

**Application Number:** 24/10409 Variation / Removal of Condition  
**Site:** SUNNING, MOPLEY, LANGLEY, FAWLEY SO45 1YJ  
**Development:** Variation of conditions 2, 3 and 4 of Planning Permission 23/10866 to allow amendments to design  
**Applicant:** Mr & Ms Jones & Roberts  
**Agent:** Sanders Design Services Ltd  
**Target Date:** 07/08/2024  
**Case Officer:** John Fanning  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Contrary to Parish Council view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) History and proposed alterations
- 2) Character
- 3) Amenity
- 4) Electric charging point

The application has been referred to committee as the recommendation to approve is contrary to the recommendation of the Parish Council.

## 2 SITE DESCRIPTION

The application site lies close to the boundary with the New Forest National Park, particularly to the south-east. The surrounding street scene is typically well vegetated, with properties set well back from the highway frontage. There is a mix of built form, including both single-storey and two-storey properties.

## 3 PROPOSED DEVELOPMENT

The application proposes the variation of condition 2 (approved plans), 3 (electric charging points) and 4 (windows) of application reference 23/10866 which granted permission for the demolition and replacement of an existing dwelling on the site. The proposed amendments include adding a new shading structure to the rear of the dwelling and the relaxation of a condition so that 2 obscure glazed side facing windows on the dwelling can be opened without restriction.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
23/10866 Replacement dwelling	20/12/2023	Granted Subject to Conditions	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

##### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

##### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

##### **National Planning Policy Framework**

##### **National Planning Policy Guidance**

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Fawley Parish Council:** We recommend refusal as the Parish Council considers that condition 4 of the permission should be reinstated; when you examine the approval, condition 4 requires the window to be of obscure glass; plans on the new application do not show this. No objection if condition 4 is reinstated.

#### 7 COUNCILLOR COMMENTS

No comments received

#### 8 CONSULTEE COMMENTS

No comments received

## 9 REPRESENTATIONS RECEIVED

3 letters of support received:

- No objection
- Do not consider that the proposed window alterations have a harmful impact

## 10 PLANNING ASSESSMENT

### History and proposed alterations

Planning Permission has recently been granted for the redevelopment of the existing dwelling on the site with a replacement dwelling under application reference 23/10866. This further application seeks to amend the plans and conditions of that permission. Two key amendments are proposed, comprising the inclusion of an open sided canopy structure to the rear of the building and alterations to windows in a side dormer.

### Character

With regard to the structure to the rear, it would be relatively modest in scale and set within the context of the existing building. Taking into account its scale and position, this additional element would integrate acceptably into the built form of the proposed development. With regard to Policy ENV3(i)(ii) it is considered that the proposed development would integrate into the appearance of the existing dwelling and would not have an unacceptable visual impact within the context of the surrounding street scene.

### Amenity

The additional structure to the rear is low in height and would be set off the immediate boundary. It would not have a harmful impact upon neighbouring dwellings in terms of light, outlook, privacy or general amenity. It is noted that the structure is proposed, in part, as a response to an overheating assessment to ensure the dwelling has a sustainable approach to heating. With reference to Policy ENV3(i)(ii)(v) it is considered that the structure integrates with the form of the existing building and does not result in a harmful relationship with neighbouring occupiers.

Condition 4 of the previous planning permission required windows in a side facing dormer to be obscure glazed and non-opening 1.7m from the floor of the rooms served in order to prevent potential overlooking to the side. This application proposes the relaxation of this condition. Specifically, the application seeks to remove the restriction that the windows be non-opening below 1.7 metres above floor level. The amendment is proposed in order to ensure there is better airflow to the rooms in question. To be clear, the application does not seek to remove the requirement that the windows be obscurely glazed.

Policy ENV3(ii) highlights that developments should avoid harmful overlooking of neighbouring dwellings. The side facing windows are proposed to serve an en-suite and bathroom. The windows would look to the east into the flank of the neighbouring property at Norley Croft. It is noted that this property has a window in the side elevation at first floor level. However, the occupier has confirmed that this window serves a storage space in the loft and has written in support of the current application.

Given the specific function of the window on the adjacent property, it is not considered that there would be a harmful direct overlooking relationship to this window. There would be some potential for overlooking to the rear. However, the angle would be oblique and partially screened by the existing dwelling, which would still ensure a private area is retained. Indeed, the window closest to the rear would continue to have only a top-light opening in any event, which would mitigate potential overlooking. The window set further forward would have two side hung segments, but given the more forward position of this window, it is not considered that the ability to open this window for ventilation purposes would be materially harmful to the privacy of the neighbouring dwelling.

On balance, taking into account the above, it is considered that the proposed variation of condition to allow the windows in question to open (whilst still being obscurely glazed), would not have a harmful impact on the amenity of neighbouring occupiers.

#### Electric charging point

Policy CCC2(v) notes that developments should seek to incorporate the necessary infrastructure to deliver electric vehicle charging points. However, it is noted that this is now a requirement under the Building Regulations. As such, it is no longer considered necessary to secure this requirement via a planning condition where it is covered under separate legislation. Accordingly, the previous condition 3 is no longer deemed necessary.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exemption in place)	194.6		194.6	194.6	£80/sqm	£21,256.31*

Subtotal:	£21,256.31
Relief:	£21,256.31
Total Payable:	£0.00

## 11 CONCLUSION / PLANNING BALANCE

For the reasons outlined above, it is considered that the proposal would not have a harmful impact on character or amenities of the existing or proposed occupiers. It is considered that the proposal would comply with Policy ENV3 of the Local Plan. As such, the application is recommended for conditional approval.

