

Application Number: 19/11070 Full Planning Permission

Site: COURT ORCHARD, NEW ROAD, ROCKBOURNE SP6 3NN
Development: House; garage; associated landscaping and parking; demolish of existing

Applicant: Mr Wilson

Target Date: 17/10/2019

Extension Date: 13/12/2019

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 Principle of Development
- (2) The Impact on the Countryside
- (3) Character and Heritage Impacts
- (4) Ecological Interests
- (5) Impact on Character of the Area
- (6) Impact on Residential Amenity
- (7) Highway Impacts
- (8) Flood Risk and Drainage

This matter is before Committee as the recommendation to approve is contrary to the Parish Council's view.

2 THE SITE

The proposal relates to a detached property and garage of post-war construction, set within very generous grounds, within Rockbourne's Conservation Area. The property is well separated from neighbouring premises to the north, east and south, though many of the adjoining buildings are listed. There are mature trees within the grounds of the property, protected by virtue of their location within a conservation area. The lower portion of the garden curtilage to the west is within Flood Zones 2 and 3.

The existing site is an open fronted plot with key views into and out of it from Rockbourne Road and others gained from New Road. There are views from the south and east from gaps in the boundary treatments and from the rising land to the east and the west as well as from the Church and to the north of Manor Farm. The existing house sits to the rear of the site and is recessive in its position but also in its layout articulation, arrangement and materiality.

3 THE PROPOSED DEVELOPMENT

The proposal is to demolish the existing dwelling and garage and to erect a replacement dwelling and garage. The existing dwelling and garage are in cedar cladding and are of relatively recent construction (late 1950's), relative to some buildings in the locality.

A previous application for a larger replacement dwelling was refused and dismissed at appeal due to concerns over the harm it would cause to the character and appearance of the area (a copy of the decision letter is appended to this report). Efforts have been made with the current submission to reduce the harmful impacts of the previously refused scheme, including reducing its scale and massing, re-siting it over the footprint of the existing dwelling, orientation similar to the existing dwelling and alterations to the design. The replacement dwelling would still be slightly larger than the existing dwelling on the site, but would be of traditional design and materials.

Following receipt of the initial submission, further amendments were requested to the proposal, in light of the comments of consultees and notified parties. The amendments include:

- Enhancement of the front porch to a more traditional metalwork and lead canopy;
- Chimney alterations;
- Removal of blind window from chimney breast;
- Enhancements to the pilasters and plich of the garden room;
- Alterations to the pitch of the single storey rear elements to match the pitch of the main roof;
- Minor fenestration alterations;
- Alterations to the detached garage to reduce its massing and to give is a more rustic look, through incorporation of a cat-slide roof.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/10729 House; detached garage & workshop; demolition of the existing	19/07/2018	Refused	Appeal Decided	Appeal Dismissed
17/11328 House; detached garage & workshop; demolition of the existing	16/11/2017	Withdrawn by Applicant	Withdrawn	
XX/RFR/03859 House and garage.	19/10/1956	Granted	Decided	
XX/RFR/03828 House and access.	17/09/1956	Granted Subject to Conditions	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in December 2019. It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered relevant. These policies in part are likely to supersede, update or save as existing from the New Forest District Council Core Strategy 2012

Policy 1 - Achieving Sustainable Development
Policy 5 - Meeting our housing needs
Policy 11 - Heritage and conservation
Policy 13 - Design Quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Advice

National Planning Policy Framework

NPPF Chap 12: Achieving well designed places
NPPF Chap 16: Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Rockbourne Parish Council - Option 4: The PC met 12th November and has revised its comment to par 4 recommending refusal, with the firm recommendation that the proposals should be submitted to the Planning Committee for their decision. The PC recognises that some adjustments have been made, and does not oppose the building of a replacement dwelling. However, there remain very serious concerns that the style and scale of these proposals will permanently and irrevocably damage the historic and environmental fabric of Rockbourne's character. If permitted, these proposals risk setting a precedent for other such inappropriate schemes to be permitted in the Rockbourne Conservation Area.

8 COUNCILLOR COMMENTS

Cllr Edward J Heron:

To be updated

Comments in full are available on website.

