

Appeal Decision

Site visit made on 13 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/B9506/D/23/3325766

Badger Cottage, road through Linwood, Linwood, Ringwood BH24 3QT

- 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 Mr Simon Lillington against the decision of New Forest National Park Authority.
 - The application Ref is 23/00497FULL.
 - The development proposed is described on the application form as, "First floor rear extension over existing kitchen".
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension at Badger Cottage, road through Linwood, Linwood, Ringwood, BH24 3QT in accordance with the terms of the application, Ref 23/00497FULL, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Differing to the description of development in the banner heading above, the Local Planning Authority's (LPA) decision notice accurately describes the development as shown on the supporting plans as, "First floor rear extension". I have used this description in my consideration of the appeal and in my decision since it best describes the proposed development in precise and concise terms.

Main Issue

3. The main issue is whether the proposed development complies with local policies which seek to limit the scale of extensions to rural dwellings, with particular regard to the effect of the proposed development on the locally distinctive character of the built environment of the New Forest and the range and mix of housing stock available.

Reasons

4. The appeal site comprises Badger Cottage, an attractive detached dwelling sat within a rural area. Much of the site is surrounded by woodland, although fields are present to the north of the site and clusters of development, including a camping park, are present towards the north-west of the site.
5. Badger Cottage has previously been extended. The LPA have calculated that previous extensions to Badger Cottage have resulted in a floor area increase of approximately 55.9% (including the existing conservatory) above-and-beyond the floor area that existed in 1982, and this figure has not been disputed by the appellant. On this basis, Badger Cottage currently breaches Policy DP36 of

the New Forest National Park Local Plan 2016-2036 (adopted 2019) (Local Plan), which provides that, amongst other things, in the case of other dwellings (not small dwellings) outside the defined villages an extension must not increase the floorspace of the existing dwelling by more than 30%.

6. The proposed development would exacerbate the identified conflict with Policy DP36. The LPA have calculated that the proposed development would result in a floor area increase of approximately 76.3% (including the conservatory) above-and-beyond the floor area which existed in 1982, and the appellant's figures do not suggest a significantly different percentage increase.
7. Nevertheless, the proposed first floor rear extension would merely add an extra bedroom to Badger Cottage, resulting in a modest increase in its overall size and scale. Specifically, although the proposed development would raise the existing single-storey ridge it would be sufficiently lower than the ridge height of the main part of Badger Cottage such that the extension would remain subservient to it. Additionally, the roof pitch of the proposed extension and the materials used would complement the appearance of Badger Cottage. The proposed development would accordingly retain the rural character of Badger Cottage.
8. Due to the proposed development being to the rear of Badger Cottage and the dense vegetation which surrounds much of the plot, the proposed development would likely be imperceptible from public vantage points.
9. Hence, the proposed development would not erode the National Park's local character, or result in any meaningful gradual suburbanising effect within the National Park, which Policy SP17 of the Local Plan seeks to address. Thus, the proposed development would not have an adverse impact on the locally distinctive character of the built environment of the New Forest. The landscape and scenic beauty of the National Park would also be conserved.
10. Although the LPA have referred in general terms to the mix and range of housing within the National Park, and to house prices, few details have been provided to demonstrate that the addition of one extra bedroom to Badger Cottage would result in any adverse impacts in these respects in real terms. In contrast, the appellant has provided information regarding the sizes and prices of houses in the local area. From the details provided it is clear that extending Badger Cottage from 2 to 3 bedrooms would not alter its status as a mid-range property in terms of its floorspace and price in its local context.
11. For the above-mentioned reasons, whilst the proposed development would exacerbate the existing conflict with Policy DP36, very little weight is given to this matter.
12. I have had regard to appeal decision Ref APP/B9506/D/22/3307317. The Inspector described that development as involving a sizeable extension with extensive glazing. Due to the modest scale of the proposed development, that appeal decision is not directly comparable with the appeal proposal. It does not change my findings as a result.
13. I therefore find that, whilst the proposed development would exacerbate the existing conflict with Policy DP36, it would not cause adverse impacts with respect to the locally distinctive character of the built environment of the New Forest and the range and mix of housing stock available.

