

Application Number: 18/10474 Full Planning Permission

Site: Land rear of 25-31 PROVOST STREET, FORDINGBRIDGE SP6 1AY

Development: Bungalow; access; parking; demolition of extensions to 25 and 27
Provost Street; rear porch canopy

Applicant: Crownshade Ltd

Target Date: 15/06/2018

Extension Date: 13/09/2018

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Request of member of the Planning Committee

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area
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

Core Strategy 2009

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

- DM1: Protection of historic street and footpath patterns
- DM2: Locally designated sites of importance for nature conservation

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 - Housing Design, Density and Character
SPD - Fordingbridge Town Design Statement
SPG - Fordingbridge - A Conservation Area Appraisal
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 House, access (10113) Refused on the 8th April 2015

6.2 House, access (11689) Refused on the 10th February 2016

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: accept a decision reached by the DC Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Cllr A Sevier: Request application go to committee.

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: it is noted that the land to be utilised for the proposed dwelling has actually provided car parking for several cars associated with the existing dwelling and this will be lost through the proposed development. As such, there are concerns in regard to where these lost parking spaces will be relocated. Accordingly it is requested that New Forest District Council ensure that the Parking Standards are fully adhered to and that any lost parking as well as proposed parking is fully replenished to ensure impacts on the highway is minimised. In addition, the access is of inadequate width to allow two cars to park within the curtilage of the site. Similarly the driveway is 4.6 metres wide at its narrowest point, and therefore not wide enough to accommodate two vehicles.

9.2 Conservation Officer: since the previous designs were submitted, the proposed building has been re-orientated along the rear boundary, which means it is more in keeping with a location in which an outbuilding associated with the houses to the front of the site should be placed. However, the development on the site would still have an uncomfortable cramped appearance that is not able to be overcome.

9.3 Hampshire County Council Archaeologist: no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 3 letters of objection concerned that whilst some improvements have been made to the proposal, the proposal would still impact on the character and appearance of the Conservation Area. Concerns over parking and the shortfall could impact on the neighbouring roads. There is a risk that the access would be widened in the future which would result in the loss/ removal of the existing brick wall/ hedge. The proposal would impact on the amenity of the neighbouring properties. The site is currently untidy and has been left to deteriorate over time. Whilst it is understood that the owner of No 27 Provost Street has access rights to the plot, the Company that manages Highbank, would require the developer to show, should planning be granted, that he is able to transfer this and do so without the Management Company consent.

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 £673.19.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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 applicant sought pre-application advice, however in response, Officers raised concerns over the cramped and congested layout of the proposed development. While Officers welcomed the proposed enhancements to the existing dwellings overall, and appreciate improvements have been made, however, the proposal would have an adverse affect on the spatial character of the area, would appear cramped and neither preserve or enhance the character and appearance of the Conservation Area.

14 ASSESSMENT

- 14.1 This planning application relates to a proposal for the erection of a detached single storey dwelling on land to the rear of Nos 25-31 Provost Street. The application also proposes to demolish the existing garage, conservatory and extensions to the rear of Nos 25 and 27, together with replacement of windows (new timber windows), tiles to be re-roofed in slate and existing render to be removed and re-rendered.
- 14.2 The site in question lies behind a terrace of houses within Fordingbridge Conservation Area. The development at Highbank Gardens has been built behind the terrace of houses and is built parallel to the main Provost Street.
- 14.3 The rear of the terrace of properties at Nos 25 and 27 has been much altered and there are a number of small extensions that do not enhance the character of the building and certainly do not enhance the character of the Conservation Area. The front elevations of the terrace have also suffered from some inappropriate fenestration changes that have altered the buildings character meaning they currently do not enhance the setting of the Fordingbridge Conservation Area.
- 14.4 This planning application follows two previous planning applications that have been refused for a detached dwelling on this site. Although there were several reasons for refusal, it is considered that there were essentially two main issues, which is the effect on the character and appearance of the Conservation Area and the effect on the neighbouring residential properties at No 4 Highbank Gardens and 25-31 Provost Street. The main concern related to the size, scale and design of the building, the cramped form of development with small garden area and the lack of understanding/ relationship to No's 25-31 Provost Street and Highbank Gardens. The site was also considered

not to positively contribute to the spatial character of the area.

