

Application Number: 17/10433 Full Planning Permission

Site: 46 WHITSBURY ROAD, FORDINGBRIDGE SP6 1LA

Development: Bungalow; parking

Applicant: Mr & Mrs Hardy

Target Date: 22/05/2017

Extension Date: 13/07/2017

RECOMMENDATION: REFUSE

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town 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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

House, access (10122) Withdrawn on the 16th March 2015

1 pair of semi-detached houses (95418) Withdrawn on the 12th July 2010

Single storey dwelling (10367) Refused on the 11th June 2015

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission under PAR3 as the dwelling would cause minimal impact and would be a good infill on this site

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no objection

9.2 Ecologist: no objection subject to securing the development in accordance with the recommendations for biodiversity mitigation and compensation/ enhancement outlined in the accompanying ecology report

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £8,578.24.

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 this application does not address the concerns previously raised. There are concerns in principle with a new dwelling on this site which could not be overcome by negotiation.

14 ASSESSMENT

- 14.1 The application site forms part of the rear garden area to the residential property at 46 Whitsbury Road in Fordingbridge. The site is irregular in shape and partly wraps around the garden to No.44 Whitsbury Road and extends upto the edge of a car parking courtyard accessed from Queens Gardens. The site is mainly laid to lawn with some small outbuildings and polytunnels and some scattered trees enclosed by boundary fencing and hedgerows. There is an existing access to the end of the rear garden from Queens Gardens which provides a single car parking space. The existing property at No.46 is a semi detached dwelling which fronts onto Whitsbury Road and has spaces for up to two cars. Apart from the boundary to the private car parking courtyard, the site is bounded on all sides by existing residential gardens.

- 14.2 The proposal is to construct a detached single storey dwelling on land that currently forms part of the rear garden to No.46 Whitsbury Road. The proposed dwelling would be sited at the far end of the rear garden positioned such that the proposed building would front onto the existing car parking courtyard in Queens Gardens. The existing access would be used to serve the proposed dwelling and there would be space for the parking of two cars. The proposed dwelling would be sited adjacent to the courtyard set behind a 1.5 metre high brick wall.
- 14.3 Visually, the proposed building would be of a contemporary and innovative design constructed from timber cladding, with a part sloping metal standing seam roof and part flat grassed roof. When viewed from the courtyard the proposed dwelling would rise to approximately 5.7 metres high but its height drops steeply as it extends to the rear to a height of around 3.1 metres. High level windows would be installed on the front elevation of the building to add interest from the courtyard together with a single storey front element. The main issues in this case are the effect on the character and appearance of the area.
- 14.4 In terms of the planning history, planning permission was recently refused (15/10367) by this Committee to construct a detached single storey dwelling on this plot. That application is nearly identical to this current application. The application was refused for two reasons as set out below:

Reason 1

By virtue of its size, openness, and greenery, the site positively contributes to the wider character of the area and forms part of the large cumulative area of garden groups and spaces to the rear of the dwellings fronting Whitsbury Road. The proposed dwelling would unacceptably encroach into this area and as such the proposed development would detract from the undeveloped open quality of the locality and be an inappropriate form of development. In addition the proposed dwelling would be sited behind a high brick wall with no active frontage and would result in a building fronting onto a rear service access and private car parking courtyard which would result in an undesirable and poorly planned development. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Reason 2

The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

- 14.5 As stated above, this current application is effectively identical to the application previously refused. The differences in the design of the dwelling and layout are very minor. The changes include a slight increase in the size of the building, and its siting further back from the courtyard and a pitched roof to the front porch instead of the previously

proposed flat roof. The other changes entail alterations to the fenestration with new and slightly larger windows. The application is also supported by a detailed planning statement setting out the justification for the dwelling in character terms and why the proposed development is contextually appropriate.

- 14.6 In assessing this current application, there have been no changes in the circumstances of the site, or policy. It should be noted that reason for refusal 2 is no longer applicable as habitat mitigation can be dealt with through a negatively worded planning condition and CIL. On the basis that there have not been any changes in policy, it is important to set out in detail the main concerns and carefully consider the comments made by the applicants agent in their supporting statement.
- 14.7 In assessing the effect on the character and appearance of the area, there are two distinctive areas, one of which includes the properties fronting onto Whitsbury Road/ Alexandra Road and the other is the development in Queens Gardens. The properties along Whitsbury Road are traditional 20th Century semi-detached dwellings positioned close to the road and have long rear gardens which back onto a modern housing estate in Queens Gardens. For the most part the rear gardens to these properties are open, but there are some ancillary outbuildings such as sheds, greenhouses and workshops. The extent of this important group of garden land to the rear of Whitsbury Road extends from the application site up to No 82.
- 14.8 In Queens Gardens the character of the area is very different and the context comprises a more modern high density development of semi-detached dwellings and terraces with the buildings fronting onto the cul de sac in a more uniform design and layout. Plot sizes are noticeably smaller with short front and rear gardens. In Alexandra Road, the dwellings have slightly shorter rear garden areas with outbuildings and garages located to the rear immediately adjacent to the access of the private car parking area.
- 14.9 The applicant's supporting statement considers that the proposal would be an efficient use of the land creating a low density sustainable development in a residential area. The character of the area is very mixed and the proposed development would relate more to Queens Gardens and Alexandra Road than Whitsbury Road. The supporting statement contends that the undeveloped and open nature of the rear gardens is not accurate in that these spaces are working gardens with outbuildings and parking areas. As such the applicant's agent considers that the proposed form, scale, bulk and height of the proposed development cannot be considered out of character.
- 14.10 In response, the key issue is that the application site and the surrounding land forms part of an important cumulative garden group, which positively contributes to the character of the area. Collectively rear gardens through their greenery, tranquility and biodiversity often form a strong part of the distinctiveness of an area. Views of these green garden spaces and the rear of the dwellings and their roof tops in Whitsbury Road and Alexandra Road can be greatly appreciated from a number of vantage points. A single insertion of development into the collective loss of this rear garden space of a group of dwellings can destroy its integrity and the peaceful oasis of rear garden land should be avoided. It is for this reason, the proposal is still considered

