

Application Number: 25/10039 Full Planning Permission
Site: WOODBURY, 2 VINEY ROAD, LYMINGTON SO41 8FF
Development: Replacement dwelling
Applicant: Mr & Mrs Thorne
Agent: Morgan Building Design Ltd
Target Date: 12/03/2025
Case Officer: Jessica Cooke
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Town Council contrary view.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on the character and appearance of the area
- 3) Impact on residential amenities
- 4) Matters relevant to parking, access and highway safety
- 5) Air quality
- 6) Ecology

2 SITE DESCRIPTION

The application site relates to an existing 7.7m high two-storey dwelling with a single-storey attached garage, located within the built-up area of Lymington. The dwelling is set well back from the road and is fairly well screened from the section of Viney Road to the north of the site. It is more visible from Viney Road when approaching from the south, but it is not prominent in a streetscene that has an attractive semi-rural character.

There is a mature oak tree which is subject to a Tree Preservation Order sited adjacent to the shared driveway with the neighbouring properties. The site additionally lies opposite the New Forest National Park.

The spatial characteristics of Viney Road comprise large detached dwellings which are generally set well back from the road and which have generous spatial gaps between each property. There is a mixed character of development with no single architectural style or house type dominating. A couple of other nearby houses within Viney Road have been replaced in the past 10 years, whilst other properties remain relatively unaltered from the time they were built.

3 PROPOSED DEVELOPMENT

The proposal seeks planning permission to demolish the existing two-storey dwelling and construct a new two-storey dwelling.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/11098 Garden building for incidental use (Lawful Development Certificate that permission is not required for proposal)	02/01/2025	Was Lawful	Decided
24/10429 Replacement dwelling with a detached garage; detached outbuilding in the rear garden.	14/11/2024	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

SPD - Parking Standards

SPD - Air Quality in New Development

SPD - Climate Change

National Planning Policy

NPPF 2024

NPPG

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: PAR4: Recommend Refusal.

1. The proposed dwelling is poorly designed and poorly proportioned with inappropriate fenestration.
2. Councillors are concerned that it is still unnecessarily high and bulky, with a footprint very much greater than the existing dwelling.
3. It does not reference other buildings in the street in its design.
4. Its strong features do not fit with the overall street scene
5. It does not comply with ENV3 of the Local Plan Part One: Planning Strategy for the New Forest outside of the New Forest National Park Authority

7 COUNCILLOR COMMENTS

No comments received.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist

No objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Support

- Neighbouring properties are chalet bungalows and the current property is a house, so the proposal is replacing a house for a house.
- Architectural improvement.
- Support to replace the existing, unattractive 1970s house, significant improvement on the existing property. Reasonable application.
- Woodbury has always been out of character with the other houses in Viney Road and is visually incongruous.
- The proposed roof height is higher than neighbouring properties but the house would be a similar width to the existing and is set back further from the lane.
- The size of the plot could fit two houses, surprised to see only one house proposed.
- Improvement on the existing streetscene, would sit nicely on the large plot and be of an improvement with more kerb appeal.
- The proposal is well-designed, well-balanced and thought out located on an unusually large plot, blends in well and is well proportioned.
- No adverse impact on neighbouring properties and/or the immediate environment.
- Reason for refusal on the previous application only reference the outbuildings and did not mention the house being detrimental at all.
- Proposal is in keeping, will enhance the local area and Lymington in general.
- Existing house is out of character and in need of replacing with an up to date family home, would provide modern day comforts such as en-suite bathrooms.

