

**Application Number:** 24/10689 Full Planning Permission  
**Site:** 2 CRANBROOK COTTAGES, SOUTHAMPTON ROAD,  
HYTHE SO45 5GP  
**Development:** Single-storey one-bedroom bungalow, including parking for 2  
vehicles; demolition of existing garage and outbuilding  
**Applicant:** Mr & Mrs Lord  
**Agent:** Building Plans & Estimating  
**Target Date:** 25/11/2024  
**Case Officer:** John Fanning  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Parish Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Flood risk
- 3) Design, character and appearance
- 4) Residential amenity
- 5) Highways and servicing
- 6) Ecology and habitat mitigation

## 2 SITE DESCRIPTION

The application site is situated within the defined built-up area of Hythe. The surrounding area is residential in nature. The application relates to development within the rear garden of 2 Cranbrook Cottages. The site occupies a corner plot between Southampton Road/Hollydene Villas and Alexandra Road. Southampton Road is a classified road within the surrounding area, although the application site is set back from the main Southampton Road highway on Hollydene Villas and is partially screened by open space and vegetation from the main highway. The proposed development fronts onto Alexandra Road which presents a quieter residential street scene.

The site forms one half of an existing semi-detached pair at 1 and 2 Cranbrook Cottages. The site currently forms an 'L' shape, extending across the width of 1 Cranbrook Cottages, matching the depth of other rear gardens of properties fronting Southampton Road. To the rear, the site is bordered by a property at 15 Alexandra Road in close proximity to the rear boundary of the site, while on the other side of the road the area retains an open character allowing views across deep gardens to the rear of properties fronting Hollydene Villas. The area is generally considered to have a spacious and verdant character, incorporating generous gardens. There is a culverted watercourse resulting in the site being designated as falling within Flood Zone 3.

### 3 PROPOSED DEVELOPMENT

The north-east part of the application site currently serves as garden space for the property at 2 Cranbrook Cottages. There is currently an outbuilding occupying part of the site and a vehicular access to the rear of the site, off Alexandra Road. The application proposes the subdivision of the site to form a new residential dwelling with access off Alexandra Road following the demolition of the existing outbuildings. Replacement parking provision is proposed for the existing occupiers to the front of the existing dwelling.

### 4 PLANNING HISTORY

None relevant

### 5 PLANNING POLICY AND GUIDANCE

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

Policy CCC1: Safe and healthy communities

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

Policy ENV3: Design quality and local distinctiveness

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 - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

#### **Neighbourhood Plan**

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Policy F1 - Sequential Test

Policy F3 - Drainage capacity

Policy WEL2 - New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking.

New residential developments should provide infrastructure for charging electric vehicles.

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

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

## 6 PARISH / TOWN COUNCIL COMMENTS

**Hythe & Dibden Parish Council:** Recommend PERMISSION.

## 7 COUNCILLOR COMMENTS

**Cllr Alex Wade:** Concerns raised:

- Out of keeping with character of area by introduction of small property within back garden
- Overdevelopment
- Precedent for infilling of garden land
- Loss of amenity space for existing dwelling
- Historic flooding issues
- Unneighbourly - loss of light, overshadowing, overlooking

## 8 CONSULTEE COMMENTS

**Environment Agency:** In principle objection to development:

1. The proposal is incompatible development within Flood Zone 3b.
2. There is no detailed modelling of flood risk as it relates to site.
3. The flood risk assessment provides inadequate detail to demonstrate that flood risk mitigation measures have been considered.

**Ecology:** No objection subject to conditions.

As the proposal incorporates additional overnight accommodation, there would be a requirement to mitigate the wider impacts on sensitive habitats within the New Forest district and Solent area.

The proposal has been identified as a self-build development, which would result in exemption from the BNG requirements, although it is considered that ecological enhancement measures should ideally be secured if possible.

## 9 REPRESENTATIONS RECEIVED

One letter of objection received from the neighbouring property at 15 Alexandra Road:

- Situated in close proximity to next door property, resulting in overshadowing and an overbearing form of development

The applicant has provided a letter as a general response to the Local Planning Authority and Environment Agency with regard to flood risk. The following is a summary of the points raised:

- Applicant has lived in property for a number of years and wish to downsize.
- Have not experienced any flooding in property in decades of occupancy.
- Following initial discussions and eventual involvement of MP, was provided with a letter stating that responsibility for maintenance and repairs of the culvert lay with the Environment Agency.
- Initial pre-application advice was sought and was negative based on flood risk, with no solutions offered.
- Insufficient time has been provided to implement a full response.

