

Application Number: 16/10824 Full Planning Permission

Site: Land of 2 EAST VIEW ROAD, RINGWOOD BH24 1PP

Development: House; parking

Applicant: Pathway Construction Ltd

Target Date: 16/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-Up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable Housing

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 4 - Promoting sustainable transport

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

Ringwood Local Distinctiveness Document

Housing Design, Density and Character

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

Habitat Mitigation SPD

6 RELEVANT PLANNING HISTORY

- 6.1 15/11478 - two storey rear extension - granted January 2016
- 6.2 02/75342 - outline application for detached dwelling(no. 4 East View Road) - refused June 2002, dismissed at appeal April 2003

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - Whilst surprised that Highways do not raise an objection to this application in spite of current parking/congestion problems, we recommend refusal of permission for this application, on the grounds that the character of the street would be severely compromised, with the inappropriate insertion of the proposed development, considering the spacing of dwellings in the area. This would be contrary to the Ringwood Local Distinctiveness SPD.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks – Give informatives on proximity of site to their apparatus.
- 9.2 Hampshire County Council Highway Engineer – On site parking would be provided for 2 cars, and a new vehicular access would be formed onto the highway in East View Lane. There are no details of any cycle parking facilities to be provided for the new development. The NFDC document 'Parking Standards Supplementary Planning Document (SPD)' adopted in October 2012, provides a recommended average provision of 2.5 spaces for a three-bed dwelling where parking is on plot. The level of parking to be provided in respect of the proposed dwellings is therefore less than that recommended in the SPD. However it is considered that in this instance the shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network. No objections subject to car and cycle parking conditions and an informative
- 9.3 Council Drainage Section – No objections, subject to surface water discharge condition.

10 REPRESENTATIONS RECEIVED

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

- Overdevelopment of plot
- Out of character with existing dwellings.
- A restrictive covenant restricts development to the sides of nos. 2 and 4
- Loss of view
- Loss of privacy
- Overbearing impact
- Increased noise and disturbance
- Damage caused to adjoining boundary
- Loss of highway safety
- Inadequate parking
- Inadequate access for emergency and refuse services

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £10,840.00. Tables setting out all contributions are at the end of this report.

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.

No pre-application advice was sought from the planning authority in respect of the form of development proposed. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overdeveloped form of development, character impacts and amenity impacts were made available on the Council's website, with no direct response offered by the applicant to address those concerns. 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 agreement over contributions, acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

14 ASSESSMENT

- 14.1 The application site consists of the side garden curtilage of a semi-detached, two storey dwelling (no. 2 East View Road) within the built up area of Ringwood. The immediate area is characterised by detached dwellings, predominantly bungalows.
- 14.2 The application proposes erection of a two storey, detached dwelling, with associated garden area to the rear and two parking spaces to the front. The dwelling would be constructed of brick and slate or tiles and be of conventional design.
- 14.3 The main planning issues to take into consideration are the impact on the character and appearance of the area and upon adjoining residential amenity.
- 14.4 The impact of the proposal in relation to the character of the area needs to be considered, in the context of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF, which among other things considers the space retained around new buildings, gaps between existing structures and impact upon the street scene. Policy CS2 of the Core Strategy, stipulates that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. Paragraph 64 of the 'The National Planning Policy Framework' states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In addition Paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the area.
- 14.5 In assessing the effect on the character and appearance of the area, the immediate context of the area is predominately detached bungalows fronting onto local roads with long, open rear gardens. Numbers 2 and 4 East View Road benefit from large gardens to the side and rear, which contribute to the character of the area. The proposal seeks to utilise the side garden of no. 2 to establish an independent three bed dwelling, with parking spaces for four cars squeezed into the remaining site frontage. This is not considered to reflect the context of the area given that the character of the area is informed by retention of good sized gardens to the rear as well as landscaped frontage areas. Views of the proposed dwelling and associated parking would be clearly visible from East View Road, with little or no opportunity for screening or landscaping and where the appearance of a two storey dwelling would be harmful to the street scene. While the proposed building would be sited along the established building line and be of similar depth to existing dwellings in the row, it would have a small rear garden and the front of the site would become dominated by access and parking arrangements, with little scope for meaningful planting. The extent of hard surfacing would appear harsh in this location and would be out of context with the area. The proposed parking arrangements emphasise the cramped appearance of this development. Overall, the proposal constitutes

overdevelopment of this site, as the dwelling would have a cramped setting, located close to the boundaries of the site, dominated by car parking and turning arrangements, with a small garden area and little space around the building, which would be an incongruous feature and out of character with the area. In some of these respects the proposal is similar to the scheme refused and dismissed at appeal in 2003, for a similar form of development to the side of no. 4 East View Road. The proposal does not accord with the provisions of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF.