Objection

- Object to the size and height of the house, overdevelopment. The proposal is higher than neighbours, neighbours were restricted on the heights of their houses which is unfair. Need consistency in planning.
- Design concerns, too urban, disproportionate, dwelling is not in keeping with Viney Road, Woodside Avenue or Woodside Lane. Concern with impacts upon the National Park.
- Loss of garden outlook and sunlight to neighbouring properties.
- No regard for soft landscaping.
- Concern with alteration of drainage ditches and public sewer.
- The proposed house would be visible from neighbouring properties and would alter their view.
- Inconsistent with Lymington Local Distinctiveness Guide.
- The outbuildings are excessive and are out of character, outbuilding doesn't need to be so high as most outbuildings are under 3m.
- Concern with amount of glazing, the dwelling would not be net zero or sustainable development as a result of the glazing. Danger to bird flight and bats.
- Too many materials.
- Application contains anomalies, misrepresentation in the Supporting Statement - states the sole reason for refusal was the bulk and massing of the ancillary buildings, there was discussion on the size and mass of the house. The decision notice did not reflect the material concerns raised by neighbours and residents.
- Lack of information relating to existing and proposed floor areas. Objection to increase in footprint. Objection to the attached garage being included in the footprint.

- Object to 3 storeys.
- 3D imagery submitted to demonstrate scale (objection)
- Doesn't comply with policies HOU1, ENV3, ENV4, STR1, STR2, STR5, SPD10, CS2, CS10, DM2.
- Refurbishing the existing property would appear more appropriate than demolishing it and replacing with an inappropriate design.
- Town Council objected to the proposal.
- Identical application with no attempt to reduce/adapt design.
- Viney Road development sit in the same line and share similar size and height.
- Request for rear third floor stairwell roof light to be obscurely glazed to provide privacy to rear properties.
- Concern precedents submitted by the agent are not relevant.
- Errors and omissions in the application do not comply with the Town & Country Planning Act.
- Neighbour representations haven't been taken into account in the design of the dwelling and the planning department should work with the applicant for solutions to problems with the application.

Lymington Society

The society concurs with the views of Lymington Town Council.

For: 11

Against: 20

10 PLANNING ASSESSMENT

Background

A previous application (ref.24/10429) was submitted on the site for an identical replacement dwelling as that currently proposed, but with 2no. outbuildings, comprising a detached garage and detached home office/gym, both sited adjacent to the boundary with no. 1 Viney Road.

This application was recommended for permission to Planning Committee, however, whilst the Planning Committee considered in debate, the size of the replacement dwelling, Members only refused the application at Planning Committee on 13th November 2024 for the following reason:

'By reason of the bulk and massing of the proposed detached outbuilding and detached garage, the detached outbuilding and garage would result in an unacceptable overbearing effect upon the neighbouring residential amenity of no. 1 Viney Road and the proposal therefore fails to comply with Policy ENV3 of the Local Plan Part One: Planning Strategy for the New Forest outside of the New Forest National Park Authority.'

Following the refusal of this application, a Lawful Development Certificate (ref.24/11098) was submitted for one 4m high outbuilding (for an office/gym/garage) to be sited 2m from the boundary with no. 1 Viney Road, which was determined to be a lawful development in January 2025 under Class E of the General Permitted Development Order 2015. Class E relates to buildings incidental to the enjoyment of a dwellinghouse erected within the curtilage of a house. It provides permitted development rights to such buildings with a maximum height of 4m for a dual-pitched roof sited 2m from the boundary, and where the total area of ground covered by buildings wouldn't exceed 50% of the total area of curtilage.

The replacement dwelling now proposed remains identical to that as previously proposed. This current application is a resubmission of the 24/10429 application,

however the outbuilding and detached garage have been omitted from the proposal following the approval of the aforementioned Lawful Development Certificate (24/11098) and it is considered by Officers that the previous reason for refusal has therefore been overcome.

Principle of Development

The proposal is located within the built up area of Lymington where there is a presumption in favour of sustainable development, subject to material considerations. In this case, there is a particular need to assess the proposal against the design and amenity related provisions of Policy ENV3 of the Local Plan Part 1.

HOU1 seeks to address diversity of housing needs by providing a mix and choice of homes by type, size, tenure and cost. The proposal comprises the construction of a 5no. bedroom house which would contribute to the provision of a choice of homes by type and tenure. Policy STR1 seeks to achieve sustainable development by locating development within settlement boundaries in a manner which is appropriate for the nature and size of settlement. Policy STR2 seeks to protect the adjoining New Forest National Park and its setting, the impacts of which are explored in the section below. The site is located within the built up area and therefore the principle of development is acceptable.

