

Application Number: 20/10242 Full Planning Permission

Site: Land of 31 BARTRAM ROAD, ELING, TOTTON SO40 9JJ

Development: New dwelling with access onto Rose Road

Applicant: Mr Cullip

Agent:

Target Date: 06/05/2020

Case Officer: Arleta Miszewska

1 SUMMARY OF THE MAIN ISSUES

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

- Principle of proposed development
- Impact on the character and appearance of the area
- Impact on residential amenities
- Impact on highways safety
- Impact on ecology and sites of nature conservation

This matter is before Committee following request from Councillor David Harrison.

2 THE SITE

The application site consists of a plot of land located within the rearmost parts of gardens of 31 and 33 Bartram Road which is a residential street in Totton just to the south of the By Pass and near the Eling Recreation grounds. The plot forms a part of a Victorian development characterised by predominantly semi-detached properties located within long narrow parcels. The properties benefit from gardens which often host detached garden outbuildings located within their rearmost parts. As the perimeter block is not developed on all street frontages, the open and verdant character of the rear gardens makes a vital contribution towards the visual amenities of the area appreciated from public vantage points alongside Rose Road and School Road.

3 THE PROPOSED DEVELOPMENT

The proposal involves a construction of a 3-bedroom two storey detached dwelling and associated vehicular accessed from Rose Road. The dwelling is proposed to be served by two car parking spaces, in tandem arrangement, and a L-shaped garden space wrapping around the dwelling to the side and rear. The overall size of the plot would be 18m x 14m. The approximate footprint of the proposed dwelling would be approximately 8.5m x 6m, with the narrower elevation abutting Rose Road.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10456 Single-storey side & rear extension	24/05/2017	Granted Subject to Conditions	Decided	
16/10229 Bungalow; access	14/04/2016	Refused	Appeal Decided	Appeal Dismissed

Planning history of the property is a relevant material consideration of this proposal. A similar proposal has previously been refused planning permission by the Council and a consequent appeal has been dismissed. The reasons for the decision were:

1. By reason of its siting within an open area of land and the inadequate plot size and cramped layout, together with the arrangement of car parking to the front of the site and close proximity of the building to the boundaries, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2 The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

It should be noted that since this decision was made, the government policy has changed and the second reason for refusal is no longer applicable.

The subsequently lodged appeal was dismissed as it was concluded that:

In conclusion, the development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policy CS2 of the New Forest District Council (Outside the National Park) Core Strategy (CS) 2009, which amongst other matters, requires new development to be well-designed to respect the character, identity and context of the area.

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Local Plan Part 1: Core Strategy for New Forest District (outside the National Park)

Policy CS1 Sustainable development principles

Policy CS2 Design quality

Policy CS3 Protecting and enhancing our special environment (Heritage and Nature Conservation)

Policy CS10 The spatial strategy

Policy CS25 Developers' contributions

Local Plan Part 2: Sites and Development Management

Policy DM2 Nature conservation, biodiversity and geodiversity

Policy DM3 Mitigation of impacts on European nature conservation sites

Emerging Local Plan Review 2016-2036 Part One: Planning Strategy

Policy 1 Achieving sustainable development

Policy 3 The strategy for locating new development

Policy 9 Nature conservation, biodiversity and geodiversity (Saved Policy DM2)

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

Policy 13 Design quality and local distinctiveness

Policy 34 Developer contributions

Relevant Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Housing Design, Density and Character

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Section 5 Delivering a sufficient supply of new homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

No comments received

8 COUNCILLOR COMMENTS

Cllr David Harrison

Requests that application be determined at Planning Committee Meeting

Comments in full are available on website.

9 **CONSULTEE COMMENTS**

The following is a summary of the representations received:

Hampshire County Council Highways

Comments awaited.

NFDC Building Control

No objection.

Strategic Gas Network

Advice only (medium pressure gas pipe in close proximity).

