified. The Design and Access Statement notes that the proposal would exceed the policy restrictions.

- 8.8 The proposed basement would be located directly beneath the proposed extension. The supporting text to Policy DP36, at paragraph 7.82 of the Local Plan sets out that “a modest basement will not normally be regarded as habitable floorspace. However, some judgement will need to be applied in terms of whether it is genuinely a secondary space in association with the main dwelling. Key criteria to consider include availability of light; size (in relation to the main dwelling); access; use; layout and headroom.” In this instance, with a floorspace of approximately 19sqm, the basement is considered to be sufficiently subservient and proportionate in its scale, with uses which can be considered as ‘non-habitable’ such that this area can be excluded from the calculations. However, this does not overcome the fundamental policy conflict identified in respect of floorspace.
- 8.9 Therefore, based on the existing floorspace of 112sqm, should a genuine family need be identified, there would remain 8sqm before the maximum 120sqm limitation would be reached. In cases where additional floorspace is required, even if a genuine family need has been identified, the Authority would always expect that consideration first be given to the reconfiguration of the existing floorspace. In respect of the exempted conservatory, which the submitted Design and Access Statement sets out “is only able to be used in a habitable sense for a few months of each year”, the Planning Information Leaflet states that such conservatories can be adapted or replaced, with solid walls and roof and therefore not meeting the definition of a conservatory, subject to there being no net increase in its floorspace. This advice was given to the applicant within the first pre-application enquiry, and additional information from the agent, provided following feedback from consultees and the case officer, states that this option was considered, however, as the conservatory “is just over 10sqm and whilst this may make an adequate space (alongside the conversion of the existing living room) [which is within the single storey extension] as a family kitchen/dining area it would result in the need for existing rooms within the cottage to be utilised to replace the living room. The ground floor rooms of the cottage are of such small proportions they would not meet the space needs of a family of four for this function”. The additional information goes on to reference the Governments Space Standards (as initially raised within the Policy comments) and that these are a ‘minimum’ and in practice often fail to meet the space needs of average sized families; as such, the conversion of the existing conservatory was not progressed, and the conservatory remains as such within the proposed plans. Even if the conservatory was not put to a different use, upgrades now permitted as per the Planning Information Leaflet in order to allow year-round use (as opposed to a “few months of the year”) have not been put forward.

- 8.10 A further alternative suggested by the Case Officer and Conservation Officer is that the existing floorspace within the single storey elements and glazed link is used instead within, for example, an appropriately designed two storey side extension, particularly as it is apparent the applicant's desire is for a further bedroom and storage space. This option is countered by the agent within the additional information and has been ruled out due to financial restrictions and concerns with regard sustainability and impact upon the historic fabric. Whilst there may be other options for reconfiguration of the existing floorspace that have not been explored, the additional information makes clear that the option for a single storey extension adjoined to the existing single storey element has been chosen due to it causing no damage to the historic fabric and being economically viable. Economic viability in itself is not a reason to permit development which is otherwise contrary to policy.
- 8.11 In relation to the aforementioned space standards, the existing dwelling, with a floor area of 112sqm, is already larger than any net new dwelling consented in the National Park area since 2019, which are limited to 100sqm; this includes all dwellings on the allocated sites. Notwithstanding the agent's comments, the existing floorspace of the dwelling would not therefore be considered unduly 'modest' for a family of four when viewed against the Government's published standards and the New Forest National Park Local Plan policies.
- 8.12 To summarise, the proposal would result in a total floorspace of approximately 133sqm, which is not only a further breach of the floorspace limitation in relation to small dwellings, but in breach of the floorspace limitation in relation to a genuine family need.
- 8.13 In relation to genuine family need, DP36 does provide conditional support for larger extensions to meet the "genuine family needs of an occupier who works in the immediate locality". It is not disputed that the applicant works in the immediate locality as per the policy requirement, as the business is adjacent to the residential curtilage of the dwelling. The policy criteria at paragraph 7.82 of the Local Plan have been set out within the two pre-application responses provided prior to the submission of this application. However, it is clear through the information submitted both as part of this application and the pre-application enquiries that the requirement for the additional floorspace primarily relates to the needs of a growing family. As aforementioned, the policy explicitly makes clear that such needs are not considered exceptional to warrant additional floorspace over and above the usual policy restrictions.
- 8.14 The brewery operating adjacent to the site and within the joint ownership of the applicant was granted permission in 2017 (reference 17/00479). At that point, it is known that there were two people living at the dwelling. If the focus were to be on the locational needs only, similarities can be drawn with other policies within the Local Plan which support residential use on sites where there is an essential need for people engaged in the enterprise to live at, or very close to, their place of work (for example, Policy DP31- Agricultural and forestry workers dwellings). In these cases, consideration is typically given to the financial soundness and sustainability of the business or enterprise, with temporary consents