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

Local Plan Policy STR2 seeks to protect countryside and the adjoining New Forest National Park and its setting. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) requires Local Planning Authorities to seek to further the statutory purposes of Protected Landscapes including National Parks in respect of decision-making in planning applications. The statutory purposes of National Parks are:

- conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated;
- promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

Viney Road is a linear road which lies adjacent to the New Forest National Park. There are a variety of house types, architectural styles and materials on Viney Road, including chalet bungalows and two-storey houses, and Viney Road has a resultant mixed character, with no prevailing architectural style. Development of a more modern and contemporary appearance has taken place at a number of dwellings on Viney Road, particularly at Sandpipers (no. 3 Viney Road) which lies adjacent to the site to the south and no. 7 Viney Road, as well as a number of

contemporary dwellings on Woodside Lane, located to the rear of Viney Road.

The existing building is a two-storey, large detached property sited within a large plot which widens to the rear. The dwelling is a c.1970s dwelling and is not of a notable appearance or of any architectural merit. The access from Viney Road is shared with no. 1 Viney Road and no. 3 Viney Road, and a Tree Preservation Order is sited within the driveway and adjacent to the road.

The proposal is for the demolition of the existing two-storey dwelling and the construction of a replacement two-storey dwelling (with attic accommodation), predominantly on the same footprint as the existing property. A single-storey element would crank from the main part of the dwelling and would extend towards the rear of the site. There is a protruding double-height bay window with a flat roof to the front of the dwelling which serves the stairwell, and there is a protruding gable to the front elevation which comprises the snug at ground floor level and master bedroom at first floor level. At second storey level, the proposal includes high level rooflights on the front elevation which serve an attic bedroom.

The proposed dwelling is sited on a large plot. The proposed dwelling would be sited in a similar position to the existing dwelling, but it would be slightly deeper, extending slightly further back into the plot by 3.6m at the rear gable and by 1.65m at the remaining rear elevation of the two-storey element. The southern elevation of the dwelling (adjacent to Sandpipers) would be retained in the same position as the existing elevation, with the built form at two-storey extending further to the north by only 1.7m. There would be a separation distance between the two-storey element and the boundary of no. 1 Viney Road of 6.8m at the narrowest point and 12.36m at the widest point. The single-storey side extension element would extend in a north-westerly direction from the two-storey part of the dwelling, running parallel with the boundary between the application site and no. 1 Viney Road, but retaining a separation distance of 6.8m to the boundary. The site layout would result in sufficient distances from the boundaries of the neighbouring properties and the development would remain proportionate to the large plot size.

It is considered the dwelling would be well-designed and well-proportioned with appropriately detailed elevations. Whilst being of a two-storey nature, the proposal references other dwellings within the street in its design, with front gables being a strong feature within the streetscene. It is considered that the proposed dwelling is attractive, and it is not considered to be of an inappropriate appearance for its location.

The proposed dwelling would have a relatively contemporary character with linear features and a mixture of materials, including buff brick, timber cladding, zinc cladding, painted render, slate roof and aluminium bargeboards with galvanised rainwater goods. As already noted, there is a mixture of architectural styles and materials along Viney Road, including buff brick, render and timber cladding, and it is considered that the proposed materials would be acceptable in this context, especially considering the mixed character and lack of prevailing materiality within the streetscene. A planning condition is recommended for the submission of the specific material details to ensure the quality of the development is appropriate. Given the mixed character of other dwellings within the streetscene, the proposed dwelling would not appear out of keeping.

A Lawful Development Certificate has been issued for an outbuilding located adjacent to the single-storey side extension. This outbuilding could be constructed as permitted development and does not form part of the current application.

