

**Application Number:** 19/11360 Full Planning Permission

**Site:** LAND OF 22 ORCHARD WAY, PEARTREE ROAD, DIBDEN  
PURLIEU SO45 4AJ

**Development:** New dwelling; parking & access

**Applicant:** Mr Horgan

**Target Date:** 20/01/2020

## **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 development;
- 2) Impact on local character: Main differences between current proposal and refused application 19/10025;
- 3) Impact of proposal on existing residential amenity
- 4) Impact on amenity of future residents.
- 5) Parking Matters
- 6) Comparison with infill plots or small plots locally.

This matter is before Committee as a contrary view has been expressed by Hythe and Dibden Parish Council.

## **2 THE SITE**

The existing corner site is currently occupied by a detached bungalow fronting onto Orchard Way. There is an existing driveway access off Orchard Way and a second vehicular access off Peartree Road. The site is largely screened by an existing hedge at the back of footway, with a 1.8m high close boarded fence to the side boundary with 5 Peartree Road and to the rear with 20 Orchard Way.

## **3 THE PROPOSED DEVELOPMENT**

It is proposed to sever most of the rear garden area of no. 22 to create a separate plot for a detached single storey dwelling. The bungalow would front onto Peartree Road. It would feature a hipped roof with a set down, set back element. The eaves would overhang an open porch area. Vehicular access would be taken from the existing access point on Peartree Road. One off-street parking space plus a turning area would be provided.

The proposed bungalow would be close to the rear boundary of the site with the garden area positioned to the side adjacent to no. 5 Peartree Road.

The hedge and gates along the site frontage with Peartree Road are shown as to be retained.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
19/10025 Detached bungalow; parking and access	20/03/2019	Refused
15/11559 Bungalow; demolition of existing	14/12/2015	Granted Subject to Conditions
15/11546 Boundary wall with infill fence panels	22/12/2015	Granted Subject to Conditions

## 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

### **Core Strategy**

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS24: Transport considerations
- CS25: Developers contributions

### **Local Plan Part 2 Sites and Development Management Development Plan Document**

- 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 10 Mitigating the impact of development on International Nature Conservation sites
- Policy 13 Design quality and local distinctiveness
- Policy 16 Housing type, size and choice

### **Supplementary Planning Guidance And Documents**

- Hythe and Dibden Neighbourhood Plan
- Parking Standards

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### **Relevant Legislation**

- Town & Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004

## **Relevant Advice**

National Planning Policy Framework:  
NPPF Ch.2 - Achieving sustainable development  
NPPF Ch. 5 - Delivering a sufficient supply of homes  
NPPF Ch.11 - Making effective use of land  
NPPF Ch.12 - Achieving well-designed place

National Planning Policy Guidance:  
NPPG - Determining a Planning Application  
NPPG - Design: process and tools

National Design Guide

## **7 PARISH / TOWN COUNCIL COMMENTS**

**Hythe & Dibden Parish Council:** Recommend PERMISSION.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

Building Control - no adverse comments.

## **10 REPRESENTATIONS RECEIVED**

No representation received.

## **11 OFFICER COMMENTS**

### **Introduction**

- 11.1 The Proposal seeks permission to sever part of the garden area of 22 Orchard Road to facilitate a one-bed bungalow utilising an existing access off Peartree Avenue.

### **Background**

- 11.2 This application is a re-submission following a refusal of planning permission.
- 11.3 Pre-application comments on the sub-division of this plot and a new bungalow advised against submitting a planning application, expressing concern regarding the lack of plot depth, position of the dwelling to the rear of the site, and reduced size of plot for no. 22. These were all identified as contrary to the existing character. Notwithstanding this advice, a planning application was submitted and refused last year (19/10025).
- 11.4 The previous application was refused for the following reasons:
- 1. The proposal development would result in a cramped layout and form of development which would be out of keeping with the prevailing pattern of development in the locality. By virtue of its limited plot size and depth,*

*together with the positioning of the proposed dwelling at the rear of the plot there would be limited private amenity space to provide for the reasonable amenity of prospective occupiers and furthermore it would result in an uncharacteristically small plot at 22 Orchard Road to the detriment of the area. As such, the proposal would represent an inappropriate form of development that would be out of keeping with local character, failing to respect local distinctiveness and is therefore contrary to policy CS2 of the New Forest District (outside the National Park) Core Strategy and the NPPF.*

2. *The proposed development by virtue of the proximity of the proposed dwelling to its rear boundary with No 20 and the location of the access and parking areas to its side boundary with No 22 would lead to associated adverse impacts on amenity due to the impact on outlook and associated additional noise and general disturbance with a consequent harmful detrimental impact on residential amenity. As such the proposed development would be contrary to Policy CS2 of the New Forest District (outside the National Park) Core Strategy and the NPPF.*

- 11.5 No pre-application advice has been sought with regard to the re-submission.

