

Application Number: 15/11743 Full Planning Permission

Site: 16 ELDON AVENUE, BARTON-ON-SEA, NEW MILTON BH25 7LL

Development: Two-storey dwelling; demolition of existing

Applicant: Mr Selby

Target Date: 05/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS6: Flood Risk

CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

6.1 15/10559 - House, demolition of existing - 26/06/2015 -

Refused due to concerns over impact upon the street scene, adjoining amenity and off-street parking arrangements.

6.2 10/95238 - Roof alterations in association with new first floor; dormer; rooflight - 15/04/2010 Granted

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object:

- (1) This revised application is still contrary to NFDC Core Strategy policy CS2 due to its design, mass and scale.
- (2) It is also contrary to the New Milton Local Distinctiveness Study page 72 Building format, due to its roof height, type and proportion of glazing and use of timber cladding.
- (3) Detrimental to the amenities of neighbours at 14 and 18.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Land Drainage Engineer: Recommend approval subject to surface water discharge and informative notes.

10 REPRESENTATIONS RECEIVED

Fourteen letters have been received objecting to the proposal on the following grounds:

- It is not materially different to a previously refused application.
- Loss of light.
- Loss of privacy.
- The proposed building is too heavily massed and is a classic case of garden in-filling.
- The glass frontage and timber cladding detracts from the street scene and is out of character with all the other bungalows in the road.
- The non hipped roof reduces the spatial gap between properties.
- Eldon Avenue has a recent history of the foul water drain overflowing, which is of concern as the applicant intends to discharge surface water to mains sewer.
- Is there space on this plot for an adequate soak-away.
- The documentation is misleading. There is no mention of extending to the south, which we understand will require Party Wall approval from number 14.
- Car parking spaces will be increased from 2 to 3 when in reality the actual space to park cars is being significantly reduced.
- Clarification is requested on whether it is proposed to demolish the whole bungalow.
- Disturbance caused by building operations.

Neighbours have been re-consulted on the amended plans and one further letter of objection has been received stating that the proposal would be out of character.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The applicant has indicated that the proposal would be erected as a self-build development on which no CIL would be payable, provided the applicant submits the required exemption form.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, while amended plans were received, which reduced the massing of the proposal and altered fenestration arrangements, the amendments failed to overcome the Council's reservations over the scale and appearance of the proposal. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the absence of acceptable plans and the level of unjustifiable harm the scheme would cause, it is not unreasonable to refuse the application.

14 ASSESSMENT

- 14.1 The application site consists of a detached, hipped roofed bungalow of render and concrete tile construction, built in the late 1950's. The bungalow has been largely unaltered since its construction and is sited within a row of similar detached bungalows fronting Eldon Avenue, which are quite uniform in appearance. Eldon Avenue is characterised by bungalows of the type to be altered, some have been altered in more recent years, though generally with single storey additions and some modest front dormer additions. Other dwellings in the locality have been altered more markedly, although these tend to be on Eldon Close and Wavendon Avenue.
- 14.2 It is proposed to demolish the existing bungalow and to replace it with a larger 4 bed dormer bungalow of more contemporary appearance. The proposal has been reduced in width, depth and scale from a proposal refused in 2015. It has been further modified during the course of determination in response to the comments of notified parties. The amendments include narrowing the width of the dwelling by 0.5m, reducing the ridge height by 0.3m, reducing the amount of glazing on the front elevation and toning window framework down through use of anthracite grey powder coated frames and replacing the pitched roof on the dormers with flat standing seam metal roofs. The rear of the proposal would remain as initially submitted, the rearmost portion of the development being single storey. While the ridge of the roof would be approximately 0.4m higher than the ridge of the existing and adjoining bungalows, the amount of walling presented to adjoining dwellings would be considerably reduced, both in depth and height than the refused application. The proposal would be finished in painted render, timber cladding and grey slate tiles.
- 14.3 The main issues in consideration of this proposal are guided by Policy CS2 and the New Milton Local Distinctiveness Document, in particular, whether the form of development proposed would impact upon the character and appearance of the area and upon adjoining residential amenity. These issues formed the basis for refusal of a scheme for an altogether larger, 5 bed dwelling under ref. 15/10559.
- 14.4 In principle, replacement dwellings are acceptable within the built up area and are not subject to floor space restrictions. However, this is subject to other material considerations such as impacts upon residential and visual amenity.
- 14.5 The proposal would increase the footprint of the dwelling on the site, although the curtilage of the property can easily accommodate the extent of footprint proposed, which is similar to the extended footprint of no. 18. The scale and massing of the proposed dwelling is larger than the existing bungalow and while it has been reduced by comparison with both the initially submitted and previously refused schemes, its siting within a row of largely unaltered, single storey bungalows, presents problems in respect of street scene impacts. Although some dwellings in the locality have been altered, they are viewed in a different context. A street scene drawing shows the amended proposal in relation to the adjoining bungalows, which shows the ridge height higher than adjoining dwellings and the closure of gaps between dwellings, due to the increased width and scale of the proposal. The Local Distinctiveness

