

Application Number: 25/10479 Full Planning Permission
Site: 10 NEWLANDS CLOSE, BLACKFIELD, FAWLEY SO45 1WH
Development: Sever land to accommodate 1 x detached house; new double garage and widen existing driveway onto Walkers Lane North to serve existing and new property; bin storage; 1.8m high boundary fence
Applicant: NBC Properties Ltd
Agent: Ian Sullivan Architecture Ltd
Target Date: 15/07/2025
Case Officer: Sophie Tagg
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Residential amenity
- 4) Highway safety, access and parking
- 5) Ecology and habitat mitigation

2 SITE DESCRIPTION

The application site is located at the end of a cul de sac within the built-up area. The land currently comprises part of the garden area of No.10 Newlands Close and consists of an area of hardstanding, and a grassed area. No.10 has an existing access and driveway to the rear of the property, accessed from Walkers Lane North, and an existing single garage serving the property.

The site is located between the semi-detached property, No. 10 Newlands Close and the boundary of the site adjacent to Walkers Lane North. The site is well screened from the road, with an established hedgerow to the front boundary. This end of the cul-de-sac, Newlands Close, is characterised by semi-detached properties set within fairly spacious plots, creating generous gaps between properties.

The site is also viewed in the context of Walkers Lane North to the east of the site, again characterised by houses generally set within spacious plots. Walkers Lane North has a verdant character with extensive vegetation. Along the eastern boundary, there are established mixed trees and shrubs. These are mainly small trees and plants, consisting of native Ash, Hazel, Holly and Ivy. A larger individual Ash tree is located to the south-eastern corner, and a single small multi-stemmed Hazel sits adjacent to the existing drive which appears to have been reduced.

3 PROPOSED DEVELOPMENT

The proposal seeks to sever the plot to provide a detached 3-bedroom two-storey dwellinghouse on the eastern side of the existing semi-detached dwelling (No.10) and provide a detached double garage at the northern end of the plot to serve the existing and proposed new dwelling. The accommodation of the new dwellinghouse would provide a kitchen/dining room, utility, lounge and wc on the ground floor and 3 bedrooms and bathroom on the first floor. The existing dwelling would remain unchanged.

4 PLANNING HISTORY

None directly relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

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

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.

SPD - Parking Standards

SPD - Planning for Climate Change

SPD - Mitigation for Recreational Impacts on New Forest European sites

National Planning Policy Framework 2024

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend permission. The Council has no comments regarding this application

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

NFDC Ecology:

No objection subject to condition for ecological enhancement schedule

NFDC Trees:

No objection

9 REPRESENTATIONS RECEIVED

No comments received

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within the built-up area, where there is a presumption in favour of new housing in line with policies STR3, STR4 and STR5 of the Local Plan. 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, namely habitat sites, where recreational and nutrient impacts are required to be mitigated. 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 2024 NPPF requires particular regard to be given 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 when applying the said tilted balance.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and consider whether it complies with those policies or not. Following this, Officers undertake the Planning Balance to weigh up the material considerations in this case.

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

Policy ENV3 of the Local Plan stipulates that new development will be required to be well-designed to respect the character, identity and context of the area's towns. Moreover, the policy states that new development will be required to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features. 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. Policy ENV4 of the Local Plan seeks to ensure that all new development is appropriate and sympathetic to its setting and landscape. Specifically, it needs to be considered whether the design, materials, layout, vehicular access, parking and turning arrangements proposed would preserve or enhance the quality of the area, including making allowance for meaningful landscaping.

In assessing the effect on the character and appearance of the area, Newlands Close and Walkers Lane North are distinctively suburban both in layout and the design of the dwellings. Although the site is not within a protected area, it is a pleasant, low-density, spacious, quiet residential area. Newlands Close and Walkers Lane North are both fairly wide, with footpaths on each side and with dwellings set back behind front gardens, together with noticeable gaps between the buildings and their roofs, which gives the area a spacious character. Low brick walls and front hedgerows define the front boundaries, with soft landscaping providing a soft edge to the streets. Along Newlands Close there are varying garden sizes, but there is a sense of spaciousness between the built form of each pair of semi-detached properties, particularly at this end of the cul de sac. The gap between number 10 Newlands Close and the vegetation along Walkers Lane North boundary is typical of the existing streetscene, where the houses are set in spacious plots or are attached.

It is considered that the proposal to create a detached dwelling at the end of Newlands Close adjacent to Walkers Lane North would not be contextually appropriate and would result in a number of negative features which would have a harmful impact on its distinctive character.

