

**Application Number:** 16/11581 Full Planning Permission

**Site:** Land of 29 PEAR TREE CLOSE, BRANSGORE BH23 8NH

**Development:** Attached house; detached garage; dropped kerb

**Applicant:** Mrs Burridge

**Target Date:** 12/01/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM3: Mitigation of impacts on European nature conservation sites

**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**

SPD - Parking Standards  
SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Bransgore Parish Council: recommend permission. The design of the proposed extension is in character with the area.

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: no objection subject to condition

9.2 Tree Officer: no objection

**10 REPRESENTATIONS RECEIVED**

10.1 1 letter raising no objection

10.2 1 letter of objection concerned that the plans do not show the old Oak tree situated in front of No 27A which is protected. In addition, the head of the cul de sac is frequently used by both residents and visitors to the properties at this end of Pear Tree Close for parking. If the garage were to be approved it would result in the loss of parking and the additional unit would bring a requirement for more parking for residents and visitors.

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will, in general terms, receive New Homes Bonus (net increase in dwellings x £1224 = £1224) in each of the following four years.

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 £9,305.12

However at this stage the applicants have been provided a relief from CIL and provided that the applicant meet certain specified criteria, the CIL figure will change.

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 and there are concerns in principle with the proposed development which would not be overcome through revised plans.

## 14 ASSESSMENT

- 14.1 The application site forms the side garden area to a detached dwelling situated at the end of a residential cul de sac known as Pear Tree Close. The existing dwelling is set back from the road with a well landscaped front and side garden with car parking spaces to the front. The side garden is enclosed by an existing tall evergreen hedge with the rear garden area backing onto the recreation ground. The site is effectively the last property in the Close, with the end of the road forming a turning area. The site backs onto the recreation ground where there is a belt of mature trees, planting and openness in the background.
- 14.2 This planning application proposes an attached two storey dwelling on part of the existing garden area. A detached garage is proposed to the rear with a single car parking space to the front of the site. Visually the proposed dwelling would reflect the scale and design of the existing dwelling.

- 14.3 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the neighbouring properties and public highway safety matters.
- 14.4 Pear Tree Close is a short residential street comprising detached and semi detached dwellings. Buildings are very uniform in design and form with ridge lines running parallel to the road with the front defined by car parking spaces and front lawns. Some properties have hedgerows, planting and greenery to the front, whereas other properties are completely laid out with hardsurfacing. The application site is one of the more spacious plots, but one which has a pleasant green frontage, which enables the dwelling to sit comfortably in the plot and positively contributes to the character of the area.
- 14.5 In assessing the effect on the character and appearance of the area, it is considered that the proposed development would have a negative impact on the street and the special qualities of the site and surrounding area would be diminished in a number of ways.
- 14.6 In particular, the proposed dwelling would appear unacceptably cramped and somewhat squeezed into the plot with a very narrow frontage compared to the majority of other dwellings in the Close. The proposed dwelling would unacceptably encroach into this open part of the site resulting in the loss of greenery and vegetation, the loss of which would reduce the spaciousness, diminishing the positive features that contribute to the character of the area. Although the submitted plans indicate that the majority of the existing hedgerow will be retained, part of the hedgerow has been shown to be reduced in height and because of the close proximity of the proposed dwelling to the highway, it is likely that the remaining part of the hedgerow would be removed.
- 14.7 The cramped and inappropriate form of development is also due to the provision of the detached garage in the rear garden which reduces the level of garden space and adds to the overall level of built development on the site. It is clear that the overall plot size is compromised by the highway which cuts through the corner of the site and this has led to the proposed dwelling being sited right up to the road frontage. Because of the close proximity of the proposed dwelling to the highway, its scale, and the austere design of the side elevation, the building would appear incongruous and visually imposing in its setting and this is further justification that the proposed development would have a negative impact on the character of the area.
- 14.8 With regard to residential amenity, the proposed dwelling would bound the existing highway and would not be sited close to nearby residential properties. Accordingly given the distances involved and the fact that the proposed dwelling would face the highway, the proposal would not have any adverse impact on the living conditions of the adjoining neighbouring properties.
- 14.9 Comments have been made that there is a large Projected Oak tree adjacent to the site which has not been shown on the submitted plans. While the plans do not show the Oak tree, on the basis that the tree is separated by the road and the distances involved, it is not considered that this tree would be adversely affected.

- 14.10 Concerning public highway safety matters, the Highway Authority does not raise any objections to the proposal. The level of car parking accords with the recommended guidance and it is considered that the addition of a dwelling would not put pressure on the street car parking.
- 14.11 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. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.12 On 28th November 2014 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

*“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm; In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;*

*Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”*

This national guidance is at odds with Policy CS15 of the Council's Core Strategy. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight in the determination of a planning application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government's national guidance unless there are exceptional circumstances which indicate otherwise.

While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with National Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.

- 14.13 Overall it is considered that the proposed dwelling would lead to the erosion of this open area and loss of the 'green view' at the end of this pocket of housing which contributes to its distinctive character and accordingly, the proposed development would be detrimental to the

character and appearance of the area and this significantly and demonstrably outweighs the benefit of providing one additional dwelling.