### **Relevant Considerations**

- 11.6 Consideration should be given to whether the previous reasons for refusal have been overcome and, if in doing so, any new concerns have arisen.

#### 1) Principle of Development

- 11.7 The site is located within the built-up area where the principle of new development is considered acceptable.

#### 2) Impact on local character: Main differences between current proposal and refused application 19/10025

#### **Character of proposal:**

- 11.8 The previous application related to a 2-bed bungalow; the current proposal seeks permission for a 1-bed bungalow. The previous reasons for refusal did not relate to the number of bedrooms and no concern is raised with regard to this change.

#### **Size and shape of the building:**

- 11.9 The current proposal measures 9.3m wide with a maximum depth of 7.2m to that part of the bungalow closest to no. 5 Peartree Road and 5.1m depth adjacent to no. 22 Orchard Way. The previous proposed bungalow was approx. 0.7m wider at 10m wide. The depth of the proposed building adjacent to no. 5 Peartree Road is unchanged. The omission of a second bedroom has resulted in the removal of a forward projecting element from the design such that the side elevation facing no. 22 Orchard Way has been reduced to 5.1m from 12.45m in the refused layout.

11.10 The front elevation now follows a similar alignment to nos 1,3, and 5 Peartree Road which is considered acceptable. The proposed bungalow would be narrower than nos 1,3 and 5 Peartree (which are over 11m wide) but the side elevation of no 22 which faces onto Peartree Road is approximately 7m wide, and in this context the reduced width is not considered to be harmful to the local streetscene.

**Shape and size of plot:**

11.11 The plot is smaller and the boundary shape differs from the refused scheme. Previously the land was proposed to be severed from the existing rear garden of no. 22 in a linear fashion, forming a straight boundary adjacent to the existing double gates and perpendicular to Peartree Road. The current scheme has a doglegged boundary: the severance follows the same alignment for the initial 4.8m from Peartree Road, before angling back approx. 3m, leaving no. 22 with a larger garden area than the earlier application (maximum depth of 10m compared with 7m). Whilst the resultant garden at no. 22 would still be substantially smaller than 20 Orchard Way which is over 20m long, 5 Peartree Road which is over 25m long and nos 1&3 Peartree Road which are both over 15m, it would be more akin to those at nos 19 and 21 Orchard Way opposite. This is an improvement to the previous layout. However, there are knock-on implications for the size of the new plot which has been reduced, creating a smaller sized plot than that previously refused. The limited size of the plot was previously a reason for refusal and this has not been overcome in the current scheme.

**Distance from boundary with 20 Orchard Way:**

11.12 This has only slightly increased by 20cm: the previous proposal was set 1m from the rear boundary with 20 Orchard Way; the current proposal is set 1.2m away. The dwelling would still be uncharacteristically close to its rear plot boundary. This reason for refusal has not been overcome and continues to be considered a reason for refusal. The application must be determined on the basis of the plans submitted, and the proposal is out of keeping with the existing pattern of development, contrary to Core Strategy policy CS2, emerging policy 13, and Aim 1 & policy D1 of the Hythe and Dibden Neighbourhood Plan.

**Distance from boundary with 5 Peartree Road:**

11.13 This has increased to 6.5m from 3.2m in the previous layout. This would represent a wider gap than the existing spacing between nos. 1,3 and 5, but given the existing spacing between no 5 Peartree Road and no. 20 Orchard Way, this would not form a basis to refuse the application.

**Distance from rear elevation of 22 Orchard Way:**

11.14 This has reduced: the new dwelling would be positioned approx. 9.5m from the rear elevation of the no. 22, compared to approx. 12.3m in the refusal scheme. Both dwellings are bungalows and the site is flat. No windows are proposed to the side elevation of the proposed dwelling. No concern is identified regarding the impact on the outlook of no. 22 arising from the relative position of the proposed dwelling to the existing bungalow.

## **Design and Streetscene:**

- 11.15 The design of the bungalow differs from the previous scheme. The proposed bungalow would front onto Peartree Road as did the previous proposal. The roof form differs from the previous design. It would have a main hipped roof with a set down and set back element. There is a variety of roof forms and designs of dwelling, such that this is not considered harmful to the streetscene.