- 14.5 This proposal has been changed and seeks to address the concerns previously raised. Changes have been made to the layout of the site, scale, design, form/appearance of the building. One of the main changes is the overall reduction in the scale of the building from two storeys (first floor accommodation provided in the roof) to single storey. It also appears that the site area has slightly increased in size and this has been achieved by taking more of the rear gardens to Nos 25-31. The proposed dwelling would be positioned to the rear (south east) of the site incorporating a gap between the rear of 25-27 Provost Street and the proposed dwelling, which is at a similar angle when compared to the previously refused schemes. Visually the proposed building would be single storey, with a pitched roof. The proposed building would be constructed from timber under a slate roof and it is considered to have a more simple form akin to an outbuilding.
- 14.6 In assessing the effect on the character of the Conservation Area, the site can be seen from Provost Street and from the residential properties across the Ashford Water in Brook Terrace.
- 14.7 The site is currently open with a small detached garage enclosed by a low, well-maintained, hedgerow. From standing in Highbank Gardens, the site appears as the rear garden areas of the row of four dwellings fronting onto Provost Street. Views can be greatly appreciated of the rear elevations to Nos 25 to 31 Provost Street and the length of the application site gives a spatial character and an appropriate setting for the dwellings. Apart from the cluster of garages on one side of the cul de sac, there is a clear gap between the dwellings fronting onto Provost Street and the front of the dwellings in Highbank Gardens. There are a number of important views across the site including those of the attractive row of cottages at 7-19 Brook Terrace. Standing in Provost Street, the internal access of Highbank Gardens is well landscaped on either side, with views of some of the dwellings set back at the end of the cul de sac. Highbank Gardens itself is a pleasant cul de sac with the dwellings positioned in a single line on one side of the road, set in relatively large curtilages, with the garages on the other side, with an open central access driveway.
- 14.8 It is considered that this current proposal would fail to be integrated into this context and would have a harmful and negative impact on the character and appearance of the Conservation Area. The site is small in size and currently makes a positive contribution to the character of the area. The proposed development would appear very cramped on the site incorporating a small garden area and a single car parking space. The proposed dwelling would be built up to three boundaries of the site, occupying a large portion of it, with a very small side garden area and no space to the rear. It is accepted that there are some small plots in the area generally, however the surrounding development tends to have deeper rear garden areas and space to the side. Indeed, the garden area seems smaller and less usable than the previously rejected applications which had proposed the garden areas to the side and rear.
- 14.9 The Conservation Officer feels that this proposal is of an improved

design when compared to the previous refusal, however, does feel that if ever a small dwelling was to be allowed on this site, it would need to appear as an outbuilding, rather than as a bungalow. The proposal, to some extent, with its low scale and form achieves this, however, the proposed development would still have an uncomfortable cramped appearance. The congested feel of the proposal is exacerbated by the close relationship to the setting of Nos 25-31 Provost Street and generally within Highbank Gardens. The current openness of the site also enables views across the site to a number of important buildings and areas of character. There are views across the site from the east towards Brook Terrace, across Ashford Water, set in a foreground of trees, all sat in front of the church spire; and from the west side of Ashford Water, towards the roof of the town hall.

- 14.10 The Conservation Officer considers that the demolition of the single storey elements to the rear of Nos 25 and 27 to the rear to reveal the original elevations would be an improvement. The enhancements proposed to the front elevations of the terrace fulfill our duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which requires us to seek all opportunities to preserve or enhance the character of the Conservation Area. The windows on the front elevation are inappropriate and the proposal to replace with ones of a more appropriate style is welcomed.
- 14.11 The proposed building would be located away from the rear of the properties at Nos 25-31 Provost Street. It is proposed to remove the rear buildings to these properties which would increase the level of garden space and create a greater distance from their rear elevations to the proposed dwelling. Given the position of the proposed building and that the building would be single storey, the proposal would have an acceptable physical relationship to these properties and there would be no material loss of outlook.
- 14.12 Concerning the neighbouring property at No 4 Highbank Gardens, this property has its front elevation facing the application site. On the front elevation of No 4 there is a ground floor kitchen and bathroom window and on the first floor, there is a bedroom and bathroom. The distance from the front elevation to the proposed building measures approximately 11 metres. The proposed side elevation of the building would be directly in line with the front of No 4 and the building would rise to an overall height of 4.7 metres. The eaves height would rise to around 3.5 metres and the roof would be sloping away from the boundary. Whilst it is considered that the physical relationship of the proposed dwelling to No 4 is not ideal, given the single storey scale and distances of around 11 metres, this would not unacceptably compromise their light or outlook. Equally, given the separation and single storey scale, the proposal would not materially impact on the light or outlook of No 3. The proposed building has been positioned and designed to minimise the impact on these neighbouring properties and the windows proposed on the side elevation would be at a low level and can be screened by existing or proposed vegetation/ boundary treatment.
- 14.13 In terms of access and car parking, the Highway Authority has raised a concern that the access is of inadequate width to allow two cars to park within the curtilage of the site in that the driveway is 4.6 metres wide at its narrowest point, and therefore not wide enough to accommodate

