

Application Number: 16/10658 Full Planning Permission

Site: 11 ST JOHNS STREET, HYTHE SO45 6BZ

Development: 2 outbuildings (retrospective)

Applicant: Mr & Mrs Harrison

Target Date: 07/07/2016

Extension Date: 12/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Member view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy for New Forest District outside the National Park

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

4 RELEVANT SITE HISTORY

16/10659: 2 outbuildings retrospective (Listed Building application) withdrawn

16/10570: Single storey rear extension granted consent subject to conditions 27/06/16

16/10571: Single storey rear extension (Listed Building application) granted consent subject to conditions 27/06/16

95/56439LB: external and internal alterations granted 20/04/1995

95/56440: Application for external and internal alterations permission not required 03/04/1995

5 COUNCILLOR COMMENTS

Cllr Bill Andrews:

I am in support of these applications, more especially so having visited the site and seen how both might compare with the various developments apparently permitted at the two immediately adjoining properties.

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

As the applicant is a Member of this Council, the committee would like to offer the following comment: Happy to accept the decision reached by the DC Officers under their delegated powers.

7 CONSULTEE COMMENTS

Land Drainage, Appletree Court: comment Only

Natural England: no Objection

Conservation: objection

8 REPRESENTATIONS RECEIVED

8.1 Sanders Design, agent: additional comments in support of application

8.2 Occupiers of number 17 St Johns Street: Support
Sheds are standard garden sheds , and have limited life span, although visible above garden wall are not obstructive, structures could be painted matt black and perhaps garden wall could be raised a few courses to hide top of sheds.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 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 development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 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 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.

Advice was given to the applicant that the recently erected outbuildings required planning consent as they are located within the curtilage of a Listed Building, and that in their current form they would not be acceptable. There are no changes to the outbuildings or the surrounding location that would change this view and the outbuildings in their current form are considered to form an unacceptable level of harm in the context of the host Listed Building.

12 ASSESSMENT

- 12.1 The two recently erected timber outbuildings require the benefit of planning permission as they are within the curtilage of a Grade II Listed Building. A Listed Building application was also submitted, but as the structures are free standing this form of consent was not required and was duly withdrawn.
- 12.2 The property has a long narrow rear garden which extends to Hythe Waterfront, and there is an original partition wall a third of the way down. The two outbuildings have been erected behind this partition wall. Both the outbuildings are of similar design and materials (though the furthest forward outbuilding has a smaller footprint). The buildings are positioned close together, one behind the other set just inside the exterior side wall. The side boundary is separated from the access road to Hythe Promenade by a planted verge, and this green screening does restrict views into the site.
- 12.3 Due to their position within the site, there are no neighbour amenity issues arising from the proposal.
- 12.4 By reason of this screening, the outbuildings are not overly prominent within the street scene. Nevertheless, limited views are achievable of these structures from public vantage points by reason of their height, as they extend above the external walls.
- 12.5.1 The principle of a single outbuilding serving this property is not unacceptable, but by virtue of it being in the curtilage of a Listed Building it must respect the character of the host dwelling. As such what is sought in this location is a structure of traditional form and materials, and good quality design, which neither of the current standard outbuildings achieve. Therefore, they are significantly harmful to the setting and context of the Listed Building. The offer to paint the outbuildings a recessive colour would not overcome the identified harm of the current structures.
- 12.5.2 The application site also lies within the Hythe Conservation Area. The purpose of a Conservation Area is to provide control over development in the interests of conserving and enhancing the historic character of an area. The sheds do not maintain the traditional building form and materials that would be expected in these areas and are therefore at odds with the historic character and appearance of the Hythe Conservation area. As such they have a negative impact upon the character and integrity of the Conservation Area.
- 12.5.3 The application site forms part of a terrace of 3 houses all of which are listed. The application site and its immediate neighbour were listed in 1976, while no.17 St Johns Street was listed separately in 1973. There appear to be outbuildings within the curtilages of these properties, but there is no information as to when these were erected (prior to the properties listings these would not necessarily have required planning consent anyway). Notwithstanding this, the outbuildings which are the

subject of this application have been judged on their own merits, and the existence of other timber outbuildings in neighbouring gardens does not form a precedent for further inappropriate and harmful development.

- 12.6 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.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The two outbuildings by reason of their standard design, materials, height and siting are harmful to the character and setting of the Listed Building. Furthermore, by reason of their incompatible materials and untraditional form they are also harmful to the character and appearance of the Hythe Conservation Area. As such they would be contrary to policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, policy DM1 of the Sites and Development Management Development Plan and Chap 12 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
August 2016**

Item No: 3t

11

St Johns Street
Hythe

16/10658
SU4207

Scale 1:1250

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