## **Conclusion on impact on local character:**

- 11.16 The resultant plot would be smaller than those nearby and the dwelling would be positioned uncharacteristically close to its rear boundary. The proposal is at odds with the prevailing character and pattern of development in the area due to the very shallow depth of the plot: this would be less than half the depth of the neighbouring property at 5 Peartree Road. This is indicative of the cramped nature of the proposal constituting a poorly designed development contrary to the requirements of Core Strategy Policy CS2, emerging Policy 13 and the NPPF.

## **3) Impact on existing residential amenity**

- 11.17 There was previous concern regarding the impact of the proposed dwelling on the amenity of no. 20 Orchard Way. Whilst the proposed dwelling has been moved away only marginally from that boundary, it has been reduced in size and moved over 3m further south. Given the relative position of the existing garage of no. 20, and the screening function it would perform in views from the rear of that property, it is considered that the impact on the amenity of no. 20 would not be sufficiently harmful as to justify refusal.
- 11.18 Similarly, concern regarding the impact of the proposal on the amenity of no. 22 has also been overcome. Whilst the dogleg design of the common boundary in close proximity to the vehicular access may lead to increased manoeuvres, it would not generate harm sufficient to warrant a refusal, particularly given the increased garden area associated with no. 22.

## **4) Impact on proposed residential amenity**

- 11.19 By reducing the size of the proposed bungalow and increasing the garden area (20m x 6.5-7.9m), it is considered that sufficient space would be provided to meet the needs of future occupants. This has overcome previous concerns.

## **5) Parking Matters**

- 11.20 The application form states that one parking space is proposed. The layout indicates parking and a turning area. Whilst some manoeuvring may be required in accessing the parking and turning area due to the dogleg arrangement of the boundary in relation to the access, it is noted a single space could also be provided at the site entrance if the gates were removed. There would be no requirement for vehicles to turn within the site to exit in a forward gear, and many existing driveways do not have such a facility. It is also noted that there are no on-street parking restrictions. Whilst the NFDC parking guidelines recommend 2 on-site parking spaces, these are guidelines, and there is no evidence to

suggest that the likely parking that the development would generate could not be readily met without causing harm. Therefore, the parking arrangements are considered acceptable.

#### 6) Comparison with existing infill plots and small plots locally

- 11.21 In refusing the previous layout, consideration was given to other infill plots at ea Peartree Road and 1 Upper Mullins Lane. The Local Planning Authority concluded that these were set further away from the rear boundaries and were not comparable; nor did they justify approval. This conclusion remains the same with regard to the current application. The applicant has also drawn attention to nos 40 and 42 Peartree Road which also have small rear gardens. These are set much further along Peartree Road and in both those cases the development responds to the bend in the road and has a greater space between the bungalow and rear boundary. These are not considered comparable to the current proposal or to justify approval of what would be an unduly cramped development.

#### Housing

- 11.22 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.
- 11.23 The Hythe and Dibden Neighbourhood Plan supports the provision of suitable housing opportunities for the local community, with a need for smaller one and two bed units. Although this application proposes a small one-bed unit, it is considered that the adverse impact of doing so, as set out in this report, would significantly and demonstrably outweigh the benefit when assessed against the totality of material planning considerations.

#### Nitrate neutrality and impact on the Solent SPA and SAC

- 11.24 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 4<sup>th</sup> September 2019, these adverse impacts would be avoided if any 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. Had the application otherwise been considered acceptable, a Grampian style condition would have been imposed. The applicant has indicated that this would have been acceptable and, therefore, nutrient neutrality does not constitute a reason for refusal in this instance.

#### Habitat Mitigation

11.25 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 if the 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. An informative would be applied to any consent to this effect.

## **12 CONCLUSION ON THE PLANNING BALANCE**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, and government advice. On this occasion, having taken all these matters into account, it is considered that the proposed development would be contextually inappropriate and harmful to the character and appearance of the area, which leads to a recommendation of refusal for the reasons set out above in this report.

## **13 OTHER CONSIDERATIONS**

#### Crime and Disorder

None.

#### Local Finance

If this development is granted permission, the Council will receive the New Homes Bonus amounting to £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 £4,830.16

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.

### **CIL Summary Table**

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	47		47	47	£80/sqm	£4,830.16 *
Subtotal:	£4,830.16					
Relief:	£0.00					
Total Payable:	£4,830.16					

\* 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) x CIL Rate (R) x 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**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed development would result in a cramped layout and a contextually inappropriate form of development that would be out of keeping with the prevailing pattern of development in the locality, by virtue of the limited plot size and depth, together with the uncharacteristic positioning of the proposed dwelling at the rear of the plot. As such, the proposal would represent a visually harmful form of development that would be out of keeping with local character, failing to respect local distinctiveness, and is therefore contrary to policy CS2 of the New Forest District (outside the National Park) Core Strategy and the National Planning Policy Framework.

