

Application Number: 15/10367 Full Planning Permission

Site: Land rear of 46 WHITSBURY ROAD, FORDINGBRIDGE SP6 1LA

Development: single storey dwelling; access

Applicant: Mr & Mrs Hardy

Target Date: 25/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View and affordable housing negotiations

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 6. Towns, villages and built environment quality
- 8. Biodiversity and landscape

Policies

- CS2: Design quality
- CS10: The spatial strategy
- 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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
 Planning and Compulsory Purchase Act 2004
 National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

- SPD - Housing Design, Density and Character
- SPD - Mitigation Strategy for European Sites
- SPD - Parking Standards
- SPD - Fordingbridge Town Design Statement

6 RELEVANT PLANNING HISTORY

6.1 House, access (10122) Withdrawn on the 16th March 2015

6.1 1 pair of semi-detached houses (95418) Withdrawn on the 12th July 2010

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission. The Town Council recommend that the application be supported as it is a good use of a redundant site and the replacement of the various outbuildings on the site with a modern dwelling with eco-friendly design would enhance the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no objection subject to conditions

9.2 Land Drainage Engineer: No objection subject to condition

9.3 Councils Valuer: The viability appraisal is acceptable

9.4 Ecologist: No objection subject to condition

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that the proposed development is incongruous and out of character and would be an inappropriate use of a residential garden and open space. The proposal would result in the loss of amenity. Concerns over the design of the building, provision of parking, noise and pollution.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £7,558.40.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems

arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

The applicant's agent has been informed that the application is to be considered by the Planning Development Control Committee with a recommendation for refusal. Pre application advice was given that there are in principle objections to a new dwelling on the site and that revised or amended plans would be unlikely to address the concerns.

14 ASSESSMENT

- 14.1 The site forms part of the rear garden area of the residential property at 46 Whitsbury Road in Fordingbridge. The site is irregular in shape and partly wraps around the garden to No.44 Whitsbury Road and extends up to the edge of a car parking courtyard accessed from Queens Gardens. The site is mainly laid to lawn with some small outbuildings and polytunnels and some scattered trees enclosed by boundary fencing and hedgerows. There is an existing access to the end of the rear garden from Queens Gardens which provides a single car parking space. The existing property at No.46 also has car parking spaces accessed from Whitsbury Road. Apart from the boundary to the private car parking courtyard, the site is bounded on all sides by existing residential gardens.
- 14.2 The proposal is to construct a detached single storey dwelling on land that currently forms part of the rear garden to No.46 Whitsbury Road. The proposed dwelling would be sited at the far end of the rear garden positioned so that the dwelling would front onto the existing car parking courtyard in Queens Gardens. The existing garden would be divided with the existing dwelling at No 46 and the proposed dwelling having similar sized rear garden areas. The existing access would be used to serve the

proposed dwelling and there would be space for two cars. The proposed dwelling would be behind the existing 1.6 metre high brick wall which fronts the parking courtyard.

- 14.3 Visually, the proposed building would be of a contemporary and innovative design with a steep sloping pitched roof and single storey flat roof elements constructed from timber cladding under a sedum roof. When viewed from the courtyard the proposed dwelling would rise to approximately 5.6 metres high but its height descends steeply to around 3.5 metres. High level windows would be installed on the front elevation of the building to add interest from the courtyard.
- 14.4 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining and nearby residents and the effect on public highway safety.
- 14.5 In assessing the effect on the character and appearance of the area, the properties along Whitsbury Road are typically 20th Century semi-detached dwellings fronting onto the road and have long rear garden areas backing onto the modern housing estate in Queens Gardens. For the most part the rear gardens of these properties are open, but there are some small detached outbuildings such as sheds and workshops. These rear garden areas to the dwellings in Whitsbury Road, including the application site, form a large collective garden group and the application site forms part of a wider group, which cumulatively contribute to the character of the area, by virtue of their openness, greenery, and vegetation. There are no other dwellings which have encroached into this space or been developed in the rear garden areas in Whitsbury Road.
- 14.6 In Queens Gardens the character of the area is very different and the context comprises a more modern, high density, development of semi-detached dwellings and terraces with the buildings fronting onto the cul de sac road in a more uniform design and layout. In Alexandra Road, the dwellings have slightly shorter rear garden areas, with outbuildings and garages located to the rear, immediately adjacent to the private car parking area.
- 14.7 In assessing the impact on the character and appearance of the area, it is considered that the introduction of a new dwelling within the rear garden area would be out of context with and harmful to the character of the area. There are currently no dwellings located in the rear garden areas in this location and by introducing a new dwelling this would unacceptably encroach into part of the open rear garden areas and would appear in isolation from the rest of the development. While the design of the dwelling is innovative, with low sloping roofs constructed with timber cladding, there is a the principle of concern about locating a new dwelling that would destroy the pattern of development in the area which is distinguished by large deep rear gardens. The Town Council have commented that replacing the outbuildings with a dwelling would enhance the area, however, it is not considered that this would be sufficient justification to allow a new dwelling having regard to the fact that the outbuildings are typical of this area of back gardens.
- 14.8 The proposed dwelling would also be sited to the rear of a private car parking courtyard which provides parking for the nearby residential