A number of objections have been raised regarding the footprint of the dwellinghouse and the increase in size of the proposal in respect of both the footprint and the floorspace. Within the settlement boundary, there is no policy limitation on the increase in dwelling size, or to the gross internal floor area for a replacement dwelling. In respect of the footprint of the dwelling, the existing dwelling, which includes the attached single-storey garage and associated internal accommodation, equates to 118 sq.m. The proposed footprint equates to 191sq.m, with 50 sq.m of this proposed development being the single-storey element. As such, the area of land forming the footprint of the two-storey element would increase from 86sq.m to 141 sq.m, which is an acceptable increase in size particularly given the size of the plot. As set out above, the single-storey element is set away from the boundary of the site and would maintain an appropriate spatial gap between the dwellings which is in keeping with the streetscene.

The plot is generous in size with a deep rear garden which tapers outwards towards the north-east corner. It is considered the plot is sufficiently sized to accommodate the proposed development, including the outbuilding which has been granted a Lawful Development Certificate, but remains unbuilt at this time. Whilst the footprint of the dwelling would be larger than that of the existing dwelling, it would be entirely appropriate for the plot, given the generous spatial context of the site. Furthermore, as set out above, there are no policy restrictions on the percentage increase in the internal floor area of the proposal given its location within the built up area and the proposal is considered acceptable in this respect .

Objections have been raised to the size, scale and height of the proposed dwelling. However, there is already a two-storey dwelling on the site. Elsewhere along Viney Road, there are both 2-storey dwellings, such as the adjacent dwelling 'Sandpipers' (no. 3 Viney Road), and lower chalet bungalows. Given this context, there can be no objection to the principle of a replacement 2-storey dwelling.

It is recognised that the replacement dwelling would be 1 m higher than the existing dwelling. However, this limited increase in height is not considered to be visually harmful or inappropriate in this spacious context. As such, the proposed dwelling would remain of an appropriate scale and height of development in this context and in relation to the streetscene.

A number of previous objections related to the proposed dwelling being a three-storey dwelling. However, whilst there would be an increase in height by 1m, the second floor only comprises an attic room within the roofscape, with 2no. rooflights serving this room. Therefore, the proposed dwelling would still read as a two-storey dwelling from the key viewpoints to the front of the site and from within the public realm. Ultimately, given the accommodation would be provided within the roofscape, it would not be an unacceptably intrusive or dominant feature within the streetscene, and therefore the proposal is considered to be acceptable in this respect.

With regard to the impacts of the proposal upon the adjoining New Forest National Park, the proposed dwelling is located some 39m outside of the boundary of the National Park. The built form is set back from the road by 35m and a large mature Oak tree provides some screening. Having regard to the Council's duty to seek to further to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of its special qualities, by reason of its siting relative to the boundary of the National Park, the increase in height of 1m and the modest increase to the footprint of the dwelling is negligible in terms of any harm and the Council's ecologist is satisfied that the proposal would not adversely impact upon wildlife. In respect of the second test, the proposal is for a replacement dwelling on a private residential plot outside

of the National Park and does not provide opportunity to promote opportunities. The proposal is not considered to adversely impact upon the New Forest National Park.

Whilst Members of the Planning Committee considered and debated the size and scale of the proposed dwelling, the previously proposed replacement dwelling application was refused solely on the grounds of the impacts of the 2no. outbuildings upon the neighbouring property and was not refused on the size, scale, height or design of the proposed replacement dwelling or its resultant impacts upon the streetscene. Overall, the proposed replacement dwelling is of an acceptable appearance in respect of its design and materials. By reason of its appropriate design, scale and appearance within the streetscene, it is not considered to harm the character of the area or the special qualities of the adjacent New Forest National Park. As such, it is considered to comply with Policy ENV3 of the Local Plan Part One.

Landscape impact and trees

Policy ENV4 seeks to retain and/or enhance landscape features through sensitive design, mitigation and enhancement measures.

The proposal comprises a the demolition and construction of a replacement dwelling with no proposed works to the landscaping on the site.