In terms of the relationship of the proposed new dwelling to Walkers Lane North, this road is characterised by properties being set back from the road by several metres. The existing gap between 10 Newlands Close and Walkers Lane North is between 11-13 metres. On the opposite side of the road, 11 Newlands Close is set back

between 21 and 24 metres from the boundary with Walkers Lane North. The visual gaps provide a sense of space and visual separation. By contrast, the gap between the proposed dwelling and the eastern site boundary at its narrowest point would be approximately 1.2 metres. As such, the new dwelling would introduce built form which would be set uncharacteristically close to Walkers Lane North and would have a visually intrusive visual impact which would be harmful to the prevailing character of the streetscene.

In relation to visual separation of the built form along Newlands Close, the proposed subdivision of the existing plot, similar in width to a number of the plots in the vicinity, would create 2 plots which would be uncharacteristic of the existing pattern of development. It should be noted that the application site narrows considerably as it extends to the rear of the site. The reduced plot sizes would be uncharacteristic of Newlands Close where there are spacious gaps between the built form along the road. For example, the gap between no.6 and no.7 Newlands Close at its narrowest is 8 metres, while the gap between no.8 and no.9 Newlands Close is 4.5 metres, and there is a similar pattern and rhythm of development on the opposite site of the road.

The submitted plans indicate that the new dwelling would be positioned just under 1 metre away from the side facing wall of No.10 Newlands Close, which is also the elevation providing the main access into the existing property. As set out above, this gap would be considerably less than the rest of Newlands Close and Walkers Lane North. The proposed development would result in narrower building forms and smaller gaps between the dwellings and their side boundaries.

It is considered that the very limited gap and space between the two properties and to the boundaries of the site give rise to the appearance of the development being visually cramped and materially less spacious than the prevailing character. The dwellings would be sited far closer together than dwellings in the surrounding area.

In addition, the narrow passageway that would be created between the 2 dwellings, which is enclosed by high fences is not considered to be an attractive or welcoming pedestrian access to the dwellings, and would be poor design.

In summary, the local plan policy seeks to ensure that development is compatible with the context of the area and is sympathetic in scale, layout and design and does not damage the features that contribute to their character and 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. It is considered that the proposed development would not comply with local and national policy and would result in a development that is contextually inappropriate and overall would have a negative impact on the character and appearance of the area, resulting in a cramped form of development and an overdevelopment of the site.

Residential amenity

Policy ENV3 of the Local Plan requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development to neighbouring properties would be acceptable in respect of privacy, light and outlook; and also whether the proposed development would provide sufficient private amenity areas for occupiers of the existing and proposed dwellings.

The impact on both the amenity of the existing dwellings and new residents has been fully assessed.

It is noted above that the new dwelling would be positioned just under 1 metre away from the side facing wall of No.10 Newlands Close, which is also the elevation providing the main access into the property. Given this relationship, the introduction of the new dwelling would result in a cramped entrance to the existing property. The additional property would also have an overbearing and unduly dominant impact upon the residential occupants of No. 10, particularly when using the main access to the property and accessing the side pathway to the rear garden and parking area/garage. Quite simply, the scale and bulk of the proposed dwelling would appear visually imposing from 10 Newlands Close due to the large flank wall of the proposed dwelling being set directly adjacent to the main front door and property entrance, and this would be to the detriment of the living conditions of the occupants of this property.

It is noted that there is a secondary window on the side elevation of No. 10. The proposed first floor side facing window on the western side of the proposed dwelling is annotated on the plans as serving an en-suite. Were the application otherwise acceptable, a condition could reasonably be imposed requiring the window to be obscure glazed, which would effectively secure the amenity of No.10 from harmful overlooking impacts.

From an amenity perspective, it is considered that the amenity areas serving the retained and proposed dwellings would be adequate.

Overall, based upon the assessment above, the proposal would be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1.

Highway safety, access and parking

The application has been assessed against Policy CCC2 of the Local Plan, which seeks to ensure that there is sufficient car and cycle parking and the provision of infrastructure to support the use of electric car charging. Additionally, Policy IMPL2 relating to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles which is also a requirement of Building Regulations.

Two off-street parking spaces are proposed for each dwelling which meet the dimensions set out within the Parking Standards SPD of 2.5m x 5.0m. There would be a space within the garage and an external space adjacent to the garage for number 10. There would be a space within the garage and an external space in front of the garage for the new dwelling. The parking standards SPD recommends 2.5 spaces for each 3-bedroom dwelling on plot and therefore the proposal falls short of one parking space serving the two dwellings. Along Walkers Lane North, it is noted that there are no on-street parking restrictions nearby, with cars parking along the highway, and in this context the level of parking is considered acceptable. On balance, it is considered that the underprovision of parking would not result in harm that would justify a reason for refusal.

