

Application Number: 24/10247 Full Planning Permission
Site: DOCHARTY, 51 HAMPTON LANE, BLACKFIELD, FAWLEY
SO45 1WN
Development: Conversion of single dwelling into two dwellings; associated
external alterations (retrospective)
Applicant: Mr Lika
Agent: Delta Tech Ltd
Target Date: 28/05/2024
Case Officer: John Fanning
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Character and design
- 4) Amenity
- 5) Parking
- 6) Biodiversity net gain
- 7) Habitat mitigation

The application has been referred to committee for determination as the recommendation is contrary to the views of Fawley Parish Council.

2 SITE DESCRIPTION

The application site relates to a detached property located within the built-up area of Blackfield. The surrounding area is residential in nature with a row of similar properties set off an accessway off the main Hampton Lane.

3 PROPOSED DEVELOPMENT

The application proposes the subdivision of the existing dwelling to form two independent units, comprising a one-bedroom unit at ground floor level and a separate three-bedroom unit at both ground and first floor level.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10533 Conversion of single dwelling into two dwellings (1x3bed) and (1x2bed); associated external alterations	24/07/2023	Refused	Decided

23/10048 Conversion of single dwelling into two dwellings (1x3bed) & (1x2bed)	14/04/2023	Refused	Decided
21/11658 New 1st floor extension with new roof including alterations to existing roof and new rear extension.	09/02/2022	Granted Subject to Conditions	Decided

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 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

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 - Mitigation Strategy for European Sites
 SPD - Parking Standards
 SPD - Housing Design, Density and Character

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:

We recommend refusal as the Parish Council considers this to be overdevelopment. We also raise concerns relating to parking in the area and moisture in the bathroom and where this extracts.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Ecologist

No objection subject to suitable mitigation being secured in relation to impact of additional residential accommodation on sensitive habitats.

9 REPRESENTATIONS RECEIVED

2 letters of objection received from neighbouring properties / local residents.

- Insufficient parking/lack of detail
- Overlooking of neighbouring properties
- Out of character with surrounding pattern of development
- Has not materially changed from previous refusals
- Additional cost to maintain private road

10 PLANNING ASSESSMENT

Site history

Planning permission was granted for an extension to the existing property on the site in February 2022 (under application reference 21/11658), consisting of significant alterations to the roof form in order to facilitate the formation of an additional storey and rear extension of the property. There are some minor discrepancies between the building as constructed and the previously approved plans (for example, the size and location of the approved rooflight windows). However, it would appear that this development is now substantially complete.

Following this application, subsequent applications were submitted to subdivide the property into two separate units, with minimal physical alterations to the building. An initial application was submitted under planning application reference 23/10048 and was refused for two main reasons:

1. A failure to provide a suitable quality of living environment for the ground floor unit, primarily associated with the ground floor kitchen/living room not benefiting from any window or outlook.
2. A failure to secure appropriate mitigation associated with the impacts of additional residential accommodation on sensitive designated habitats.

With regard to the 1st reason for refusal, the key area of concern was the ground floor unit had two bedrooms with outlook to the rear and the only communal living space was a kitchen/living area with sole outlook to the side of the property which was considered to offer a poor quality of living environment.

A second application was submitted under application reference 23/10533, with an amended design that included a side facing window and a rooflight serving the centrally positioned living area. The application was refused on the same basis as the previous application. While it was recognised that the amended proposal was an improvement on the previous layout, it was considered that the large size of the room and relationship with the boundary/neighbouring property would still result in a property with a poor degree of outlook which would provide an unacceptable living environment for the proposed occupiers.

It is noted that during the course of the current application, the proposed development has been partially implemented, with the ground floor 1-bed unit having been occupied. The other larger unit appears to remain vacant currently. As such, the application is partly retrospective.

Principle of development

Local and national planning policies have outlined an identified need for new residential dwellings within the district.

Policy STR1(i) identifies that housing needs will seek to be addressed in sustainable and accessible locations, providing for a mix of differing housing scales and types. Policy STR3 identifies that development should typically be focused within the defined built-up area. Policy STR4 explores this relationship in more detail, identifying a settlement hierarchy, of which Blackfield is identified as a 'main village' within the district, being appropriate for small to medium scale developments. Policy HOU1 identifies the need to provide a mix and balance of differing housing options within the district, to provide for a variety of differing accommodation needs within the local population.

With regard to the above, there is an identified need for new dwellings within the district. The location of the site within the defined built-up area is a sustainable and accessible part of the district, and the subdivision of the premises to form two units provides an appropriate mix of accommodation within an area that otherwise typically features detached and semi-detached properties of a similar form. The principle of the proposed subdivision and additional unit of accommodation is therefore considered acceptable.