10 **REPRESENTATIONS RECEIVED**

Seven letters of objection from six households have been received raising the following concerns:

- Additional car parking pressure in already congested roads,
- Car parking problems during construction,
- Highway safety due to illegally parked cars,
- Out of character, overdevelopment, negative visual impact on streetscene,
- Noise, disturbance and loss of privacy at 35 Bartram Road,
- Poor air quality and noise pollution from traffic in the area,
- Will set a precedent,
- Disturbance during construction.

11 **MATERIAL CONSIDERATIONS**

Principle of proposed development

The application site is located in an urban area of the district and therefore the principle of the proposed development is acceptable, subject to compliance with relevant planning policies, in particular those safeguarding quality design, character of areas, residential amenities, highways and ecology.

Impact on the character and appearance of the area

As described above, the area surrounding the proposed development is characterised by mainly semi-detached dwellings located within long narrow plots with generous gardens. The proposal would differ from the established urban grain, in terms of size and shape of the curtilage and the dwelling situated within it. Moreover, the dwelling would have a greater width than depth and so would be of different proportions to most dwellings in the vicinity.

The dwelling would be located in a close proximity to its boundaries leaving inadequate space around the building resulting in a cramped appearance harmful to the spacious and open character of the immediate vicinity. Moreover, the footprint of the dwelling would be out of proportion with its plot and the dwelling would not comfortably sit within it. The limited outdoor amenity space and tandem arrangement of car parking also suggest that the plot is of a size that cannot comfortably accommodate a dwelling.

When viewed from Rose Road, the presence of the dwelling would be at odds with the open and verdant character of the rear gardens situated behind the dwelling and the surrounding predominantly semi-detached period properties. The proposed dwelling would not enhance the visual amenities currently enjoyed by the local residents.

It is acknowledged that a bungalow was constructed on the opposite side of Rose Road. However, that plot is longer and narrower than the proposed one and consequently, that development appears more comfortably within its surroundings. It is also important to note that this development was permitted in the context of different national planning policy and guidance. The current government policy puts greater emphasis on delivering a high quality development which improves the character and quality of an area and the way it functions.

Impact on residential amenities

In terms of impact on residential amenities of properties located at Bartram Road, the separation distance between the properties and the proposed dwelling would be sufficient to avoid any harmful overshadowing or loss of outlook. The proposed dwelling would have a clear bedroom window at first floor level directly facing no. 31 Bartram Road. However, the separation distance between the proposed window and the first floor window serving a bedroom at 31 Bartram Road would be in excess of 21 metres, which in an urban area would be considered acceptable, in terms of impact on privacy.

Concerns have been raised over loss of privacy at 35 Bartram Road, both within the dwelling and the garden. As to concerns over loss of privacy within the dwelling, given the urban nature of the area where properties are located close to each other, the separation distances between the properties and the oblique nature of the views between the properties, refusing the application on the grounds of loss of privacy in this dwelling would not be justifiable.

However, it is noted that the rear part of the garden at this property has been designed and landscaped to accommodate garden furniture and associated garden equipment to facilitate a frequent use, in particular during summer months. The proposed dwelling would incorporate two windows at first floor level directly facing this area. Given the clear glass design of the windows, their elevated first floor position and the close proximity to the patio area at 35 Bartram Road, the windows would provide a clear and direct view of this area. The residents using the area would experience an unacceptable degree of sense of being overlooked to the detriment of their amenities which they currently enjoy.

Concern over noise and disturbance to amenity has been raised. However, the proposed dwelling would be in a residential use and would be located within a residential area. Therefore, noises associated with a residential use would not be uncommon and out of character. Therefore, this concern does not give grounds to refuse this proposal. However, if noises amounted to a statutory nuisance then this would be dealt with under legislation relevant to anti-social behaviour by the Council's Environmental Health Officers.

Impact on highways safety

In terms of highway implications, the proposal consists of one 3 bedroom dwelling accessed from Rose Road which is a Class C road. In terms of highway

safety and the safety of the vehicular access, comments are awaited from HCC Highways.