## 10 PLANNING ASSESSMENT

### Principle of Development

The application site lies within the built-up area. The Council's policies encourage the siting of development within accessible locations, and residential development would be acceptable in principle in this area.

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote [8] of the NPPF clarifies that:

This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

The Council cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged.

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF. This includes areas at risk of flooding. Therefore, a judgement needs to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no strong reasons

for refusing the development having applied the test at Limb 1. The remainder of this report will assess the merits of the application. An assessment of the scheme against the requirements of paragraph 11(d) is included in the planning balance.

### Flood risk

New-build residential development is defined as a 'more vulnerable' use with regard to flood risk. With regard to the provisions of Chapter 14 of the NPPF, Policy CCC1 of the Local Plan Part 1 and Policy F1 of the Hythe Neighbourhood Plan, such development will not be permitted within areas of identified flood risk unless in accordance with the sequential and exception tests. Furthermore, any development proposing a new dwelling within an area at risk of flooding needs to be accompanied by a detailed Flood Risk Assessment (FRA), which must demonstrate that the development is safe for its lifetime without increasing flood risk elsewhere. Fundamentally, a sequential approach needs to be applied to individual planning applications within flood risk areas (as outlined in paragraph 170-182 of the NPPF). The aim of the sequential test is to steer new development to areas at lower risk of flooding.

In this case, the site is identified as falling within Flood Zone 3. Flood Zone 3 represents the highest level of flood risk – the reason the site falls within Flood Zone 3 is due to the presence of a nearby culverted watercourse.

Flood Zone 3 is further subdivided into Zones 3a and 3b. Flood Zone 3a is defined as having a 'high probability' of flooding. Flood Zone 3b is the highest level of flood risk and is defined as 'functional floodplain' – this definition is not defined by strict probability parameters and is usually designated by the Local Planning Authority (LPA) in conjunction with the Environment Agency based on local circumstances. With regard to the Partnership for South Hampshire Level 1 Strategic Flood Risk Assessment (Part 10 – New Forest District Council and New Forest National Park Authority) Final Report (Version 2) (February 2024), the area has not been specifically designated as Flood Zone 3b. However, with regard to section 3.3.6, where modelled data for a site is not available, the LPA has proposed to adopt an approach whereby, as a precautionary measure, land within Flood Zone 3a will be considered to constitute Flood Zone 3b until such time as a site specific flood risk assessment to determine the flood risk potential of the site has been undertaken. On this basis, the application site is deemed to fall within Flood Zone 3b, subject to a more detailed consideration of the applicant's flood risk submissions. The Environment Agency has been consulted on the application and has agreed with this approach.

In terms of flood risk classifications, buildings used as dwellinghouses are classified as having a vulnerability designation of 'more vulnerable'. Table 2 of the 'Flood risk and coastal change' Guidance (paragraph 079, reference ID: 7-079-20220825) indicates that 'more vulnerable' development within Flood Zone 3b is inappropriate and should not be permitted.

As such, on the basis that the site falls within Flood Zone 3b, the proposed residential development would not be acceptable. The dwelling would be at significant risk of flooding, and it would represent inappropriate development within the Flood Zone.

If modelling were to show that the site was within Flood Zone 3a, the Sequential Test would need to be satisfied. In this respect, paragraphs 173 and 174 of the NPPF identify that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk

of flooding. In this case, no sequential test has been presented by the applicant to demonstrate that alternative sites are not available. Indeed, if a Sequential Test were to be applied, it is quite clear that there are reasonably available areas at lower risk of flooding where a proposed single dwelling could be provided. The Sequential Test would not therefore be satisfied. As such, the proposal would be contrary to Paragraphs 170, 173 and 174 of the NPPF.

The application is supported by a number of documents. An initial document submitted by the applicant outlined the flood risk, but this related to a different site outside of the district. Following an initial objection from the Environment Agency, a Flood Risk Assessment (FRA) was duly submitted. It is noted that the supporting 'Flood risk assessment data' for this submission identified 1 Cranbrook Cottages rather than the application site at 2 Cranbrook Cottages.

On review, the Environment Agency has found that the submitted Flood Risk Assessment does not address the wider flood risk implications of the development, raising 3 key areas of concern:

- The proposed development is incompatible with the flood zone designation.
- No supporting modelling has been submitted to demonstrate that the site should not be considered as Flood Zone 3b.
- The flood risk assessment fails to address specific flood risk implications of development or propose suitable mitigation.

