

**Application Number:** 15/11689 Full Planning Permission

**Site:** 25 - 27 PROVOST STREET, FORDINGBRIDGE SP6 1AY

**Development:** House; access; parking; bin store; shed; demolition of extensions to 25 & 27 Provost Street; porch canopy

**Applicant:** Crownshade Ltd

**Target Date:** 22/01/2016

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

## **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Conservation Area  
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

##### Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Protection of historic street and footpath patterns
- DM2: Locally designated sites of importance for nature conservation
- 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

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - Fordingbridge Town Design Statement  
SPG - Fordingbridge - A Conservation Area Appraisal  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

House, access (10113) Refused on the 8th April 2015

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

Fordingbridge Town Council: Recommend permission as the property is of good design and has minimum impact or adverse effect on neighbouring property or residential amenity.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: no highway objection

9.2 Land Drainage: no objection subject to condition

9.3 Conservation Officer: recommends refusal

9.4 Environment Agency: no comment to make

9.5 Ministry of Defence: no safeguarding objections to this proposal

## **10 REPRESENTATIONS RECEIVED**

10.1 2 letters of objection. This new application has barely changed from the previous application. The proposal would result in the loss of open space, will affect privacy to a number of neighbouring properties. Concerns over car parking with only one car parking space provided. The existing properties at Nos 25 and 27 will become very small. The plot size is too small and the proposal would not be in keeping with the area.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **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 £6912 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.

## 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.

The applicant's agent has been made aware that the application will be recommended for refusal. no pre application advice was sought and there are several fundamental issues with the proposal which cannot be overcome through the submission of revised plans.

## 14 ASSESSMENT

### 14.1 The site and location

14.1.1 This planning application seeks consent for the erection of a detached two storey dwelling on land to the rear of Nos 25-31 Provost Street. Nos 25-31 comprise a traditional terrace of four dwellings immediately fronting onto Provost Street and the properties have their rear gardens partly backing onto a modern residential cul de sac known as Highbank Gardens. The terrace has its ridge line running parallel to the street with shallow side gables and small rear additions. The application site is a small piece of land where there is a single detached garage and car parking space enclosed by a low hedgerow and vehicular access gates which is used in association with No 27. The site abuts a private access road to the west, with Ashford Water just beyond. The site lies just outside the town centre boundary, but within the Conservation Area.

There are no listed buildings which adjoin the application site. The application site also forms part of Highbank Gardens, which is a development constructed in the mid 1990s of four detached two storey dwellings in a small courtyard with associated garages, some of which are used by the dwellings in Provost Street.

14.1.2 The site is currently open with a small detached garage enclosed by a low, well-maintained, hedgerow. From standing in Highbank Gardens, the site appears as the rear garden areas of the row of four dwellings fronting onto Provost Street. There are clear views of the rear elevations of Nos 25 to 31 Provost Street and the length of the application site gives a spatial character and an appropriate setting for the dwellings. Apart from the cluster of garages on one side of the cul de sac, there is a clear gap between the dwellings fronting onto Provost Street and the front of the dwellings in Highbank Gardens. There are a number of important views across the site including those of the attractive row of cottages at 7-19 Brook Terrace. Standing in Provost Street, the internal access of Highbank Gardens is well landscaped on either side, with views of some of the dwellings set back at the end of the cul de sac. Highbank Gardens itself is a pleasant cul de sac with the dwellings positioned in a single line on one side of the road, set in relatively large curtilages, with the garages on the other side, with an open central access driveway

## 14.2 Planning history

14.2.1 This planning application follows a recent refusal for a detached dwelling on this site under planning reference 10113. That application was refused for the following reasons:

- i. The generally open nature of the site with its modest structures enclosed by a low hedge positively contributes to the spatial character of the area, creating an appropriate setting to the rear of the terrace at No's 25-31 Provost Street and enables a number of important views across the site from the east towards an attractive C19th terrace and from the west side of Ashford Water, towards the roof of the town hall. It is considered that by reason of its size and scale, its design and proportions, the proposal would be a cramped and inappropriate form of development that would appear incongruous in its setting and would result in the loss of space and openness around the site reducing important views across the site and creating a poor and awkward relationship to the neighbouring development at No's 25-31 Provost Street and Highbank Gardens. For this reason, the proposed development would fail to preserve and enhance the character and appearance of the Conservation Area and would make a harmful contribution to local distinctiveness contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Document and the Fordingbridge Conservation Area Appraisal Supplementary Planning Guidance*
- ii. By reason of its close relationship, depth and scale, the proposed building would be imposing, intrusive and obtrusive in its relationship with the adjoining neighbouring properties at No 4 Highbank Gardens and Nos 25-31 Provost Street and lead to a loss of outlook to the detriment of the amenities of the occupiers of these adjoining*

