

Appeal Decision

Site visit made on 18 June 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2024

Appeal Ref: APP/B9506/D/23/3331233

Monks Cottage, Pilley Bailey, Pilley, Hampshire SO41 5QT

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Caite & Sophie Healy & Lindsell against the decision of New Forest National Park Authority.
 - The application Ref is 23/00547FULL.
 - The development proposed is a porch.
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Decision

1. The appeal is allowed and planning permission is granted for a porch at Monks Cottage, Pilley Bailey, Pilley, Hampshire, SO41 5QT in accordance with the terms of the application, Ref 23/00547FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan and drawing numbers 022, 024, 025 and 031.
 - 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. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework.

Main Issue

3. The main issue is the effect of the proposal on the long-term future of the countryside and the intrinsic character of the National Park from incremental

enlargements having regard to development plan policies relating to the scale of the proposal and the balance of housing stock.

Reasons

4. Monks Cottage is a residential property consisting of a large detached dwelling set within an expansive garden. The dwelling is made up of a two storey section at the front of the building that is finished in red brick and has a traditional appearance, and a two storey element to the rear that is relatively modern in its form and external materials.
5. By way of background, planning permission was granted in December 2016 for the erection of a two storey extension and alterations¹. Permission was then granted in October 2017 for the demolition of the dwelling and the erection of a replacement dwelling². It is understood that the 2017 permission was carried out and the National Park Authority (NPA) confirms that the approved plans for the replacement dwelling matched the plans for the extension and alterations approved in 2016.
6. There is also an outbuilding located within the garden that was the subject of an application for a lawful development certificate. The application was approved in October 2019 as the NPA considered the building to have a lawful existing use as ancillary accommodation to the main dwelling³.
7. It is agreed by the main parties that the floorspace of the demolished dwelling (the original dwelling) did not have a floorspace exceeding 80 square metres on 1 July 1982. This means that the original dwelling did not constitute a 'small dwelling' for the purposes of Policy DP36 of the New Forest National Park Local Plan (LP). Additionally, the NPA has confirmed that the site is outside the Defined Villages. As such, Policy DP36 restricts the increase of the floorspace of the original dwelling to no more than 30%.
8. However, the parties disagree about the actual floorspace of the original dwelling and the floorspace of the replacement dwelling. The appellants assert that the floorspace of the replacement dwelling is 170 square metres and when having regard to the officer reports for the 2016 and 2017 permissions stating that that scheme would result in an approximate 12% increase in the floorspace of the original dwelling, the original dwelling would have had a floorspace of 152 square metres.
9. The NPA's position is that the floorspace of the original dwelling was 138.2 square metres and that the replacement dwelling with the proposed porch would have a combined floorspace of 199 square metres. When subtracting the floorspace of the proposed porch, which is approximately 7.3 square metres, this puts the NPA's calculated floorspace for the replacement dwelling at approximately 191.7 square metres. There is therefore a significant difference between the main parties' positions on the floorspace of the original and replacement dwellings.
10. In support of their case, the appellants have provided an annotated version of the approved plans for the 2016 and 2017 planning permissions with their measurements of the approved replacement dwelling. Their measurements

¹ New Forest National Park Authority application reference 16/00757

² New Forest National Park Authority application reference 17/00649

³ New Forest National Park Authority application reference 19/00629

show the replacement dwelling having a floorspace of 170.7 square metres. I do not have the same type of evidence before me from the NPA that supports their assertion that the original dwelling had a floorspace of 138.2 square metres nor that the replacement dwelling has a floorspace of 191.7 square metres.

11. Furthermore, the NPA dispute the calculated percentage increase in the floorspace of the original dwelling that was set out in the officer reports for the 2016 and 2017 permissions as there were discrepancies on the submitted plans and attached outbuildings were incorrectly included in the floorspace of the original dwelling. However, it is not clear what the discrepancies were and, while I note that there were greenhouses attached to the original dwelling, there is nothing before me to confirm that those greenhouses were included in the calculations made in relation to the 2016 and 2017 permissions. Upon reading through the officer reports for those permissions, I could not see anything that confirms which parts of the original dwelling were included in the calculations.
12. Given that the appellants have provided some form of evidence to support their asserted floorspace for the replacement dwelling and having regard to the absence of evidence to demonstrate that the 12% increase stated in the officer reports for the 2016 and 2017 permissions was incorrect, I conclude that the original dwelling had a floorspace of 150.8 square metres and the replacement dwelling has a floorspace of 170.7 square metres.
13. However, while I acknowledge that the outbuilding was not included in calculations made by officers in relation to the previous planning applications, the supporting text to Policy DP36 is clear that detached outbuildings with habitable accommodation shall be included in the calculations for cumulative increases in the floorspace of the original dwelling. The NPA state that the floorspace of the outbuilding is 26.5 square metres. The appellants have not disputed this figure and I am therefore content to rely on it.
14. Taking the figure quoted in the officer report for the 2017 permission, the original dwelling was increased by 12%. When adding the floorspace of the outbuilding and the proposed porch to the floorspace of the replacement dwelling, the total floorspace is 204.5 square metres. This represents a cumulative increase in the floorspace of the original dwelling by 53.7 square metres (35.6% increase). As such, the proposed development would result in the 30% limit set out in Policy DP36 of the LP being exceeded.
15. With regard to the material harm that can be caused by exceeding the policy's floorspace limit, paragraph 7.79 of the supporting text to the policy explains that incrementally extending dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest and over time cause an imbalance in the range and mix of housing stock available.
16. The proposed porch would be a small-scale extension that would have a subservient scale in relation to the host building and it would have a form and material finish that would be in keeping with the character and appearance of the building. It would not result in suburbanisation as it would assimilate into the host building where it transitions from traditional to

modern vernacular. Even when applying the Framework's requirement to give great weight to conserving and enhancing the landscape and scenic beauty in National Parks, the proposed development would not cause material harm to the nationally designated landscape or the local distinctive character of the built environment of the New Forest. Furthermore, having paid special attention to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposal would preserve the character and appearance of the Forest South East Conservation Area (CA).

17. The proposal would minimally increase the floorspace of the dwelling and it would remain as a substantial three bedroom property. Additionally, the proposed porch would not provide space for a bedroom or additional living space, and I have been provided with limited evidence to demonstrate that the small-scale enlargement would have an effect on the affordability of the property. The proposed increase by 7.3 square metres would not result in a material impact on the range and mix of house stock within the National Park.
18. Consequently, it is not shown that material harm would result to the countryside through an adverse effect on the locally distinctive character of the built environment of the New Forest or a contribution to the imbalance in the range and mix of housing stock available.
19. For these reasons, while the proposed development would lead to the 30% cumulative extension limit in Policy DP36 of the LP being exceeded, the proposal would not be materially harmful to the long-term future of the countryside and the intrinsic character of the National Park as a result of incremental enlargements having regard to the scale of the proposal and the balance of housing stock. Consequently, the proposal would not conflict with Policy DP36 of the LP, which sets out the circumstances whereby extensions to dwellings are permitted.

Other Matters

20. An interested party has stated that the submitted site plan is incorrect. The NPA confirm that their understanding is that the interested party's concern relates the extent of the red line area shown on the plans. However, the appeal relates to a residential extension and the matter of the extent of the dwelling's curtilage is not before me.

Conditions

21. 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. A condition requiring the submission and approval of external materials prior to installation is necessary and reasonable to ensure the conservation of the protected landscape and the preservation of the CA.

Conclusion

22. For the reasons given above the appeal should be allowed.

K Reeves INSPECTOR