

Application Number: 21/11711 Variation / Removal of Condition

Site: LAND ADJACENT AUTUMN LODGE, NORTH ROAD,
DIBDEN PURLIEU, HYTHE SO45 4RF

Development: Variation of Condition 2 of Planning Permission 16/11569 to allow amendments to Plot 1, entailing alterations to roof, additional roof lights and increase of glazing on first-floor

Applicant: Broadsword Group

Agent: Obarchitecture

Target Date: 15/02/2022

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Scale, design & materials
- 2) Impact on the existing character of the surrounding area
- 3) Impact on the amenity of neighbours
- 4) Parking
- 5) Additional impacts and effects in respect of Habitats Mitigation

This application is to be considered by Committee because of the PAR 4 objection received from Hythe & Dibden parish council (details at section 6 below).

2 SITE DESCRIPTION

The application relates to Plot 1 of an existing development site known as 'Land adjacent to Autumn Lodge, North Road, Dibden Purlieu' whereby the construction of 2 new detached dwellinghouses was approved on 08.03.2017 under planning reference 16/11569.

Plot 1 is now substantially complete but, it is understood, is not finished or occupied.

Plot 1 has not been built in accordance with the approved plans (16/11569) - following the recent appeal dismissal of planning application 20/11328, the current S73 application seeks to amend the 'as built' development by revisions to the roof form to result in an acceptable form of development in the light of the comments and conclusions of the Planning Inspector.

3 PROPOSED DEVELOPMENT

The application is made under Section 73 of the TCPA and seeks amendments to the roof form of plot 1, including additional roof lights and an increase of glazing to the first floor, as detailed in the submitted application documentation.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/11328 Variation of condition 2 of Planning Permission 16/11569 to allow amendments to Plot 1, entailing development into roof, additional roof lights and increase of glazing to first floor	22/01/2021	Refused	Appeal Decided	Appeal Dismissed
16/11569 Two houses; access; parking; landscaping	08/03/2017	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Relevant Advice

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Constraints

Plan Area

Tree Preservation Order: 31/01/T1

Plan Policy Designations

Built-up Area

6 PARISH COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. Looking at the request to remove the condition of planning consent, the Council cannot support this. The intention to build higher in to the property, and up to the second floor is a concern to the Committee due to the height and impact on the neighbouring properties in Cleveland Drive and Autumn Lodge. The height of the property and overlooking, perceived or otherwise, are not acceptable and having a three level property is inconsistent with the wider streetscene and surrounding area. This is considered to be overdevelopment and the height and design is not reflective of the neighbouring properties and is fundamentally different from the character and appearance of neighbouring properties. Furthermore, the design will specifically have an impact on the smaller and more historic properties such Rudbeckia which is 100 years old. Also, there remains concerns over parking for plot 1, especially with an additional bedroom being added.

This property is already considered by the Parish Council to be overtly visible from the road and any additional development will not counter this. Also, the Council's concerns over parking remain with limited space for parking and construction vehicles in development. The addition of a bedroom may bring extra concerns over unneighbourly or inappropriate parking on the road.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist

No comments from an ecological perspective

9 REPRESENTATIONS RECEIVED

One third party representation has been received, objecting to the proposal on grounds including overbearing and excessive scale, overlooking from a rear window.

10 PLANNING ASSESSMENT

Background to the current application

The application relates to Plot 1 of an existing development site known as 'Land adjacent to Autumn Lodge, North Road, Dibden Purlieu' whereby the construction of 2 new detached dwellinghouses was approved on 08.03.2017 under planning reference 16/11569.

Plot 1 has not been built in accordance with the approved plans (16/11569) - following the recent appeal dismissal of planning application 20/11328, the current S73 application seeks to amend the 'as built' development by revisions to the roof form to result in an acceptable form of development in the light of the comments and conclusions of the Planning Inspector.

