

**Application Number:** 15/11675 Full Planning Permission

**Site:** LITTLE ORCHARD, 28 COMPTON ROAD,  
NEW MILTON BH25 6EQ

**Development:** House; alterations to existing dwelling; access alterations

**Applicant:** Mr & Mrs Ainsworth

**Target Date:** 27/01/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

**Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch. 7 - Requiring good design  
Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

04/80686 - house, detached garage, new access and altered access. Refused 27.4.04, appeal dismissed.

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

New Milton Town Council - recommend refusal and would not accept a delegated decision. Detrimental to road safety, residential amenity and character of area, overdevelopment of the site.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Drainage Engineer - recommend approval subject to condition

9.2 Southern Gas Networks - offer advice

9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

Objections have been received from 6 local residents concerned with the following:

- access onto Hobart Road would be a mistake
- Compton Road is already busy and the proposal would exacerbate this
- loss of sunlight
- overlooking
- drainage problems
- the existing property has much needed green space at present
- loss of on street parking due to new access
- changing the plot size would detract from the character of the road

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £8,773.60. Tables setting out all contributions are at the end of this report.

## 13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

14.1 The site lies within the built up area of New Milton in a residential area although there are commercial properties quite close. The site is a corner, wedge-shaped plot between Compton and Hobart Roads. It currently contains a detached two-storey house which has been previously extended to the rear. There is also a detached timber garage, accessed off Compton Road to the east. The dwelling faces Hobart Road which runs along the south western boundary of the plot. The proposal entails the demolition of the garage and part single, part two-storey extensions (dining room, conservatory, lean-to and bedroom) to the property to make way for the proposed two storey dwelling comprising hall, lounge, WC, utility room and large open plan kitchen/dining/living room at ground floor level together with three bedrooms (one ensuite) and a bathroom at first floor level. A new access/parking space would be provided off Compton Road for the existing house together with alterations to the existing access to provide parking for the new dwelling. The existing house would be changed back into its original size.

- 14.2 The New Milton Local Distinctiveness Document makes reference to plot widths along Compton Road and, together with building scale and setting this provides a defining element in the street scape. The proposed plot would be of a comparable width to the adjacent pair of semi-detached houses and the resultant plot for the existing house would be comparable to a triangular plot to the south of Compton Road. The design of the dwelling picks up on common themes in the area such as a hipped roof form and mock-tudor gable overhanging the bay window. It would also have a similar layout to the existing dwelling. While the proposed dwelling would close a current gap in the built frontage, it would open another between the original house and that proposed. In dismissing the appeal for a dwelling on this site in 2004, the Inspector did not consider the proposal to represent a cramped form of development.
- 14.3 There is a small tree in the current gap and it is not clear whether or not this would need to be removed in order to facilitate the development. However, given the proposed set back of the new dwelling, it is considered that there would be space to accommodate an alternative to help soften its impact.
- 14.4 The loss of the existing extensions to no.28 would be considered an improvement as the 2-storey element has a flat roof. Although what would traditionally be the rear elevation would not have any windows in it in order to protect residential amenity, the property would be altered to front Compton Road more. This issue was the sole reason for the appeal being dismissed in 2004. At that time no details of changes to the original dwelling were provided, as a result there were concerns about the outlook from new windows that would need to be formed. This proposal addresses this concern by showing windows in the side elevation which would result in an acceptable outlook for the existing dwelling.
- 14.5 With regard to residential amenity, concerns have been expressed with regard to overlooking of the adjacent property and one across the road. In this urban location, views into the neighbour's gardens from first floor windows is typical and should not be seen as a reason for refusal. Across the road, residential amenity is not usually considered to be adversely affected, even when living spaces are at first floor level. In terms of loss of light, the proposal would be to the south west of no.26 which has several windows in the side elevation at ground, first and second floor level. While plans of this property are not available, it is probable that they are either secondary windows or windows for non-habitable rooms with the exception perhaps of one at second floor level. The proposed dwelling would have a hipped roof and be separated from no.26 by a drive and the adjacent garage. On this basis, while it is accepted that there may be some loss of light to the adjacent property, it is not considered to be such as to warrant refusal of the scheme. This is also the view expressed by the Inspector in 2004.
- 14.6 As the application includes full details of how the existing property would be altered, it is possible to conclude that the new windows to serve the two rear bedrooms and kitchen/dining area would be adequate to provide a good level of amenity for existing occupiers. The siting of the proposed dwelling is unlikely to adversely affect that existing.
- 14.7 The existing house has a vehicular access onto Compton Road and this would be widened in order to accommodate parking for the proposed

dwelling. A further parking space for the existing dwelling would be provided 2.5m away. In visual terms, this would result in the loss of some of the mature laurel hedging which currently surrounds the property although a significant amount of the hedge would be retained. The Highway Authority has not raised any objections to the alterations although it is recognised that concerns have been raised locally due to problems relating to on street parking. While it would be preferable to have more parking available for the existing dwelling, it only has a single parking space at present.

- 14.8 The proposal generates a requirement for a contribution to be made towards affordable housing which has been secured through a Section 106 Agreement. In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. However, some of the relevant amount would be secured through the CIL payment.
- 14.9 In conclusion, this proposal would result in an appropriate form of development in this built-up area, with no adverse implications for neighbours. An acceptable level of car parking provision is proposed and the proposed Section 106 Agreement would secure the required affordable housing contribution.
- 14.10 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£36,720	£36,720	0
<b>Habitats Mitigation</b>			
Financial Contribution	£4,250	£4,250	0

## CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	119.75	10.08	109.67	£8,773.60

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 870.100a, 870.101, 870.102, 870.105, 870.103a, 870.104a.

Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) details of the extent of works proposed to the boundary hedge
  - (e) (e)other means of enclosure; and
  - (f) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. The development hereby permitted shall not be occupied until the spaces shown on plan 870.100a for the parking of motor vehicles have been provided. The spaces shown shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved and the existing dwelling at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
  - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
  - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

10. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policies CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.



2. In discharging condition No.9 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
February 2016**

**Item No: 3k**  
**Little Orchard**  
**28 Compton Road**  
**New Milton**  
**15/11675**

Scale 1:1250

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

