

Application Number: 19/11139 Reserved Matters

Site: LAND OFF MOUNTFIELD, HYTHE SO45 5AQ
Development: 4 detached chalet bungalows; garages and parking; associated access (Details of appearance & scale development granted by Outline Permission 18/10838)

Applicant: The Turnbull Group & Driftstone Homes Ltd

Target Date: 01/11/2019

Extension Date: 15/11/2019

Link to case file: [view online here](#)

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) the outline permission
- 2) the impact on residential amenity
- 3) the impact on the character and appearance of the area

This matter is being considered by the Committee as the Parish council have expressed a contrary view.

2 THE SITE

The site lies adjacent to the built up area of Hythe where it is bound by residential properties to the north and east. The southern and western boundaries are within the same ownership as the site and include an area of ancient woodland. The site is presently a vacant paddock with long grass and several trees of varying size and age. Many of the trees are covered by individual or group tree preservation orders. The land rises in the middle of the site and drops again towards the south.

3 THE PROPOSED DEVELOPMENT

The application seeks the approval of two of the reserved matters of the outline application 18/10838 for matters of appearance and scale pursuant to outline approval for the principle of the development, its layout and access in July 2019.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/10838 4 detached chalet bungalows; garages and parking;	04/07/2019	Granted Subject to Conditions	Decided	

associated
access (Outline
application with
details only of
access & layout)

13/11623 Development of 11 dwellings comprised: 4 detached two-storey dwellings; 1 terrace of 3 houses; 1 block of 4 flats; parking; access road; bridge	11/04/2014	Refused	Appeal Decided	Appeal Dismissed
---	------------	---------	-------------------	---------------------

13/10200 6 two-storey dwellings; 3 detached garages; cycle & bin stores; access; parking; landscaping	02/08/2013	Refused	Decided	
--	------------	---------	---------	--

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

N/A

Neighbourhood Plans

Hythe and Dibden Neighbourhood Development Plan

The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character

Constraints

Tree Preservation Order: 30/01/W2

Plan Policy Designations

Countryside

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
Section 197 Trees
Town and Country Planning Act 1990

Relevant Advice

National Planning Policy Framework
Chap 12: Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. The Council objects to the proposal for the following reasons:

- 1) The scale and design of the properties are out of keeping with the adjacent Mountfield development.
- 2) The Council would like to see housing units of up to three bedrooms per unit being provided to meet the local need.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Natural England - no objection

10 REPRESENTATIONS RECEIVED

The following is a summary of the 3 representations received, all of which raise objection to the proposal.

- overlooking from plot 1
- no provision for bat boxes
- concern regarding plot boundaries and landscaping
- loss of privacy
- surface water/run-off
- no details of materials
- dormers larger than previously indicated
- access from adjoining properties to the PoS should be provided
- access should be made from the development to the reinstated footpath to the south
- materials/deliveries should be contained within the site boundary

11 OFFICER COMMENTS

Introduction

- 11.1 The application seeks the approval of reserved matters following the approval of outline planning permission for 4 dwellings where means of access and siting were agreed. This approval shows the agreed access into the site and its continuation to each dwelling together with the turning head for larger vehicles. The siting of each dwelling and its garage was also determined together with the size and position of a small area of public open space to include low key provision for children.
- 11.2 The current application for reserved matters is to consider the scale of the proposed buildings and their appearance. Access and siting have already been approved. Landscaping remains to be determined in the future and will include details of the public open space and play area.

Relevant Considerations

Outline application

- 11.3. The outline approval provided illustrative details of the proposed dwellings and whilst this was indicative, it clearly demonstrated the applicant's intentions at that time. The siting of the proposed dwellings and their associated garages was carefully considered having regard to the many protected trees, the boundary vegetation and the relationship to adjoining dwellings.

Residential amenity

- 11.4 The proposed floor plans and elevations provide details of the layout of each dwelling and the fenestration details. In view of the very large size of the site and distances between the proposed dwellings and existing residential properties, the windows proposed for plots 2, 3 and 4 are not considered to give rise to any loss of privacy for the occupants of adjacent properties. Plot 1 is closer to existing dwellings and is shown with three bedrooms and a bathroom to the rear elevation.
- 11.5 Whilst the central bedroom to plot 1 has a traditional window, the windows serving bedrooms to either side of the rear elevation are Velux balcony style rooflights - a single width to the north and a double width to the south. The northern most single width Velux is 21m from the nearest corner of Deepdene Cottage but faces the space between two outbuildings at the property. The double width Velux is proposed to be located further from this boundary so as to have a less direct impact on the neighbours. There is a side window in the gable of Deepdene Cottage which would be 25m from this Velux balcony. Concern relating to overlooking has been received from local residents however given the distance between the windows, there will not be an unacceptable loss of privacy. Furthermore, the windows are at oblique angles to each other with vegetation between. The boundary to Deepdene Lodge would be 37m away from this Velux and given the existing level of vegetation to remain and separation distance, it is not considered that the proposed would adversely affect residential amenity.

Character and appearance of the area

- 11.6 The design of the proposed dwellings are chalet-style which reflects other dwellings in the immediate area although there are bungalows and two-storey properties bordering the site as well. Roof forms in the area

include gables and both full-hipped and half-hipped roofs and hipped dormer windows.

