

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 10 JUNE 2020, AT 10.00 AM*

Place: SKYPE MEETING - ONLINE

Enquiries to: email: karen.wardle@nfdc.gov.uk
023 8028 5588 - ask for Karen Wardle

PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk no later than 12.00 noon on Monday, 8 June 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

Claire Upton-Brown
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 May 2020 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **1 May Crescent, Holbury, Fawley (Application 20/10167) (Pages 5 - 10)**
Replace wooden fence with brick wall (Retrospective)

RECOMMENDED:

Refuse

- (b) **Hill Rise, Hare Lane, Hordle (NB: Subject to unilateral undertaking) (Application 20/10271) (Pages 11 - 24)**

Demolish existing garage, sever land and erect a 3 bedroom bungalow with parking

RECOMMENDED:

Grant subject to conditions

- (c) **Land of Hathaway House, Lower Pennington Lane, Pennington, Lymington (NB: Subject to unilateral undertaking) (Application 20/10335) (Pages 25 - 36)**

Sever domestic garden; new dwelling with garage

RECOMMENDED:

Grant subject to conditions

- (d) **The Forge Martin Road, Martin (Application 20/10365) (Pages 37 - 44)**

Single-storey extension to garage; porch; demolition of existing shed

RECOMMENDED:

Grant subject to conditions

Please note, that the planning applications listed above may be considered in a different order at the meeting.

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Please note that all planning applications give due consideration to the following matters:

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To:	Councillors:	Councillors:
	Christine Ward (Chairman)	Barry Dunning
	Christine Hopkins (Vice-Chairman)	Allan Glass
	Ann Bellows	David Hawkins
	Sue Bennison	Maureen Holding
	Hilary Brand	Mahmoud Kangarani
	Rebecca Clark	Joe Reilly
	Anne Corbridge	Tony Ring
	Kate Crisell	Ann Sevier
	Arthur Davis	Beverley Thorne
	Jan Duke	Malcolm Wade

Application Number: 20/10167 Full Planning Permission

Site: 1 MAY CRESCENT, HOLBURY, FAWLEY SO45 2GS

Development: Replace wooden fence with brick wall (Retrospective)

Applicant: Mr Goddard

Agent: Extension Design Limited

Target Date: 07/05/2020

Case Officer: Rosie Rigby

Extension Date: 12/06/2020

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene and character of the area
- 2) Residential amenity
- 3) Highway safety matters

This application is brought to Committee due the contrary view of the Parish Council.

2 SITE DESCRIPTION

The site consists of a detached bungalow set on a prominent corner plot of an established residential road within the built up area of Holbury. The area is characterised by a mix of single storey and chalet dwellings with some first floor accommodation. Front boundaries are characterised predominately by low front walls and hedges.

Planning permission was granted in 2018 for a single-storey side extension under PP 18/11363 which has been implemented. A single-storey front extension was approved in March 2020 under permission 20/10066.

3 PROPOSED DEVELOPMENT

The application seeks planning permission in retrospect. The brick wall is already erected and is positioned on the southern and eastern (front) boundaries of the site with a brick corner pier on the northern boundary. The northern boundary is shown to be a fence but it is not clear if this fence is a new replacement of an earlier fence. The wall is 1.9m high and constructed of red brick with blue brick coping. It is considered that the new front and side wall needs planning permission.

The applicant has stated that the reason for replacing the fence with the wall is to provide for low maintenance in the garden due to a disability.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
20/10066 Single storey front extension	18/03/2020	Granted Subject to Conditions
18/11363 Single-storey side extension	04/12/2018	Granted Subject to Conditions
93/NFDC/53223 Single-storey addition	30/11/1993	Granted
83/NFDC/24407 Alterations and addition of a bedroom and dining room.	28/06/1983	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Core Strategy

CS2: Design quality

The Emerging Local Plan

Policy 1: Achieving Sustainable Development
Policy 13: Design quality and local distinctiveness
SO3: Built environment and heritage

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council : No 3 We recommend permission

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Comment: 1

- waste mortar left on adjacent pavement
- builder should have cleared up

10 PLANNING ASSESSMENT

Introduction

The current application is made in retrospect. By way of context, the close boarded fence that has been replaced by the wall (subject of the current application) was unauthorised . The fence replaced a high hedge at some time between June 2012 and June 2019 and it is therefore not certain if the fence had become lawful through the passage of time.

Regardless of this background, the unauthorised fence has now been removed and the front wall and side wall erected requires planning permission. There is no allowance to replace a fence with a wall of the same height in these circumstances. As such the current application needs to be considered on its own planning merits. There is also a high wooden fence along the northern boundary. Again this would need permission if any part is adjacent to the highway and over 1 metre in height. The applicant confirms the works were carried out in January and February 2020.

Principle of Development

Policy CS2 requires new development to achieve high quality design that contributes positively to local distinctiveness, that it is appropriate and sympathetic to its setting in terms of scale, height and appearance and shall not cause unacceptable effects by reason of visual intrusion or other adverse impact on local character. These factors are reflected in Policy 13 of the emerging Local plan. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area, residential amenity and highways matters

Impact on local character and appearance of area

The existing street scene is characterised by low walls and hedges of varying heights which give it a pleasant green and relatively open character. These are the features that contribute to and make up the existing character of the area.

The brick wall is already in position and is 1.9m high constructed of red brick with blue brick coping bricks along the top. It is in a highly visible position, the front wall being located on the back edge off the pavement and close to the junction of May Crescent with Crawte Avenue . As a result of the excessive height and position of the wall it is considered as a prominent, incongruous and overdominant feature within the street scene that appears totally out of keeping with the area.

Whilst it is noted that within the wider locality there are two other examples of high front boundary treatments (at No 12 and No 41 May Crescent) these are located some distance from the application site, around the corner and within a different street scene context. Furthermore, whilst there is no planning permission evident for these, they appear to have been in place since 2009 and as such would have become lawful by default. As they do not contribute to the street scene within which the current front wall is viewed they do not offer any justification for the current inappropriate development.