unacceptable.

- 14.11 There are currently no dwellings located in the rear garden areas of Whitsbury Road and Alexandra Road and by introducing a new dwelling this would unacceptably encroach into part of the rear garden areas appearing in complete isolation to the rest of the development. While the design of the dwelling is innovative with low sloping roofs constructed with timber cladding, there is a principle concern about locating a new dwelling that would destroy the pattern of development in the area which is distinguished by large deep rear gardens.
- 14.12 The applicants supporting statement also considers that the proposal would create an active frontage onto a courtyard area and that it is very common for dwellings to be located off small parking courtyards. The statement highlights the relationship of the proposed dwelling to the courtyard will be no different to the relationship between 1-4 Queens Gardens which back onto the access road.
- 14.13 In response, while this current application has been improved through the introduction of additional window openings facing the courtyard, it is still considered that the proposal would lead to poor planning as the main principle elevation would face onto an unattractive and stark rear car parking courtyard which has limited public realm. The properties in Queens Gardens do not have their principle elevation facing the courtyard space. A direct relationship to the street allows natural surveillance and neighbourly exchange, giving a communal sense of place. In this case, the proposed dwelling would be isolated from the rest of the development and would be surrounded by the rear of houses fronting onto Alexandra Road and Whitsbury Road. The importance of connectivity is stated in the National Planning Policy Framework (the Framework), where in Section 7 *Good design*, paragraph 61, it states that high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the built environment.
- 14.14 With regard to other matters, the proposed development would not impact on residential amenity. The proposed dwelling would be sited close to the residential properties at Nos 48 Whitsbury Road and No.3 Queens Gardens. Given that the proposed building would be sited at the far end of No.48's plot, the design of the building with a low profile, and the level of screening provided, it is not considered that the proposal would have any adverse impact on these residents. No windows are proposed on the side elevation facing north and the other proposed ground floor windows would be screened by existing or proposed boundary fencing. The windows on the front elevation facing the courtyard would be high level providing light into the ground floor rooms.
- 14.15 Concerning the impact on the neighbouring property at No 44, the proposed building is located a sufficient distance away not to result in any adverse impact in terms of overlooking, loss of light or outlook. The proposal would not give rise to an unacceptable increase in noise or disturbance to the neighbouring property at No 44.
- 14.16 In terms of highway safety matters, the existing dwelling at No 46 would retain two car parking spaces and the proposed dwelling would incorporate two spaces which would broadly accord with the

recommended car parking standards as set out in the Council's adopted Supplementary Planning Document. Access into the site would be across a private car parking courtyard which links onto Queens Gardens. While no comments have been received from the Highway Authority it is not anticipated that the proposed development would prejudice public highway safety given that access would be onto a quiet courtyard which currently provides car parking to some of the dwellings in the area. In addition, no concerns were raised on this matter when the previous application was considered.

- 14.17 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.18 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.
- 14.19 In conclusion, while the proposal is of an innovative design and the plot sizes being created would be reasonable for the existing and proposed dwellings, the principle of siting a dwelling on land that forms part of a large garden group to the dwellings fronting onto Whitsbury Road would be unacceptable and out of context with and harmful to the character of the area.
- 14.20 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	97.48	0	97.48	97.48	£80/sqm	£8,578.24 *

Subtotal:	£8,578.24
Relief:	£0.00
Total Payable:	£8,578.24

* 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. The site positively contributes to the wider character of the area and forms part of the large cumulative area of garden groups, greenery and spaces to the rear of the dwellings fronting Whitsbury Road and Alexandra Road. The proposed dwelling would unacceptably encroach into this area and as such the proposed development would appear incongruous and detract from the generally undeveloped open quality of the locality and be an inappropriate form of development. In addition the proposed dwelling would result in a building fronting onto a rear service access and private car parking courtyard which would result in an undesirable and poorly planned development. For this reason, the proposal 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 this application does not address the concerns previously raised. There are concerns in principle with a new dwelling on this site which could not be overcome by negotiation.

Further Information:

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Major Team

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**Planning Development
Control Committee**
July 2017

Item No: 3e

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**Whitsbury Road
Fordingbridge
1710433
SU1414**

Scale 1:1250

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



