

Application Number: 20/10172 Full Planning Permission

Site: LAND OF VICTORIA COTTAGE, VICTORIA ROAD,
MILFORD-ON-SEA SO41 0NL

Development: Dwelling house; altered existing & new pavement crossings;
associated hard & soft landscaping; light columns to front
boundary

Applicant: Mr & Mrs Dench

Agent: Visionary Architects Ltd

Target Date: 24/04/2020

Case Officer: Steve Clothier

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) impact on the residential amenities of the area
- 4) impact on highway safety and parking

This matter is before Committee at the discretion of the Chief Planning Officer

2 THE SITE

The site is formed from the western side of the existing plot of Victoria Cottage. It is within the built up area of Milford on Sea in a mixed residential area comprising detached dwellings and substantial blocks of flats with associated parking courtyards. Work has commenced on the provision of foundations following the approval of front extensions to Victoria Cottage (Ref 19/11089) There is a close boarded fence to the western boundary of the site with the flats known as Hurst Court.

3 THE PROPOSED DEVELOPMENT

The proposal involves the demolition of the existing flat roofed side addition and detached garage to Victoria Cottage and the provision of a 2-storey flat roofed dwelling with open plan living accommodation at first floor level and three bedrooms (one ensuite) and a family bathroom at ground floor level. Parking for the new dwelling and that for the adjacent property would be to the frontage where planting is proposed to mitigate against the large area of hard surfacing which also includes four lighting columns across the frontage of the existing and proposed dwellings.

This proposal is similar to the previously refused scheme and the other current application (Item A... on this agenda) - the main difference is the treatment of the roof on the front north west corner of the proposed dwelling as a pitched roof element has been deleted. Otherwise the footprint and overall scale and height of the building remains essentially the same.

4 PLANNING HISTORY

- 20/10483 Two storey side extension to existing house, altered existing and new pavement crossings - pending
- 20/10492 Demolish existing dwelling and re-build it as a new build dwelling; sever plot and new build a new self build dwelling, alter existing pavement crossing and create enlarged crossing, new hard and soft landscaping - pending
- 20/10171 house; access alterations, new pavement crossing; hard and soft landscaping; light columns to front boundary. Current application Item 2b on this agenda
- 19/11357 house; access alterations, new pavement crossing; hard and soft landscaping. Refused 12/02/20 - under appeal
- 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 - Mitigation Strategy for European Sites
SPD - Housing Design, Density and Character
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

PAR 2: We recommend REFUSAL but would accept the decision reached by the District Council's Officers under their delegated powers.

The Parish Council considered this application to be overdevelopment of the plot and that it would be obtrusive in the street scene, detracting from the host property.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Scottish and Southern Electricity Networks - offer advice
Southern Gas Networks - offer advice
Ecologist - no objection subject to the proposed ecological enhancements being secured by condition.
Highway Engineer - no response has been received to the consultation, however, no objection was raised to the previous scheme which does not differ to this scheme in terms of highway implications.

10 REPRESENTATIONS RECEIVED

10 residents have written (some more than once) in objection to the application for the following reasons (in summary):

- this proposal is very similar to the previously refused scheme
- the proposal would be cramped on too small a plot resulting in a loss of open space which would be out of character of the area
- density too high
- the design would be out of character and unsympathetic in an area where houses sit on spacious plots
- the dwelling would dominate the street scene
- reference is made to a dismissed appeal 11 Whitby Road where the plots were found to be too narrow and the proposed plot would be narrower than those
- inadequate parking and the level of parking would be reduced with no garaging provided
- rear access would be limited
- 2 dwellings might work subject to Victoria Cottage being demolished
- the frontage lighting would be out of character
- storage and planting would be severely restricted

11 OFFICER COMMENTS

Introduction

This proposal is similar to the previously refused scheme and the other current application (Item 2b on this agenda). The main difference is the treatment of the roof on the front north west corner of the proposed dwelling as a pitched roof element has been deleted. Otherwise the footprint and overall scale and height of the building remains essentially the same.