granted in some circumstances where evidence of the sustainability of the business is inconclusive. The statement confirms, "...the business is small and only recently formed". If this case was presented in support of an application for an agricultural or forestry workers' dwelling, it may not pass the functional and financial tests and, at most, a temporary consent for residential use may be granted; any such dwelling would be limited in its floorspace to a maximum of 100sqm as per Policy SP21 of the Local Plan. The circumstances at the application site are slightly different in that the residential use is established and the existing dwelling is considered to be of a reasonable size for a family of four, as already set out within this report. It would be difficult to conclude that the small-scale business needs at the site justify an extension to what is a reasonably sized dwelling (even when considering that a further 8sqm would meet the maximum requirements, rather than the additional 21sqm proposed). The applicant and owner already has a presence on site and therefore the matters identified in the additional information, including irrigating the hops, security and the brewing/business operations, appear to be capable of being addressed from the current dwelling, at its current size.

8.15 In respect of the listed status of the dwelling, this is not considered a constraint such that unwarranted additional floorspace can be permitted. Suggestions have been made by the Conservation Officer in respect of reconfiguration which have been discounted by the applicant, however, this is not a reason to allow an extension of the proposed design even if there were no floorspace conflict. The dwelling has already been extended to its maximum in relation to the normal policy limitations, and to extend by further elongating the footprint is considered to damage the special historic and architectural qualities of the dwelling for which it was originally listed. Whilst the proposal seeks to extend beyond the normal floorspace restrictions, Paragraph 7.80 of the Local Plan sets out that the floorspace limitations are "not an allowance or entitlement and it is important to emphasize that an extension may comply with the criterion on size [which again, to be explicit, is not considered the case] there could be other harmful impacts which would make the proposal unacceptable. In all cases, the Authority will have regard to the scale and character of the core element of the original dwelling (rather than subsequent additions) in determining whether or not an extension is sympathetic to the dwelling". The extension would result in additions which cumulatively would be disproportionate to the historic core of the dwelling, and to simply continue the single storey projection does not necessarily represent good design. It is acknowledged that, given the design and layout of the existing dwelling, with a catslide roof to the rear, the design of further additions is challenging- it is likely why a narrow glazed link was added as part of the 2004 scheme- however, there are other options which could be more sympathetic.

8.16 In conclusion, whilst it is not disputed that the applicant works in the immediate locality, a case has not been put forward in relation to this which justifies additional floorspace to the maximum of 120sqm, and in no instance would the policy permit additional floorspace beyond this limitation. It is known that the brewery has its own ancillary buildings and that aside from the common ownership, the operation of the brewery and the occupation of the dwelling are distinct. There is already an on-site

presence by reason of the occupation of the existing dwelling providing the required surveillance in respect of the hop plantation, sheep and security; the additional floorspace would not alter this, although it is inferred that if the additional floorspace cannot be achieved, then the applicant would be forced to move and due to the house prices, would no longer be able to live in close proximity to the business. Whilst, at the time of the purchase of the property, a growing family may not have been anticipated, the policy explicitly states that the needs of growing families are not considered exceptional. Therefore, the proposal is in conflict with Policies DP2, DP18, DP36, SP16 and SP17 of the adopted Local Plan.

### **Conclusion**

8.17 It is therefore recommended that the application be refused.

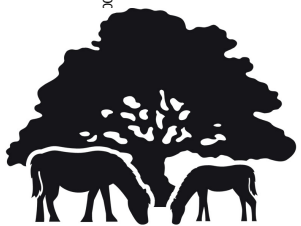
## **9. RECOMMENDATION**

Refuse

### **Reason(s) for refusal:**

1. In order to help safeguard the long term future of the countryside and the intrinsic character of the National Park, the Local Planning Authority considers it important to resist the cumulative effect of enlargements being made to rural dwellings. Consequently, Policy DP36 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) seeks to limit the proportional increase in the size of such dwellings in the New Forest National Park recognising the benefits this would have in minimising the impact of buildings on a nationally important landscape and activity generally in the countryside as well as maintaining a balance in the housing stock. The proposal would result in a total floorspace of the dwelling in excess of both the policy restriction for a small dwelling, of 100 square metres, and in relation to a genuine family need, of 120 square metres. Notwithstanding this, a genuine family need which warrants additional floorspace has not been successfully demonstrated or identified. The proposed development is therefore contrary to Policies DP2 and DP36 of the adopted New Forest National Park Local Plan (August 2019).
2. The proposed extension would represent an inappropriate form of development which would damage the special historic and architectural qualities of the Listed Building. The design results in a projection which is disproportionate and unrelated to the core of the original dwelling, and the proposal is therefore contrary to Policies DP2, DP18, SP16 and SP17 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and the NPPF.





NEW FOREST  
NATIONAL PARK

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