Document identifies the site as being within Character Area 9 (Barton Gardens), characterised by hip roofed bungalows, wide streets and front gardens. The Document identifies the open gaps between buildings as a strong part of the character here. The proposal would introduce a different elevational design and materials to the front elevation than other dwellings in the locality, the width, depth and scale of the proposal, coupled with side dormers and a front gable, dictates that the gaps between dwellings are eroded and the building would be prominent in the street scene. Notwithstanding the amendments made to the initial submission, the proposed design and scale are considered unacceptable in relation to their character and street scene impacts, contrary to the provisions of Policy CS2 and the New Milton Local Distinctiveness Document.

- 14.6 The impact of the proposal in terms of privacy, light loss and overbearing impact upon adjoining properties also needs to be considered. The revised proposal would present a less heavily massed wall and roof structure to no.14 Eldon Avenue, as the width, depth and mass of walling presented to that property is reduced. The impact on that property has been reduced by the amended plans, by moving the wall 0.5m away from no.14 and reducing the mass of the dormer windows. The ground floor windows facing no.14 are high level and the dormer windows would be obscure glazed, so the proposal would have no impact on existing privacy in these respects. Obscure glazing of the dormer windows may be ensured by condition. The impact of the proposal upon no.18 Eldon Avenue is more limited, due to the elongated and largely unfenestrated single storey extension that no.18 benefits from. The first floor fenestration introduced into the rear elevation would only offer oblique views across adjoining rear curtilages, but bearing in mind a rear dormer could be introduced into the existing bungalow without a requirement for planning permission, the privacy impacts of the proposal are considered to be acceptable. In terms of impacts upon adjoining properties, while the replacement dwelling would be larger than the existing bungalow, a structure of the scale and mass proposed would not have any significant adverse impact upon adjoining amenity and it is not considered that a reason for refusal on residential amenity grounds can be substantiated.
- 14.7 In terms of parking provision, the Council's adopted parking standards require 4 bed dwellings to provide 3 off street parking spaces. The submission is accompanied by a plan showing the replacement dwelling can accommodate 3 off-street spaces in an acceptable manner.
- 14.8 With regard to the comments of notified parties not addressed above, the Council's Land Drainage Section advise that discharge of surface water to a soakaway is preferable to discharge to foul drains. A condition requiring details of discharge arrangements would be included should the proposal be otherwise acceptable. It is confirmed that the applicant intends to demolish all of the existing bungalow. Disturbance caused by building operations is an inevitable consequence of most new developments and cannot be introduced as a legitimate reason for refusal.
- 14.9 As the proposal does not involve the creation of any additional dwelling, no contributions would be applied to the proposal, although the applicant is advised the proposal may be CIL liable and exemption would need to be applied for.

- 14.10 In conclusion it is considered that the proposed dwelling would be detrimental to the character and appearance of the area for the reasons set out in the recommended refusal reason.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	126	72	54	£0.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

- By virtue of its design, excessive scale, prominent front gable, massing and width, the proposal would close gaps between dwellings and fail to respect local roof forms, resulting in a harmful and incongruous addition to the established street scene, to the detriment of the character and appearance of the area, contrary to the New Milton Local Distinctiveness Document and Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

- In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, while amended plans were received, which reduced the massing of the proposal and altered fenestration arrangements, the amendments failed to overcome the Council's reservations over the scale and appearance of the proposal. In this instance, due to the absence of acceptable plans and the level of justifiable harm the scheme would cause, it is not unreasonable to refuse the application.

Further Information:

Major Team

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**Planning Development
Control Committee
May 2016**

Item No: 3b

16
Eldon Avenue
Barton on Sea
16/11743
SZ2393

Scale 1:1250

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