Notwithstanding this, any development must be sympathetic to the character of the wider area and the amenities of neighbouring properties.

5-year housing supply

The NPPF and local policies stress the importance of ensuring high quality, sustainable development. 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 demonstrated a 5 year supply for specific, deliverable sites.

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, the so called 'tilted balance' is not engaged.

Character and design

Policy ENV3 seeks to ensure that all development within the district is built to a high quality of design, both in terms of the amenity of residents but also in terms of the visual quality of development and integration into the existing built form, with a focus on ensuring appropriate, functional and attractive development.

The surrounding street scene features a mix of residential dwelling types. In the immediate vicinity of the application site, it typically features single-storey detached dwellings that are set off the main Hampton Lane frontage by a private gravel access road.

The current application does not seek significant physical alterations to the host dwelling. The proposed external alterations would include an additional side window and rooflight and an amended window / new door opening to the rear elevation.

It is considered that the plot is large enough that the physical subdivision of the garden would not be inappropriate to its context or harmful to the character and appearance of the surrounding area. The alterations to the windows in the roof form and additional windows are not considered to result in a harmful change in the appearance of the property. As such, no objection is raised to the proposal in terms of the dwelling's physical appearance or the character of the plot within the surrounding area.

Overall, it is considered the proposal would have an acceptable impact on the character and appearance of the area in accordance with Policy ENV3.

Amenity

Policy ENV3(ii) gives special consideration to the amenity impacts of development, with regard to the potential for development to have a harmful impact with regard to the creation of harmful impacts for neighbouring occupiers. In the case of the proposed development the physical form of the structure has already been consented which is considered a key material consideration. However some of the potential impacts of the development different from the previously consented scheme and must be considered in their own right.

Condition 3 of Planning Permission 21/11658 restricted the rearmost set of rooflight windows (on either side of the dwelling) to be non-opening 1.7m from the floor of the room they served and obscurely glazed, but did not impose any conditions on the other rooflight windows. In the original plans, both of the rearmost side facing rooflights served a single rear bedroom which also had an outlook from a clear glazed window to the rear. By contrast, in the current proposal, the rearmost rooflight window on the southern elevation is intended to serve as the sole outlook for a proposed bedroom.

It is considered that a bedroom must have an appropriate external outlook, which would not be the case if the room were to be only served by an obscure glazed rooflight. As such, it needs to be considered whether the previous condition requiring the rearmost rooflights on the building's southern and northern elevation to be obscurely glazed is still necessary. The rooflights have not actually been installed in accordance with the conditions of the previous planning permission - i.e. they have been installed with clear glass and can open. The rooflights would primarily provide outlook over the roof form of neighbouring extensions at 49 and 53 Hampton Lane, with more oblique angles to gardens to the rear. On balance, having reviewed the impact of these rooflights on site, it is considered that the partial screening from the existing building form and the oblique nature of any views to the rear, sufficiently mitigates any harmful overlooking from these rooflight openings, such that they do not adversely affect the privacy of neighbouring dwellings. On this basis, having had the opportunity to review the specific impact of the development being proposed, it is not considered necessary to require these rooflights to be obscure glazed or fixed shut as part of the current proposal. Therefore, the bedrooms served by the rooflights would also have an acceptable outlook.

Both units are considered to be provided with a reasonable quality of external amenity space to the rear. The garden of the ground floor unit would be overlooked by a rear facing first-floor bedroom window of the other unit. There would be some partial screening of this impact given the additional projection of development at single-storey level, meaning that the immediate rear garden space would retain some privacy. On balance, it is considered that this relationship would be acceptable given the quantity of amenity space and retained private areas.

Given the planning history, the key consideration is whether the proposed alterations from the previous proposals have addressed the concerns in relation to the internal living environment of the ground floor unit. In this respect, the proposal has been amended from the previous scheme - so that whilst the side facing window and rooflight windows serving the kitchen / living area would be retained, the kitchen / living room area would also be enlarged internally so as to now have a rear outlook. This has the effect of changing this unit from a 2-bed unit to a 1-bed unit.

There is a side facing window at ground floor level which would provide some light to the main living area. And with the additional rear outlook now proposed, it is considered the main living room of this unit would have an acceptable outlook. It should be noted that the plans indicate that the side facing window will be obscurely glazed. However this is not considered necessary; and as currently constructed, this window is not obscured.

On balance, with the changes that have been made, it is considered that the occupiers of both proposed dwellings would have a reasonable quality of light and outlook suitable to meet their needs.

It is noted that a ground floor level side facing window has been installed on the southern elevation of the site which is not detailed on the submitted plans. This window is partially screened by an existing boundary. While this does not form part of the current application, for clarity and having reviewed on site, it is not considered there is a harmful impact associated with a window in this location. As such it is considered that the proposal complies with the provisions of Policy ENV3.