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.

NFDC Conservation - The amended plans are much improved on the previous set and I note the omission of the cupola which is now acceptable. This style of development and its scale has been found to be acceptable by a Planning Inspector and in order therefore to ensure a high quality of development I would suggest conditions.

Southern Gas Networks - give informatives

Ecologist - No objection subject to pre-commencement condition requiring final detail of biodiversity mitigation, compensation and enhancement measures to be agreed.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 21

- The application states that the building is within the 30% allowance, does this include the new garage?
- The application states that Rockbourne is 'no longer a village of busy farms and small holdings'. All the adjoining properties on the North and East side are lived in, or connected to Manor Farm. This is a working farming community
- The plan contains little detail regarding the boundaries of the property. What are the intentions here?
- The proposal will harm the character of the AONB and Conservation Area and the setting of listed buildings.
- The proposal may set a precedent in the future for further new buildings throughout the village.
- Loss of mature trees in and around the site will open views to it and alter the character of the area.
- The Greater Horseshoe Bat has been found in the adjoining farm buildings. It would not be surprising if this bat were also present on the site.
- Harmful wildlife impacts
- Six parking spaces for one family dwelling? For the vehicles to have "sufficient turning space to enable vehicles to enter and exit the site in a forward gear" plus exterior parking spaces suggests that a large part of the precious green space in front of the house will have to be torn up.
- Will there be any encroachment on the walnut and sweet chestnut trees T21 and T22 root systems? These are seriously ancient and lovely trees and I would have thought that the positioning of the build should not threaten them unless something else is going on like a very large sweeping driveway.
- How will the present sense of the green space, as a park or field within the village, feel once it has been "laid to lawn" and "landscaped"?
- The proposal will affect the level of privacy between Court Orchard House and both Slippery Elm Cottages.
- Loss of outlook

- Noise disturbance will be considerable for neighbours, during demolition and rebuilding.
- Modest homes should be provided that younger people and families can afford to buy and live in.

11 OFFICER COMMENTS

Introduction

The proposal is to demolish the existing dwelling and garage and to erect a replacement dwelling and garage. The existing dwelling and garage are in cedar cladding and are of relatively recent construction (late 1950's), relative to some buildings in the locality.

A previous application for a larger replacement dwelling was refused and dismissed at appeal due to concerns over the harm it would cause to the character and appearance of the area. Efforts have been made with the current submission to reduce the harmful impacts of the previously refused scheme, including reducing its scale and massing, re-siting it over the footprint of the existing dwelling, orientation similar to the existing dwelling and alterations to the design and detailing. The replacement dwelling would still be slightly larger than the existing dwelling on the site and would be of traditional design and materials.

Relevant Considerations

The Principle of Development

The principle of a replacement dwelling in this location is supported by Policy DM20, subject to consideration of how the proposal in terms of its scale, form, siting and detailed design impacts upon the character and appearance of the conservation area, listed buildings, AONB and countryside generally.

The Impact of the proposal on the Countryside

While the property is located within the village of Rockbourne, the village does not benefit from built-up area status, as defined by the Development Plan. The property must, therefore be considered as being located in the countryside outside of any built up area and within the designated Area of Outstanding Natural Beauty.

The proposal therefore needs to demonstrate compliance with the 30% floorspace threshold applied by Policy DM20. Policy DM20, specifies that residential development in the countryside will only be permitted where it is for the replacement of an existing dwelling. It goes on to state that replacement dwellings must not increase the floorspace of the existing dwelling by more than 30%. 'Existing dwelling' means the dwelling as it existed on 1st July 1982. In all cases development should be of an appropriate design, scale and appearance, in keeping with the rural character of the area.

In seeking to establish any increase in scale and visual impact, the planning history of the site is pertinent and shows that approval was given in the 1950's for the dwelling currently in situ. There is no subsequent history to the site in respect of extensions. In determining the appeal the Inspector noted that the existing dwelling and garage are linked and having regard to footnote 6 of Policy DM20, should be regarded as a single building. On this basis, the current floorspace of the dwelling covers approximately 248 sq.m. The proposed dwelling has an internal floor area of approximately 274 sq.m, which constitutes

an 11% increase to the floor area of the original dwelling and would comply with the threshold set out in Policy DM20. The proposed detached garage has been reduced considerably in comparison with the previously proposed three bay garage, incorporating a more rustic appearance with a cat-slide roof. Overall and considering the above, the cumulative impact of the scheme would not significantly harm the appearance and openness of the area and countryside in terms of its increased size and siting.

