

**Application Number:** 16/11722 Full Planning Permission

**Site:** THE WILDERNESS, WEST ROAD,  
MILFORD-ON-SEA SO41 0NZ

**Development:** Two-storey house with balcony; demolition of existing; detached garage with workshop; access alterations

**Applicant:** Dr H Artis & Dr J Waller

**Target Date:** 02/03/2017

**Extension Date:** 09/03/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

The site lies within the countryside beyond the Milford settlement boundary, which is also designated as Green Belt.

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

SPG - Milford-on-Sea Village Design Statement  
SPG - Residential Design Guide for Rural Areas

**Policies**

**Local Plan Part 1 (Core Strategy DPD) 2009**

CS2: Design quality  
CS10: The spatial strategy

**Local Plan Part 2 (Sites and Development Management DPD) 2014**

DM20: Residential development in the countryside

**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**

Residential Design Guide for Rural Areas of the New Forest District  
Supplementary Planning Guidance (NFDC.1999)

Milford Design Guide-Village Design Statement SPG (NFDC 2002)

## **6 RELEVANT PLANNING HISTORY**

There is no planning history for this site which is of particular relevance to this proposal.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council: recommend permission. The Parish Council considered the design and size of the house appropriate for such a unique location in the village.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

None

## **10 REPRESENTATIONS RECEIVED**

10.1 3 letters of support. The design,size and overall appearance of the proposed development would be acceptable and will be an improvement on the existing building.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Based on the information provided at the time of this report this development has a CIL liability of £3,344.00.

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.

The proposals subject to this current application are very similar to the most recent plans submitted as part of a pre application enquiry. On the basis that the current proposals have not addressed the concerns previously raised, it would not be appropriate for officers to provide any further advice for changes to be made and a decision should be reached on the current proposal.

## **14 ASSESSMENT**

- 14.1 "The Wilderness" is a fairly modest detached bungalow which forms part of a group with three other detached properties on the outskirts of Milford. The property is accessed via a private lane which joins West Road to the south. There is a detached single garage and a wooden shed within the grounds of the property. The dwelling is enclosed by hedgerows and vegetation to its front, side and rear boundaries. Views of the bungalow can be gained from Cliff Road across the open field, with the run of three dwellings just beyond.
- 14.2 For the purposes of policy, the site lies within the countryside and Green Belt. Just to the south of the site is the edge of the built up area boundary, and the land to the north is occupied by various holiday homes and caravan parks. It should be noted that the holiday and caravan parks lie within land designated as countryside and Green Belt. The three immediate neighbouring dwellings comprise two chalet style bungalows which appear to have recently been modified and a larger detached two storey dwelling.
- 14.3 The proposal is to replace the existing dwelling with a two storey detached house and outbuilding. The proposed dwelling utilises the footprint of the bungalow, the outbuilding being the only element of the proposal that extends the footprint of the existing bungalow. A new access would be created along the western boundary, with car parking spaces provided in front of the proposed garage.
- 14.4 The principle planning issues arising from the proposal concern the compatibility of the scale of the proposal within the constraints of this rural, Green Belt location and the suitability of the design of the house within its context.

- 14.5 Starting with the policy position, Local Plan Part 2 Policy DM20 relates to residential development in the countryside and the policy permits replacement dwellings but this is subject to certain criteria. The policy states that development should be of appropriate design, scale and appearance with the rural character of the area and should be designed to respect the character and scale of the existing dwelling and not significantly alter the impact of built development on the site within its setting. The policy also states that replacement dwellings should not normally provide for an increase in floor space of more than 30% of how the property existed on the 1st July 1982.
- 14.6 Paragraph 89 of the National Planning Policy Framework relates to the Green Belt and states that a Local Planning Authority should regard the construction of new buildings as inappropriate development. Exceptions to this are the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
- 14.7 The existing property is a modest detached bungalow with a floor space of approximately 137 square metres, which would allow a floor space of 178 square metres. The proposed dwelling would have a floor space approximately 6 square metres over the floor space limitation. Moreover, if the floor space beneath the balconies was being counted as floor space, this would result in the proposed floor space well above that permissible by policy.
- 14.8 However, in assessing the proposed floor space limitation, given the minimal increase in floor space of only 6 square metres, it is not considered a reason of such significance to justify refusing the application. Moreover, in this particular case, it would be unreasonable to treat the space beneath the balconies as floor space given that these are designed features on the building and the applicant is seeking to take advantage of the views of the landscape. Accordingly, it would be more important to focus on whether the proposed dwelling and outbuilding are appropriate in this setting and their impact on the character of the countryside and Green belt.
- 14.9 Visually the existing bungalow is a modest, low profile, building incorporating a fully hipped concrete tiled roof with concrete blockwork for its cladding. It sits comfortably in its setting, with views of its roof visible from Cliff Road. Although the existing bungalow is of no architectural merit, because of its low scale and shallow profile, it has minimal impact on the landscape. Accordingly, while there is an opportunity to replace the existing bungalow with a new building, careful consideration should be given to the design, size and scale of any replacement to ensure that any development would be appropriate for the site context and accords with the Green Belt test.
- 14.10 The proposed dwelling has been designed as a modern dwelling constructed from timber cladding and rough cast blocks under a pitched zinc roof with generous external areas (terrace/balconies) to take advantage of the sites context and open views across the landscape. Its orientation differs from the immediate neighbouring dwellings in that its front elevation faces north, whereas the other dwellings face south. The supporting statement highlights that the design approach is to create a new dwelling that is conceived as a matching bookend to that at 'Killydush' at the end of this row of four properties.

