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## Appeal Decision

Site visit made on 8 May 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

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**Appeal Ref: APP/B9506/D/25/3362034**

**Ashburn, 13 Forest Gardens, Lyndhurst, Hampshire SO43 7AF**

- 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 Martin and Jan Wheat against the decision of the New Forest National Park Authority.
  - The application Ref is 24/01125FULL.
  - The proposed development is described as 'replacement outbuilding'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Lyndhurst Conservation Area (LCA), including its effect on the significance of the host property at 13 Forest Gardens, a non-designated heritage asset.

### Reasons

3. The appeal site consists of a detached dwelling, located within an early 20<sup>th</sup> century planned estate of individual detached properties based around a central landscape open space. The site and these properties are located within the LCA. Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. The central circular landscaped area is a distinctive feature of this estate. The Authority describes this estate as '*a beautiful miniature garden city called Forest Gardens.*'. Other key characteristics of this estate are that the properties were individually designed Arts and Crafts Style properties and each of them exhibits their own architectural distinctiveness. Their spacious plots, wide verges to private driveways, mature trees and hedges make a positive contribution to the significance of the LCA as a whole.
5. The appeal property at 13 Forest Gardens is two-storey in height, with brick construction under a clay tile roof. It is finished with some decorative timber framing, and it also has casement windows with glazing bars. It is described as '*one of 13 in the cul-de-sac that has been recognised as a building of local cultural and vernacular interest*'. Due to its architectural quality, the property is identified as a non-designated heritage asset. It is also an essential part of the significance of the LCA as a whole.

6. The proposed outbuilding would be situated in the same location as the existing building. However, it would be of a much larger scale and mass. Its eaves height would also be taller than the existing building. Therefore, it would be a much more prominent feature in the street scene, even though the existing hedges would somewhat soften the adverse effect. Additionally, the new building would have a large gable dormer. It would appear as a separate building with domestic characteristics, rather than as a typical garage. I appreciate that the host dwelling is a large property, the appeal proposal however would not be read as a subservient structure to the host dwelling, due to its substantial scale and appearance. Accordingly, the proposal would introduce a bulky and incongruous feature that detract from the established character and appearance of this non-designated heritage asset.
7. Examples of existing outbuildings have been drawn my attention in the area. However, the eaves height of the outbuilding at 7 Forest Gardens is lower than that of the appeal proposal, and therefore it sits more comfortably in its surroundings. The outbuilding at 17 Forest Gardens is L-shaped and positioned adjacent to its host property. This outbuilding is larger than the appeal proposal, but the shape and size of the plot differs from that of the appeal site. Nevertheless, I do not have full details of these schemes, the exact circumstances under which they were constructed or their status regarding permission. Therefore, I find that they are not directly comparable to the appeal proposal.
8. The appellant has expressed their willingness to have timber windows instead of UPVC windows. However, I am not convinced that this would fully address my concerns as they are of a more fundamental nature.
9. The appellant suggests that a garage of a similar height could be built under their Permitted Development rights, but I have little evidence to support this claim. I am therefore unable to conclude that this offers a realistic or probable prospect and consequently it does not represent a legitimate fallback position.
10. I have considered that the appellant's concerns about the safety of accessing the staircase in inclement weather, however, it is not shown that the appeal proposal is the only means by providing an internal staircase. It is likely that there are alternative designs and means that could address the issue without causing the harm that I have identified.
11. No objections have been received from neighbours, while the Parish Council supports the proposal. Furthermore, the Authority has not raised objections in terms of living conditions. However, none of these matters alter my conclusion on this main issue.
12. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is a matter to address with the Council directly.
13. Accordingly, I find that the proposed garage would harm the significance of the heritage assets, including the LCA and the non-designated heritage asset. Therefore, the appeal proposal would not preserve or enhance the character or the appearance of the LCA. Taking into account the scale and nature of the proposal, I find the harm to be less than substantial, but nevertheless of considerable importance and weight in the planning balance of this appeal. Where a proposal leads to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed

against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

14. Paragraph 216 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. The proposal would provide a south facing pitched roof to accommodate solar arrays to reduce the carbon footprint of the property. It would also provide an opportunity to replace the existing non-native leylandii hedgerow with native hedging. It would retain the existing access and boundary treatment, which form part of key characters of the LCA. Temporary economic benefits would arise through the construction of the proposed outbuilding. However, due to its modest scale, such benefits would only be given a limited weight. I also note that the continued viable use of the appeal property as a dwelling, is not dependent on the appeal proposal, as the building has an on ongoing residential use that would not cease in its absence. As such, these benefits do not outweigh the great weight that should be given to the asset's conservation.
16. Overall, the development would not preserve or enhance the character or appearance of the LCA, including the significance of the host property at 13 Forest Gardens, a non-designated heritage asset. It would conflict with Policies DP2, DP18, DP37 and SP16 of the New Forest National Park Local Plan 2016-2036 (Adopted August 2019), the National Planning Policy Framework and the Design Guide SPD. These policies seek to conserve and enhance the historic environment, and to safeguard the local distinctiveness.

## **Conclusion**

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

*O Tresise*

INSPECTOR