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# Appeal Decision

Site visit made on 12 September 2023

**by K Reeves BA (Hons) MA MRTPI**

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

**Decision date: 19 October 2023**

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**Appeal Ref: APP/B9506/D/22/3307359**

**Little Sequoia, Hazel Grove, Woodlands, Ashurst, Southampton, Hants  
SO40 7AJ**

- 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 Stuart Clarke against the decision of New Forest National Park Authority.
  - The application Ref 22/00222, dated 14 March 2022, was refused by notice dated 21 June 2022.
  - The development proposed is the installation of external lift shaft through existing conservatory roof (glazing to be removed) with three sun tubes and grey Canadian slate roof to match house roof.
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## Decision

1. The appeal is allowed and planning permission is granted for the installation of external lift shaft through existing conservatory roof (glazing to be removed) with three sun tubes and grey Canadian slate roof to match house roof at Little Sequoia, Hazel Grove, Woodlands, Ashurst, Southampton, Hants, SO40 7AJ in accordance with the terms of the application, Ref 22/00222, dated 14 March 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: 1, 2, 4, 5, 6 and 7.
  - 3) Prior to their installation on the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved samples and retained as such thereafter.

## Preliminary Matters

2. New Forest National Park Authority's decision notice submitted by the appellant does not include a reason for refusal. However, the Committee minutes show the reason for refusal. I base my main issue on the reason for refusal contained within those minutes.

## Main Issue

3. The main issue is whether the proposed development would affect the range and mix of house stock in the New Forest National Park and whether that would result in a conflict with the development plan.

## Reasons

4. Little Sequoia is a two storey dwelling that is set within a row of detached residential dwellings on the edge of Woodlands, near Ashurst. The properties face towards open fields and have long gardens, some with detached outbuildings.
5. The proposed external lift shaft would emanate from the roof of the conservatory attached to the dwelling and connect the ground floor with the first floor. I understand that the reason presented for the lift is to allow continued living at the property despite mobility issues of an occupier.
6. New Forest National Park Authority's (NPA) reason for refusal raises a conflict with Policy DP36 of the New Forest National Park Local Plan (LP). It is stated by the NPA that the original dwelling that occupied the site and was replaced by the current dwelling under application reference 09/93865 was less than 80 square metres and therefore the policy restricts the current dwelling's habitable floorspace to no more than 100 square metres.
7. The conservatory that is attached to the dwelling was allowed under appeal reference APP/B9506/D/12/2188225. Conservatories are exempt from the policy restriction of 100 square metres of habitable floorspace if they comply with the definition set out in Paragraph 7.82 of the LP. As part of the proposal, the glass roof of the conservatory would be replaced with slate tiles. This would take the conservatory beyond the acceptable tolerance of an exempt extension set out in Paragraph 7.82. As such, the conservatory and the external lift shaft would cumulatively increase the habitable floorspace of the dwelling beyond the 100 square metres allowance for smaller dwellings.
8. However, I note that there is the ability under Policy DP36 to increase the habitable floorspace of the dwelling up to 120 square metres where exceptional circumstances arise from a genuine family needs of an occupier who works in the immediate locality. 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.
9. The appellant has provided medical letters from their consultant and GP that explain the current health issues they are suffering. I consider that there is substantive evidence to demonstrate that the medical issues the appellant is experiencing are unlikely to get better and navigating the stairs within the property present a significant challenge. I consider that the appellant has a genuine need for the external stair lift and it was potentially unforeseen that their condition would worsen to its current state when he moved into the property many years ago. Consequently, I find that the enlargement of the dwelling up to 120 square metres is acceptable under the policy due to the exceptional circumstances in this case.
10. The NPA state that the proposed external lift shaft would take the habitable floorspace of the dwelling beyond the 120 square metres limit by approximately 2.2 square metres. The exceedance of this limit results in the proposal conflicting with the floorspace limit in Policy DP36.
11. Paragraph 7.79 of the LP states that proposals to incrementally extend dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest. Additionally, extensions

can over time cause an imbalance in the range and mix of housing stock available. The paragraph also refers to maintaining a stock of smaller sized dwellings.

12. It is debatable whether the external lift shaft would technically increase the floorspace of the dwelling as it would be a moveable floor with a void left on the ground floor or first floor when the lift is at the other level. Notwithstanding this, the proposal would minimally increase the floorspace of the dwelling and it would not provide space for a bedroom or additional living space. I have been provided with limited evidence to demonstrate that the small-scale enlargement would have an effect on the affordability of the property.
13. I have already considered that the policy criteria for an enlargement up to 120 square metres has been met and I now find that the proposed increase by an approximate 2.2 square metres would not result in a material impact on the range and mix of house stock within the National Park. There is little substantive evidence before me that would lead me to find that the proposed external lift shaft would harmfully conflict with, or undermine, the aims and objectives to Policy DP36. This lends further support to my findings.
14. Moreover, I note that the NPA have not raised a concern with the proposal's impact on the built environment or landscape of the National Park. I therefore find that the proposal does not conflict with Policies DP2 and SP17 of the LP, which were also referenced in the NPA's reason for refusal.
15. Having regard to all of the above, I conclude that whilst the new extension would conflict with the 120 square metres habitable floorspace limit in Policy DP36 of the New Forest National Park Local Plan, the proposal would not materially affect the range and mix of house stock in this part of the National Park. Accordingly, the proposal would not result in harm to, or conflict with, the aims and objectives of Policy DP36. Taking all of this into account, the proposed development in this case would not conflict with the development plan when read as a whole.

### **Conditions**

16. I consider that the standard time limit condition and a condition listing the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. The NPA have suggested a condition requiring the submission and approval of external materials. I concur that such a condition is necessary to ensure the conservation of the protected landscape. However, I have amended the wording of the condition in the interests of preciseness, and I have altered it from prior to commencement to prior to installation in the interests of reasonableness.

### **Conclusion**

17. For the above reasons, I have concluded that the installation of an external lift shaft through the existing conservatory roof, together with the installation of sun tubes and a slate roof, would not conflict with the development plan when read as a whole. Accordingly, I conclude that the appeal should be allowed.

*K Reeves*

INSPECTOR