There is a veteran Oak tree sited to the east of the plot which is located outside of the red line boundary of the application site, but lies within a shared access between the application site and the neighbouring property at no. 1. The tree is protected by a Tree Preservation Order (32/15). The Council's Tree Officer was previously consulted on the proposal and stated that the proposed replacement dwelling is in a similar location and has a similar relationship with the tree as the current dwelling and is far enough from the tree as not to have a direct detrimental impact.

The Tree Officer previously raised no objection to the proposal but recommended a planning condition to protect the tree from construction vehicles, plant and storage/delivery of materials. Therefore, subject to the inclusion of the aforementioned planning condition, the proposal is considered to be acceptable and would not result in adverse impacts upon the tree, or upon the adjoining New Forest National Park. The proposal is therefore considered to comply with Policies ENV4 and STR2 of the Local Plan Part One.

Highway safety, access and parking

Policy CCC2 of the Local Plan seeks to provide sufficient car and cycle parking for developments. Policy ENV3 seeks to create streets and spaces that are safe and easy to navigate. Policy ENV3 also seeks to ensure that sufficient parking is provided without detriment to the character of the area or highway safety.

Viney Road is a residential road with no parking restrictions and the proposal would be served by the existing access, which is off a private track abutting Viney Road.

The proposed dwelling would have 5no. bedrooms. In accordance with NFDC Parking Standards SPD (April 2022), the requisite parking spaces for a 4+ bedroom dwelling is 3 spaces. The front driveway is sufficiently large to accommodate in excess of 3no. vehicles.

One cycle parking space must be provided per bedroom in accordance with the Parking Standards SPD. Whilst it is not part of this proposal, a Lawful Development Certificate has been granted for a detached outbuilding to form a garage and

office/gym, which has sufficient space to accommodate the required cycle storage, however, the rear garden is additionally of sufficient size to accommodate the cycle storage in any case, should the outbuilding not be built. As such, the proposal complies with NFDC Parking Standards SPD in relation to cycle storage.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. Whilst this was previously secured by planning condition, recent changes to the Building Regulations require the provision of electric charging points and therefore such a condition is not considered necessary.

The proposal meets the requirements of NFDC Parking Standards SPD and retains the existing access. As such, the proposal is not considered to result in adverse impacts upon highway safety, and is considered to comply with Policies ENV3 and CCC2 of the Local Plan Part One and the NFDC Parking Standards SPD.

Residential amenity

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. NPPF Paragraph 135, subparagraph (f) states development should promote health and wellbeing, with a high standard of amenity for existing and future users.

As previously set out above, the recently refused proposal included two detached outbuildings, forming a detached garage and office/gym. A number of objections were raised to these outbuildings by neighbours and the Town Council including concerns about its height and proximity to the neighbouring boundary, its design and its potential to be used as a separate dwelling. The previous application was refused solely on the grounds of the outbuilding and garage having an unacceptable overbearing impact upon no.1 Viney Road.

Since the previous refusal, a Lawful Development Certificate for a detached outbuilding adjacent to the boundary of the site was granted in January 2025. This certificate confirms that this outbuilding could be constructed under permitted development rights. As such, the outbuilding is not part of this application and not now a matter of consideration.

There was no reason for refusal relating to the impact of the proposed dwelling upon neighbouring amenity stated in the previous decision notice. The dwelling remains as previously proposed in terms of its height, scale and location relative to neighbouring boundaries. The separation distance between the two-storey element of the proposed dwelling and the built form of no. 1 Viney Road is 16.7m, which is a sufficient distance so as not to result in adverse impacts. The greater height of the proposed replacement dwelling of a 1m increase, would be relatively minimal in this context, and so would not result in material harm to the neighbour's light and outlook.

The proposal does not have any rear windows at second floor level serving habitable rooms and therefore no impacts of overlooking, loss of privacy or visual intrusion would arise to the rear gardens of the neighbouring properties. The proposal includes rooflights to the front of the dwelling, though these look out towards Viney Road and the adjacent National Park, and so no overlooking would result. Whilst the proposed dwelling would have rear windows at first floor level, the existing property also has rear windows at first floor level, and this relationship with neighbouring properties would remain similar to the existing situation.

