

Application Number: 17/10350 Full Planning Permission

Site: 9 MOXHAMS, FORDINGBRIDGE SP6 1JE

Development: Dropped kerb and access gate (PART RETROSPECTIVE)

Applicant: Mr & Mrs Pottinger

Target Date: 19/05/2017

Extension Date: 14/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Flood Zone
Meteorological Safeguarding
Aerodrome Safeguarding Zone
Plan Area
Historic Land Use

Conservation Area: Fordingbridge Conservation Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

No relevant documents

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/RFR/12980/1 10 houses with integral garages and construction of access.	17/02/1970	Granted Subject to Conditions	Decided	
XX/RFR/12980/2 Construction of new street.	17/02/1970	Granted	Decided	
XX/RFR/12980 10 houses with integral garages (existing buildings to be demolished).	25/08/1969	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend refusal as the design of the gate is inappropriate in this setting in a conservation area and concern over the inclusion of the public footway within the scheme and lack of consultation with the Highway Authority

7 CONSULTEE COMMENTS

- 7.1 Conservation Officer: no objection
- 7.2 Environmental Health Contaminated Land: no objection
- 7.3 Natural England: no objection
- 7.4 Hampshire County Council Highway Engineer: objection to an additional access onto a site where there is already a vehicle access.

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 4

Comment(s): 0 In Favour: 0 Against: 4

Four letters of objection have been received from neighbours at numbers 3, 5 and 8 Moxhams, and 68 Abbotsbury Road. The main reason for these objections are the loss of the parking area to the front of the gate.

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The property is a relatively modern semi-detached property within a cul de sac of similar properties. The property benefits from an integral garage to the front with vehicle access from the road. There are high hedges along the front boundary where a pedestrian gate has been replaced with a wider five bar wooden gate, which is the subject of this application.
- 12.2 The main considerations when assessing this application were the impact on the street scene, Conservation Area and highway safety.
- 12.3 The proposal includes the introduction of a new vehicular access and given that this estate road is not a Classified road the installation of a new access does not require planning consent as it would be considered to be permitted development. The original planning approval contained a condition restricting the height of any development to the front of the properties to maintain an open plan design estate and therefore the gate, even though it is not in excess of 1 metre in height, does require planning consent.
- 12.4 The Highways Authority was consulted and has advised that their guidance for dropped kerbs resists the introduction of a second access onto a site when there is already a vehicle access, unless highway safety improvements can be established. Given that the dropped kerb and new access do not require planning permission the refusal of this application on these grounds would not be appropriate. The creation of the dropped kerb will however require the consent of the Highway Authority separate to planning.
- 12.5 The Conservation Officer has advised that the work has minimal impact on the character and appearance of the conservation area and that they have no objection.

- 12.6 The neighbours at numbers at numbers 3, 5 and 8 Moxhams, and 68 Abbotsbury Road have objected to the new access and gate in that they would restrict the use of the road to the front of the gate for parking. There are no restrictions on the original planning permission requiring this area of highway to be continually used for the parking of vehicles and therefore the loss of parking is not within planning control. The Highway's Officer has not highlighted any parking issues within their consultation response.
- 12.7 The openness of the land to the front of the properties has been eroded over the years with hedging and a pedestrian gate and therefore the newly erected gate, which is limited in height and open in it's design, does not have a significant adverse impact on the spatial characteristics of the street scene or detract from the Conservation Area. Therefore the application is recommended for approval.
- 12.8 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: POT1/100,POT1/101 POT1/102, POT1/103, POT1/104 & POT1/105

Reason: To ensure satisfactory provision of the development.

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.

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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**
June 2017

Item No: 3g

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Moxhams
Fordingbridge
17/10350
SU1414

Scale 1:1250

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