14.14 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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	105.74	0	105.74	105.74	£80/sqm	£9,305.12 *

Subtotal:	£0
Relief:	£0.00
Total Payable:	£0

\* 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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

## 15. RECOMMENDATION

**Refuse**

**Reason(s) for Refusal:**

1. By virtue of its openness, greenery and vegetation, the application site positively contributes to the street scene and spatial character and appearance of the area. It is considered that by virtue of its siting, scale and positioning on the site, the proposed development would have a cramped layout that would unacceptably encroach into this open part of the site that would result in the loss of greenery, openness and vegetation diminishing the spacious positive features that contribute to the character of the area. In addition, by virtue of its siting close to the road frontage, scale and austere design, the proposed dwelling would appear incongruous and visually imposing in its setting to the detriment of the character and appearance of the area. For this reason, the proposed development is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

1. 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 and there are principle concerns with the proposed development which would not be overcome through revised plans.
2. This decision relates to amended plan received by the Local Planning Authority on the 7th December 2016.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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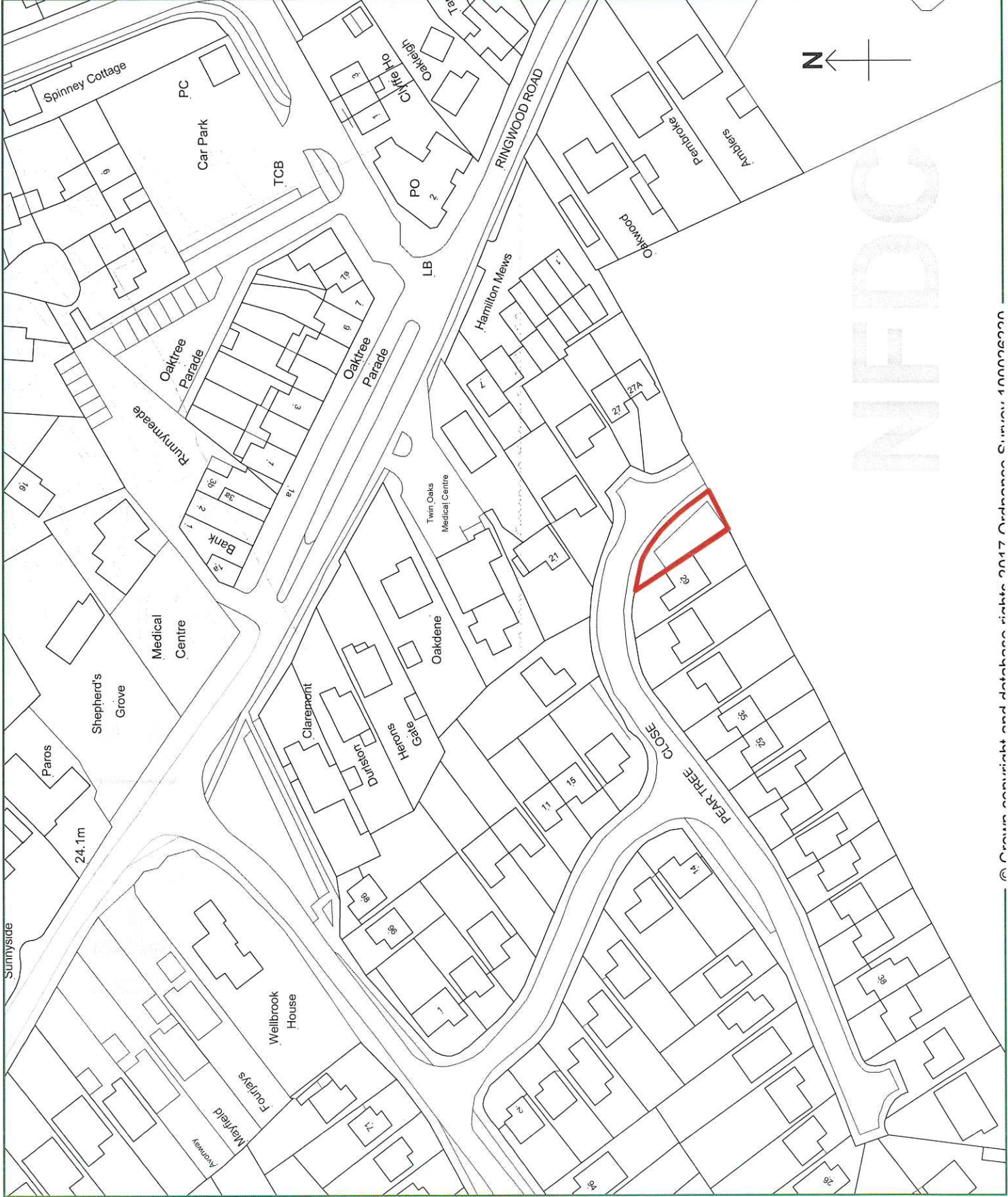
**Planning Development  
Control Committee  
February 2017**

**Item No: 3k**

Land of 29  
Pear Tree Close  
Bransgore  
16/11581  
SZ1897

Scale 1:1250

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



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