*properties. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for New Forest District outside the National Park.*

14.2.2 It should be noted that the previous planning application was also refused on the grounds that no contributions were secured for affordable housing and habitat mitigation.

#### 14.3 The current proposal

14.3.1 This current planning application seeks to address the concerns raised in the previous application. In comparison to the previously refused application, it is proposed to demolish the existing single storey rear elements of Nos 25 and 27 Provost Street and to replace them with a small porch/ canopy. This would result in both these dwellings having a greater garden area and the width of the proposed plot would be widened by around 1 metre. Moreover, the removal of the existing rear additions would result in a greater gap between the rear of Nos 25 and 27 and the proposed dwelling. The proposed changes have reduced the height of the building from 6.55 metres to 6.3 metres along with a reduction in the footprint of the building of around 300 mm in both its length and width. The application has also been supported by further detailed drawings and a viability appraisal.

14.3.2 In assessing the proposed changes, it is considered that although the proposed dwelling has been reduced in height and footprint, the scheme was large on the plot to start with so the reductions in the footprint of the building would make little difference to the effect upon the views of the buildings as set out in the previous reasons for refusal. Indeed, apart from the removal of the existing single storey rear elements to Nos 25 and 27, the changes to the scale of the building and plot size are minimal and do not alter the fact that this would be an overdevelopment of a small site.

14.3.3 It is considered that the proposed development would fail to be integrated into its context for a number of reasons and would have a harmful and negative impact on the character and appearance of the Conservation Area. The proposed design approach seeks to create a building that appears as an outbuilding to the surrounding development, with timber boarding, narrow width and long building form. The proposed design concept is to create a building which is lower in scale compared to the surrounding buildings, to give it a subservient appearance. However, the proposed design of the dwelling does not resemble an outbuilding that has been converted, because the building is too large, with inappropriate proportions.

14.3.4 The proposed development would appear very cramped on this site with little space around the building, being built up to three boundaries of the site, occupying a large portion of it, with a very small side garden area and no space to the rear. It is accepted that there are some small plots in the area generally, however the surrounding development tends to have deeper rear garden areas and space to the side. The proposed development would achieve neither and its cramped layout would be clearly visible from Highbank Gardens.

- 14.3.5 Visually, the application site provides an important contribution to Highbank Gardens and has a strong relationship to the appearance and setting to Nos 25-31 Provost Street. The proposed dwelling would be sited around 11 metres from the front elevation of No 4 Highbank Gardens which would reduce the spatial qualities of the site and the spaces between the dwellings in this courtyard. While there are a number of garages to the rear of 19-23a Provost Street, the buildings are single storey, ancillary structures which you would generally expect to the rear of frontage development.
- 14.3.6 The current openness of the site also enables views across the site to a number of important buildings and areas of character. There are views across the site from the east towards Brook Terrace, across Ashford Water, set in a foreground of trees, all sat in front of the church spire; and from the west side of Ashford Water, towards the roof of the town hall. A building rising to around 6.3 metres in height would reduce and close these views, which would have a negative impact on the character of the Conservation Area.
- 14.3.7 Overall, it is considered that the proposed development has not addressed one of the concerns raised in the previous application in that it would be wholly out of character with the style and appearance of buildings in the area and would have a harmful and negative impact on the character and appearance of the Conservation Area and local distinctiveness.