As such, as previously determined, there are no concerns relating to overlooking, visual intrusion and loss of privacy from this replacement dwelling. However, a planning condition is recommended to remove Permitted Development Rights under Class B of Part 1 of the General Permitted Development Order to restrict additions to the roof without the prior grant of an express planning permission so that impacts upon neighbouring amenity can be fully assessed.

The outbuilding and garage are no longer part of this application and, as previously stated, a Lawful Development Certificate has been granted for an outbuilding for use as a garage, office and gym. As such, the previous reason for refusal relating to the impact of these outbuildings on the neighbouring property has been addressed. As this was the only objection that was identified, with no objections to the replacement dwelling itself, the only conclusion that can now logically be reached is that the current application is acceptable in respect of residential amenity.

Therefore, by reason of the layout, orientation and positioning of the proposed dwelling on the site relative to its neighbours, the size of the plot and its relationship to the boundaries, it is not considered that the proposal would cause unacceptable impacts upon residential amenity, and the proposal therefore complies with Policy ENV3 of the Local Plan Part One.

Ecology

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures.

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, an exemption applies with regard to self-build development. Self-build refers to a development of a home on a piece of land owned by persons to be lived in by those persons. In this instance, a self-build exemption has been claimed with regard to Community Infrastructure Levy (CIL) and therefore the national BNG requirement is not applicable to this proposal.

The Council's Ecologist was consulted on the previous application and requested an ecological survey be undertaken, given the demolition of the existing dwelling. A bat survey was undertaken and evidence of bats were found in the roof and emergence and re-entry surveys were subsequently required. These surveys were undertaken and a report was subsequently submitted, with no emergence or re-entries observed. The ecologist was re consulted on this proposal and raised no objection, advising they were satisfied with the findings and recommendations in relation to bats.

The Council is required to consider the likelihood of a licence being granted by Natural England in respect of the demolition a building whereby there is evidence of bats. The three derogation tests are:

- The activity to be licensed must be for imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

In relation to the first two derogation points, the overriding public benefits of the proposal relate to the social and economic benefit of the construction of the building which would provide a visual improvement to the existing dwelling and would provide jobs, thus benefiting the economy. In addition, the proposed dwelling would provide an uplift in building standards and sustainability, and there is not considered to be a satisfactory alternative to enable these works as the existing dwelling must be removed to provide the proposed dwelling. In respect of the third test, Natural England will be required to issue a licence and the Council's Ecologist was previously satisfied that the favourable conservation status of the bat species will be maintained. As the proposal remains unchanged, there are no concerns in respect of ecology.

A number of concerns were previously raised in respect of the use of glazing in the property and its impact upon local wildlife. The level of glazing proposed is not considered to be particularly unusual. The Council's ecologist has not raised an objection to the proposal in this respect, and the proposal is therefore considered to comply with Policy DM2 of the Local Plan Part One. A planning condition is however recommended for the submission of details of ecological enhancements and the installation and retention of these features in perpetuity.

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

The scheme proposes a replacement residential dwelling. As such, it would not result in an additional unit of accommodation or materially increase residential occupation so as to result in additional impacts on features of nature conservation interest in the New Forest or Solent that would require habitats mitigation measures to be secured. Furthermore, there would be no additional burden on nitrates and thus, no further impacts on the Solent SAC or SPAs would result.

Air Quality Statement

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:

- No kerbside development is proposed
- Vehicle charging point installed to encourage the use of electric vehicle
- Large opening designed on rear elevation away from the road side and facing the large rear garden.

Climate Change

The applicant submitted a Climate Change Statement to support their planning application which addresses the requirements of the Council's Planning for Climate Change SPD and the statement notes a number of enhancement details for sustainability.

