

**Application Number:** 24/10630 Full Planning Permission  
**Site:** Land adjacent to 15 LUCERNE ROAD, MILFORD-ON-SEA  
SO41 0PL  
**Development:** Demolition of existing garage and erect new detached  
dwelling with associated parking.  
**Applicant:** Mr and Mrs Milner  
**Agent:** Pure Town Planning  
**Target Date:** 07/10/2024  
**Case Officer:** Vivienne Baxter  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Contrary Parish Council view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Highway matters including parking
- 4) Impact on the residential amenities of the area
- 5) Ecology

## 2 SITE DESCRIPTION

The site lies within the built-up area of Milford-on-Sea and is formed from the side garden to no.15 Lucerne Road, a two-storey dwelling currently undergoing refurbishment including a two-storey extension. To the front of the site are two small replacement pine trees planted following the felling of 2 mature pines under application TPO/20/0574. Behind these is a single garage and wall separating the frontage from the rear garden. The rear boundary comprises a brick wall with espalier trees in front.

The site and host dwelling form part of a wider 1970s estate which is quite spacious in nature with a mix of single and two-storey properties, many of which have large green frontages through mature boundary hedges or lawned spaces.

## 3 PROPOSED DEVELOPMENT

The proposal entails the demolition of the garage and internal boundary feature and the provision of a two-storey detached dwelling with attached garage, comprising living room, utility room, WC and open plan kitchen/dining/sitting room at ground floor level with three bedrooms (one ensuite) and a family bathroom at first floor level.

The frontage would accommodate two parking spaces, retaining the existing access. It should be noted that the proposals approved for the host dwelling included the provision of a new access point and, as such, the proposal to utilise the existing access would not impact on the host dwelling. The whole of the frontage would be hard surfaced.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
24/10334 External facade, fenestration and roof alterations, demolition of single storey side extension and erection of 2 storey side extension and single storey rear extension with new porch and formation of new entrance to create in - out driveway with associated landscaping.	25/06/2024	Granted Subject to Conditions
90/NFDC/46615 Addition of replacement utility room	29/01/1991	Granted
76/NFDC/05631 Alterations and extension to lounge	11/08/1976	Granted
XX/LYB/12172/4 House and garage. (In accordance with amended plan dated 25.5.71).	10/06/1971	Granted Subject to Conditions

#### 5 PLANNING POLICY AND GUIDANCE

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

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 IMPL1: Developer Contributions  
 Policy STR3: The strategy for locating new development

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

DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Design of Waste Management Facilities in New Development  
 SPD - Housing Design, Density and Character  
 SPD - Mitigation Strategy for European Sites  
 SPG - Milford-on-Sea Village Design Statement  
 SPD - Parking Standards

##### **Neighbourhood Plan**

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

NPPF Ch.11 - Making effective use of land  
 NPPF Ch.12 - Achieving well-designed places

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

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council:** Recommend PERMISSION

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

### **Ecologist**

There are several errors in the submitted biodiversity and ecology documents

### **HCC Highways**

Standing advice applies

### **Trees**

No objection subject to condition.

## 9 REPRESENTATIONS RECEIVED

None

## 10 PLANNING ASSESSMENT

### Principle of Development

The site lies within the built-up area of Milford-on-Sea where there are no objections to the principle of new residential development. However, consideration should be given to the impact of such development on the character and appearance of the area, residential amenity, highway matters and in this instance, protected trees.

The current NPPF (December 2023), notes that planning applications registered before 19 December 2023, remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a 5 year housing land supply.

However, in this case, the application was registered after the 19th December 2023 and, as such, footnote 8 and Paragraph 76 of the NPPF also apply. Specifically, paragraph 76 of the NPPF outlines that a local authority will be considered to be complying with their strategic delivery of new dwellings, provided they have an adopted local plan that is less than 5 years old which identified a 5 year supply for specific, deliverable sites at the time that its examination concluded.

The Council's Local Plan 2016-2036 Part 1: Planning Strategy was adopted in July 2020 and at the time of adoption was able to demonstrate a 5-year housing land supply. Therefore, even though the Council cannot currently demonstrate a 5-year housing land supply, given the date of registration of the application, in this case the so called 'tilted balance' is not engaged and the application is to be considered against the policies of the development plan as per Section 38(6) of the Planning & Compulsory Purchase Act unless material considerations indicate otherwise; the 'straight balance'.

### Design, site layout and impact on local character and appearance of area

Policy ENV3 requires development to be sympathetic to its environment and context and respectful of local distinctiveness. New buildings should be sympathetic in terms of their relationship to adjoining buildings, spaces, scale and appearance.