14. It follows that the proposed development would not undermine the relevant aims and objectives of Policies SP17 and DP36 of the Local Plan. Taking all of the above into account, as a matter of planning judgement I find that the proposed development would not conflict with the development plan when read as a whole.

Other Matters

15. Any future planning applications would be decided on their own merits. As such, the proposed development would not set a precedent.

Conditions

16. I have had regard to the conditions suggested by the LPA. I have considered them against the advice on conditions set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).

Conditions imposed

17. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development (condition 1) and the approved plans (condition 2), respectively.
18. Although the submitted Bat Emergence and Re-entry Surveys report (bat surveys report) stated that bats are very unlikely to be roosting within Badger Cottage, bats were recorded as commuting through the site. Bats are a protected species, and as the bat surveys report has referred to the potential for bats to roost within Badger Cottage at any time, a condition is necessary requiring compliance with the recommendations made within that report (condition 3). This includes a precautionary working method and a low-impact lighting strategy.

Conditions not imposed

19. I have not imposed a condition requiring the control of the external materials since sufficient detail thereof is shown on the approved plans which are covered by a separate condition.
20. Although the bat surveys report, at Table 3, suggests the installation of a minimum of 2 bat boxes on site, these are not strictly necessary for adverse impacts on bats to be avoided. A condition is not therefore necessary requiring compliance with the 'Enhancements' measures detailed in Table 3 of the bat surveys report. The appellant will nevertheless be aware of the suggestion in this regard contained within the submitted bat surveys report.
21. Whilst reference has been made to Policies SP5 and SP6 of the Local Plan, which collectively provide that, amongst other things, proposals should protect, maintain and enhance nationally, regionally and locally important sites and features of the natural environment, including habitats and species of biodiversity importance, geological features and the water environment, the application was not refused on this basis.
22. In relation to this, the LPA's Ecologist has mentioned that, given the scale of the proposed development, any impact on the adjacent Site of Special Scientific Interest and internationally protected sites from pollution arising from vehicle parking, storage of materials and other site operations, may be 'less likely'. The evidence before me does not indicate that adverse impacts in these

respects would occur, and given the small scale of the proposed development and the likely limited duration of the construction works associated with it, I consider that a Construction Environmental Management Plan is not required in this instance.

23. Paragraph 54 of the Framework provides that, amongst other things, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity¹.
24. Few details have been provided to substantiate the assertion that the exercise of permitted development rights under Classes A and C of Part 1 of Schedule 2 of the GPDO² in conjunction with the proposed development, would result in Badger Cottage being of such a size that it would be inappropriate in its location in the countryside, or that the existing breach of Policy DP36 of the Local Plan would be unduly exacerbated. Considering this, and noting that Class A in particular is subject to several limitations, including in relation to the maximum length of an extension beyond the rear wall of the original dwellinghouse, on the basis of the evidence before me it would not be necessary for these permitted development rights to be restricted.

Conclusion

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, and having taken account of the representations of Ellingham, Harbridge and Ibsley Parish Council, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

¹ Paragraph 21a-017-20190723

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Conditions Schedule

- 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: Location Plan (1:1250), Proposed layouts (Drawing No. WDB-028-02) (Rev. C), Proposed Elevations (Drawing No. WDB-028-04) (Rev. C), Details (Drawing No. WDB-028-05) (Rev. C).
- 3) The development hereby permitted shall be carried out in accordance with the measures specified in the 'Recommendations' section of Table 3 of the Bat Emergence and Re-entry Surveys report (Arbtech) (7 February 2023), unless otherwise agreed in writing by the Local Planning Authority.

End of Conditions Schedule