The NFDC reasons for refusal of the current 'as built' form of plot 1 (under planning reference 20/11328) were as follows:

1 The proposed amendment to the dwelling on Plot 1, comprising the infilling and creation of second floor accommodation within the area between the approved transverse roofs, adds significant additional bulk and mass to an already relatively large detached house. The additional scale, mass and bulk at second floor level would result in an excessively dominant and poorly proportioned flat topped roof that would thereby be discordant with the existing character of adjoining properties and that of the surrounding area. In these respects, the proposed development is considered to be a poor and incongruous design, contrary to Policy ENV3 of the New Forest District Local Plan Part One which requires all development to achieve high quality design that contributes positively to local distinctiveness and which enhances the character and identity of the locality.

2 The proposed amendment to the dwelling on Plot 1, comprising the infilling and creation of second floor accommodation within the area between the two transverse roofs, adds significant bulk and mass to this property, and the effect of the infilled area is to present a building of a dominant three-storey scale and mass when viewed from the context of the curtilage of the closest neighbouring properties to the south-east and north-west. Consequently, the proposed development would have undue overbearing and oppressive impacts on the amenities of those neighbouring properties, to the detriment of the amenities of their occupants. In these respects the proposed development is considered harmful and contrary to Policy ENV3 of the New Forest District Local Plan Part One which requires development to avoid unacceptable effects on residential amenity.

3 The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational pressures on these sensitive European nature conservation sites. As such, the proposal would be contrary to Policy ENV1 of the New Forest District Local Plan 2016-2036 Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

The subsequent appeal to the Planning Inspectorate against the refusal of 20/11328 (Appeal Ref: APP/B1740/W/21/3271758) was dismissed, whereby the Planning Inspector found the main issues were the effect of the changes on the character and appearance of the surrounding area and the living conditions of neighbouring residents, with particular regard to outlook.

The Inspector considered the appeal development (as built) had increased the bulk and massing of the roof to a harmful degree, by giving the property an overtly three-storey scale. This, the Inspector considered, results in a development which, by reason of its excessive bulk and massing, as well as its incongruous design, appears out of character and fails to reflect the prevailing pattern of development in the surrounding area. The Inspector considered the addition of slate vertical tile hanging would do little to minimise the harm caused by the flat roof element.

It is of particular significance that the Inspector, in considering the impact on adjoining neighbours, considered the relationship between the dwelling on Plot 1 and the properties situated either side remained largely unchanged, as the footprint of the house in its complete form would not increase. The Inspector opined the changes as then proposed did not affect the outlook from within the neighbouring properties, but are clearly visible to their occupiers, particularly from their private rear

garden. The Inspector concluded the additional bulk and massing was not such that it could be considered overbearing or oppressive, or to the extent that it caused unacceptable harm for neighbouring residents.

It is therefore a material consideration in the determination of the current planning application that the Planning Inspector considered the 20/11328 scheme did not adversely affect the living conditions of the occupiers of neighbouring properties, but did cause considerable harm to the character and appearance of the surrounding area.

Scale, design & materials and Impact on the character of the surrounding area

Plot 1 is sited towards the front (North East) of the site, close to the Eastern side boundary with 'Rudbeckia'. Plot 1 is the larger of the two approved dwellings within the site and was approved as a detached two storey dwelling with twin, gabled transverse pitched roofs over. Within the limited space of the roof void of the rearmost of the twin transverse roofs was a single modest bedroom with en-suite.

Plot 1 has not been built in accordance with the scheme approved under 16/11569 - the differences between the approved scheme and the 'as built' include the infilling of the area between the transverse roof ridges by the creation of tile-hung walls to the north-west and south-east sides of the dwelling at second floor level, thereby enclosing the previous open area between the twin transverse roofs, with the creation of a flat roof over.

It is acknowledged that these changes result in the creation of an additional area of second floor accommodation, served by 5 x rear facing rooflight windows, 4 x front facing rooflight windows and the (as previously approved) second floor casement window in the NW elevation, and that the 'as built' form of the roof has increased the bulk and massing of the roof to a harmful degree, by giving the property an overtly three-storey scale. This results in a development which, by reason of its excessive bulk and massing, as well as its incongruous design, appears out of character and fails to reflect the prevailing pattern of development in the surrounding area.

The current application seeks to amend the 'as built' roof form by introducing hipped elements to the NE and SW sides, whilst retaining the two transverse ridge elements as originally approved under 16/11659.