Lucerne Road is a spacious development dating back to the 1970s and characterised by a variety of detached and terraced houses, bungalows and chalet

style properties. There is a mix of open frontages and mature boundary hedges along its length, with the site, together with the host dwelling currently being extended/refurbished, having an open frontage. Many of the two-storey houses within the original Lucerne Road estate have relatively shallow pitched roofs (and therefore a lower ridge) and the host dwelling is no exception to this. The spacing between dwellings is generous, often up to 7m.

The proposal would replace a single flat-roofed garage and boundary wall, which separates the front and rear parts of the side (and main area of) garden to the host dwelling, with a two-storey dwelling. This garden area would be lost - with the insertion of an additional dwelling resulting in two dwellings with limited rear garden space and frontage areas dominated by hard surfacing. The original garden depth to the host dwelling was in excess of 8m. This has been reduced to 6.4m with the approved rear addition, and the proposed dwelling would also reflect this reduced depth, as well as taking away the side garden space for the host dwelling. This arrangement significantly reduces the level of space around the host and proposed dwellings, which is out of context in this particular setting. It is further noted that the site is on slightly higher ground than 1 Danestream Close, and the proposal would be quite dominant from that property. The extensive hard surfacing across both plots, separated by a close-boarded fence, offers a harsh frontage to no.15 and this is at odds with the front lawns and hedgerows elsewhere in Lucerne Road.

Having regard to the spacious character of the area, where the two-storey elements of neighbouring properties are very often 5m-7m apart, it is considered what is proposed would constitute a cramped form of development, with just 2.4m between the two dwellings. The resulting two plots would appear harsh in the street scene as a result of the reduced level of vegetation and increase in built form and hard surfacing. The cramped nature of the dwelling would be further compounded by the dwelling's close proximity to 1 Danestream Close, whereby the rear of the proposed dwelling would be less than 8 metres away from the side elevation of 1 Danestream Close. Visually, this would be an uncomfortable relationship that would not reflect the more spacious context. It is therefore considered that the proposal would be contrary to policy ENV3 of the Local Plan Part 1.

The additional supporting information provided by the agent indicates that there are some smaller plots in the area, including nos.7-9 Lucerne Road. However, it is noted that these dwellings still have a greater degree of separation than that proposed and as a result, development elsewhere is not considered to justify the cramped development which is proposed.

The harmful spacing would be further compounded by the fact that the proposed dwelling has been designed to have a large front gable feature with a ridge height of 8.2m. This would be in contrast to the host dwelling, which has a lower ridge (approximately 7m) parallel to the road and a smaller gable feature lower than this. This front gable would also be closer to the road than the host dwelling and would be a dominant feature in the street scene. Whilst it is noted that no.11 to the south also has a gable fronting this part of Lucerne Road, this is a side gable and is recessed from the building line of the proposed dwelling. Again, this aspect of the proposal would conflict with policy ENV3, as it would not be sympathetic to its environment and would not enhance the sense of place.

Typical materials in the area are brick at ground floor level with tile hanging above and grey or brown concrete tiles, although there are examples of individual properties in the estate having had different elevational treatment in recent years. The approved works to the host dwelling include black cedar cladding and profiled zinc roofing, which adds a further dimension to the local material palette. The proposal includes slate effect tiles and black cedar cladding to the garage element

of the dwelling, with the majority of the dwelling comprising brickwork. Given other properties in the area, there are no objections to these materials.

Whilst there are no particular concerns with regard to the proposed materials given the existing palette of materials locally, they would not help to minimise the intrusive form of the proposal in terms of its bulk and massing and its cramped nature which results in the proposal being contrary to policy ENV3 of the Local Plan Part 1.

#### Highway safety, access and parking

Policy CCC2 requires adequate parking provision to be made in line with the recommendations in the Parking Standards SPD. Proposals should also create spaces which are safe and easy to navigate.

Since the submission of the application, the proposed access provisions for the new dwelling have been amended to address issues raised by the Highway Authority. As the existing access is now proposed to be utilised for the new dwelling only, the Highway Authority standing advice applies. This requires any gates to be set back 6m from the highway. There are no requirements for on-site turning to be provided.

The proposal generates a recommended parking provision of 2.5 spaces. The submitted site plan indicates two parking spaces and a single garage, which would comply with this provision. Whilst it is noted that the parking spaces are both in front of the garage, in view of there being no requirement for on-site turning to be provided, it is not considered that this would justify a reason for refusal, although it does compound the overall concern.

On balance, it is considered that there are no objections to the proposal from a highways point of view. The proposal is considered to comply with the safety provisions of Policy CCC2 of the Local Plan.

#### Residential amenity

Policy ENV3 requires new development to avoid unacceptable impacts on residential amenity. This can take the form of overlooking, overbearing impact, shading and noise and light pollution.