Developer Contributions

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
Self Build (CIL Exemption in place)	336.84	177.15	159.69	159.69	£80/sqm	£19,211.94 *

Subtotal:	£19,211.94
Relief:	£19,211.94
Total Payable:	£0.00

11 OTHER MATTERS

Reference has been made in third party representation to Local Plan Part 1: Core Strategy Policies CS2 and CS10 but these are not 'saved policies' and are therefore out of date and have no bearing on this application.

A number of neighbour concerns relate to alterations to drainage ditches and there being an existing sewer network on the site. There are no drainage ditches on the site and the proposal comprises a replacement dwelling predominantly on the same footprint as the existing dwelling, as such, no works are proposed to drainage ditches inside the red line boundary of the development. In respect of the impact of the works upon the proximity of the sewer network, this is a civil matter rather than a planning matter and so cannot be taken into consideration in the determination of this application. Notwithstanding this, the applicant has received a 'build-over' agreement from Southern Water for the proposed development which was submitted as part of the previous application.

12 CONCLUSION / PLANNING BALANCE

Planning Committee Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

The proposal seeks to construct a new dwelling within a sustainable location in the built-up area where the principle of development is acceptable. The proposed new dwelling is considered to be sympathetic to its context, being of an acceptable size, scale, height and appearance for its location on a large plot. Its design is considered to be appropriate to the streetscene, which is of a mixed character in terms of architectural styles and materials.

In addition, the proposal would not adversely impact residential amenity in respect of overlooking, visual intrusion, loss of privacy or overshadowing and would not result in adverse impacts to the highway network. As such, the proposal complies with Policy ENV3 and Policy CCC2 of the Local Plan Part One and Policy DM2 of the Local Plan Part Two.

The previous application was refused solely on the grounds of the overbearing impacts of the 2no. outbuildings on the amenity of no. 1 Viney Road. As these outbuildings are no longer part of this application and there was no reason for refusal relating to the replacement dwelling itself, the previous reason for refusal is considered to have been overcome by the current application.

The application is accordingly recommended for approval, subject to conditions.

13 RECOMMENDATION

Grant Subject to Conditions

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:

- Preliminary Roost Assessment by Arbtech dated June 2024
- Bat Emergence and Re-entry Surveys by Arbtech dated September 2024
- Air Quality Statement
- Climate Change Statement
- LP.01 REV C Location Plan
- EE.01 Existing Elevations
- EP.01 Existing Floor Plans
- PE.01 Proposed Elevations
- PE.02 REV A Proposed Elevations
- PP.01 Proposed Ground Floor Plan
- PP.02 REV A Proposed First Floor Plan
- SS.01 Street Scene
- CP.01 Comparable Ground Floor Plan

Reason: To ensure satisfactory provision of the development.

3. Before development commences above DPC level, samples or exact details (manufacturers' specifications) of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the development 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 and all associated works shall be undertaken in strict accordance with the recommendations and the ecological mitigation and enhancement measures set out in the Preliminary Roost Assessment by Arbtech and the Bat Emergence and Re-entry Surveys by Arbtech unless otherwise first agreed in writing by the Local Planning Authority. Notwithstanding the submitted details, a scheme of ecological enhancement measures shall be submitted to and approved by the Local Planning Authority and installed prior to first occupation of the dwelling hereby approved, and the enhancement measures thereafter retained in perpetuity.

Reason: To safeguard protected species 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 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

5. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of protected trees on and adjacent to the site, to be identified by agreement with the Local Planning Authority beforehand, have been submitted to and approved in writing by the Local Planning Authority. The agreed protection measures shall be implemented in full prior to any activity taking place and shall remain in situ for the duration of the construction of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