#### 14.4 Residential amenity

- 14.4.1 With regard to residential amenity, the proposed building would be located close to the rear of the properties at Nos 25-31 Provost Street. It is proposed to remove the rear buildings to these properties which would increase the level of garden space and create a greater distance from their rear elevations to the proposed dwelling. On this basis, it is considered that the proposal would have an acceptable relationship to these properties.
- 14.4.2 Concerning the neighbouring property at No 4 Highbank Gardens, this property has its front elevation facing the application site. The distance from the front elevation to the proposed building measures approximately 11 metres. The proposed side elevation of the building would be directly in line with the front of No 4 and the building would rise to an overall height of 6.37 metres. The eaves height would rise to around 3.5 metres and the roof would be sloping away from the boundary. Given the close proximity of the dwelling to the front elevation of No 4, its scale and length across the site, the proposed dwelling would appear visually imposing and obtrusive, resulting in an unacceptable loss of outlook to that neighbouring property.
- 14.4.3 Two rooflights are proposed on the side elevation facing the neighbour at No 4, however, given that the windows would have views of the sky and the distances involved, it is not considered that it would result in any unacceptable overlooking. The proposed windows on the front and rear elevation would face the existing courtyard area and Ashford Water which would be acceptable.

## 14.5 Other matters

- 14.5.1 In terms of access and car parking, the site layout would be similar for vehicles as the current situation. It is therefore not anticipated that the proposal would result in a public highway danger in what is a relatively quiet cul de sac. Access onto Provost Street is more of a difficulty given the positioning of the dwellings fronting right up to the road frontage and the close proximity of the footpath. However, the Highway Authority has raised no objection to this proposal. The proposal would result in the loss of a car parking space for the existing property at No 27, however, the proposed development would provide a single car parking space to serve the two bedroom dwelling, which would broadly accord with the recommended car parking guidance.
- 14.5.2 The site lies adjacent to Ashford Water but is located in Flood Zone 1 (lower flood risk area). Ashford Water is a main river being part of the general land drainage system of the River Avon. The site is flat and the proposed floor level of the dwelling is above future extreme flood levels. Accordingly, the proposal does not require a sequential test to be undertaken.
- 14.5.3 In relation to contributions, the proposed development would require contributions towards affordable housing (£24,800), which are considered to be fair and reasonable and would need to be secured through a Section 106 Agreement. The applicant has submitted a viability appraisal which states that if the full affordable housing contribution was payable, this would render the development unviable.
- 14.5.4 The Council's Valuer has assessed the viability assessment and states that if the target Affordable Homes financial contribution is included in the appraisal, the residential development land value falls below the threshold site value. It is therefore reasonable to consider a reduction in the financial contribution. If the financial contribution is reduced to £14,411 the Residual Development Value and the Threshold Site Value are in equilibrium. Accordingly, the Council's Valuer confirms that it would be reasonable to reduce the contribution to £14,411. However, in the absence of a completed legal agreement to secure the contribution, the proposal would fail to comply with policy.
- 14.5.5 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.

## 14.6 Conclusion

- 14.6.1 In conclusion, it is considered that the proposal has not addressed the concerns raised previously and the proposed development would have a harmful impact on the character and appearance of the Conservation

Area and local distinctiveness. The proposed development would also have an unacceptable and poor physical relationship to 4 Highbank Gardens. As a result refusal is recommended.

14.6.2 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.

### 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			
<b>Habitats Mitigation</b>			
Financial Contribution			

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	85	0	85	£6,800.00

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The generally open nature of the site with its modest structures enclosed by a low hedge positively contributes to the spatial character of the area, creating an appropriate setting to the rear of the terrace at No's 25-31 Provost Street and enables a number of important views across the site from the east towards an attractive C19th terrace and from the west side of Ashford Water, towards the roof of the town hall. It is considered that by reason of its size and scale, its design and proportions, the proposal would be a cramped and inappropriate form of development that would appear



incongruous in its setting and would result in the loss of space and openness around the site reducing important views across the site and creating a poor and awkward relationship to the neighbouring development at No's 25-31 Provost Street and Highbank Gardens. For this reason, the proposed development would fail to preserve and enhance the character and appearance of the Conservation Area and would make a harmful contribution to local distinctiveness contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Document and the Fordingbridge Conservation Area Appraisal Supplementary Planning Guidance.

2. By reason of its close relationship, depth and scale, the proposed building would be imposing, intrusive and obtrusive in its relationship with the adjoining neighbouring property at No 4 Highbank Gardens and lead to a loss of outlook to the detriment of the amenities of the occupiers of this property. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for New Forest District outside the National Park.
  
3. 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.

**Notes for inclusion on certificate:**

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.