The proposal would result in both the host 4-bed family dwelling and proposed 3-bed dwelling having rear gardens less than 6.5m deep, which is not ideal for family homes. Whilst the gardens would have a width of around 14m, which could partially compensate for their lack of depth, they are west facing and the proposed garden would be substantially enclosed by the rear projection to 1, Danestream Close, the proposed dwelling and the neighbouring double garage to the south. This would result in a garden which has limited sunlight throughout the day. On balance, therefore, it is considered that the resultant garden would not provide an acceptable level of amenity for the proposed dwelling. The resultant garden for the host dwelling would be less enclosed being partially adjacent to the front drive of 1, Danestream Close.

It is not considered the development would harm the amenities of 11 Lucerne Road to the south due to its degree of separation from the development and because only high level windows are proposed at first floor level on the south side elevation of the proposed dwelling.

Whilst the proposed dwelling has been designed so as to only have one rear facing first floor window, this would give oblique, angled views into the private rear garden of 1 Danestream Close at a distance of around 10m. Combined with the difference

in levels and dominance of the proposed dwelling on this rear garden, this relationship is considered unacceptable and would harm the level of amenity currently enjoyed by the occupants of this neighbouring property. This harm would be contrary to policy ENV3 of the Local Plan Part 1.

### Trees and ecology

Policy ENV3 of the Local Plan Part 1 requires development to provide appropriately designed green spaces and sufficient planting. Policy DM2 of the Local Plan Part 2 requires development to incorporate features to encourage biodiversity and enhance features of nature conservation.

The front of the site is covered by a TPO, although the 2 pines included within that order were felled under consent and two replacement pines are now located close to the side boundary with no.11. These young trees are establishing well and will grow in amenity value as they mature.

The proposed site plan shows a landscape strip on the southern boundary of the site, within which the 2 trees would be sited. As such, there are no objections to the proposal from an arboricultural perspective subject to the protection of these trees during construction.

### **Habitat Mitigation and off-site recreational impact**

Policy ENV1 of the Local Plan Part 1 requires development to mitigate or secure monitoring measures in relation to the impact of proposals on International Nature Conservation Sites. For small development such as this, this can be achieved through the completion of a legal agreement to secure the measures detailed within the Mitigation Strategy for European Sites SPD.

### 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 those sites' 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. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided and is therefore contrary to policy ENV1.

### Nitrate neutrality and impact on Solent SAC and SPAs

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 those sites' 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 4<sup>th</sup> 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. Were permission to be recommended, a Grampian style condition would need to be agreed with the applicant and attached to any consent.

### Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. Were permission to be recommended, an Air Quality Monitoring financial contribution would be sought and secured in a legal agreement under S.106. Without this, it is not possible, in respect of air quality impacts, to reach a conclusion that adverse effects on European sites would be avoided and the proposal is therefore contrary to policy ENV1.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be the provision of cycle parking, the installation of an electric car charging point and green infrastructure.

### Developer Contributions

As part of the development, had the proposal been recommended favourably, the following would need to be secured via a Section 106 agreement:

- Habitat Mitigation (£7,539)
- Air Quality Monitoring (£109)

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	160	15	145	145	£80/sqm	£16,998.46 *

Subtotal:	£16,998.46
Relief:	£0.00
Total Payable:	£16,998.46

## 11 CONCLUSION / PLANNING BALANCE

The Council does not currently have a 5-year housing land supply but does have an up to date Local Plan, meaning that the tilted balance in paragraph 11d of the NPPF is not engaged for the purposes of this application.

The proposal is considered to have an adverse impact on the street scene and would be at odds with the general pattern of development in Lucerne Road. This is due to the size of the proposed building in relation to existing built form and the restricted spacing around it. In addition to this, the remaining space would result in a significant loss of greenery across no.15 which would have an adverse impact on the character and appearance of the area. It is also considered the proposal would be detrimental to the amenities of the neighbouring dwelling at 1 Danestream Close. This harm would be compounded by the poor level of amenity offered by the small garden size. Additionally, the proposal fails to secure habitat and air quality mitigation contributions.

The proposal is therefore considered to be contrary to policies ENV1 and ENV3 of the Local Plan Part 1. As the presumption in favour of sustainable development does not affect the status of the development plan, it is recommended that the proposal be refused in accordance with the development plan.

## 12 RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposal constitutes inappropriate development in that it would be an unsympathetic addition to the street that would be visually harmful in this relatively spacious context. This is due to the size of the proposed dwelling in relation to the plot size, its close relationship and proximity to adjoining dwellings, and also due to the dominant nature and massing of the proposed dwelling in the street scene where greenery would be replaced by hard surfacing, all of which would combine to result in a cramped, intrusive and harsh form of development, detrimental to landscape character and contrary to policy ENV3 of the Local Plan Part 1.
2. The proposal would result in a loss of privacy for the occupiers of 1 Danestream Close through overlooking from the proposed rear bedroom window, which would be detrimental to the amenities enjoyed by the occupants of this neighbouring property. This harm is compounded by the limited level of amenity available to the proposed dwelling through the size and orientation of the proposed rear garden which would have limited sunlight throughout the day in view of its enclosed nature. It is therefore considered that the proposal would be contrary to policy ENV3 of the Local Plan Part 1, as it would have an adverse impact on residential amenity.

