

Application Number: 25/10648 Full Planning Permission
Site: 1 OAK VIEW, HYTHE SO45 5AL
Development: New fencing and gates to drive and front boundary; erection of open sided gazebo
Applicant: Mrs Bolton
Agent: Building Plans & Estimating
Target Date: 15/09/2025
Case Officer: Julie Parry
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) Design and impact on the character and appearance of the area
- 3) Residential amenity
- 4) Trees
- 5) Highway safety and access

2 SITE DESCRIPTION

The application site relates to a detached chalet bungalow within a row of 3 other similar dwellings. Accessed via Mountfield, the properties in Oak View were constructed following the granting of outline planning permission in 2019 and the approval of reserved matters in 2019 and 2021.

Oak View is located within the built-up area of Hythe. However, with large areas of woodland to the rear, along with areas of open space and vegetation, the character of this location is semi-rural. The land levels vary across the site, and the driveway is laid with a hard surface and is open plan which, along with the open character of the neighbouring properties, provides a spacious character to the location. The property is positioned such that the side elevation faces the road, and a detached double garage is positioned to the front accessed via a wide driveway. The rear garden increases in height towards the rear boundary, and a wide retaining wall has been installed close to the high boundary fence to the rear. There are protected trees close to the north-east boundary and also a protected woodland to the rear. Opposite the site is an area of public open space.

3 PROPOSED DEVELOPMENT

The application seeks planning permission for a timber fence, pedestrian gate and an electric gate positioned along the site's front boundary with the road. The application also proposes an open-sided timber gazebo placed on a raised platform, accessed via a set of steps, positioned close to the site's rear boundary.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10526 4 detached chalet bungalows; garages and parking; associated access (Details of landscaping development granted by Outline Permission 18/10838)	12/01/2021	Granted Subject to Conditions	Decided	
19/11139 4 detached chalet bungalows; garages and parking; associated access (Details of appearance & scale development granted by Outline Permission 18/10838)	13/11/2019	Granted Subject to Conditions	Decided	
18/10838 4 detached chalet bungalows; garages and parking; associated access (Outline application with details only of access & layout)	04/07/2019	Granted Subject to Conditions	Decided	
13/11623 Development of 11 dwellings comprised: 4 detached two-storey dwellings; 1 terrace of 3 houses; 1 block of 4 flats; parking; access road; bridge	11/04/2014	Refused	Appeal Decided	Appeal Dismissed
13/10200 6 two-storey dwellings; 3 detached garages; cycle & bin stores; access; parking; landscaping	02/08/2013	Refused	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan
Policy D1 - High Standards of Design and Architecture
Policy D2 - Design and Access Statement required
Policy D3 - Local Distinctiveness

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend PERMISSION.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

NFDC Trees: No objection - There is a protected Oak tree close to the front boundary of the site (G9 of TPO/30/01). The proposed fence and gates would not impact upon the tree.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

One letter of objection from the neighbour at number 2 Oak View for the following reasons:-

- The electric gates and fencing are too high and would spoil the current natural look of the development.
- No detail proposed for the left hand side of the pedestrian gate.
- Post and rail fence to the east is uncompleted and not reflected within the plans.
- Gates and fencing are too close to the road and plans do not shown the slope in the land levels.
- The open sided Gazebo on the raised base will result in overlooking.
- The proposed Gazebo will be visible above the fence line and will affect the outlook from windows to the rear of No. 2.

One letter of comment from the neighbour at number 3 Oak View as follows:-

- The Gazebo will be seen from our garden but will not affect our privacy.
- The proposed electric gates and fencing will be incompatible with the open "woodland" setting of Oak View and along with the fencing on the Eastern boundary will give the visual impact of a secure compound.
- The first metre of each plot acts as a service margin owned by the Management Company.

10 PLANNING ASSESSMENT

Principle of Development

As the site is located in the built-up area, the principle of development is acceptable, subject to the consideration of other relevant considerations as set out below.

Design and impact on the character and appearance of the area

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

Policy ENV4 requires new development to retain and/or enhance landscape features and characteristics through sensitive design and enhancement, including the integration of wildlife corridors.

Paragraph 131 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the Framework also seeks to ensure that decisions add to the overall quality of the area and are visually attractive (criteria a and b).