For these reasons, the FRA does not meet the requirements of Paragraph 181 of the NPPF, which makes it clear development should only be allowed in areas at risk of flooding (where the Sequential and Exception Tests are satisfied) where an FRA demonstrates that the development is appropriately flood resistant and resilient, and that any residual risk can be safely managed. Nor does the FRA consider safe access and escape routes as required by Paragraph 181 of the NPPF.

Therefore, with regard to the issues outlined above, the application would represent an unacceptable form of development. The proposal would result in a new dwelling being introduced within an area of the highest level of identified flood risk, which raises a fundamental objection, and a clear and compelling reason to refuse planning permission. The dwelling would be at significant risk of flooding, it would fail the Sequential Test, and it would represent inappropriate development within the Flood Zone, contrary to the provisions of paragraphs 170, 173, 174 and 181 of the NPPF and Policy CCC1 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy.

### Character and appearance

Policy ENV3 requires development to be of a high quality of design, integrating with the context of the existing street scene and surrounding built form and natural features of the site and surrounding area. This is reinforced by Chapter 12 of the NPPF, with particular reference to paragraph 139 which identifies that development which is not well designed should be refused.

The surrounding area is residential in character, containing a mix of dwelling types. The Southampton Road/Hollydene Villas frontage is typified by two-storey dwellings with a detached or semi-detached built form. Alexandra Road contains a mix of two-storey and single storey properties, including smaller scale properties providing additional accommodation within the roof form.

The rearmost section of the site fronting onto Alexandra Road currently has a relatively open frontage within the surrounding street scene, with a vehicular access at the north-eastern end of the site, while the rest of the land is screened by existing

boundary treatments. The application proposes the subdivision of the site, including the removal of two existing outbuildings situated on land to the rear of the existing dwelling. There would be no objection to the removal of the existing outbuildings. The proposed new dwelling would be situated in close proximity to the north-eastern boundary of the plot. The neighbouring property adjacent to the site is situated close to this boundary, and this would result in a very tight and awkward relationship between the two dwellings. The proposal also utilises an 'L' shaped footprint, projecting the development materially and uncharacteristically forward of the neighbouring property, with the effect that the proposed dwelling would be unduly prominent within the street scene. Whilst there is an existing access and car parking area in this part of the site at present, it is considered that the subdivision of the plot, the relatively blank frontage to the proposed building and the proposed hard surfacing would result in a development with a somewhat austere appearance. Moreover, the dwelling's detailed design and appearance does not relate in any way to other adjacent dwellings or the wider context, and so is considered poor. The existing property has a 25m gap from the rear wall of the existing dwelling to the rear of the site, albeit there are a number of outbuildings within the existing garden. The surrounding street scene typically features visually open properties with spacing between dwellings. The new development retains a 14m gap between the walls of the existing dwelling at 2 Cranbrook Cottage and the proposed dwelling which does retain some visual gap. However, the subdivision of the plot and the proposed dwelling's close relationship with the adjacent property at 15 Alexandra Road is considered to result in a visually cramped form of development within the street scene. The neighbouring property at 15 Alexandra Road (and other properties along that frontage/Alexandra Close) have a depth of around 32m, with generous back gardens. Meanwhile, the proposed development would occupy a comparatively narrow plot, being only 13m deep, with the proposed building occupying the full depth of the plot, which would contrast sharply with the pattern of development within the surrounding area. While the proposal does incorporate a garden to the side of the dwelling, it would be much smaller than is characteristic for the area, being only 6.3m in width.

Overall, It is considered that the orientation and arrangement of the plot would be materially at odds with the surrounding layout and pattern of development and symptomatic of an inappropriately cramped form of development.

It is noted that the applicant has proposed that parking be provided for the existing dwelling to the western frontage of the site, to the front of the existing building. While it appears that the formation of a new access here would not require planning permission and parking within the frontage is not an unusual feature within the context of the surrounding area, this alteration would impact negatively on the wider appearance of the site within the surrounding area.

Overall, while the building is relatively small in scale, it is considered that the proposal would represent a cramped form of development which would be contrary to the prevailing pattern of development within the context of the surrounding street scene. The shallow depth of the plot and the close proximity of the development to the neighbouring dwelling at 15 Alexandra Road would be contextually inappropriate and visually discordant. The form and design of the building would fail to provide an attractive frontage onto the street scene and would result in a built form which would be unsympathetic and fail to respect the existing spacious character of this part of Alexandra Road.

On this basis, with reference to Policy ENV3 and paragraph 139 of the NPPF, it is considered that the proposal would relate poorly within its surrounding context and a reason for refusal is recommended in this regard.