The applicant in his submission refers to the low maintenance of the wall compared to a fence and cites personal circumstances. As is well known in planning guidance such personal circumstances are not material considerations. The wall is a permanent feature and personal circumstances and ownership of a property does change over time.

Residential amenity

The wall has a degree of separation from adjacent dwellings and therefore would not have a significant impact on the light or privacy of neighbouring properties.

Highway safety matters

The wall would be set back behind the pavement and grass verge and so would not impact on the visibility splays from the road or the adjacent driveway access to the application site.

11 CONCLUSION

For the reasons given above, it is considered that as result of the excessive height and position of the wall it is a prominent, incongruous and overdominant feature within the street scene that appears totally out of keeping with the area. The other material considerations, including the emerging Local Plan Policy support the need to ensure that any development contributes positively to local character. Personal circumstances are not material considerations. The recommendation therefore on this occasion is one of refusal.

12 OTHER CONSIDERATIONS

The comment relating to the work undertaken raised in representations are not material planning considerations but civil matters.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its excessive height and position the brick boundary wall creates an overdominant and incongruous feature within the street scene. It appears prominent within its context and totally out of keeping with the prevailing street scene which is characterised by low front boundary walls and hedges. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Policy 13 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

Further Information:

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PLANNING COMMITTEE

June 2020

1 May Crescent
Holbury, Fawley, SO45 2GS

20/10167

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.



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Application Number: 20/10271 Full Planning Permission

Site: HILL RISE, HARE LANE, HORDLE SO41 0GE: (NB: SUBJECT TO UNILATERAL UNDERTAKING)

Development: Demolish existing garage, sever land and erect a 3 bedroom bungalow with parking.

Applicant: Harbourwood Homes

Agent: Anders Roberts & Assoc

Target Date: 01/05/2020

Case Officer: Vivienne Baxter

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) principle of the development
- 2) impact of the proposal on the character and appearance of the area
- 3) impact of the proposal on the residential amenities of the area
- 4) impact of the proposal on protected trees
- 5) highway implications and parking provision
- 6) effect on the integrity of European Conservation Sites.

This matter is before Committee as the Parish Council have raised objections to the proposal which is a contrary view to the officer recommendation.

2 THE SITE

The site lies within the built up area of Hordle in a residential area opposite Goldenhill Woods. It currently contains a detached bungalow with associated garages and outbuildings although part of the site is overgrown in places and there are makeshift earth/rubble bunds preventing access to some parts.

The boundaries consist of a mixture of hedging and fences of varying types. Bungalows on Pinewood Road to the rear of the site are at a higher level and the land also rises to the north-west where there are protected trees. However although these trees are outside of the application site they could be affected by the proposed development.

3 THE PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing garage to Hill Rise and the provision of an extended access leading to a 3-bed detached bungalow to the rear. The proposed dwelling would have two parking spaces and two further parking spaces would be provided to the front of Hill Rise for the existing dwelling

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Appeal
18/11621 2 detached houses; 2 detached bungalows; associated parking, access & landscaping; demolition of existing	27/02/2019	Refused	Appeal dismissed
17/11356 2 houses; 3 bungalows; garages; access; parking; demolition of existing	21/12/2017	Refused	Appeal dismissed
17/10841 2 houses; 3 bungalows; garages; carport; access; parking; demolition of existing	21/09/2017	Refused	
74/NFDC/01249 Addition of car port.	16/10/19	Granted	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy ENV1 (10) Mitigating the impact of development on International Nature Conservation sites
Policy ENV3 (13) Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
SPD - Hordle Village Design Statement
SPD - Parking Standards

Constraints

Aerodrome Safeguarding Zone
Historic Land Use

Tree Preservation Order: 53/05/T2

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

Chap 12: Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend refusal and would not accept a delegated decision. Backland development, negative impact on neighbours, dangerous access to Hare Lane, not enough detail.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Environmental Health Contaminated Land: - request conditions

Scottish and Southern Electricity Networks - offer advice

Southern Gas Networks - offer advice

Trees - no objection subject to condition

Highway Authority - no objection subject to conditions and informative

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

Objections have been received from 3 local residents concerned with the following issues:

- proposal doesn't have a road frontage
- backland development not in keeping
- design is quite tall for single storey
- potential privacy issues of accommodation provided in the roof
- concern over land rear of Chance and strip adjacent to access
- access and visibility are dangerous
- bats are present in the area
- garages are likely to be built in the future reducing the level of green space
- site has a history of being waterlogged
- inadequate parking
- construction traffic should not park on the road
- limited landscaping shown

11 OFFICER COMMENTS

Introduction

The current application follows previous refused schemes for the redevelopment of the site and which were also dismissed on appeal. An appeal in 2017 for 5 dwellings was dismissed on the basis of the effect of the proposals on the character and appearance of the area. The most recent appeal was dismissed in November 2019 and was for the demolition of the existing property and erection of 4 detached dwellings. This related to a larger site area. In dismissing this appeal the Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area and its effect on the integrity of European Conservation Sites. He was concerned about the loss of green frontage to the site and the uncharacteristic form of development where dwellings did not front the road and that the provision of the access drew attention to this. There were also concerns in respect of the size and width of certain plots. The Inspector was also concerned about the imposition of a condition relating to the necessary Habitat Mitigation.

The current application differs from the most recent the appeal scheme as it now proposes the retention of Hill Rise and the erection of just one detached dwelling at the rear. It relates to a smaller site area as it no longer includes part of the rear garden of Chance to the north and also omits a 3m strip of land closest to the dwellings built at Goldenhill Cottage to the north-west which would connect the rear of Chance to Hare Lane. The existing access would be retained, sweeping past the location of the existing garage (which would be demolished) and landscaping is proposed to mitigate against the increased driveway length. This is in contrast to the previous scheme where the creation of a new access situated between two close boarded fences, themselves in close proximity to the side elevations of two bungalows was proposed.

The previous appeal history is a material consideration with regard to the layout and green frontage to the site, albeit relating to a slightly larger site and a different proposal. In making the planning assessment of the current proposals these matters are considered in detail below.