Relevant Considerations

In assessing this proposal consideration needs to be given to whether the principle of the development is acceptable, the impact of the development on the character of the area having regard to the previous refusal of permission, impact on the residential amenities of the area and impact on highway safety and parking.

Principle of the proposal

In principle, new residential development can be acceptable within the built up area, subject to there being no material harm on residential amenity, the character of the area or highway safety.

Impact of the proposal on the character of the street scene

The previous refusal is a material consideration in the assessment of this proposal. The current proposal is similar to that scheme the main difference being the treatment of the roof at the north west corner. The previous reason for refusal was that the proposed development would result in a "*cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area*".

While the minor changes to the scheme are acknowledged there has been no reduction in the footprint of the proposal or changes in its relationship to the boundaries of the site. The scheme as now proposed would have very similar impacts and the concern that the plot would not be contextually appropriate in this area which is characterised by much wider plots than that proposed have not been addressed. As such the current proposals do not overcome the previous concerns.

The assessment that was undertaken in respect of the previous refusal of planning permission (Ref 19/11357) that was considered by this Committee in February 2020 therefore remain relevant.

The application has been supported with a package of information to seek to justify the proposal. 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 the existing 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. However, it is not considered to be of such concern to justify a refusal of planning permission on this ground.

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 flattened 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. However, this was not raised as a concern in the previous refusal and it would not be reasonable to raise this at this time.

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.

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 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 plots are more generous and 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. While the proposal would be different to the prevailing character this was not raised in the previous refusal of planning permission.

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 is considered that this plan helps to illustrate the inappropriately small size of the plot when compared to others in this part of Victoria Road. 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

In terms of neighbour impacts this scheme is very similar to the previously refused scheme where no concerns were raised on this issue.

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

No concerns were raised in respect of this issue in relation to the previously refused scheme and the impacts would be the same in relation to this proposal.

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 took 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 as the applicant has entered into a Section 106 Agreement to secure the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. A legal agreement was completed on 16th April which addresses this matter.

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.

With regard to ecology on the site the applicant has submitted a report that has been assessed by our Ecologist who has confirmed that the proposals would be acceptable subject to conditions.

Other Matters

Interested parties have also raised concerns about the proposed low level lighting across the frontages of both the existing and proposed dwellings, while these concerns are noted the lighting would be fairly inconspicuous and not intrusive in the area that has street lighting in any event. Comments have also been made that the replacement of the existing dwelling with two dwellings might be appropriate, this is not proposed at this time and would need to be assessed on its merits should such a proposal come forward.

The applicant has also referred to other developments in Milford on Sea which he considers establishes a precedent for the development currently proposed. These are at Courtlands, Ravens Way and 19 Hurst Road in Milford. These two sites are a considerable distance away from the application site and are set in different contexts. The Courtlands planning permission was for the replacement of a block of two flats with two dwellings following the established pattern of development in and around Ravens Way (ref: 20/10026 granted on 28/04/2020) where there has been much redevelopment of a similar form over the past 20 or more years. The Hurst Road scheme was allowed on appeal in December 2002 (ref: 02/73903) and is at the eastern end of the cliff top development in Milford. This decision was made almost 18 years ago and is not considered to be directly comparable to the current scheme.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal would, as before, result in a cramped and unsympathetic form of development which does not enhance local distinctiveness and would appear out of character with the area.

The previous reasons for refusal have not been addressed and 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 is CIL exempt as a self-build scheme.

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
Self Build (CIL Exempt)	133.87	42.19	91.68	91.68	£80/sqm	£9,421.88 *
Subtotal:	£9,421.88					
Relief:	£9,421.88					
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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

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 2020 this value is 1.28 (rounded)

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 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 of the proposed dwelling within a narrow plot width.

Further Information:

Steve Clothier

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

May 2020

Land of Victoria Cottage
Victoria Road, Milford on Sea
SO41 0NL
20/10172

Scale 1:1250

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