properties in Queens Gardens and access to the rear gardens of the dwellings in Alexandra Road. There are two particular concerns. It is considered that the proposed dwelling would be sited behind a high wall with no windows on the front elevation to provide any outlook from the dwelling or active frontage. It is also considered inappropriate to position a dwelling facing onto a private car parking courtyard and rear access that serves the neighbouring development, which would not create an acceptable frontage, with views onto a stark parking area.

- 14.9 In terms of the plot size of the existing dwelling and proposed dwelling, this is considered to be reasonable and would provide large garden spaces which would not appear cramped or overdeveloped. Both properties would have over 20 metre rear garden areas.
- 14.10 With regard to residential amenity, the proposed dwelling would be sited close to the residential properties at Nos 48 Whitsbury Road and No.3 Queens Gardens. Given that the proposed building would be sited at the far end of No.48's plot, the design of the building with a low profile, and the level of screening provided, it is not considered that the proposal would have any adverse impact on these residents. No windows are proposed on the side elevation facing north and the other proposed ground floor windows would be screened by existing or proposed boundary fencing. The windows on the front elevation facing the courtyard would be high level providing light into the ground floor rooms.
- 14.11 Concerning the impact on the neighbouring property at No 44, the proposed building is located a sufficient distance away not to result in any adverse impact of overlooking, loss of light or outlook. Whilst concerns have been raised that the proposal would result in additional noise and disturbance, the site is currently used as a garden and the proposal would position the garden area in the same location. Accordingly, the proposal would not give rise to an unacceptable increase in noise or disturbance to the neighbouring property at No 44.
- 14.12 In terms of highway safety matters, the existing dwelling at No 46 would retain two car parking spaces and the proposed dwelling would incorporate two spaces which would broadly accord with the recommended car parking standards as set out in the Council's adopted Supplementary Planning Document. Access into the site would be across a private car parking courtyard which links onto Queens Gardens. The Highway Authority have commented that the proposed development would not prejudice public highway safety given that access would be onto a quiet courtyard which currently provides car parking to some of the dwellings in the area.
- 14.13 The proposed development requires contributions towards affordable housing which in this case would be a financial contribution of £24,000. The applicants have made a viability case that should the full contributions be made towards affordable housing this would make the scheme unviable. In response, the Council's Valuer states that if the Affordable Homes contribution is removed from the equation the residential Development Land Value of the site resulting from the proposed development is in approximate equilibrium with the threshold Site Value. Therefore it is concluded that the S106 Affordable Housing Contribution is not viable in this case. This is mainly due to the high costs of development relative to the end value of the proposed dwelling.

- 14.14 The proposed development does require contributions to be made towards maintenance and monitoring for habitat mitigation, which would have to be secured through a Section 106 Agreement. This application has not secured a Section 106 Agreement and accordingly the proposal would fail to comply with policy.
- 14.15 In conclusion, while the proposal is of an innovative design and the plot sizes would be reasonable for the existing and proposed dwellings, the principle of siting a dwelling on land that forms part of a large garden group to the dwellings fronting onto Whitsbury Road would be unacceptable and out of context with and harmful to the character of the area. The proposal would have an acceptable relationship with the adjoining neighbouring properties and it is not anticipated that the proposal would prejudice public highway safety.
- 14.16 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£24,000	0	-£24,000
Public Open Space			
On site provision by area			
Financial Contribution			
Transport Infrastructure			
Financial Contribution			
Habitats Mitigation	£550	0	-£550
Financial Contribution			

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	94.48		94.48	£7,558.40

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of its size, openness, and greenery, the site positively contributes to the wider character of the area and forms part of the large cumulative area of garden groups and spaces to the rear of the dwellings fronting Whitsbury Road. The proposed dwelling would unacceptably encroach into this area and as such the proposed development would detract from the undeveloped open quality of the locality and be an inappropriate form of development. In addition the proposed dwelling would be sited behind a high brick wall with no active frontage and would result in a building fronting onto a rear service access and private car parking courtyard which would result in an undesirable and poorly planned development. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The applicant's agent has been informed that the application is to be considered by the Planning Development Control Committee with a recommendation for refusal. Pre application advice was given that there are in principle objections to a new dwelling on the site and that revised or amended plans would be unlikely to address the concerns.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
June 2015

Item No: 3n

Land rear of
46 Whitsbury Road
Fordingbridge
App No 15/10367
SU1414

Scale 1:1250

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