Parking

Policy ENV3(iv) (as supported by the Councils adopted Parking Standards for Residential and Non-Residential Development Supplementary Planning Document) outlines guidance on the expected level of parking provision to support the needs of a proposed development and guidance on the application of those standards.

The plans for the original 21/11658 planning permission identified the property as a 4-bed unit, which has a recommended parking provision of 3 on-plot spaces. The current proposal seeks permission for 1x3-bed unit and 1x1-bed unit, which would have a recommended parking provision of 4.5 spaces. The submitted site plan indicates 2 parking spaces (1 per unit), resulting in a shortfall of 2.5 spaces.

Some concerns have been raised in relation to the shortfall below the identified parking standards. The site fronts onto a private accessway, with uptake of on-road parking capacity within the surrounding area being generally low. On balance, while there is a shortfall of on-site parking provision, it is not considered that any additional on-road parking in this location would result in such harm to the amenity of neighbouring residents or highway safety as to justify refusing the application.

It is considered appropriate to secure details of suitable cycle storage facilities within the site to meet sustainable travel needs in compliance with policy. This can be conditioned. For the reasons outlined above it is considered that the proposal complies with the requirements of ENV3(iv) and the guidance contained with the Councils Parking Standards SPD.

Biodiversity net gain

As of 2nd April 2024, developers must deliver achievement of Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. However, this application was submitted before this date, and therefore the national BNG requirement is not applicable to this proposal.

Habitat Mitigation

a) Recreational impacts

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, but that such adverse impacts would be avoided if the applicant were to enter into a unilateral undertaking or Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. This is proposed to be secured as part of unilateral undertaking or Section 106 legal agreement prior to any grant of planning permission.

b) 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_x, 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. This is proposed to be secured as part of unilateral undertaking or Section 106 legal agreement prior to any grant of planning permission.

c) 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 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 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 4th 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 address the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition to address this is proposed. It is noted that the partial occupation of the consent presents some implications, whereby this mitigation must be secured prior to the occupation of development.

In this case, where the lawful use of the site is as a single dwelling and the application seeks the subdivision to provide two dwellings, it is considered reasonable to word the condition to require the mitigation to be secured prior to any occupation of the site as two dwellings.

Developer Contributions

As part of the development, the following will need to be secured via a Section 106 agreement or unilateral undertaking prior to any grant of permission

Air Quality Monitoring contribution: £109

Recreational Habitat Mitigation:

- Infrastructure Habitat Mitigation (Provision): £3,359
- Non-Infrastructure Habitat Mitigation (Access Management and Monitoring): £489
- Bird Aware Solent: £465

11 OTHER MATTERS

It is noted that the previous application 21/11658 was granted an exemption under the CIL regulations. Given the current implementation of the premises as multiple dwellings this no longer applies, rendering the floor space of the development CIL liable.

12 CONCLUSION / PLANNING BALANCE

Policies STR1, STR3 and STR4 in addition to HOU1 identify the importance of securing new dwellings and encourage the siting of such development within suitable parts of the district. In this case, the property falls within the defined built-up area, where the subdivision of the dwelling to provide an additional unit is acceptable in principle subject to the proposal integrating acceptably with the surrounding area and subject to wider amenity impacts.

Similar previous applications on the site were refused on the basis of two key issues - a poor quality living environment associated with a lack of suitable outlook for the proposed ground floor unit and a failure to mitigate the wider habitat impacts of additional residential accommodation within the New Forest and Solent area.

The current application has addressed the first of these issues by the internal rearrangement of the living space and reduction from a 2-bed unit to a 1-bed unit, meaning the unit has an acceptable outlook to the rear. On this basis, it is considered that the proposal complies with the requirements outlined with Policy ENV3.

The second reason for refusal is proposed to be addressed by the completion of a legal agreement to secure suitable mitigation of the relevant impacts. On this basis, the proposal would comply with the requirements of Policy ENV1.

As such, it is recommended that authority is delegated to the Development Management Service Manager to grant permission subject to the securing of an appropriate legal agreement to mitigate the impacts of the development on sensitive designated habitats within the New Forest and Solent.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement or unilateral undertaking to secure those matters set out in the 'Developer Contributions' section of this report.
- 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:

Drg No: 076/P/21.09 (Location plan)
Drg No: HMP51/23/01 (Existing site plan)
Drg No: HMP51/23/02 (Existing first floor plan)
Drg No: HMP51/23/03 (Existing elevation)
Drg No: HMP51/23/04 Rev B (Proposed site plan)
Drg No: HMP51/23/05 Rev A (Proposed first floor plan)
Drg No: HMP51/23/06 (Proposed elevations)

Reason: To ensure satisfactory provision of the development.