## 12 RECOMMENDATION

**GRANT the VARIATION of CONDITION**

## **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:

Drg No: rbt sht 1 (Existing plans) Dated: May 2023, Received: 14.08.23

Drg No: rbt sht 2 A (Proposed plans) Dated: April 2024, Received: 12.06.24

Drg No: rbt sht 3 A (Site plan) Dated: April 2024, Received: 12.06.24

Drg No: rbt sht 10 (Window specifications) Dated: April 2024, Received: 12.06.24

(Design and Access statement) Received: 14.08.23

(Preliminary Bat Roost Assessment) Dated: 13.10.23, Received: 17.10.23

Drg No: SE506869 (SAP Calculations Compliance Summary) Dated: 26.04.24, Received: 12.06.24

Drg No: SE506869 (CIBSE TM59 2017 Report) Dated: 26.04.24, Received: 12.06.24

Reason: To ensure satisfactory provision of the development.

3. The first floor dormer windows on the east elevation (serving the rooms identified as 'Bathroom' and 'E-S' on Drg No. rbt sht 2 rev A) of the building hereby approved shall be obscurely glazed on installation and the windows shall be retained as such in perpetuity.

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 of the National Park.

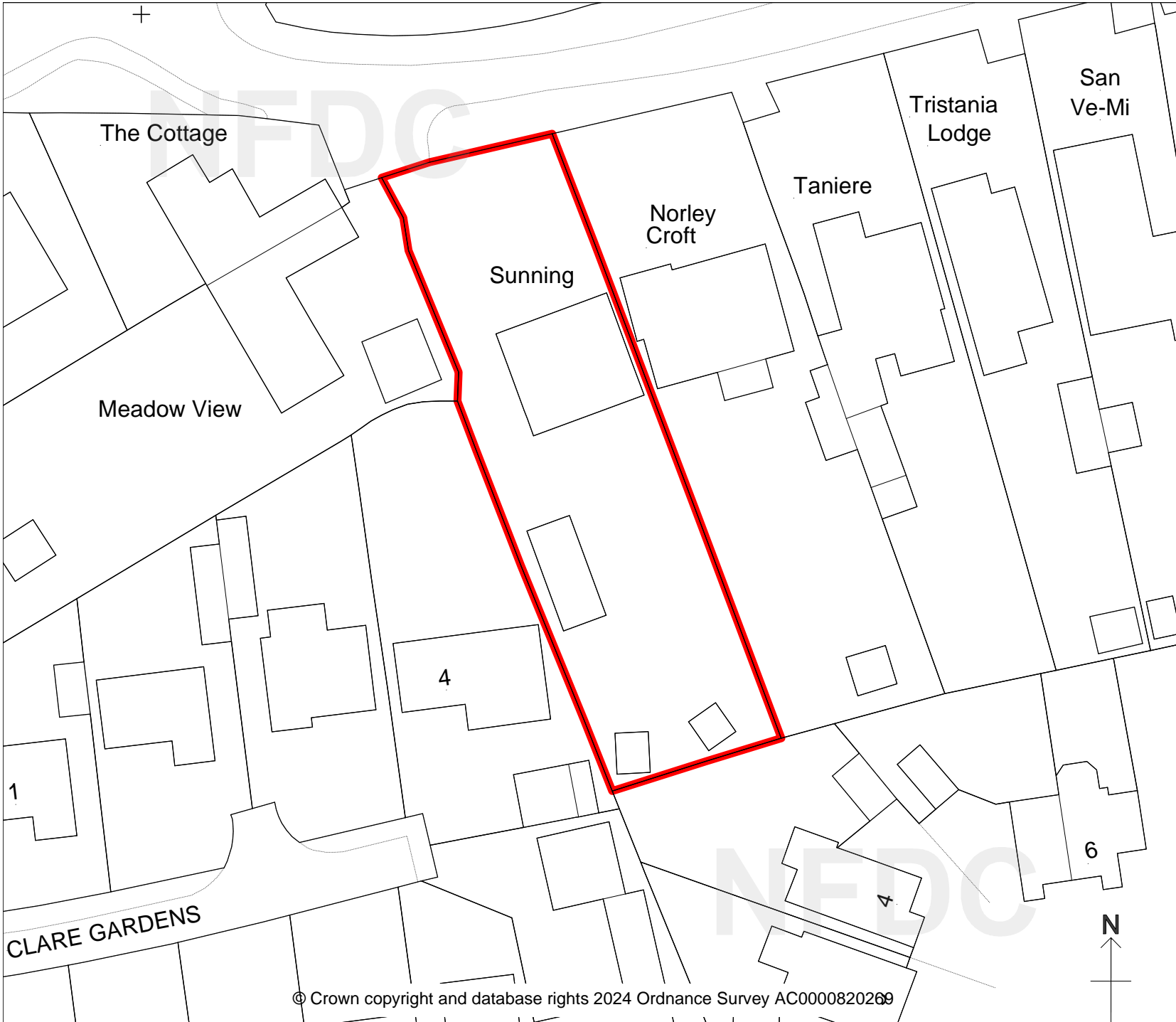
4. The development hereby approved shall be undertaken in full accordance with the mitigation strategy details outlined in section 5.2 of the submitted Preliminary Bat Roost Assessment (dated 13.10.23), and the enhancement measures contained therein shall be implemented before the development hereby approved is first occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species and ecological interests in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

## **Further Information:**

John Fanning

Telephone: 023 8028 5962



# New Forest

DISTRICT COUNCIL

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

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

October 2024

Sunning  
Mopley  
Langley  
24/10409

Scale 1:500

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