Relevant Considerations

The main issues to consider for this proposal are the principle of development, the impact of the proposal on the character and appearance of the area, the residential amenities of the area and on protected trees together with highway implications and parking provision.

Principle of development

In order to comply with Policy CS2 and emerging Policy 13, the proposal should respect the character, identity and context of Hordle and contribute positively to local distinctiveness in terms of layout, appearance and relationship to adjoining buildings. There are no objections to the principle of a new dwelling within the built up area of Hordle subject to it meeting the above policy criteria and this has not been an issue in previous appeals. Consideration therefore has to be given as to whether the concerns identified at appeal have been addressed by the current scheme, the impact of the proposal on the visual and residential amenities of the area, how it may impact on the protected trees and highway safety.

Character and appearance of the area

The site is situated at the edge of the village with Goldenhill Woods opposite being outside of the built up area. Together with the hedgerow to the front of the site, the area has a semi rural character. However, over recent years, the site has become rather untidy with rubble dumped along the north western boundary and to the opposite side of the drive.

The appeal Inspector considered that the pattern of development in the immediate vicinity of the site was strongly characterised by dwellings facing and set back from the road. Hare Lane has a spacious character to which the green space provided by front gardens makes a notable contribution. It was considered important to ensure that the proposed development integrated with the existing pattern of development and its prevailing character. The previous appeal scheme failed to do this. Furthermore, the parking/turning area and harsh access drive leading away from this was one of the main issues at the appeal.

The dwelling now proposed would be sited directly to the rear of the host dwelling and as such, would have a limited impact on the street scene. The appearance of the site would represent a marked improvement on the current situation and would address the Inspectors concerns by integrating the development with the existing pattern of development.

The proposal would maintain both front and rear gardens for the host dwelling. The design of the proposed driveway would allow for its separation from the host dwelling together with the provision of associated landscaping. Changes have been made since the dismissed appeal to provide an amended access with indicative hedge to the north and a tree in place of the existing garage. The alterations proposed to widen the access would have a limited visual impact on the street scene - subject to the front boundary hedge being maintained and a planted boundary to the north west boundary being provided. This can be secured by condition.

The proposed drive would sweep around the existing dwelling and subject to the provision of an adequate landscaping scheme, it is not considered that the access would emphasise the provision of a dwelling to the rear and thus it would ensure that the development would integrate with the established pattern of development in the area.

The current scheme would retain the green space provided by the front garden. Although two parking spaces are indicated within the frontage, the retention of the front boundary hedge would largely screen this parking which is set back from the road and could be accommodated whilst maintaining a small, relatively private front garden area. As a result the green space frontage can be retained and the proposal would fit comfortably within the street scene.

The design of the proposed dwelling is a pleasing, traditional design although others in the area are more modern without finials or decorative ridges. This is acceptable in this location.

Due to site levels, the proposed slab level of the new dwelling would be approximately 1m higher than the existing frontage property. The new dwelling would also have a higher roof with steeper pitch. Whilst plans indicate that the new dwelling would be visible from the road over the host dwelling, given the set back of the new dwelling 43 m from the road, it is unlikely that the new dwelling would be readily visible from the road such as to be harmful to the character of the area.

As stated above, in addressing the issues identified at the most recent appeal it is considered that the proposal would now ensure that a green frontage to the site is retained, subject to appropriate planting being secured through an appropriately worded condition. This would ensure that the access drive is bound by vegetation reflective of the character of the area. Although due to the site levels and height of the ridge the proposed dwelling would be visible over the roof of the host dwelling, it would not be unduly prominent within the street scene given the limited increase and relative set back from the road. Overall in respect to the character and appearance of the area the current proposals are considered to address the previous concerns such that they are acceptable.

Residential amenity

Residential amenity concerns were not identified with the previous appeal scheme and were not an issue for the Inspector.

With regard to residential amenity, the front of the proposed dwelling would be sited 16.4m from the rear of the host dwelling which does not have any rear facing first floor windows. Given the proposal would be for a single storey dwelling, the separation between the two properties is considered to be acceptable subject to an adequate boundary being formed between the two.

The bungalows to the rear of the site in Windsor Close have 12m rear gardens. Coupled with the 10.5m rear garden for the proposed dwelling, the separation to these dwellings is also considered acceptable. It is noted that a couple of the dwellings in Windsor Close that have dormer windows facing the site, but given the overall separation distance to the proposed dwelling and proposed plot size, it is not considered that overlooking of the new dwelling would result. The two storey dwellings to the north of the site are located far enough away from the proposed dwelling not to give rise to adverse amenity impacts.

There could be additional amenity impact of the increased driveway length on the existing dwelling. However there would be an adequate landscape buffer and separation of the new access from Hill Rise which would ensure that any impact on residential amenity would be mitigated.

The concern relating to a negative impact on the neighbours raised by the Parish Council has been noted. Given the lack of any adverse impact on privacy and the level of spacing around the proposed dwelling, the proposal is not considered to adversely affect the adjoining occupiers. However, it is considered appropriate to take away permitted development rights for alterations to the proposed dwelling in order to maintain this level of amenity. Further, the previous scheme included two additional dwellings to the rear and impact on residential amenity was not an issue at that time, nor raised as such by the Inspector.

Trees

It is noted that the submitted arboricultural report still refers to the proposal as being for two dwellings although the associated plan correctly identifies the proposed single dwelling.

The proposed building works - access, parking areas and dwelling are sited away from the protected trees to the north of the site. Whilst concerns were previously expressed over the proximity of parking and dwellings to these trees, the current proposal is far enough away from the protected trees not to give rise to concerns in respect of impact on them during construction or future overshadowing.

The submitted tree report makes reference to the presence of bats in the area and this is confirmed by a representation received. It also advises that the developer should take the relevant legislation into account when works are carried out to trees within the site. A condition requiring adherence to this arboricultural report is proposed.

Highway safety

The Highway Authority has advised that the minor alterations to the access into the site combined with the appropriate width of the drive and likely traffic flows within the area would not be harmful to highway safety. It is noted that the access has been raised as a concern locally including by the Parish Council. In view of local traffic speeds and the fact that the proposals is for a single dwelling, the Highway Authority has not raised any objection to the proposal. It is further noted that the previous scheme for 4 dwellings on this site did not give rise to highway concerns. On this basis, no highway objection is raised.