Character and Heritage Impacts

Consideration needs to be given to how the proposal in terms of its scale, form and detailed design relates to the original property and how it impacts upon the character and appearance of the conservation area, listed buildings, AONB and countryside generally. While the existing dwelling is of limited architectural merit it does fit comfortably within the rural context and village setting.

In determining the appeal, the Inspector found that the design and detailing would not “compete” architecturally with the historic buildings in the locality, most notably the Old Rectory, and would not in these respects, be inappropriate. However, at around 8m to the ridge, the proposed dwelling would be taller and bulkier than the existing house and the triple garage/workshop would be a large structure. Overall, the Inspector considered it would be a substantial development in terms of its bulk, scale and massing and located further toward the centre of the undeveloped land than the current building footprint, its prominence would be accentuated by the orientation of its broad front elevation, flanked by the garage block. Consequently, the Inspector concluded that the proposed development would be harmful to the character or appearance of the Rockbourne Conservation Area and would harm its significance as a heritage asset.

In response to the appeal decision the applicant made significant changes to the proposal in terms of its siting (over the footprint of the existing dwelling), reduced height (7.4m from 8m), design detailing and the appearance and scale of the detached garage. Further amendments have been made during determination of the application, which in the view of officers have enhanced the design and appearance of the dwelling further and brought it into compliance with the guidance offered by the Inspector's decision. The Conservation Team raise no objections to the amended design and siting of the proposal in respect of its impact upon heritage assets, subject to conditions. Generally the proposed dwelling and garage are considered to be acceptable by virtue of their siting, design, detailing, and appearance and accord with the views of the Inspector in determining the appeal. The proposal is considered to respect the character of the conservation area and setting of listed buildings, in accordance with the design related provisions of Policies CS2, CS3, DM1, Policy 11, Policy 13, the Residential Design Guide for Rural Areas and the National Planning Policy Framework.

Ecological Interests

In light of ecological interests, particularly use of the existing house by bats an Ecological Assessment and Bat Survey were submitted with the application. The Council's Ecologist raises no objection to the proposal on the basis that satisfactory bat information has been provided and subject to conditions.

Impact on Amenity of Neighbours

With regard to comments regarding loss of privacy and outlook, the proposed dwelling overlaps the footprint of the existing dwelling and the first floor element would in fact be further away from dwellings to the north than the existing first floor windows. The degree of separation at 45m+ dictates that no loss of privacy would result, where the rule of thumb is 21m. Due to the degree of separation involved and the fact that the proposal will be on the same footprint and be of a similar scale to the existing dwelling on site, there would be no loss of light or outlook to surrounding properties. The use of the land would be the same as its existing use and it is not considered that there is any unacceptable loss of amenity. Consequently the proposal complies with the amenity related provisions of Policies CS2 and 13.

Highway Impacts

The proposal is for a 5 bedroom dwelling, in place of a 4 bedroom dwelling. While a larger dwelling is proposed, the intensity of use posed by the proposed development would not cause any significant increase of traffic to the site. The proposal would provide adequate off-street parking for the scale of dwelling proposed, in accordance with the adopted parking standards.

Flood Risk and Drainage

The proposed development site adjoins a flood risk area to the south, but the dwelling stands well above the flood level and is over 40m away it is not considered that flood risk could form the basis for a reason for refusal. A condition is proposed requiring surface water drainage to be SUDS compliant.

Other Matters

With regard to the concerns of notified parties, which are not addressed above; details regarding the treatment of boundaries and landscaping can be clarified through submission of landscape details, which will be required by condition. A reason for refusal cannot be substantiated on the basis of the setting of precedent for further new buildings throughout the village, as each case must be considered on its own merits. The proposal will not result in any direct loss of mature trees in and around the site and conditions are proposed to control any potential impacts on trees. A condition is also proposed to limit permitted development rights for outbuildings and hardstandings that might impact the trees to the centre of the site. Disturbance caused by construction is an inevitable consequence of any new development and would be for a limited period only. As a proposal for a single replacement dwelling of a similar scale to the existing dwelling, there is no onus on the applicant to provide smaller modest homes for younger people and families.

