

Application Number: 19/11357 Full Planning Permission

Site: Land of VICTORIA COTTAGE, VICTORIA ROAD,
MILFORD-ON-SEA SO41 0NL

Development: House; access alterations, new pavement crossing; hard and soft
landscaping

Applicant: Mr & Mrs Dench

Target Date: 06/01/2020

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 on the character of the area
- 3) design of the building
- 4) impact on the residential amenities of the area
- 5) impact on highway safety and parking

This matter is being reported to Committee at the request of Cllr Hawkins.

2 THE SITE

The site lies within the built up area of Milford on Sea in a residential area. It is formed from the frontage of Victoria Cottage and slightly less than half of the western side of the plot. It currently contains a single storey flat roofed extension to Victoria Cottage, a flat roofed garage building and small shed. The western boundary consists of a recently strengthened close boarded fence, the other side of which is the parking forecourt to Hurst Court, a block of flats to the south west of the site. There is a further block of flats to the south (Osborne Court) whilst opposite and to the east of the site are detached dwellings. There is a low brick wall with ship lap fence above to the front of the site, the access point being in front of the existing garage.

3 THE PROPOSED DEVELOPMENT

The proposal is for the demolition of the single storey addition, garage and shed and their replacement with a detached two storey house comprising hall, three bedrooms (one en suite) and a family bathroom at ground floor level and a WC and large, open plan living/kitchen area at first floor level. This open plan area would have two large roof lights and two box bay windows to the western elevation together with access onto a rear balcony.

Two parking spaces for each of the proposed and existing dwellings would be provided to the frontage with a new access formed for the host dwelling.

4 PLANNING HISTORY

19/11087 - Outbuilding (Lawful Development Certificate that permission is not required for proposal) 28/10/2019 Was Lawful

19/11089 - Two-storey front extension 25/10/2019 Granted Subject to Conditions

19/10757 - Dormers; Roof alterations; Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal) 20/08/2019 Was Lawful

18/10576 - 1 terrace of 3 houses; associated parking; demolition of existing (Outline application with details only of access, appearance, layout & scale) 05/07/2018 Refused Appeal Dismissed

87/NFDC/35518 - Addition of bedroom with en suite bathroom. 26/08/1987 Granted

LYB/XX/03453 - House and garage. 11/06/1956 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 1 Achieving sustainable development

Policy 10 Mitigating the impact of development on International Nature Conservation sites

Policy 13 Design quality and local distinctiveness

Policy 34 Developer contributions

Policy 35 Development standards

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend permission but would accept a delegated decision.

8 COUNCILLOR COMMENTS

Cllr Hawkins has requested the application be reported to Committee in view of the local concerns raised.

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Southern Gas Networks - offer advice

Scottish and Southern Electricity Networks - offer advice

Ecologist - no objection subject to conditions

Highway Authority - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

The following is a summary of the 15 representations received. All responses raise objection to the proposal:

- loss of garaging
- the proposal is forward of the building line and would dominate the street scene
- impact on character of area, particularly traffic
- cramped and out of character
- would set a precedent
- over development of the site
- additions to Victoria Cottage accepted locally as it was considered that was all the applicant wanted, residents feel deceived
- parking close to highway could jeopardize safety
- loss of privacy/overlooking of adjacent flats and houses
- design is not in keeping or sympathetic to the character of the area
- would leave Victoria Cottage with inadequate parking provision
- proximity of dwellings would result in the appearance of a single, large bulky dwelling
- density is too high and not representative of Victoria Road
- no storage for gardening equipment
- the dwellings would represent a significant mass
- front elevation with limited glazing is odd
- nearby properties have more space around them
- extension to Victoria Cottage was only agreed as the garage would be retained
- 2 dwellings might work subject to Victoria Cottage being demolished

In response to these comments, the applicant has provided sketches and comments with specific reference to:

- overlooking
- density
- highway issues
- spacing/proximity to the boundary, and
- the previous appeal decision

Reference is also made to other approvals by this authority and the Planning Inspectorate elsewhere in Milford on Sea where densities are greater or plot widths narrower than the proposal. However, these references are not considered to be comparable to the site and date back to 2002 and 2009.