#### **Further Information:**

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**New Forest**  
DISTRICT COUNCIL

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**PLANNING COMMITTEE**

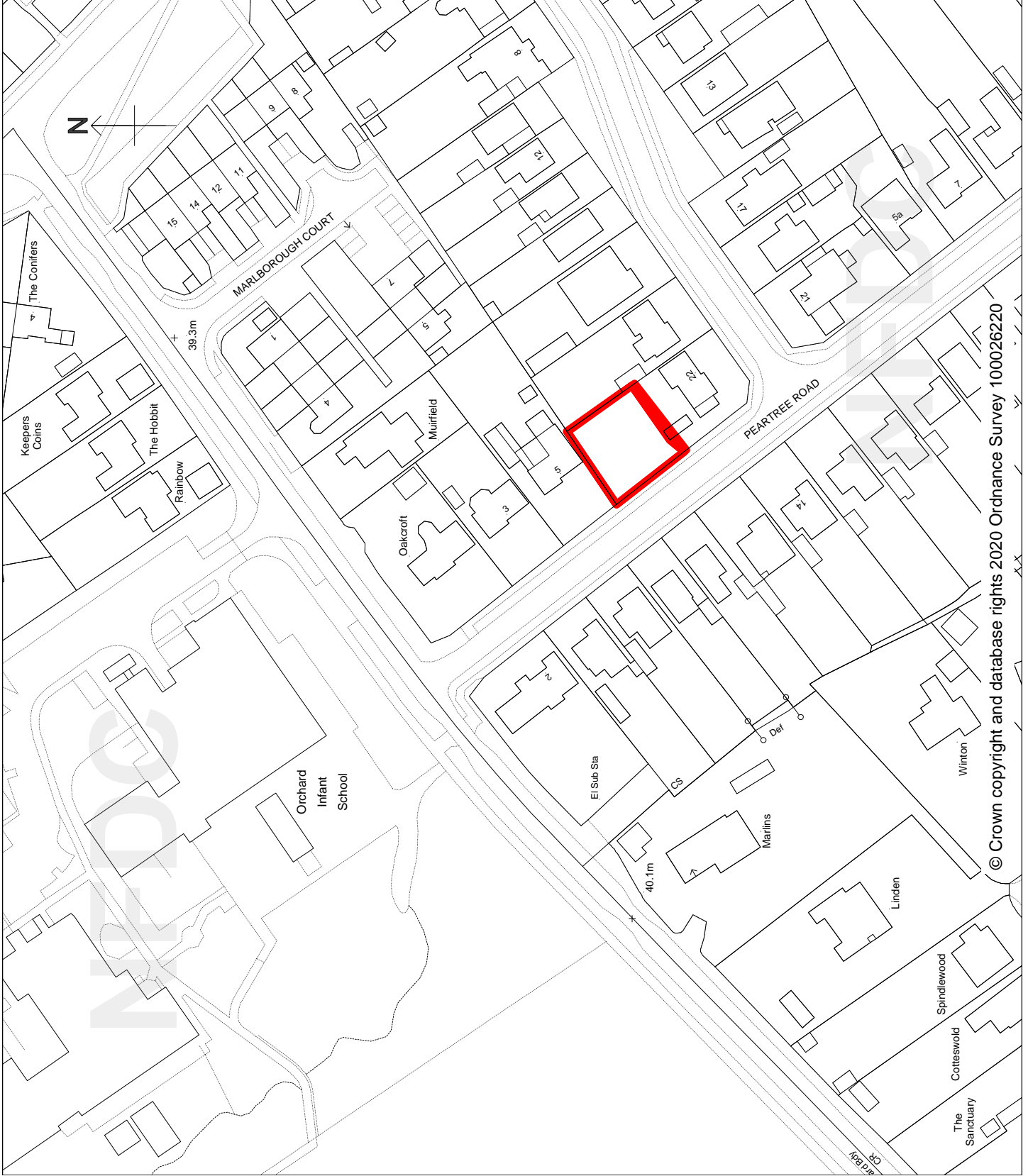
**February 2020**

**Item No: 3i**

Land of 22 Orchard Way  
Peartree Road  
Dibden Purileu  
19/11/360

Scale 1:1250

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



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