The overall height of the roof thereby does not exceed the height originally approved, however the 'as built' mass and bulk of the roof would be significantly reduced in volume (and in perception from views within the surrounding area) by the loss of the vertical sides infilling between the transverse ridge elements, thereby reducing the bulk, massing and consequent visual impact of the roof, it is considered, to an appropriate and acceptable degree.

The other 'as built' amendments to fenestration, detailing and the changes in external materials are minor and are considered acceptable (see also the amenity section below).

In these respects, the revised development as now proposed is considered acceptable in terms of impact on the character of the surrounding area and thereby accordant with Policy ENV3 of the NFDC Local Plan Part One which requires all development to achieve high quality design that contributes positively to local distinctiveness, quality of life and to enhance the character and identity of the locality.

Impact on the amenity of neighbours

The sitting and footprint of Plot 1 as built is as originally approved under planning reference 16/11569. In addition to amendment to the roof form, the current application seeks amendments over the originally approved scheme as follows:

- Additional 2 x rooflight windows within the front facing roof plane
- Changes to external materials and finishes
- Addition of 5 x rooflight windows within the rear facing roof plane
- Minor amendments to fenestration

To safeguard the privacy of the adjoining neighbouring properties, condition 12 of the original planning approval 16/11569 requires obscure glazing to specified side windows as follows:

- a) the first floor bathroom and en-suite windows on the north-west side elevation of the approved dwelling on Plot 1.
- b) the second floor en-suite window on the north-west side elevation of the approved dwelling on Plot 1.
- c) the first floor en-suite window on the south-east side elevation of the approved dwelling on Plot 1.

The above requirements remain relevant and will continue to apply (via condition).

In assessing the appeal scheme (20/11328) the Inspector noted *'No concerns have been raised by the Council regarding the changes to the elevational treatment of the dwellings, and there are no reasons for me to reach an alternative view'*.

Additionally, the Inspector commented at paragraph 10 of the Appeal Decision that the development (appeal scheme) does not adversely affect the living conditions of the occupiers of neighbouring properties (the only adverse impact of the scheme being on the character and appearance of the surrounding area).

A third party representation has been received from an adjoining neighbour, objecting to the proposal on grounds including overbearing and excessive scale, and overlooking from a rear window.

Having regard to the windows and openings within the rear facing elevation of plot 1 as previously approved under 16/11569, the amount of first floor fenestration in the current application is reduced over that previously approved. Therefore, taking into consideration the very close similarity (and reduction) in terms of proposed fenestration within the rear facing elevation of the current proposal to that of the originally approved rear elevation under 16/11569, it is considered there would be no undue additional overlooking of adjoining properties such as to warrant the refusal of the application on neighbour amenity grounds.

Parking

The application does not seek to amend the approved parking layout, which is considered to still be an acceptable level of on-site parking for the scale of development proposed.

The parish council have raised parking as an issue on the basis of the additional accommodation provided at second floor level, however the site/plot is relatively spacious in size and has sufficient outdoor space within the frontage to provide for at least three on-plot parking spaces. This accords with the Council's adopted Parking Standards SPD for dwellings with 4 or more bedrooms.

Additional impacts and effects in respect of Habitats Mitigation

It is necessary that this proposal secures habitat mitigation measures in line with policy. The mitigation measures that were secured in connection with the 2017 planning permission should apply equally to this proposal.

However, because this proposal is made under S73 of the Town and Country Planning Act, the effect of granting such an application would be the issuing of a new planning consent to which the 2017 legal agreement would not refer or relate.

Therefore it is important that the habitat mitigation requirements for Plot 1 are repeated (amended to reflect current contribution requirements which have changed since 2017) in a new legal agreement to ensure they can continue to be delivered.

Mitigation of impacts on the New Forest European sites have not materially changed since 2017 (noting that the dwelling will remain as a 4 plus bedroom dwelling). There is, however, now a greater mitigation contribution that applies to the Solent European sites, and due to the materiality of the change and the resulting additional accommodation, it is considered appropriate that the dwelling on Plot 1 secures a mitigation contribution that reflects current policy expectations.