11 OFFICER COMMENTS

Introduction

The application has been submitted without the prior benefit of pre-application advice and as can be seen from the history outlined above, follows on from a series of applications for the redevelopment of the site or existing property.

The applicant has supplied a volume of supporting information to demonstrate why he considers the proposal acceptable and in addition to the documentation submitted originally with the application drawings, further comments and annotated drawings have been provided during the determination period.

Relevant Considerations

Principle of the proposal

The principle of new residential development is acceptable within the built up area.

Impact of the proposed building on the character of the street scene

Details of the proposed dwelling have been provided on the submitted plans which include the approved scheme for Victoria Cottage. This was a full application for a front extension determined in 2019. Whilst permission has been granted for front additions to this property and the foundations implemented, the building works have not progressed beyond this and the current form of the building is still visible.

The proposed dwelling would have a modern design and would be sited more than 1.5m forward of the front of Victoria Cottage. The proposed dwelling would be set back 6.5m from the highway, in contrast to the 10m set back of the host dwelling at present. It is accepted that the adjacent garages to the west are closer to the highway than the proposed dwelling although there are single storey and flat roofed, the three storey flats behind them are clearly visible and therefore, an open, spacious aspect remains.

The proposed dwelling would project further towards the road than others in the immediate area. At present, the staggered side elevations of the host dwelling and Limestones to the east are clearly visible from some distance away to the west and although the host dwelling will be extended in the near future, the existing verges would remain visible, breaking up the impact of the approved front extension. This view would be lost behind the modern side elevation of the proposed dwelling which would be very prominent when seen from the west. This reflects the view of the Inspector in determining the appeal for three dwellings at Victoria Cottage where she concluded that the proposal would 'undoubtedly dominate the street scene'. Although a different proposal and design, the current scheme would be closer to both the road and western boundary than the dismissed scheme. The proposed design of the corner of the dwelling would draw further attention to the building which would not reflect the rhythm and simplicity of the adjacent flats. As such, it is considered that this siting would be harmful to the character of the area and in conflict with policy

CS2 of the New Forest District Council Core Strategy.

It is understood that the applicant has considered the design of the building in relation to the adjacent flats. Although the building provides surveillance for the adjacent parking forecourt to those flats, it would not be read as part of the flatted development given the close boarded fence which is proposed to remain between the two. The proximity of the proposed building to this boundary would leave no space for any meaningful planting to mitigate against the impact of the proposed building in the street scene, particularly given the full height bedroom windows located at ground floor level behind the boundary fence. It is noted in the perspective drawing that the building would sit comfortably when seen from the north-west, but there are no comparison drawings or a view from further west along Victoria Road which might emphasise the proposed forward siting and design of the proposed building. From the east, the proposal would introduce a two storey element much closer to the road than other properties in the street scene, reducing the openness currently enjoyed at this end of the road. The single storey front projection would compound this.

It is noted that Milford on Sea has a variety of dwelling types and styles which include a few, very modern dwellings. Having regard to this, it is not considered that the principle of a modern dwelling or modern additions to existing dwellings is inappropriate in this location but having regard to the concerns raised above, the dwelling is considered to be intrusive in the street scene.

There has been much concern raised locally in respect of the amount of development proposed on the Victoria Cottage site. The extant permission to the host dwelling provides a substantial addition to the property and a lawful development certificate would enable the provision of a large detached outbuilding to the side with a similar footprint to the proposed dwelling.

Inserting a two storey predominantly flat roofed property as an alternative to that outbuilding on an 8m wide site would emphasize the cramped nature of the proposal. Subdividing the existing plot would result in two uncharacteristically narrow frontages each with their own access and frontage parking and limited space for planting. This is in contrast to other dwellings along this side of the road where parking areas are interspersed with larger planted or lawned areas.