## Amenity

Policy ENV3 of the Local Plan seeks to ensure that developments achieve a high quality of design through the provision of an attractive living environment for proposed occupiers, whilst avoiding unacceptable impacts on neighbouring properties through overlooking, overshadowing or an overbearing form of development.

The existing layout is somewhat unusual, with the land to the rear of 1 Cranbrook Cottages falling within the ownership of the application site. An 'L' shaped area of amenity space would be retained for the existing occupier, with a width of 14m across the site and 7.5m from the existing rearmost wall of the building, with a total of 99m<sup>2</sup> of amenity space being retained. While the proposal would result in a loss of amenity space to the rear for the occupiers of 2 Cranbrook Cottages, it is considered adequate space would be retained for the existing occupier. While this space would be partially overlooked by existing properties, this would be part of the existing arrangement and, on balance, the retained amenity space for the existing dwelling is considered acceptable.

In terms of the proposed occupiers, the application proposes an area of garden situated to the side of the property. It is proposed to retain an existing fence along the frontage to provide screening of this space to ensure privacy. The proposed garden area would have a depth of 13.5m and a width of 6.3m, with a total area of 86m<sup>2</sup>. Overall, it is considered that the proposal provides for an adequate internal and external living environment for the proposed occupiers.

It is noted that while no first floor is indicated in the submitted plans, the sectional drawing does indicate the potential for a first floor level. Given the close proximity of the building to the boundaries of the site and adjacent residential properties and garden, it would be necessary to restrict the permitted development rights of the property with regard to the installation of windows or alterations within the roof form, if the scheme were otherwise acceptable

The proposed building has a maximum ridge height of 5.85m, dropping to 5.15m to the north-eastern part of the building, with an eaves height of 2.6m. The roof form of the building reduces in height to the rear, which is considered to mitigate the potential impact of the building on the garden to the rear at Hollydene House. The proposed dwelling also has a substantial set back from the existing properties at Cranbrook Cottages, with intervening garden space between the two properties. Taking into account the retained set back, it is not considered that the proposal would have a harmful relationship with the existing dwellings at Cranbrook Cottages.

The most impacted property would be the adjacent property to the north-east at 15 Alexandra Road. This property has two existing side facing windows, one at ground floor level and one at first floor level. The proposed dwelling would have a gable form on this flank, which would increase its visual impact. The occupier of the neighbouring property has advised that both of these side windows serve as the sole outlook for bathrooms. Generally speaking, outlook is more important for habitable rooms (living rooms, bedrooms, etc.) than it is for non-habitable rooms. On balance, therefore while there would be a reduction in available outlook and natural light to these rooms, it is not considered that this relationship would result in such harm as to justify refusing the application on this basis.

## Highways and servicing

Policy ENV3 requires that development provides sufficient parking to address the needs of the proposed occupiers.



The existing property benefits from parking to the rear of the site, where the new development is proposed. The application proposes to use this existing access to serve the new development and has sufficient capacity to address the recommended parking provision of 2 spaces.

Details of cycle storage and refuse storage/collection points have not been provided with the application, though it is considered that the site does have sufficient capacity to potentially accommodate these features.

It is noted that the applicant has identified that parking for the existing use will be secured on the existing site frontage. Limited information has been provided on the proposed layout for this arrangement. It is noted that a new access here would be situated in close proximity to the junction, with existing double yellow lines around the corner. However, formation of a new access off a non-classified road would not in itself require planning permission.

### Ecology

There is a mandatory requirement to secure a 10% biodiversity net gain associated with proposed development. The applicant has identified that the scheme will be pursued as a self-build, meaning that in accordance with Regulation 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, the proposal would be exempt from the requirement to secure biodiversity net gain.

Notwithstanding the above, the Council's Ecologist has identified that a scheme of ecological enhancement measures should be sought in order to accord with Policy DM2 which seeks to ensure developments incorporate biodiversity features to enhance the existing features of the site.

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

#### 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 planning permission would adversely affect the integrity of the New Forest and Solent 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 the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In the absence of a completed Legal Agreement to secure an appropriate mitigation contribution, the proposal is contrary to Policy ENV1 and a further reason for refusal must be introduced.

#### b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). 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. 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. In the absence of a completed Legal Agreement to secure an appropriate mitigation contribution, the proposed is contrary to Policy ENV1 and a further reason for refusal must be introduced.

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

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. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. Had the Planning Authority been minded to approved this application, a Grampian condition would have been imposed and a further Appropriate Assessment carried out on discharge of this condition.