The recommended parking provision for the proposed dwelling is 2.5 spaces with 2 spaces being proposed for each of the host and proposed properties. Given the location of the site it is not considered that an under provision of 0.5 space per dwelling is of concern. The site layout would allow adequate turning space for both existing and proposed dwellings. Conditions relating to parking provision/retention and bin store provision are considered appropriate.

Habitats Mitigation and Nitrates

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Unilateral Undertaking, which secures the required habitat mitigation contribution.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

At this stage there are no immediately available nitrate mitigation solutions but the Council is working (1) with The Partnership for South Hampshire, to identify and lobby government for strategic solutions for the subregion, and (2) with the National Park Authority, with ecological consultants appointed and working on identifying practicable options for on- and -offsite mitigation for both drainage runoff and wastewater in our area.

Other matters

As part of the current submission the applicant has provided examples of 'similar' developments in the area although these are not considered to be comparable to the current proposal for a variety of reasons including their location outside of the immediate street scene and number of dwellings involved. This view was also reflected by the Inspector. Notwithstanding this, the assessment has been made that the current proposals are acceptable as set out above.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal is much reduced from previous schemes and the layout has been amended in order to address the outstanding concerns from the Inspector's decision. It is now considered that the provision of a single additional dwelling on this relatively large plot would not give rise to any adverse impact on the character or appearance of the area. As such the application is recommended for approval.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £10,225.54.

Tables setting out all contributions are at the end of this report.

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	118	18.5	99.5	99.5	£80/sq	£10,225.54 *
Subtotal:		£10,225.54				
Relief:		£0.00				
Total Payable:		£10,225.54				

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2020 this value is 1.28 (rounded)

14 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Arboricultural Impact Assessment and Method Statement, 9284/200B, 9284/201A, 9284/202, 9284/204, 9284/204.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. The development hereby permitted shall not be occupied until plans and particulars showing details of the provisions of bin/cycle storage within the site have been submitted and approved in writing by the Local Planning Authority and the development implemented in accordance with the approved details. The approved measures shall be retained thereafter.

Reason: To ensure adequate provision within the site.

7. The development hereby permitted shall not be occupied until the spaces shown on plan 9284/200 rev.B for the parking of motor vehicles have been provided. The spaces shown on plan 9284/200 rev.B for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Impact Assessment and Method Statement (ref – GH2006.1) dated 24/02/2020 while in accordance with BS5837: 2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy). To safeguard trees and natural features which are important to the visual amenities of the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.
- Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

11. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Further Information:

Vivienne Baxter

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New Forest
DISTRICT COUNCIL

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New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

June 2020

Hill Rise, Hare Lane
Hordle SO41 0GE

20/10271

Scale 1:1250

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scale.



Application Number: 20/10335 Full Planning Permission

Site: Land of HATHAWAY HOUSE, LOWER PENNINGTON LANE, PENNINGTON, LYMINGTON SO41 8AN (NB: SUBJECT TO UNILATERAL UNDERTAKING)

Development: Sever domestic garden; new dwelling with garage

Applicant: Mr & Mrs Cullen

Agent: Morgan Building Design

Target Date: 26/05/2020

Case Officer: Steve Clothier

Extension Date: 19/06/2020

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development
2. Impact on the Character and Appearance of the Area
3. Implications for Occupants of Neighbouring Properties
4. Parking and Access Impacts
5. Impact on Protected Trees

This application is to be considered by Committee at the request of Cllr Anne Corbridge and due to a contrary view of the Town Council.

2 SITE DESCRIPTION

The site is located in an established residential area of Pennington characterised by detached properties set within mature and spacious garden settings which contribute to the verdant appearance of the streetscene. Properties fronting Lower Pennington Lane are typically of a two storey scale and of individual design, Hathaway House itself representing a contemporary replacement dwelling. More modest bungalow and chalet bungalow style development associated with the Newbridge Way and Elm Avenue development bounds the site to the immediate west and north respectively.

3 PROPOSED DEVELOPMENT

This proposal is for a single storey dwelling located to the rear of Hathaway House with access from Lower Pennington Lane. It follows a previous application which was the subject of a dismissed appeal in October 2019.

The current application seeks to overcome the concerns identified at this appeal by re-positioning the proposed dwelling further from the boundary with No. 37 and from the west (rear) boundary of the plot, reducing the height of the main part of the dwelling (the east wing) and reducing the footprint and the height of the outbuilding.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/10153 House; detached garage	23/04/2019	Refused	Appeal Decided	Appeal Dismissed
18/10981 House; detached garage	03/10/2018	Refused	Decided	
17/10152 House; detached garage/store; access	05/04/2017	Withdrawn by Applicant	Withdrawn	
16/11293 House; demolition of existing	28/11/2016	Granted Subject to Conditions	Decided	

In addition pre application advice has been given in respect of the current proposal and, in the light of the recent appeal decision, a positive response was given.

5 PLANNING POLICY AND GUIDANCE

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

- Policy 1 Achieving sustainable development
- Policy 5 Meeting our housing needs
- Policy 9 Nature conservation, biodiversity and geodiversity
- Policy 10 Mitigating the impact of development on International Nature Conservation sites
- Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites

Relevant Legislation

Section 38 Development Plan

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

Constraints

Tree Preservation Order: NFDC/TPO/018/15

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal (PAR4) on the grounds that the proposed building is too bulky and the design does not conform to Policy CS2.

7 COUNCILLOR COMMENTS

Councillor Anne Corbridge - requests Committee consideration.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist - supports the proposal subject to a Biodiversity Enhancement and Mitigation Plan being secured.

Tree Officer - no objection subject to condition requiring agreement of tree protection details.

SGN - offer advice.

9 REPRESENTATIONS RECEIVED

Six objections have been received (2 from the same address). The following is a summary of the representations received.