Opposite the site, front boundaries are verdant and only glimpses of large gardens/parking areas are possible. It is considered that the proposal would conflict with paragraph 127 of the NPPF which requires developments to be (*inter alia*) visually attractive as a result of effective landscaping. That proposed to the frontage would not be adequate such as to be effective.

The applicant has referred to densities in the area and provided an annotated plan with plot densities of dwellings ranging from the western end of Victoria Road to Kensington Park, half a kilometre away to the east. Clearly an area of this size would result in great differences between densities. It also shows that the proposal (32.3dph) would be more than twice the density of at least two dwellings in the immediate vicinity (Limestones and Three Seasons to the east of the site) and 4 or 5 times greater than the more spacious properties opposite the site. It is considered that in this area, the protection of local distinctiveness and character outweighs the desire to create higher densities and the proposal fails to enhance this and so cannot be supported for these reasons.

Impact on the residential amenities of the area

The proposed dwelling includes a balcony to the southern (rear) elevation. This

is more than 21m from the side elevation to Osborne Court, to the rear, where there are high level windows to each flat over three floors. It is also noted that there is a privacy screen to the side the balcony at second floor level (but not at first floor). It is not considered that amenity, in terms of unacceptable overlooking or loss of privacy, to the properties at Osborne Court would be adversely affected by the proposal given this separation distance of 21m.

The proposed first floor balcony is just 12m from kitchen windows and 15m from bedroom windows to the Hurst Court flats which are to the south west of the site. Given this proximity, the balcony is proposed to have a privacy screen to the western side in order to minimise the potential for overlooking albeit at an oblique angle. There is a roof light approved to the single storey rear projection to Victoria Cottage which would be protected from any loss of residential amenity through the provision of a privacy screen to the eastern side of the balcony.

The box bay windows to the western elevation look directly across the parking forecourt of Hurst Court and not towards any private amenity space or flat and as such, are not considered to be of concern in this respect.

Highway safety and parking

The proposed dwelling would utilise the existing access for Victoria Cottage with a new access sought for the host dwelling. Given the relatively straight nature of Victoria Road, there are no concerns relating to highway safety and the proposed visibility for both accesses are acceptable. A total of 4 parking spaces are proposed for the new and host dwellings. Whilst on plot parking standards for three bedroom properties recommend 2.5 spaces each, these figures are maximum standards and as such, it is not considered appropriate to refuse permission on the grounds of a lack of a single parking space across the two properties.

Concern has been expressed locally that permission was only granted to extend the host dwelling in view of the fact that the garage would be retained. Whilst this was one of the matters raised by the officer in determining that application, there were no restrictions placed on the approval requiring the garage to be retained.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

Ecological Matters

Habitat Mitigation

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 the adverse impacts would be avoided any planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

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 would be attached to the decision if permission were granted.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal would result in a cramped form of development which would appear out of character with the area, have little space to provide a meaningful landscaping scheme to mitigate against the impact of the forward siting of the proposed dwelling which would be an intrusive feature in the street scene. As such, refusal is recommended.

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 £8,970.54.

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 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.

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.

Other Case Specific Factors

The application has been supported with substantial documentation to negate the need for dischargeable conditions relating to materials, drainage, bin storage and landscaping. Had approval been recommended, conditions would have been included to ensure compliance with the appropriate details.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	133.87	42.19	91.68	91.68	£80/sq m	£8,970.54 *
Subtotal:	£8,970.54					
Relief:	£0.00					
Total Payable:	£8,970.54					

* 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 2019 this value is 1.22

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal is contrary to Policy CS2 of the New Forest District Council Core Strategy and Policy 13 of the Local Plan 2016-2036 Part 1: Planning Strategy in that it would represent a cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area by virtue of the scale and forward siting of the proposed dwelling within a narrow plot width and lack of space to provide a meaningful planting scheme along the western boundary.

Further Information:

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PLANNING COMMITTEE

February 2020

Item No: 3h

Land of Victoria Cottage
Victoria Road
Milford on Sea
19/11357

Scale 1:1250

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