#### Developer Contributions

As part of the development, if the development were to be approved, the following would need to be secured via a Section 106 agreement:

- Infrastructure: £3,359
- Non-Infrastructure: £489
- Air Quality: £109
- Bird Aware Contribution: £465

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy would be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	69	14	55	55	£80/sqm	£9,696.33 *

Subtotal:	£9,696.33
Relief:	£0.00
Total Payable:	£9,696.33

*\*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:*

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

## **11 OTHER MATTERS**

N/A

## **12 CONCLUSION / PLANNING BALANCE**

As set out earlier in this report, the Council cannot currently demonstrate a 5-year supply of deliverable housing sites, which means that paragraph 11(d) of the NPPF is engaged.

In this case, the application site lies within an area of identified flood risk. As outlined above, the site lies within the area of highest identified flood risk, Flood Zone 3b. This and the lack of a Sequential Test in support of the proposal weigh heavily against the scheme. Furthermore, it is not considered that the submitted Flood Risk Assessment has addressed the flood risk impacts associated with the development. An 'in principle' objection must therefore be raised to the proposed dwelling.

With regard to paragraph 11(d) of the NPPF, it is noted that areas at risk of flooding are identified as being an area requiring special protection and are of particular importance under the first limb of the paragraph. With regard to the considerations laid out above and with reference to Policy CCC1, Policy F1 and paragraph 170 of the NPPF, there exists a strong reason to refuse the proposed new residential development due to its location within Flood Zone 3.

As such, the so called 'tilted balance' in paragraph 11(d) limb(ii) is not considered to be engaged, and rather the application can be considered against the 'straight' balance as an assessment against the policies of the development plan unless there are other material considerations that indicate otherwise.

Further to the above, it is considered that the layout and appearance of the proposed development is unsympathetic and fails to respond to the surrounding residential context and relates poorly to the existing pattern of development within the street scene. It is considered that the proposed building presents a cramped form of development which fails to provide an attractive frontage within the context of the Alexandra Road street scene. As such, it is considered that the proposal would be contrary to Policy ENV3 and paragraph 135 of the NPPF.

In addition, it is considered that additional residential accommodation results in additional impacts on wider sensitive habitats within the New Forest and Solent area. These issues are typically resolved by the securing of appropriate mitigation and monitoring through a legal agreement. In the absence of a secured legal agreement to address these issues, it is considered that the proposal would be contrary to Policy ENV1 and DM2 and paragraph 187 of the NPPF.

On the basis of the issues laid out, the application is recommended for refusal.

## 13 RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The application site falls within Flood Zone 3 (specifically an area that would be classed as Flood Zone 3b) and is therefore in an area at high risk of flooding. The application for a new dwelling (which is classed as a 'more vulnerable' form of development) constitutes inappropriate and unacceptable development in this high flood risk area. Moreover, the submitted supporting Flood Risk Statement and Flood Risk Assessment are inadequate and do not address the relevant flood risk constraints of the site; and nor do they apply a sequential approach to development within a flood risk area. On this basis, it is considered that the proposal would represent an unjustified and harmful form of development which would be at significant and undue risk of flooding, as well potentially increasing flood risk elsewhere. The proposal would therefore be contrary to Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy, Policy F1 of the Hythe and Dibden Neighbourhood Development Plan and paragraph 170 of the NPPF.
2. The development, with particular reference to the proposed dwelling's siting and appearance, would be unsympathetic and would fail to respond to the surrounding pattern of development. Specifically, the proposed development would have a cramped and discordant appearance as a result of the proposed dwelling's close proximity and awkward visual relationship to the adjacent dwelling at 15 Alexandra Road, its forward siting within the street (relative to 15 Alexandra Road), and its siting within an uncharacteristically shallow and small plot that would not reflect the generally deep and well spaced built character within the surrounding area. Moreover, the design and appearance of the building would not respond to the adjacent context and would present a poor and somewhat austere visual aspect onto the Alexandra Road frontage, which would be harmful to the character of the surrounding street scene. As such, it is considered that the proposal would constitute poor design that would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park, paragraph 135 of the NPPF and the provisions of the Hythe and Dibden Neighbourhood Plan (2019).
3. In the absence of a completed agreement pursuant to Section 106 of the Town and Country Planning Act (1990), the recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / 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 unacceptably increase recreational and air quality pressures on these sensitive European

nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

**Further Information:**

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

**February 2025**

2 Cranbrook Cottages  
Hythe

24/10689

Scale 1:500

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