The access would remain the same and is similar to many others in the streetscene and is considered acceptable. The amount of additional movements generated by 1 x 3-bed dwelling is not considered to be significant. It is considered that the access would be appropriate to serve the proposed development, with adequate visibility splays being available.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers are satisfied that the proposals would not be of severe detriment to the operation and safety of the local highway network.

Ecology and habitat mitigation

Following the adoption of the Local Plan 2016-2036 Part 1 in July 2020, the Council has sought to secure environmental net gain / ecological enhancements, where it is proportionate to do so, as a requirement of planning permission for most forms of new development. In accordance with Policies STR1 and DM2, Ecological enhancement measures have been incorporated within the proposed development plans in the form of bird and bat boxes and hedgehog holes in fencing. Were the application otherwise acceptable, an appropriately worded condition would need to be applied to require that the proportionate in-built ecological enhancements are provided, with the completion of an ecological enhancement schedule to secure biodiversity enhancements in line with the expectations of the Local Plan.

As of 2nd April 2024, developers must deliver a 10% Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. In this instance, BNG is mandatory and a small sites metric has been submitted and the Council's Ecologist is satisfied that the baseline for the small sites metric has been accurately captured. Due to the constraints of the site, it is not possible to achieve BNG on site and therefore off-site provision would need to be provided. A BNG credit availability document has been submitted by the agent to demonstrate the development can be offset.

Habitat Mitigation and off-site recreational impact

a) Recreational Impacts

The site lies in close proximity to the New Forest SAC, SPA and Ramsar site and the Solent and Southampton Water SPA, Ramsar and Solent Maritime SAC. The proposals would result in an additional residential dwelling. There is a likely cumulative impact on the New Forest European Sites from recreational disturbance.

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 SAC, SPA and Ramsar and Solent and Southampton Water SPA, Ramsar and Solent Maritime SAC, in view of that site's 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 a Legal Agreement to secure the 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 NOx, 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 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. For this reason, a Grampian Condition would have been imposed and a further Appropriate Assessment carried out on discharge of this condition, had the Planning Authority been minded to approve this application.

Developer Contributions

As part of the development, the following would have been required to be secured via a Section 106 agreement (or unilateral undertaking):

- Infrastructure contribution of £6,822
- Non infrastructure contribution of £991
- Bird Aware Solent contribution of £907
- Air Quality monitoring contribution of £112

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	136.7	13.4	123.3	123.3	£80/sqm	£14,833.94 *

Subtotal:	£14,833.94
Relief:	£0.00
Total Payable:	£14,833.94

**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 CONCLUSION / PLANNING BALANCE

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."

As set out earlier in this report, the NPPF is a material consideration. In this case, the Council's lack of a demonstrable five-year land supply means that paragraph 11(d) of the NPPF must be engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

"the application of policies in this Framework that protect areas or assets of particular importance [footnote 7] provides a strong reason for refusing the development proposed."

Furthermore, paragraph 195 of the NPPF sets out that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"

The Local Planning Authority as "Competent Authority" has, through the Appropriate Assessment been able to conclude that the proposed development would not have an adverse affect on the integrity of the Habitat Sites if the appropriate mitigation is secured. However, in the absence of a completed legal agreement to secure the required mitigation, the presumption in favour of sustainable development does not apply in this instance, and a strong reason for refusal arises in accordance with Paragraph 11(d)(i).

As such the application can be refused without engaging the so called "tilted balance" in paragraph 11(d)(ii).

Notwithstanding this, in the event that a legal agreement were to be completed securing the requisite habitat mitigation measures, it is considered that the adverse impacts of the development, as outlined in the above assessment, would significantly and demonstrably outweigh the scheme's benefits.

It is concluded 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. It would also have an unacceptable impact on residential amenity. 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.

1 RECOMMENDATION

Refuse

Reason(s) for Refusal:

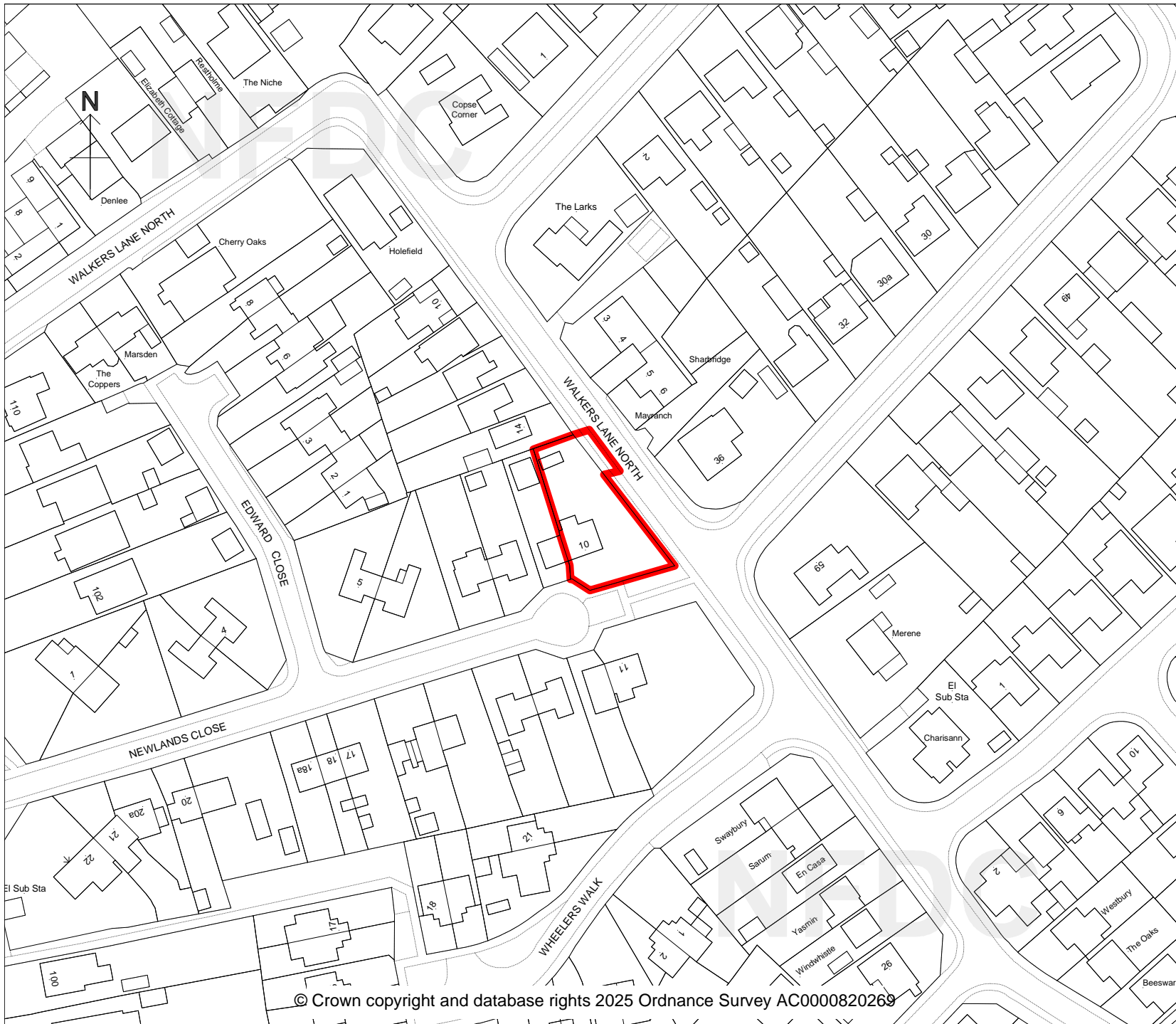
1. The proposed development of this site for an additional dwellinghouse would constitute an inappropriately cramped and intrusive form of development, contrary to the prevailing spacious character of the area. The proposed development would result in significantly narrower plot widths with a lack of adequate gaps and space between the dwellings and to the boundaries, which would give rise to the appearance of the development being visually cramped and incongruous in the streetscene and harmful to the spatial character of the area. The narrow accessway between the proposed dwelling and 10 Newlands Close would be poor design (both visually and functionally) and would further emphasise the development's cramped and discordant appearance. As such, the proposed development would be contrary to the design and character related provisions of Policy ENV3 of the Local Plan Part 1 and Chapter 12 of the National Planning Policy Framework.
2. By reason of its close proximity to the side of 10 Newlands Close and to that property's main entrance, the proposed new dwelling would be imposing and overbearing in its relationship with that property, to the detriment of the amenities of the occupants of that property. The proposal would therefore be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1.
3. The recreational 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, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore unacceptably increase recreational pressures on these sensitive European nature conservation sites. In addition, the air quality impacts of the proposed

development on the aforementioned New Forest sites would not be adequately mitigated and the proposed development would therefore unacceptably increase air quality impacts on these sensitive European nature conservation sites. As such, the proposal would be contrary to Policy ENV1 of the New Forest District Local Plan 2016-2036 Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the SPD - Mitigation Strategy for European Sites.

Further Information:

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PLANNING COMMITTEE

August 2025

10 Newlands Close
Blackfield
Fawley
25/10479

Scale 1:1250

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