The applicant's agent was been made aware that the application would be recommended for refusal, no pre application advice was sought and there were several fundamental issues with the proposal which could not be overcome through the submission of revised plans.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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

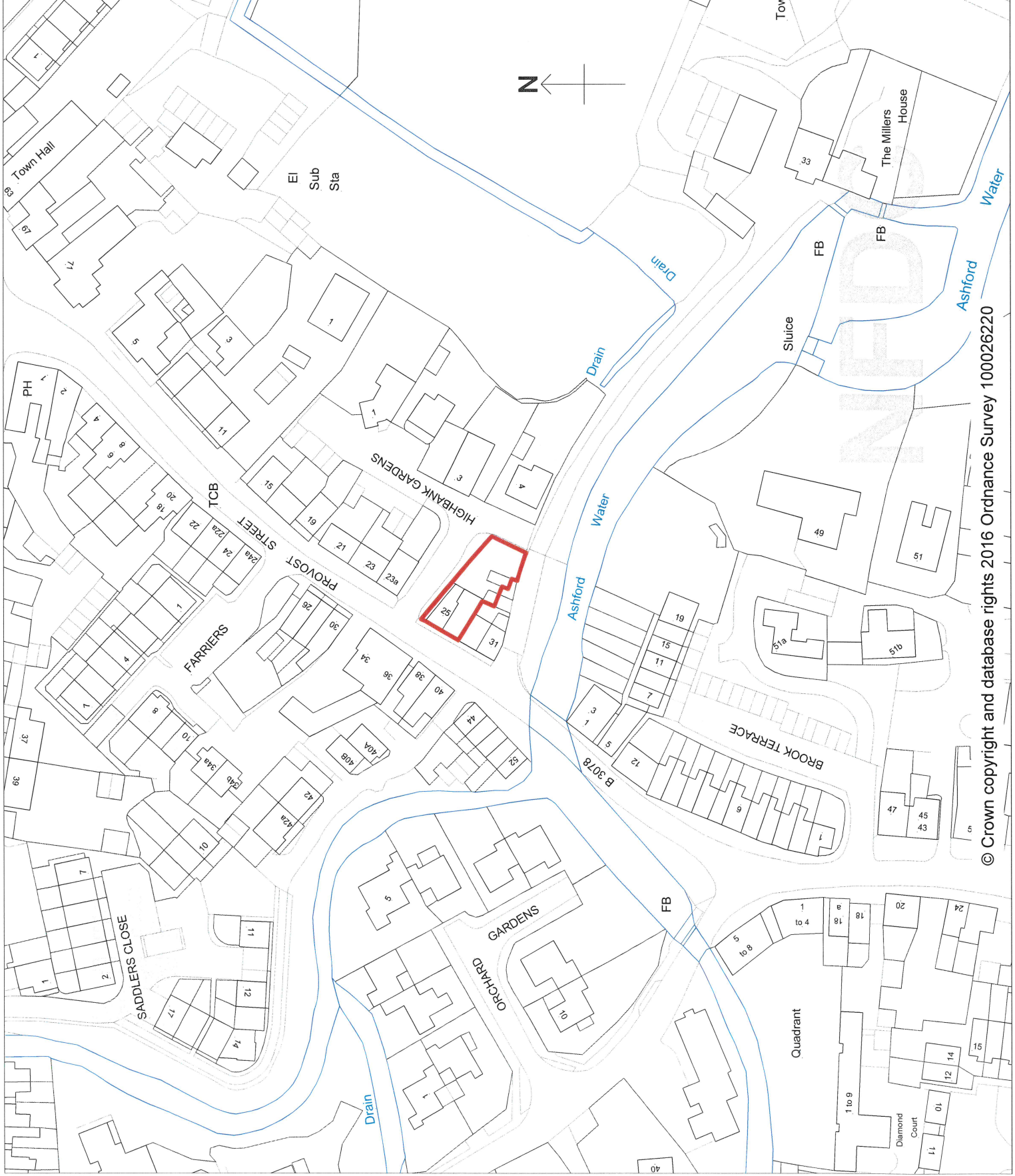
Chris Elliott  
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**Planning Development  
Control Committee  
February 2016**

**Item No: 31**

25-27

Provost Street  
Fordingbridge  
15/11689



Scale 1:1250

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