

Application Number: 19/11189 Full Planning Permission

Site: LAND OF 86 WHITSBURY ROAD, FORDINGBRIDGE SP6 1LA
Development: Demolition of existing outbuildings; proposed plot separation to erect an additional dwelling with associated parking and upgraded access
Applicant: Mrs Hughes
Agent: Studio MODA Ltd
Target Date: 26/11/2019
Case Officer: Jo Chambers

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application.

- 1) Principle of development;
- 2) Impact on streetscene/Local distinctiveness;
- 3) Impact on amenity of existing dwellings;
- 4) Highway safety and parking;
- 5) Impact on existing trees.

This matter is being considered by the Committee as a contrary view has been expressed by Fordingbridge Town Council.

2 THE SITE

The site is located at the junction of Whitsbury Road and Pennys Lane. It currently accommodates an extended 2-storey dwelling with associated detached garage. An existing wall separates the dwelling from its drive/garage which can accommodate several vehicles. The plot is largely screened from the public realm by close boarded fencing.

3 THE PROPOSED DEVELOPMENT

The proposal seeks to sub-divide the existing plot and the construction of a 3-bed detached single storey dwelling with accommodation in the roof and garage and a replacement garage for no. 86 Whitsbury Road.

The design of the proposed dwelling incorporates a staggered footprint with the forwardmost element featuring a wide front gable above a monopitched roof that extends across the ground floor. The attached garage is set back approx 5m with a first floor above. High level windows are indicated to the first floor rear elevation.

An existing double garage would be demolished and a new detached single garage would be associated with no. 86.

Access would be from the existing driveway which is proposed to be widened and would incorporate a turning facility.

A solar assessment has been submitted with regard to the impact on the side facing window of 4 Pennys Lane. An Arboricultural report has been submitted.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
08/93223 Extension to 1.8 metre high boundary wall	15/12/2008	Granted Subject to Conditions
04/80749 First floor extension	21/04/2004	Granted Subject to Conditions
01/72802 Two storey addition (demolish existing extension)	11/10/2001	Granted Subject to Conditions
92/NFDC/49368 Single-storey front addition	26/03/1992	Granted Subject to Conditions
91/NFDC/48276 Erect bungalow & garages & access alts (demolish extg gge)	10/10/1991	Granted Subject to Conditions

Pre-application advice for the severance of part of the garden of 86 Whitsbury Road and construction of a detached 4-bed dwelling with a separate garage block accommodating a single garage for each of the existing and proposed dwellings.

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

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

Supplementary Planning Guidance And Documents

SPD - Fordingbridge Town Design Statement
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Relevant Policy and 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
NPPG - Use of planning conditions
NPPG - Natural Environment

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission even though it doesn't comply with the Fordingbridge Town Design Statement.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Wessex Water

No surface water to be discharged into foul sewer. Recommend condition

Hampshire County Council Highways

No objection. Recommend conditions.

NFDC Tree Team

No objection. Trees not suitable for TPO. Recommend construction of dwelling prior to replacement planting.

Strategic Gas Network

Offer advice.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

2 letters of objection from local residents on the following grounds:

- Loss of productive fruit trees;
- Concerns about highway safety;
- Not in-keeping with design of bungalows;
- Loss of light and privacy to 4 Pennys Lane.

11 OFFICER COMMENTS

Background

Pre-application advice was sought for the severance of part of the garden of 86 Whitsbury Road and construction of a detached 4-bed dwelling with a separate garage block accommodating a single garage for each of the existing and proposed dwellings. This was a different scheme from that currently proposed, though certain principles are still relevant.

The pre-application advice recommended:

- a smaller unit to complement the size of the site and surroundings,
- concerns expressed regarding the proposed design (specifically the proportions of the building, wide front gable, canopy and first floor windows in the rear elevation).
- concern was also expressed regarding the proximity of the proposed dwelling to the side boundary with 4 Pennys Lane.

Relevant Considerations

Principle of Development

The site is located in the built-up area where new residential development is considered acceptable in principle subject to other planning and environmental matters being considered.

Impact on streetscene/Local distinctiveness

The site is positioned at the junction of Whitsbury Road and Pennys Lane and is viewed in the context of the northern side of Pennys Lane in particular. The mouth of the junction is wide and properties are spaciouly set with wide gaps between the existing dwellings at nos 4-10 Pennys Lane. No. 86 Whitsbury Road occupies a relatively wide and spacious plot in the streetscene. It is one of the older properties along Whitsbury Road and together with the semi-detached dwellings to the south is shown on the 1909 Ordnance Survey map.