12 CONCLUSION ON THE PLANNING BALANCE

The proposed development would result in a replacement dwelling in the countryside, which would not be unacceptably larger than the original dwelling, with an acceptable impact upon the character of the Rockbourne Conservation Area and setting of listed buildings and which would not cause any other unacceptable impacts in terms of neighbouring amenity, ecology, arboricultural interests, highway impacts or flood risk. Accordingly the application is recommended for approval.

13 OTHER CONSIDERATIONS

Crime and Disorder

None

Local Finance

Based on the information provided at the time of this report this development has a CIL liability of £6,665.28.

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.

Habitat Mitigation

The proposed development is for a replacement dwelling. with no net increase in dwelling numbers, consequently the applicant is not required to secure appropriate mitigation in this instance.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	304.39	236.27	68.12	68.12	£80/sqm	£6,665.28 *
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Subtotal:	£6,665.28
Relief:	£0.00
Total Payable:	£6,665.28

* 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

Grant Subject to Conditions

Proposed Conditions:

- 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.
- The development permitted shall be carried out in accordance with the following approved plans: Drawing nos. 2262/S01, 2262/S02, 2262/S03, 50350/P1-01 Rev B, 50350/P1-02 Rev C, 50350/P2-01 Rev B, 50350/P2-02 Rev C, 50350/P2-03 Rev C, 50350/P3-01 Rev C, 50350/P3-02 Rev C, 50350/P5-01 Rev C, 50350/P7-01 Rev B, Planning, Design and Heritage Statement (Aug 2019), Arboricultural Assessment (July 2017), Phase I Ecological Assessment (March 2017) and the Phase II Bat Report (August 2017).

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the facing and roofing materials, to include the following shall be submitted to and approved in writing by the Local Planning Authority:

- Samples AND exact details of all external materials to be used;
- Sample panel showing the brick, brick bond, mortar and pointing style shall be made available to view on site;
- Large scale drawings of all new joinery showing glazing bar details, glazing, cill, head and reveal details;
- Large scale drawings of the roof lantern;
- Drawings and exact details of the proposed conservation rooflights;
- A section showing the cornice detail, pilaster and base detail for the garden room;
- Large scale drawings of the chimneys;
- Large scale drawings of the porch showing roof details, how the roof will be joined to the building and decorative metalwork;
- Large scale drawings showing the profile of the string course;
- Full details of all new rainwater goods and how these will be attached to the house and garage;
- Full details of the position of all new vents, ducts, flues, extractors and soil pipes;
- Large scale drawings showing eaves, soffits and verge details on the house and garage.

Thereafter the development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building within the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. 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 and boundary treatments;

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 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. 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), garage, other outbuilding or hardstanding otherwise approved by Classes A, B, C, D, E or F of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management) and to ensure that the dwelling and its curtilage remain of a size and appearance commensurate with its location within Rockbourne Conservation Area and setting of nearby listed buildings and that any future development proposals do not adversely affect those heritage assets, contrary to Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. The works hereby approved shall be undertaken in strict accordance with the recommendations of the Phase I Ecological Assessment (March 2017) and Phase II Bat Report (August 2017) submitted with the planning application, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

7. Before any works commence on site final details of biodiversity mitigation, compensation and enhancement measures to be agreed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only proceed in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. 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.