- similar to the appeal scheme
- intrusive to neighbours
- cramped development which would result in an uncomfortable relationship to neighbours
- out of character

- impact on neighbours
- concerns about the possible use of the first floor and extensions being added, should be limited to single storey and permitted development rights should be removed
- loss of privacy
- inappropriate materials
- concerns about the number of applications that have been submitted
- traffic congestion

10 PLANNING ASSESSMENT

Introduction

The site is located in an established residential area of Pennington characterised by detached properties set within mature and spacious garden settings which contribute to the verdant appearance of the streetscene. Properties fronting Lower Pennington Lane are typically of a two storey scale and of individual design, Hathaway House itself representing a contemporary replacement dwelling. More modest bungalow and chalet bungalow style development associated with the Newbridge Way and Elm Avenue are located to the north and west of the site.

This proposal is for a single storey dwelling which follows a previous application which was the subject of a dismissed appeal in 2019. At this appeal, The Inspector identified two main issues with the appeal proposal which were:

1. the effect of the development on the character and appearance of the area;
2. the effect on the occupiers of the adjacent dwelling at 37 Elm Avenue.

In respect of the impact on the character and appearance of the area the Inspector felt that the appeal scheme proposed a dwelling which was set tight to the boundary of the site at odds with the pattern of surrounding dwellings.

With regard to the impact on the occupiers of No. 37 Elm Avenue the Inspector was of the view that the effect of the height, length and bulk of the proposed building (measuring 5.5 metres at around 12 metres from the face of No. 37 and between 0.5 and 3 metres from the boundary) would be oppressive and overbearing to the detriment of the amenities of this property and this impact would not be sufficiently ameliorated by the planting proposed.

The current application seeks to overcome these concerns and the dwelling has been revised by moving it further from the boundary with No. 37 (by between 5 and 6 m and from the west (rear) boundary of the plot (by about 0.75m). In addition the height of the main part of the dwelling (the east wing) has been reduced by about 0.5 metres. The proposed outbuilding has been reduced in footprint and the height reduced by about 0.2m.

Principle of Development

The site is located within the built up area which is considered a sustainable location where policies seek to direct new residential development, this is subject to retaining and enhancing the settlement's character. In considering this issue it is important to have regard to the most recent appeal decision mentioned above, while the Inspector dismissed the appeal she did not take issue with the principle of locating a dwelling on this site.

Design, site layout and impact on local character and appearance of area

With regard to design, the Inspector did not take issue with the modern design of the appeal scheme and this proposal follows a similar theme in this regard. In terms of assessing the impact of the proposed development on the local character the appeal decision is relevant to this issue.

In dismissing the previous appeal the Inspector considered that within this context "the proposal would result in an uncharacteristic form of development set tight to the boundary of the site and at odds with the pattern of surrounding dwellings". The Inspector made reference to the Lymington Local Distinctiveness Document that includes this site within the rural lanes character area where the degree of separation between properties is a defining element where the spatial setting of buildings must be carefully considered.

The current scheme has been revised by moving the building south by between 5 and 6 metres and about 0.75 metres east which results in the dwelling sitting more centrally on its plot giving it a more spacious setting. While the dwelling would still be quite close to the rear boundary it is considered that this would be acceptable as this relationship would not be perceived from the public realm. It is considered that the changes to the scheme set out above result in a development that would be more contextually appropriate in this location and would enable the development to sit comfortably in its plot without adverse harm to the character and appearance of the area and consequently respect its local distinctiveness as identified in the SPD.

Residential amenity

Only one concern was raised by the Inspector in relation to neighbour amenity. This was in respect of the impact of the proposed dwelling on the residential amenity of the bungalow at 37 Elm Avenue. The Inspector considered that the "effect of the height, length and bulk of the proposed building (measuring 5.5 metres at around 12 metres from the face of No. 37 and between 0.3 and 3 metres from the garden boundary) would be oppressive and overbearing and would affect the living conditions of the occupants of No. 37 to their detriment".

The revised scheme has reduced the height of the highest part of the dwelling by about 0.5 metres to 5 metres and moved the dwelling so that the separation distance with No 37 would be between 15 and 17 metres and the dwelling would be located between 7 and 8 metres from the common boundary. This would allow sufficient space to protect the amenity of the neighbouring property at No. 37 and would result in a fairly typical relationship in this area. As such this concern is considered to have been addressed by the current proposals

The Inspector did not identify any other harm to neighbours and stated that the relationship to properties to the rear in Newbridge Way "would be mitigated by the existing mature planting which would effectively ameliorate any impact and from where only the roof of the proposal would be visible". The current proposal, while moving the dwelling further south, would be about 0.75 metres further from the common boundary of these neighbours and would therefore have less impact than the appeal scheme in this regard.

Whilst the concerns identified by the Inspector are now considered to have been overcome, given the location and characteristics of the site it is considered appropriate to remove permitted development rights to ensure control over any future additions to the property or outbuildings within the site.

It is noted that concerns have been raised about the loss of privacy as a result of this proposal, the proposed dwelling is only single storey and therefore has no accommodation at first floor level, in addition the Inspector raised no concerns in this regard. Furthermore, permitted development rights are proposed to be removed by condition.

Landscape impact and trees

The dwelling would be located to the rear of the frontage property and would have little impact on the wider landscape. The protected trees located along the front boundary and to the north-east can be adequately protected as part of the development and conditions are recommended to secure this.

Highway safety, access and parking

In respect of highway matters the proposal details parking and turning arrangements which would meet with the recommendations of the Councils Car Parking Standards SPD. No concerns were raised in this regard by the Inspector in dismissing the previous appeal and this assessment has not been changed by the current proposals.

Ecology

Habitat Mitigation and off-site recreational impact

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Nitrate neutrality and impact on the Solent SPA and SACs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

On Site Biodiversity and protected species

The application is supported by proposals for biodiversity enhancement and mitigation in the form of landscaping and habitat creation and provision of facilities for nesting birds, bats, hedgehog (permeable fencing features) and other species of conservation which should be secured by condition, the Ecologist has raised no objections on this basis.