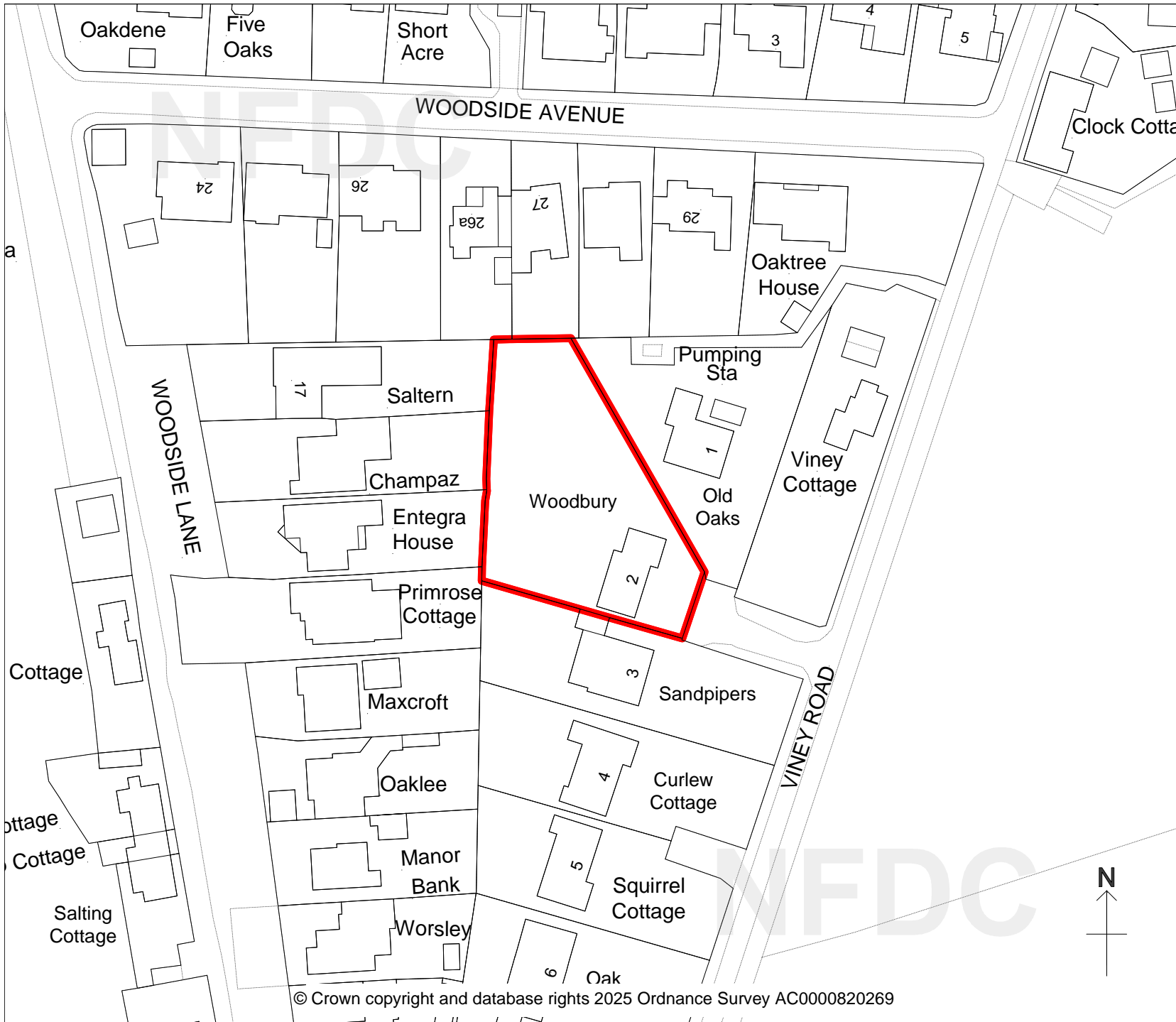
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no development otherwise approved by Class B of Part 1 of Schedule 2 of the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

Further Information:

Jessica Cooke

Telephone: 023 8028 5909



New Forest

DISTRICT COUNCIL

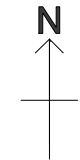
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Mark Wyatt
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 Development Management
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

March 2025

Woodbury
 2 Viney Road
 Lymington
 25/10039



Scale 1:1000

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