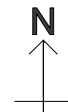
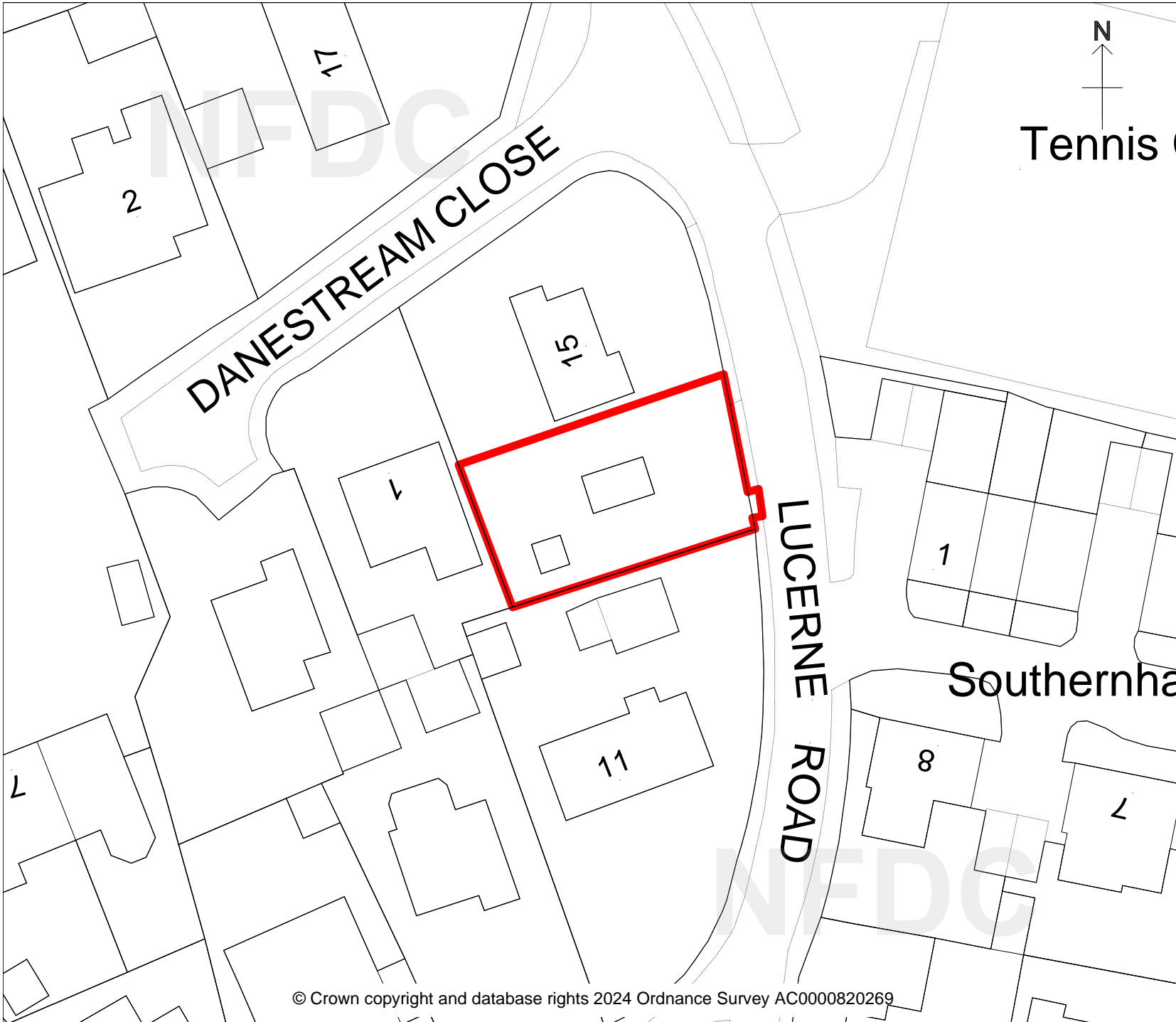


3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, the Solent Maritime Special Area of Conservation, and the Solent and Dorset Coast Special Protection Area would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Documents "Mitigation for Recreational Impacts on New Forest European Sites" and "Air Quality Assessments in New Developments".

**Further Information:**

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Tennis C



**New Forest**  
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**PLANNING COMMITTEE**

**November 2024**

Land adj to  
15 Lucerne Road  
Milford on Sea  
24/10630

Southernha

Scale 1:500

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