Developer Contributions

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	168	0	168	168	£80/sqm	£17,265.23*
Subtotal:	£17,265.23					
Relief:	£17,265.23					
Total Payable:	£0.00					

11 CONCLUSION

The revised scheme is considered to overcome the concerns raised by the Inspector in dismissing the previous appeal in terms of impact on the character and appearance of the area and the neighbour at no. 37 Elm Avenue and is therefore recommended for permission subject to conditions.

12 OTHER CONSIDERATIONS

Concerns have been raised in relation to the materials proposed, no concerns were raised in this regard by the appeal Inspector and it would not be reasonable to raise this now, in any event the proposed materials of render and timber with a standing seam roof would not be out of context in this area where a mix of materials is evident. However, no information has been submitted in terms of details of colours and finishes, as a result a condition is proposed to require submission of these details.

There is also concern about the number of applications that have been submitted, however, there is no control over applicants submitting any number of different schemes for consideration and each application must be considered on its merits.

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01, PG.01, PP.01, SLC.01, FPC.01, EC.01, V.01, PE.01, PE.02 .

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. All external works (hard and soft landscape including the biodiversity measures) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to provide biodiversity enhancements.

5. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

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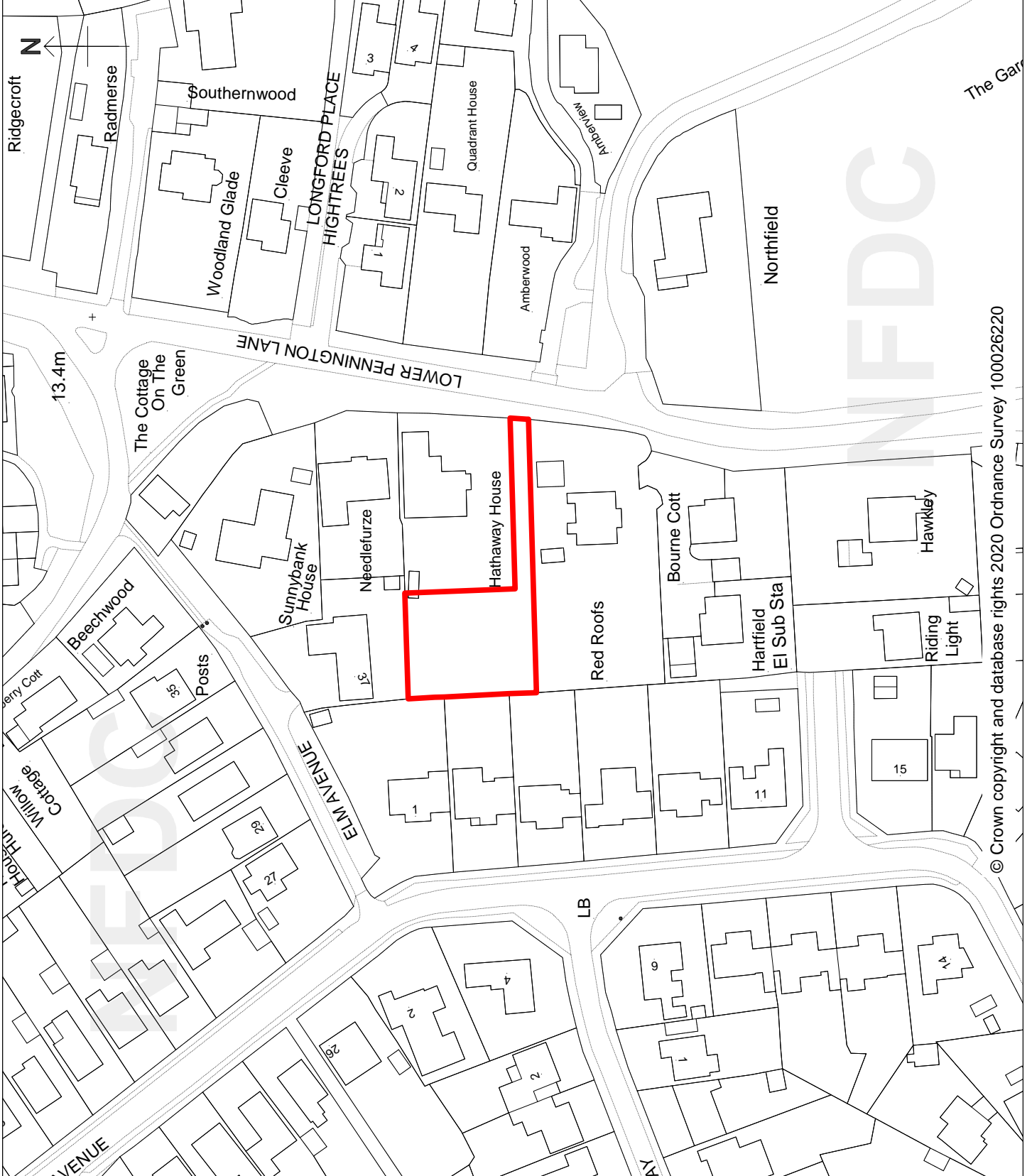
PLANNING COMMITTEE

June 2020

Land of Hathaway House
Lower Pennington Lane
Pennington, Lymington, SO41 8AN
20/10335

Scale 1:1250

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the internet, it will not be to
scale.



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Planning Committee 10 June 2020

Item 3 d

Application Number: 20/10365 Full Planning Permission

Site: THE FORGE, MARTIN ROAD, MARTIN SP6 3LA

Development: Single-storey extension to garage; porch; demolition of existing shed

Applicant: Mr & Mrs Burrige

Agent: CPL Architecture Ltd

Target Date: 27/05/2020

Case Officer: Kate Cattermole

Extension Date: 12/06/2020

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on the Conservation Area, the AONB and the countryside
- 3) Impact on the street scene
- 4) Impact on neighbour amenity

This application is to be considered by Committee because there is a contrary view with Martin Parish Council

2 SITE DESCRIPTION

The application site consists of a detached house and detached garage, situated in the Martin Conservation Area, Cranborne Chase AONB, Dark Skies Reserve, and countryside. Martin is a linear development, and there is a mixture of types and periods of dwellings within the immediate environs of the site. On the opposite side of the road are Grade II* and Grade II Listed Buildings.