- 14.6 Policy CS2 also requires the impact of development proposals upon adjoining amenity to be considered. The proposal has a very close relationship to the boundaries of existing dwellings around it and the amenity impacts of the proposal need to be considered. Several objections have been received to the proposal citing overlooking, noise and disturbance as amenity reasons for objection. It is not considered that refusal can be substantiated on these grounds as fenestration arrangements are adequate and could be addressed through use of obscure glazing and residential use in a residential area is unlikely to result in significant additional noise and disturbance. However, the proposal has a close relationship to the boundary with no. 1 East View Road (Cartref) to the west and the amenity impacts of the proposal need to be considered in terms of any overbearing impacts or loss of light or outlook. The depth of the proposed development would present a large, two storey structure in close proximity to Cartref, which would have an overbearing and oppressive impact upon the amenity of adjoining occupiers. Consequently the amenity impacts of the proposal would be contrary to the provisions of Policy CS2 of the Core Strategy.
- 14.7 With regard to the representations of notified parties not addressed above the existence of a restrictive covenant is not material to consideration of this application, this is a separate legal matter. Similarly damage caused or potential damage caused to adjoining boundaries is a private legal matter. Loss of view is not material to consideration of planning applications. With regard to highway concerns, while officers have concerns regarding the cramped appearance of the proposed parking arrangements, the County Highway Authority raise no objections to the proposal and highway concerns cannot be introduced to substantiate further reasons for refusal.
- 14.8 In terms of contributions, the proposal is CIL liable and the applicant will be required to mitigate the impact of the development on European wildlife sites, which may be addressed following the grant of any planning permission. As a small residential development (under 10 units), there is no longer a requirement to make an affordable housing contribution, following the order of the Court of Appeal dated 13 May 2016. From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is CIL liable. In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. Had planning permission been granted for the proposed development, a condition

would have been recommended that would prevent the development from proceeding until the applicant has secured appropriate habitat mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. The proposal would have been subject to payment of a habitat mitigation contribution of £550 for visitor management and monitoring, secured by S.106 or otherwise providing habitat mitigation to an equivalent standard.

14.9 In light of the concerns highlighted over the overdeveloped form of development, character impacts and amenity impacts, the application is recommended for refusal.

14.10 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£4250	£4250	0

CIL Requirement

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	130	0	130	130	£80/sqm	£10,840.00 *
Subtotal:	£10,840.00					
Relief:	£0.00					
Total Payable:	£10,840.00					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development offers a cramped layout and poor levels of space about the building, which constitutes overdevelopment of the site. It would be inappropriate to the site context by virtue of the closure of the gap between numbers 1 and 2 East View Road, its overly deep footprint, frontage dominated by vehicular parking and turning arrangements, with inadequate provision for any meaningful landscaping and small rear garden area. Consequently the proposal would be an incongruous feature which would detract from the street scene, character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Ringwood Local Distinctiveness Document and paragraphs 53 and 64 of the National Planning Policy Framework.
2. The proposed development would have an unacceptable impact upon adjoining residential amenity as it would have an oppressive and overbearing impact on the outlook of number 1 East View Road (Cartref), by virtue of its close proximity, height, siting and depth, contrary to the amenity related provisions of Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009).

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.

No pre-application advice was sought from the planning authority in respect of the form of development proposed. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overdeveloped form of development, character impacts and amenity impacts were made available on the Council's website, with no direct response offered by the applicant to address those concerns. 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 agreement over contributions, acceptable plans and the level of justifiable harm the scheme would cause, it was not unreasonable to refuse the application.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)