- 11.7 The proposed dwellings would have single storey eaves and half hipped roofs which would be contextually appropriate. The provision of small gables to the rear would also reflect the character and design of surrounding dwellings. The dormer windows to the front elevation are similar to those indicated at the outline stage and are of an appropriate scale. The central gabled dormer provides a feature to each dwelling which is not considered to be harmful in this setting.
- 11.8 The scale of the buildings and associated garages is comparable to other dwellings and garages in the area, would not detract from the overall character of the area and would provide a sense of place within the development. It is considered that the proposal would comply with policy D1 of the Hythe and Dibden Neighbourhood Development Plan.
- 11.9 The palette of materials submitted with the application is acceptable. It specifies a dark red multi stock brick and dark red roof tiles for both dwellings and garages together with horizontal timber cladding for the front dormer and rear/side elevations above ground floor. The area is characterised by red brick, some tile hanging and red/brown roof tiles. The introduction of small areas of timber cladding to the properties is not considered to adversely affect the character of the area.

12 CONCLUSION ON THE PLANNING BALANCE

It is not considered that the proposed scale or appearance of the dwellings and their garages would be harmful to the character of the area. The detailing reflects architectural features seen in the immediate locality and would compliment the overall area.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

As referenced at the outline stage, if this development is granted permission, the Council will receive a New Homes Bonus of £4,896 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 £74,089.11.

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)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	757.2		757.2	757.2	£80/sqm	£74,089.11*
Subtotal:	£74,089.11					
Relief:	£0.00					
Total Payable:	£74,089.11					

* 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 2019 this value is 1.22

14. RECOMMENDATION

APPROVAL of reserved matters of appearance and scale, specified in condition 1 of outline permission reference number 18/10838 dated 4.7.19.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

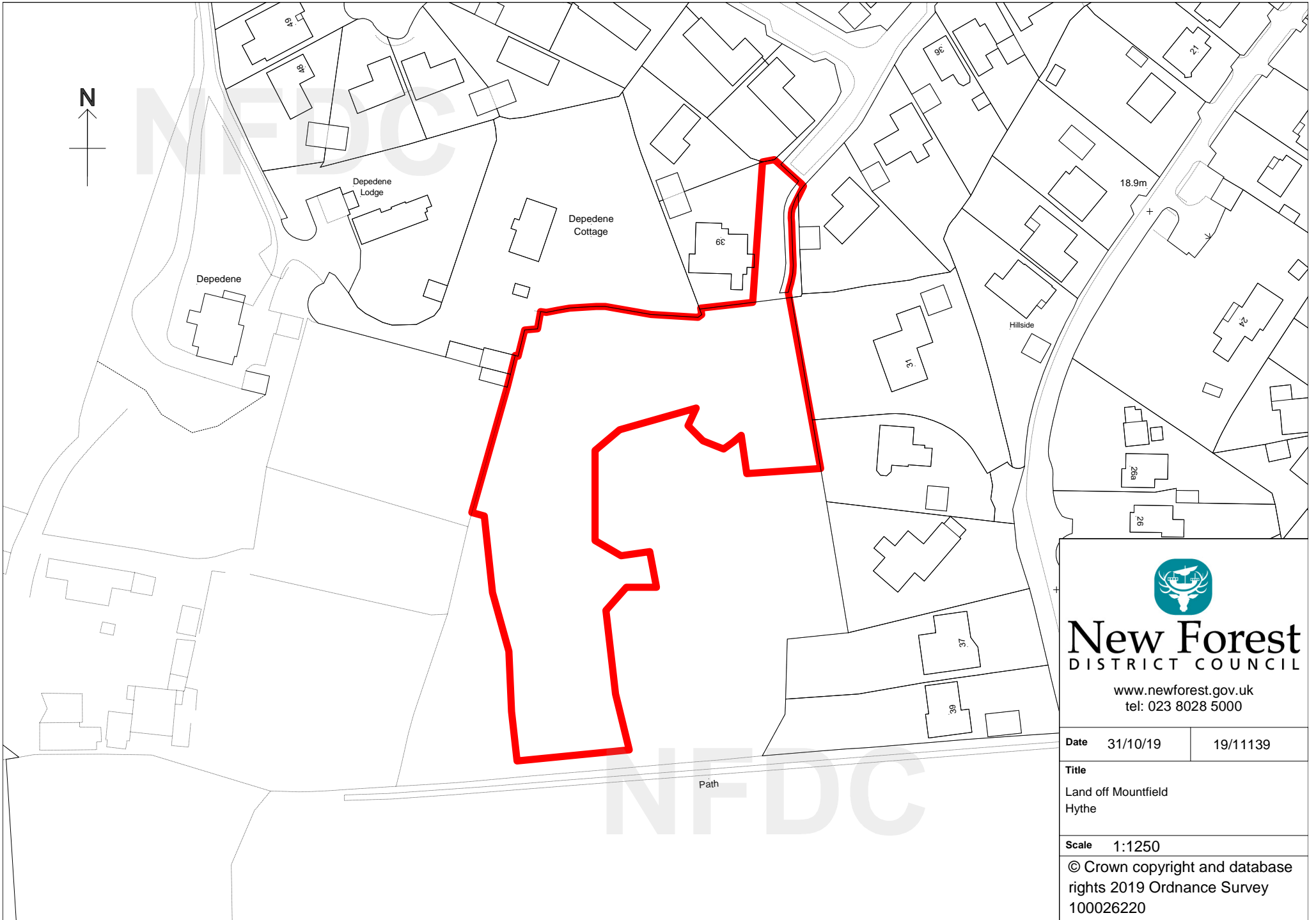
2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, PL20, PL21, PL22, PL23B, PL24B, PL26B, PL27, Velux detail, materials schedule.

Reason: To ensure satisfactory provision of the development.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	31/10/19	19/11/139
Title	Land off Mountfield Hythe	
Scale	1:1250	
© Crown copyright and database rights 2019 Ordnance Survey 100026220		