There is concern that the development would appear cramped in the streetscene. The gaps between existing dwellings along this stretch of Pennys Lane are much more generous than the 3m proposed between the new dwelling at 4 Pennys Lane. The impact on the streetscene would be more noticeable due to the design, articulation and size of the dwelling.

The Fordingbridge Village Design Statement (FADS) identifies that back garden infilling in Whitsbury Road should be resisted. Such developments would have an adverse impact on the character of the original street pattern, reduce car parking capacity due to access roads and destroy valuable wildlife habitat in large gardens and large trees which enhance the views from existing properties.

Due to the orientation of the existing dwelling, the proposed house is effectively positioned within the back garden of no 86. With regard to the detailed concerns set out in the FADS, access would be provided by the existing driveway and therefore the proposal would not adversely impact on the original street pattern. There would be a reduced area of garden, however a landscaping condition could ensure a higher quality soft landscaping and biodiversity improvements at the site. Existing trees would be lost but these are not considered suitable for TPO and replacements could be secured by condition, there is nothing preventing these trees being removed. There is conflict that the proposal would reduce car parking capacity at the site whilst increasing the parking requirement. This is considered further below.

Impact on amenity of existing dwellings

There are no sensitive windows on the nearest elevation of the host dwelling and no overlooking would result.

First floor windows are proposed on the rear elevation. Although it was recommended in the pre-app advice that first floor windows should be removed, those proposed are high level serving bathroom and ensuite, and therefore would not result in any overlooking of existing properties to the rear (St George's Road). The use of planning conditions can ensure no further windows are installed without consent would protect the amenity of existing dwellings.

The proposed building is shown approx. 3m from the side facing bedroom window of 4 Penny's Lane. An objection has been received from that property. A solar assessment has been submitted with the application indicating that sunlight would enter the bedroom all year. Using the BRE (British Research Establishment) calculations the 25 degree line would be obstructed by the roof of the proposed dwelling, though use of 'view of sky' and average daylight factor calculations show that 94% of the room would be in direct daylight and that the BRE recommendation is met.

With regard to the outlook from the bedroom window, it is noted that this would primarily be of a view of the new roof sloping away above the boundary fence. Although this would differ from the more open view over the existing garden, it is not considered so restrictive to justify refusal. It is noted also that an outbuilding up to 2.5m in height and positioned adjacent to the fence is likely to be permitted development and that such a building would encroach upon the outlook of that window. The impact on the amenity on 4 Penny's Lane is not considered to constitute a reason for refusal.

On balance and with the use of planning conditions, the impact on the amenity of existing dwellings is considered satisfactory.

Parking

There is a substantial hardsurfaced area that provides off-street parking at the existing property. It is noted that there are no off-street parking restrictions on Penny's Lane or along Whitsbury Road.

The application indicates that 1 garage space and 1 non-garage space would be provided for each property. NFDC parking guidelines recommend 3 off-street parking spaces for each unit. Although there is likely to be space available to accommodate additional parking adjacent to the host dwelling, any additional vehicles associated with the new dwelling are likely to obstruct the turning area on site. The deficiency in off-street parking is considered to be indicative of an overdevelopment of the site. The implications of this and highway safety have been discussed with the Highway Authority.

The Highway Authority has advised that whilst it would prefer no gates at the site entrance, it acknowledges that the presence of existing gates already requires vehicles to wait on the existing highway crossing, thereby potentially causing an obstruction. There is a preference for a carport rather than a garage due to an increased likelihood of its use for parking vehicles. However, the Highway Authority identified that the layout provides parking for 2 vehicles each for the existing and proposed property plus a new turning facility. Given the existing access arrangements, wide junction, visibility and on-street parking options, they have confirmed that it has no objection to the application. In this context, parking and the access arrangements are considered acceptable.

Trees

A representation has been received expressing concern regarding the loss of existing trees. The Tree Officer has advised that these trees are not worthy of a TPO and therefore the trees cannot be considered a constraint to development. Replacement tree planting has been proposed as part of the application and had the proposal otherwise been considered acceptable, could have been secured by condition.

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 took place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in May/June 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as 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.

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. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

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 planning permission 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 phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation. Therefore, there is no further requirements on developments.

12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of consultees and interested 3rd parties. On this occasion, having taken all these matters into account, it is considered that there are significant issues raised 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 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 £13,121.17 .