The dwelling sits to the front of a long well treed plot which backs onto fields, and there is a right of way along the rear boundary. The existing house is a 2 storey linear building, with tile cladding on the front elevation. It has been the subject of earlier extensions in the form of two storey and single storey additions. The main entrance door to the house is sited on the side elevation opening on to the driveway, and there is currently a canopy over this door.

There is an existing single storey garage with dual pitched roof set to the rear of the dwelling, alongside the boundary with the neighbouring property Hangerfield. A small detached timber shed is sited to the rear of the garage.

3 PROPOSED DEVELOPMENT

There are two distinct elements to the current proposal:

- An extension to the rear of the garage, which would be lower than the ridge line of the existing garage and extend into the rear garden.
- A modest enclosed porch over the existing main entrance door on the side elevation of the dwelling.

Pre application advice for the extension to the garage was sought prior to the application being submitted.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
11/97967 Single-storey side and rear extensions; first floor extension	20/01/2012	Granted Subject to Conditions
74/NFDC/01495 Ground and first floor additions and alterations, and double garage	03/12/1974	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM20: Residential development in the countryside

The Emerging Local Plan

Policy 2 Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness

Policy 14 Landscape character and quality

Supplementary Planning Documents

SPG - Residential Design Guide for Rural Areas

SPG - Landscape Character Assessment

AONB Management Plan 2019-24

6 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council.

Objection to rear extension to garage - concerns with impact on neighbouring property, Hangerfield, in respect of loss of light, overshadowing, outlook. Also raised issue of proximity of proposed development to boundary, and how the side wall would be maintained.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NPA Archaeologist: No objection subject to condition

Natural England: No comments. Refer to Standing Advice

Environmental Health Contaminated Land: No concerns.

NFDC Tree Officer: No concerns.

Conservation Officer: No objection

9 REPRESENTATIONS RECEIVED

One letter of objection has been received from the neighbour at Hangerfield with concerns summarised as follows:

- loss of light to kitchen window and patio area
- raises concerns with accuracy of plans
- concern about impact on trees on site

10 PLANNING ASSESSMENT

Principle of Development

This property is located within the countryside where Policy DM20 of the Local Plan Part 2 is relevant. This policy permits limited extensions to existing dwellings that are of an appropriate design, scale and appearance in keeping with the rural character of the area to retain a range of dwellings within the rural area to meet different housing needs. This policy includes a quantitative measure whereby extensions should not normally provide an increase in floorspace of more than 30%. In all cases proposals should be designed to respect the character and scale of the existing dwelling and not significantly alter the impact of built development on the site within its setting.

The proposal has two distinct elements: a single storey side extension to the dwelling to form a porch, and a rear extension to the existing detached garage. The quantitative element of the policy only relates to extensions to the dwellinghouse, and would not be applied to the detached garage. In respect of the extension to the dwelling, there would only be an additional 6 sqm of floorspace and taking into account the extent of the cumulative extensions to the dwelling since 1982 this extension would not result in the total floorspace exceeding 30%. The proposed porch would be a modest, proportionate addition and the materials would reflect the existing dwelling, as such it would meet the criteria of Policy DM20 as being appropriate to the character and scale of the existing dwelling and not significantly impact on the built development of the site within its countryside setting.

In respect of the proposed extension to the outbuilding Policy DM20 states that 'in all cases development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.' The proposed extension to the existing garage would be subservient in scale to the existing building, and the materials would reflect those of the existing structure. There is no suggestion that the proposed extension to the outbuilding would generate further traffic.

Taking the above into account, this development is considered to be in keeping with the countryside and appropriate to its rural setting so that the principle of the development is acceptable in accordance with Policy DM20.

Impact on the character and appearance of the Conservation Area and AONB

The proposed extension to the garage would be a subservient addition that would be sympathetic to the existing garage, and coupled with its linear form would respect the traditional forms of buildings within this area. The proposed porch would be appropriate to the character and appearance of the dwelling. As such the proposed

extensions would preserve the character and appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Para 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Beauty. By reason of their siting in the plot, design and dimensions, the proposed extensions would not detract from the landscape setting of the AONB, nor be harmful to the Dark Skies Reserve.

Impact on the Street Scene

Only the small side extension would be visible from the road, and by reason of its single storey form, modest dimensions and set back on the dwelling, it would not result in any adverse impact on the street scene.

Residential amenity

To the north-west of the site is a detached house, Hangerfield. This is the property most affected by the proposed extension to the garage. The two storey element of Hangerfield is sited approximately 5m from the side boundary with application property. Due to the position of the single storey elements on this neighbouring dwelling a small paved courtyard patio area has been created in front of their existing kitchen window that faces the boundary. There is currently a fence as well as established planting along the boundary inside the application site. The planting will be removed as part of these proposals.

The application site is lower than Hangerfield which assists in limiting the impact of the built form of the garage extension. A section and topographical information have been provided to show the relationship of the proposals to the neighbour's kitchen window and patio.

An objection has been received from the neighbour at Hangerfield in respect of the rear extension to the garage, as they consider its siting and height would result in loss of light to their kitchen window and patio area. Photographs have been provided by this neighbour which have been considered as part of the planning assessment

The proposed rear extension to the garage would introduce built form adjacent to this neighbour's boundary that would span the depth of their courtyard area, the extension would have a low eaves and ridge height to the adjoining property. The property is also sited at a lower level than the adjoining property. Overall, given these factors the proposals would not result in an overbearing form of development on this neighbour.

The neighbour's kitchen window is located 5m from the boundary and it faces south east. The proposals would be at a lower site level and separated from the boundary so that the impact on light to this window would not be significant.

The proposed garage extension could result in some loss of light to the outside patio area but the assessment that needs to be made is whether the existing relationship is significantly exacerbated by the proposed development .

The limited height of the proposed eaves and roof of the garage extension in relation to the neighbouring property and the difference in levels between the two sites would result in the proposed garage extension having limited impact on the neighbouring property. Furthermore, the existing vegetation behind the existing shed - which currently provides a degree of shading to this patio area would be removed as a result of this development. Given the above factors, the site levels and the existing

relationship, it is concluded that the proposed extension would not result in an unacceptable loss of light to the neighbouring property.