two vehicles. Moreover, the Highway Authority has raised a concern in that the proposal would result in the loss of a car parking space for the existing property at No 27, and no details have been provided regarding the replenishment of car parking that is to be lost.

- 14.14 In response, the proposed layout would provide one car parking space to serve the one bedroom dwelling, which would broadly accord with the recommended car parking guidance. Moreover the site layout would be similar for vehicles as the current situation. It is therefore not anticipated that the proposal would result in a public highway danger in what is a relatively quiet cul de sac. Access onto Provost Street is more of a difficulty given the positioning of the dwellings fronting right up to the road frontage and the close proximity of the footpath. Given the location of the site close to the town centre and that there are no off street car parking spaces to nos 27, 29 or 31, a reason for refusal on the grounds of the loss of parking would not be sustainable on appeal. It should also be noted that whilst concerns have been raised that Highbank Gardens is a private road, owned and maintained by the existing resident who undertake shared responsibility for the maintenance and upkeep of its road, restrictive covenants are civil matters and are not planning issues. If planning permission is granted it would be for the applicant to resolve this matter to ensure that they have a right of access to the approved development.
- 14.15 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.
- 14.16 In accordance with the Habitat Regulations 2017 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
- 14.17 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives, Natural England have been consulted on this and raised no objection. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.
- 14.18 The Council has recently been advised by Natural England and the

Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.

- 14.18 In conclusion, S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to pay attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. While the alterations proposed to the existing dwellings at Nos 25 and 27 would be an enhancement, the proposed dwelling would appear unacceptably cramped and would be of a design and scale that would reduce the spaciousness of the area and poorly relate to the host dwelling. Because the development would be relatively small scale in comparison to the total size of the conservation area, it would cause less than substantial harm to the special interest and significance of it.
- 14.19 A further material consideration is that the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case it is considered that the adverse impacts of development set out above, do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.19 In these circumstances paragraph 134 of the National Planning Policy Framework says that the harm should be weighed against the public benefits of the proposal. The dwelling would add to the supply of housing in a sustainable location. However, this benefit would not sufficiently offset the impact on the distinctive character of the area. In consequence, it is not considered that there are any public benefits of the proposal sufficient to outweigh the harm found. It is therefore concluded that the proposed dwelling would fail to preserve or enhance the character and appearance of the Fordingbridge Conservation 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.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Dwelling houses	41.67	34.68	6.99	6.99	£80/sqm	£673.19 *
-----------------	-------	-------	------	------	---------	-----------

Subtotal:	£673.19
Relief:	£0.00
Total Payable:	£673.19

* 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:

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

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 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The generally open nature of the site with its modest structures enclosed by a low hedge positively contributes to the spatial character of the area, creating an appropriate setting to the rear of the terrace at No's 25-31 Provost Street and enables a number of important views across the site from the east towards an attractive C19th terrace and from the west side of Ashford Water, towards the roof of the town hall. It is considered that by reason of its layout, size and scale, the proposal would be a cramped and inappropriate form of development that would appear incongruous in its setting and would result in the loss of space and openness around the site reducing important views across the site and creating a poor and awkward relationship to the neighbouring development at Highbank Gardens. For this reason, the proposed development would fail to preserve and enhance the character and appearance of the Conservation Area and would make a harmful contribution to local distinctiveness contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Document and the Fordingbridge Conservation Area Appraisal Supplementary Planning Guidance.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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 applicant sought pre-application advice, however in response, Officers raised concerns over the cramped and congested layout of the proposed development. While Officers welcomed the proposed enhancements to the existing dwellings and felt that further improvements could be made to the proposed design of the dwelling, overall, the proposal would have an adverse effect on the spatial character of the area, would appear cramped and neither preserve or enhance the character and appearance of the Conservation Area.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 21st June 2018.

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

September 2018

Item No: 3b
Land rear of 25-31
Provost Street
Fordingbridge
18/10474

Scale 1:1250

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