2. The site to which this application relates shall not be occupied as two independent units of accommodation until:

a) 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 each unit of 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 for each unit must be installed in both units prior to the second occupation and retained thereafter;

b) 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

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.

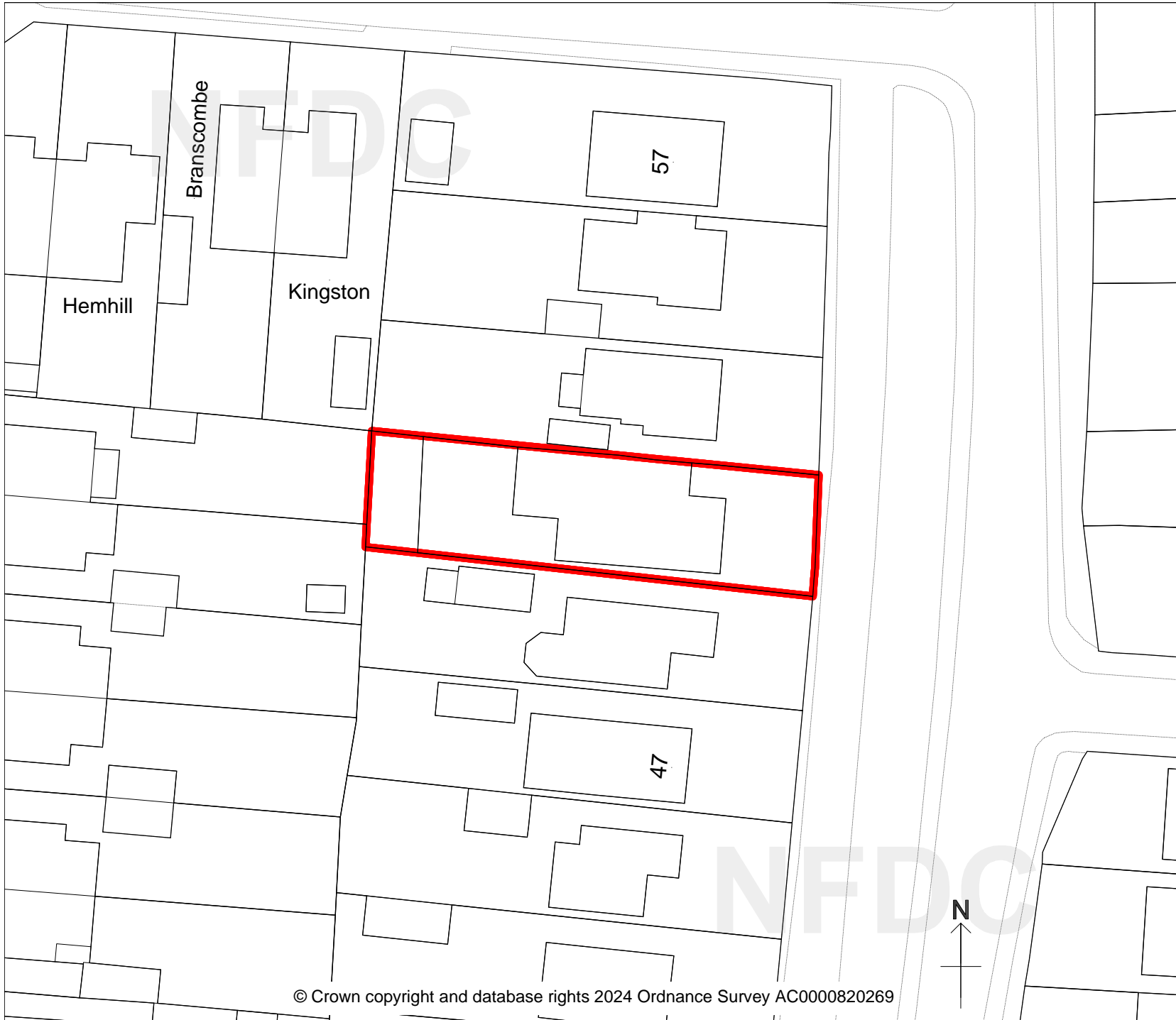
3. Within 1 month of the date of planning permission being granted, details of suitable secure cycle storage shall be submitted in writing for approval by the Local Planning Authority. Within 3 months of the date of this planning permission (or such other timeframe as is agreed in writing with the Local Planning Authority), the development shall be implemented in accordance with the details to be agreed as part of this condition and retained as such thereafter.

Reason: To secure appropriate cycle parking provision for the proposed occupiers.

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

December 2024

Docharty
51 Hampton Lane
Blackfield
24/10247

Scale 1:500

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