There are no windows on the rear elevation of the garage extension facing this neighbour so there would be no overlooking or associated loss of privacy.

Given the separation from Shephards Cottage and the extension of this property along its boundary with The Forge there would be no adverse amenity impacts resulting from the proposed garage extension.

By reason of its siting, there are no concerns in respect of the side extension being harmful to the amenities of neighbouring properties.

In response to the neighbours comments, the officers are satisfied that the plans are accurate. The plans indicate that the rear extension would be within the curtilage of the application site and would not overhang the neighbour's boundary.

Concerns have been raised in respect of the maintenance of the side of the building adjacent to the neighbour, but as this is proposed to be a brick wall and slate roof it would not require regular maintenance. Any gutter cleaning should be possible from the end of the building.

There have been suggestions by the neighbour that an outbuilding could be sited elsewhere in the plot, away from their boundary. Even though there could be other options due to the size of the plot, it is the current plans which are under consideration as part of this planning application.

Reference is made in the objection to loss of a view, however this is not a planning consideration.

Trees

As the application site falls within a Conservation Area there is a degree of protection afforded to trees on site dependant on the trunk circumference. There is a silver birch within the rear garden that could be affected by the proposed extension but this tree has limited public amenity value. It is not considered to be worthy of a Tree Preservation Order and as such is not a constraint to development.

Archaeology

The site falls within an area that could have archaeological implications. There is no objection to the development, but a condition would be required to ensure a watching brief is carried out during development.

11 CONCLUSION

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise, they confirm the indication given by the development plan, namely that planning permission is recommended.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: 204A, 90A, 202, 50, 70, 60, 201, 203, 101, Design and Access Statement

Reason: To ensure satisfactory provision of the development.

3. No demolition/development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording
- 2) The programme for post investigation assessment
- 3) Provision to be made for analysis of the site investigation and recording
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Confirmation in writing that this has taken place, needs to be submitted to and approved by the Local Planning Authority

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

Further Information:

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PLANNING COMMITTEE

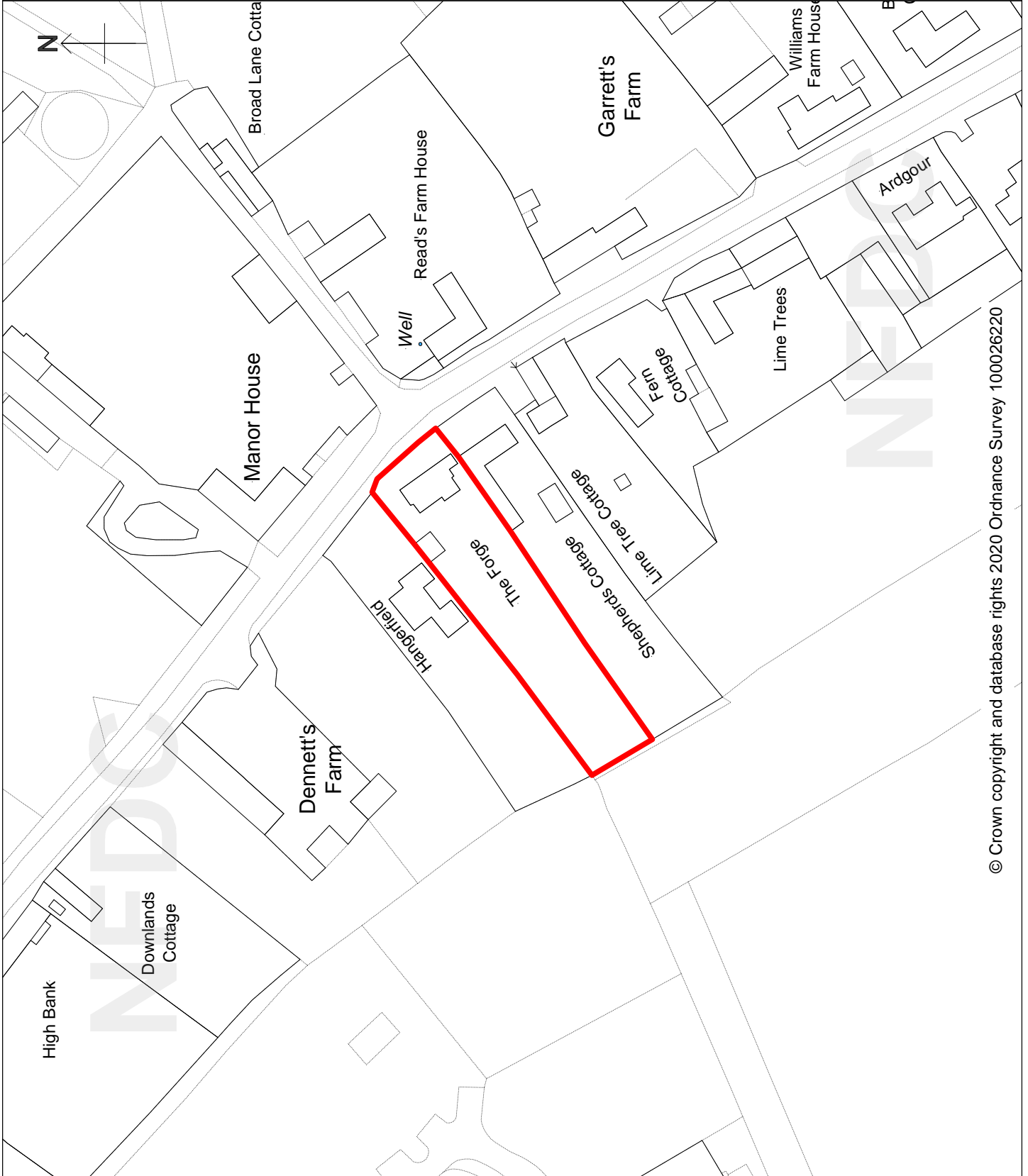
June 2020

The Forge, Martin Road
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Scale 1:1250

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