The submitted site layout plan demonstrates that the plot can accommodate 2 car parking spaces in tandem arrangement. Tandem car parking often creates issues in the way streets and amenity areas are used and so is not encouraged by the Council. Such car parking arrangement further demonstrates that the size of the application site cannot satisfactorily accommodate a separate dwelling.

The Council's Car Parking Standards (SPD) requires the provision of 2.5 car parking space for a 3-bedroom dwelling therefore there would be a slight under-provision. However, given the location of the site within a walking distance to Totton Train station, the under-provision would not justify refusal.

In respect of impacts of the proposed development on air quality, the application seeks planning permission for one additional dwelling. The potential air pollution caused by the additional cars associated with this development would not be so severe to justifying a planning refusal.

The strength of local opposition based on highway safety, local car parking demand, insufficient on-road car parking as well as noise pollution caused by traffic is acknowledged. However, issues relevant to the existing traffic and car parking problems in the area are managed by the Highway Authority. Therefore, they cannot form a basis for refusing a planning application.

Concerns have been raised over further car parking pressure during construction. It is noted that the site would unlikely be able to accommodate parking provision for contractors' vehicles. However, as the construction works would be of temporary nature and the proposed development is for one dwelling only, this concern cannot justify planning refusal.

Impact on ecology and sites of nature conservation

a) Habitats 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 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. Had the Local Planning Authority been minded to grant planning permission then an appropriate contribution would have been sought to ensure that the development complies with the relevant regulations.

b) Nutrient neutrality (nitrates)

The site is located within an area where a requirement for a development to be nutrient neutral applies. Relevant information has been submitted to confirm agreement to secure appropriate mitigation prior occupation

Other matters

Concerns have been raised over disturbance during construction. Whilst some degree of noise and general disruption is inevitable when construction works take place, these are of temporary nature and therefore cannot justify planning refusal.

Further concern has been raised that granting planning permission for the dwelling would set a precedent. However, each planning proposal is considered on its own merits and in light of spatial characteristics of a site. Granting planning permission on this site would not justify planning permission for a similar proposal elsewhere.

Housing

On 25 March 2020 the Council received the Inspectors' Report on the Examination of the Local Plan 2016-2036 Part 1: Planning Strategy and the Local Plan Examination is therefore now complete. The Inspectors' Report concludes that "the New Forest District (outside the National Park) Local Plan-Part 1: Planning Strategy (the Local Plan) provides an appropriate basis for the planning of the New Forest District Council planning authority area, provided that a number of main modifications are made to it." The Local Plan has thus reached a very advanced stage in its preparation and carries significant weight in decision-making. Formal adoption of the Plan is expected in May 2020. 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: Planning Strategy (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.

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 interested consultees and 3rd parties. The application is considered to raise some significant issues and the planning balance on this occasion is for refusal.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations.

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (1) x £1224 = £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 £8,860.76 .

Tables setting out all contributions are at the end of this report.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

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
Self Build (CIL Exempt)	86.22	0	86.22	86.22	£80/sqm	£8,860.76 *
Subtotal:	£8,860.76					
Relief:	£8,860.76					
Total Payable:	£0.00					

* 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. By reason of its siting within an open area of land, the inadequate plot size and cramped layout, together with the arrangement of tandem car parking and the prevailing character of the surrounding area, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Review 2016-2036 Part One: Planning Strategy as well as with Section 12 guidance set out in the National Planning Policy Framework.
2. By reason of its siting in a close proximity to the boundary with the neighbouring property at 35 Bartram Road and the presence of clear windows at first floor level serving a bedroom, the proposed development would result in an unacceptable level of overlooking and a sense of being overlooked in the garden of the neighbouring property, in particular in an area of garden which is used as a patio area, to the detriment of residential amenities currently enjoyed at this property. For this reason the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Review 2016-2036 Part One: Planning Strategy.

Further Information:

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PLANNING COMMITTEE

May 2020

Land of 31 Bartram Road
Eling, Totton SO40 9JJ

20/10242

Scale 1:1250

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the internet, it will not be to
scale.



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Recreation Ground