A new S106 legal agreement (or unilateral undertaking) would be required to address and adequately mitigate the impacts described above to include the additional contributions.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement (or unilateral undertaking):

- Infrastructure contribution of £5,786
- Non-infrastructure contribution of £920
- Bird Aware Solent contribution of £940
- Air quality monitoring contribution of £85

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	247.14	247.14	0	0	£80/sqm	£0.00 *
Dwelling houses	168.84	168.84	0	0	£80/sqm	£0.00 *
Dwelling houses	68.16		68.16	68.16	£80/sqm	£6,962.81 *
Subtotal:	£6,962.81					
Relief:	£0.00					
Total Payable:	£6,962.81					

11 CONCLUSION

The development proposed sets out revisions over the previously refused scheme (20/11328) which are considered to overcome the previous reasons for refusal and subsequent dismissal of the previous application at appeal.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement or unilateral undertaking to secure appropriate contributions in respect of habitats mitigation, and
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

160-P-01 - LOCATION AND BLOCK PLAN
160-W-20 - GROUND FLOOR GENERAL ARRANGEMENT PLAN PLOT 1
160-W-21 REV A - FIRST FLOOR GENERAL ARRANGEMENT PLAN PLOT 1
160-W-23 - GROUND FLOOR GENERAL ARRANGEMENT PLAN PLOT 2
160-W-24 - FIRST FLOOR GENERAL ARRANGEMENT PLAN PLOT 2
160-W-27 - ROOF PLAN PLOT 2
160-W-41 REV A - ELEVATIONS PLOT 2
160-W-25 - SECOND FLOOR GENERAL ARRANGEMENT PLAN PLOT 2
160-W-15 REV A - SITE SECTION AND SETTING OUT
160-P-109A-OBA A3 - STAGE 1-3_COMPRESSED PLOT 1
160-P-104A-OBA A3 - STAGE 1-3_PROPOSED SECOND FLOOR PLAN
160-P-107A-OBA A3 S- TAGE 1-3 PLOT 1 PROPOSED ELEVATIONS

Reason: To ensure satisfactory provision of the development.

2. The development hereby permitted shall not be occupied until:
 - (i) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and

- (ii) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- (iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

3. The external facing materials for the amended areas of roofing shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. All planting, seeding or turfing comprised in the previously approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

5. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. The development shall be carried out in accordance with the previously agreed details of biodiversity mitigation and compensation measures (as submitted and agreed for 16/11569). These measures shall include a reptile hibernacula feature and ecological supervision of site clearance, provision of bat roosting opportunities, and measures to assist the permeability of the site to wildlife. The approved measures shall thereafter be implemented and maintained in accordance with agreed details.

Reason: To safeguard biodiversity interests in accordance with saved Policy DM2 of the Local Plan Part 2 for New Forest District outside of the National Park.

7. The development hereby permitted shall not be occupied until the approved spaces/areas for the parking and turning of motor vehicles have been provided. These spaces / areas shall be retained and kept available for the parking and turning of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and amenity.

8. Development shall be carried out in accordance with the previously approved (16/11569) details of the provision that is to be made for the parking of cycles. The approved cycle parking facilities shall be provided before the development is first occupied and shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking provision is provided for the development.

9. The following windows shall at all times be glazed with obscure glass:

- a) the first floor bathroom and en-suite windows on the north-west side elevation of the approved dwelling on Plot 1.
- b) the second floor en-suite window on the north-west side elevation of the approved dwelling on Plot 1.
- c) the first floor en-suite window on the south-east side elevation of the approved dwelling on Plot 1.
- d) the first floor bathroom and stairwell windows on the north-west side elevation of the approved dwelling on Plot 2.
- e) the second floor stairwell window on the north-west side elevation of the approved dwelling on Plot 2.
- f) the second floor en-suite window on the south-east side elevation of the approved dwelling on Plot 2.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension(s) otherwise approved by Class A, AA, B or C of Part 1 of Schedule 2 the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or hardstanding otherwise approved by Class F of Part 1 of Schedule 2 to the Order shall be erected, formed or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

Further Information:

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New Forest

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PLANNING COMMITTEE

February 2022

LAND ADJACENT AUTUMN LODGE
NORTH ROAD, DIBDEN PURLIEU
HYTHE SO45 4RF
21/11711

Scale 1:1250

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