- 14.11 Rising to over 9 metres in height with its large roof form spanning 11 metres in length with deep side gables, the proposed dwelling would be significantly larger in scale, mass and form than the existing low profile bungalow. Accordingly, while the footprint is similar in size, it is clear that the proposed full two storey dwelling would be much taller and would appear materially more imposing in its setting than the existing property.
- 14.12 The proposed dwelling would be a bold architectural statement incorporating a number of design features including the second floor roof terrace which 'cuts' into the roof, the 'curved' balcony, a palette of materials, and its fenestration. While not wishing to criticise what appears to be a reasonably well executed piece of modern architecture, the proposed dwelling would appear very different to this established rural character and it is not considered that it will be an appropriate design given the sites location. It would be visible from the south and west across the open fields from Cliff Road and, simply, it is the wrong building for the site.
- 14.13 Accordingly, because of the combination of the unsympathetic design, scale, form and mass, the proposed dwelling would appear dominant and contextually inappropriate in its setting that would also amount to a disproportionate addition over the size of the original dwelling house, and would constitute inappropriate development in the Green Belt. No very special circumstances have been advanced to show why planning permission should be granted.
- 14.14 With regard to other matters, the proposed dwelling would not have any adverse impact on the living conditions of the neighbouring properties. The proposed dwelling would be sited just under 7 metres from the side elevation of 'The Hurst' and the proposed outbuilding would be sited more than 4 metres away from the side boundary. Because of its low roof height, the proposed outbuilding would not appear visually imposing in its relationship to this neighbour. Moreover, being sited to the west, the proposed dwelling would not unacceptably restrict light onto the solar panels of the roof slope of this neighbour. In terms of overlooking, the first floor window proposed on the side (east) elevation serves a bathroom and a condition could be imposed for this to be fitted with obscure glazing to mitigate against overlooking. The proposed balconies would largely have views to the south and west, and any views directly to the rear garden of the neighbouring property would be oblique.
- 14.15 In conclusion while the existing bungalow is of no architectural merit, it is a very modest building which sits comfortably in its setting and has little impact on the character of the area. The principle of replacing the bungalow with a new dwelling would be acceptable, however, any replacement dwelling needs to be sympathetic to the sites context, and appropriate to its setting which lies within the countryside and Green Belt. The proposed dwelling is not contextually appropriate and the design and scale would appear unacceptably dominant in its setting, which would be harmful to the character and appearance of the countryside and have an unacceptably greater impact on the openness of the Green Belt than that existing.
- 14.16 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)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	175	137	38	38	£80/sqm	£3,344.00 *
Subtotal:	£3,344.00					
Relief:	£0.00					
Total Payable:	£3,344.00					

\* 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)*

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 reason of its scale, form, mass and unsympathetic design, the proposed replacement dwelling would be out of keeping, dominant and far more imposing and visually intrusive than the existing property on the site, to the detriment of the character and appearance of this rural countryside setting and thereby also resulting in a visual reduction in the openness of this part of the Green Belt. As such, the proposed replacement dwelling house would constitute inappropriate development in the Green Belt, which is, by

definition harmful to the Green Belt. It has not been demonstrated that very special circumstances exist that would outweigh the harm by reason of the inappropriateness of the dwelling and any other harm of such a proposal. For this reason, the development would be contrary to Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park, Policy DM20 of the Local Plan Part 2 and paragraph 89 of the National Planning Policy Framework and adopted Supplementary Planning Guidance 'Residential Design Guide for Rural Areas' .

**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.

The proposals subject to this current application are very similar to the most recent plans submitted as part of a pre application enquiry. On this basis the current proposals have not addressed the concerns previously raised. It would not be appropriate for officers to provide any further advice for changes to be made and a decision should be reached on the current proposal

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee  
March 2017**

**Item No: 3i**

The Wilderness  
West Road  
Milford on Sea  
16/11722  
SZ2792

Scale 1:1250

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