9. 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 Barrell Tree Consultancy Arboricultural Assessment & Method Statement (17066-AA-AS) dated 28 July 2017 and Tree Protection Plan (17066-BT2) and in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

10. Prior to the commencement of works (including site clearance, demolition and building works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated and specified within the submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement (17066-AA-AS) dated 28 July 2017 and Tree Protection Plan (17066-BT2)

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

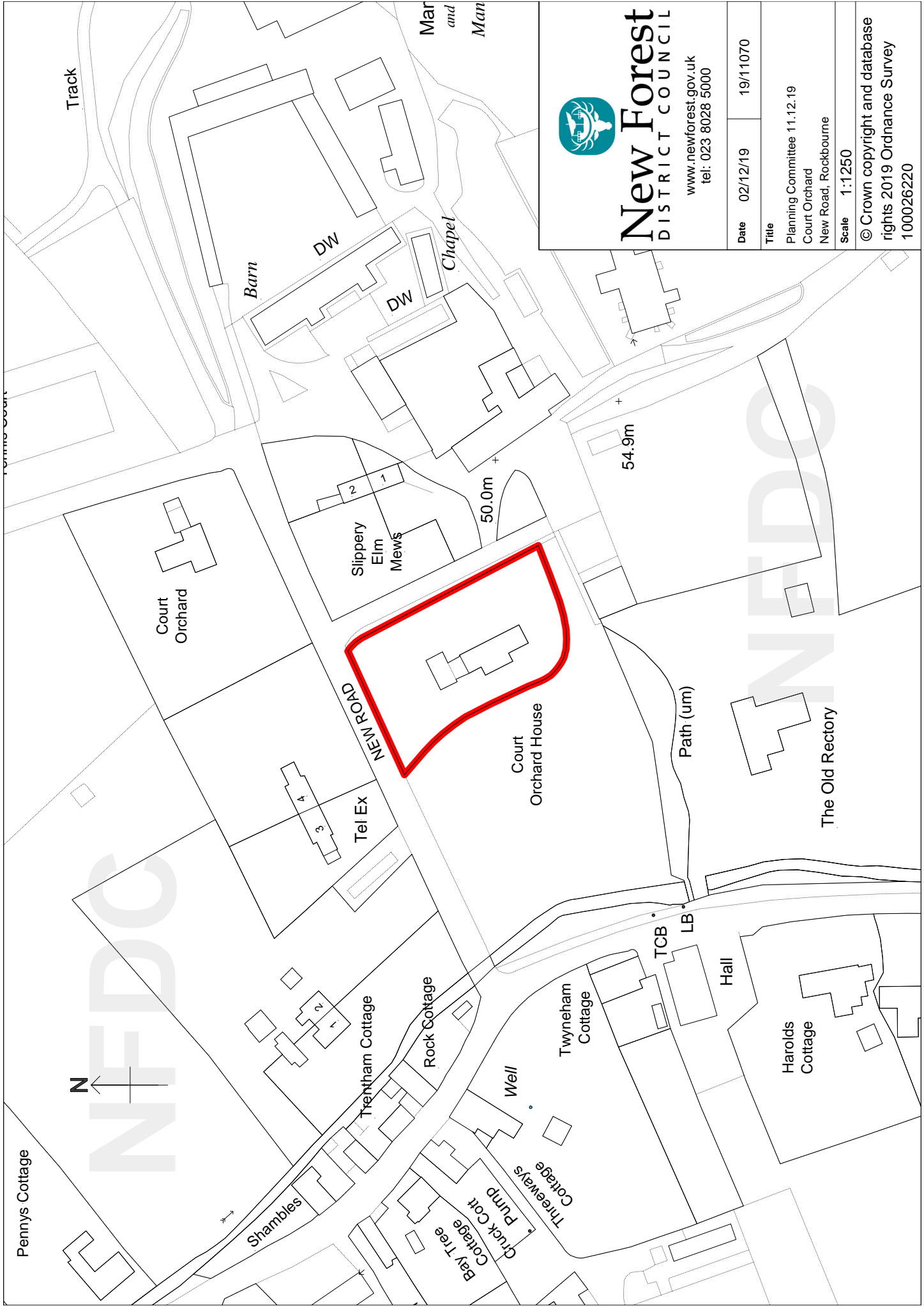
11. No development, demolition or site clearance shall take place until the full site specific Arboricultural Method Statement as listed as a heads of terms in section 12 of the Barrell Tree Consultancy Arboricultural Assessment & Method Statement (17066-AA-AS) and submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	02/12/19	19/11070
Title	Planning Committee 11.12.19	
	Court Orchard	
	New Road, Rockbourne	
Scale	1:1250	
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