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	170.6	36.5	134.1	134.1	£80/sqm	£13,121.17 *
Subtotal:	£13,121.17					
Relief:	£0.00					
Total Payable:	£13,121.17					

** 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)

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would represent an overdevelopment of the site, and as such be harmful to the existing streetscene and local distinctiveness by virtue of the design, form, footprint and mass of the proposed new dwelling, its proximity to the side boundaries and loss of spaciousness, which would be contrary to the prevailing pattern of development along this stretch of Penny's Lane. Therefore, it is considered that the proposed development would be contrary to adopted policy CS2 of the Core Strategy for the New Forest District outside of the National Park, Policy 13 of the emerging Local Plan Part 1 Review, the Fordingbridge Town Centre Village Design Statement and Section 12 in particular of the National Planning Policy Framework.
2. In the absence of a Section 106 legal agreement, the proposed development would fail to make any contribution towards the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites in accordance with the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document. The proposal would therefore be contrary to Policy DM3 of the Local Plan Part 2 and emerging Policy 34 of the Local Plan 2016-2036 Part 1: Planning Strategy.

Further Information:

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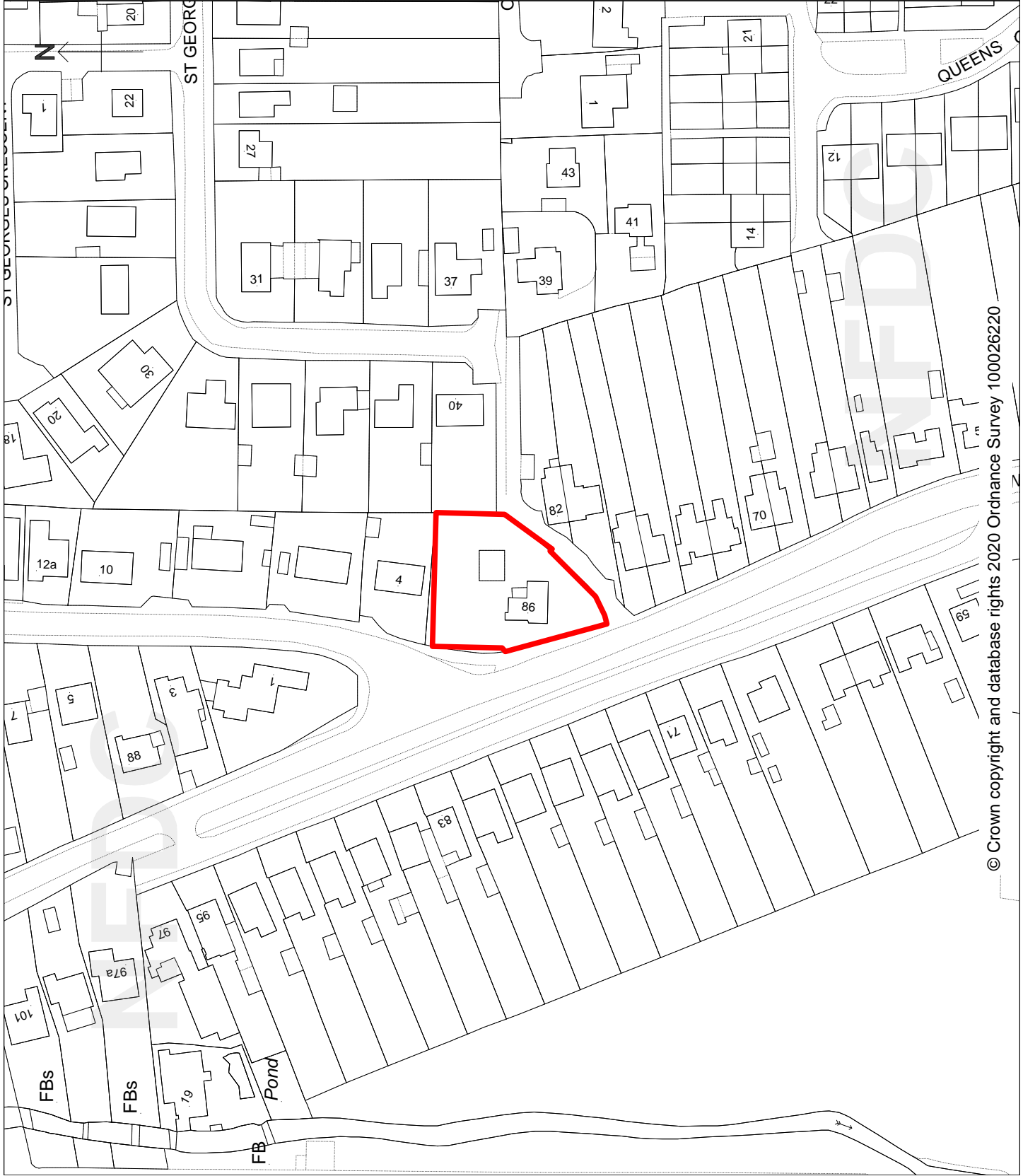
May 2020

Land of 86 Whitsbury Road
Fordingbridge SP6 1LA

19/11/189

Scale 1:1250

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scale.



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