The application site forms part of a relatively recent development of 4 properties which have been built within a sensitive area adjacent to ecologically rich woodland. The properties have been carefully designed to fit into this semi-rural location with open landscaped frontages looking out onto a significant green area of public open space along with grassed areas and numerous trees which creates an attractive and spacious setting for the individual dwellings. This development sits comfortably alongside the older development to the north in Mountfield, which also has a spacious character with open frontages to the bungalows along its length.

The original planning permission for these properties was subject to a condition (Condition 7 of Outline Planning Permission 18/10838) removing Permitted Development rights for extensions, alterations, outbuildings and boundary treatments so as to ensure that future development proposals do not adversely affect the character and ecology of the site. The site was also subject to a Landscape Management Plan which is still valid and which provided exact details of the layout and planting of the gardens, specific boundary treatments and the green spaces within the development, along with exact details of how these would be maintained to ensure the long term retention of an appropriate quality of development so as to comply with Policies ENV3 and ENV4 of the Local Plan.

The proposed fences and gates would extend 17.5 metres along the front boundary with the road, and with no pavements would be placed almost hard up to the roadside on the south-eastern corner of the site, joining the neighbour's low wall on the south-western corner. This attachment to a low wall would appear awkward, and the neighbour at No.2 has raised concern regarding the finish at this point. The proposed electric gate element would be 4 metres in width and would be positioned alongside another fitted gate measuring 4 metres in width. The height of the fence panels and gates would be 1.2 metres, and the posts between would be slightly higher, ranging between 1.4 metres and 1.5 metres in height. The resulting enclosure, due to its position, height and design would appear out of keeping in this location, contrary to the open garden frontages that are characteristic within the street scene. This existing open character of Oak View is a key aspect of the originally approved landscape designs and provides a spacious semi-rural character that is important to the local context. The proposed front boundary treatment would not be sympathetic to this context, resulting in an incongruous enclosure that would not accord with the requirements of Policy ENV3 in terms of high quality design that contributes to the character and identity of the location.

The proposed gazebo would be to the rear of the property and would have an overall height of 3.2 metres, including the existing raised platform. Given this position on the site, the gazebo would not be clearly visible from the road and therefore would not have a detrimental impact on the street scene or local character. This part of the proposed development would therefore comply with design related criteria under Policy ENV3 and Policy ENV4.

Residential amenity

Policy ENV3 of the Local Plan requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development to neighbouring properties would be acceptable in respect of privacy, light and outlook.

Due to their height and position, the proposed fence and gates would not adversely impact on the amenity of neighbouring properties in terms of outlook or light.

The proposed gazebo would be positioned at the highest part of the rear garden of No. 1 and would be positioned on an existing wide retaining wall which measures 80cm above the ground level. This raised area currently measures 2.8 metres at its widest, narrowing to 1.4 metres and is 10.3 metres in length. It is proposed to install a new set of steps to provide access to this raised area. Being positioned on top of this raised platform, the gazebo is shown on the plans as being 3.2 metres in height when measured from ground level at the base of the platform.

An objection has been received from the occupants of the neighbouring property (2 Oak View), who consider the proposed gazebo will impact negatively on their privacy and outlook. Currently, there is a 1.8 metre high close-boarded fence on the shared boundary. However, with the increase in land levels along with being raised on a platform, the gazebo would be clearly visible from this neighbour's rear window and amenity space. With a gap of 4.5 metres between the gazebo and the shared boundary, direct views would be achieved from the gazebo into the neighbouring property and garden. It is recognised that such views could be obtained from someone standing on the raised platform at present. However, this area is not currently easy to access. Once the steps are installed, this area will become more useable; and with the introduction of a gazebo, this area will become a focal point in the garden and thus impact much more significantly on the privacy of the neighbouring property. Overall, it is considered that the gazebo would create an unacceptable level of overlooking, to the detriment of this neighbour's enjoyment of their property.

Whilst the neighbour at No. 2 has also objected to the gazebo in terms of the impact on their outlook, it is not considered the structure would be so high or dominant a feature as to be overbearing or harmfully intrusive.

The property to the north, Depedene Cottage, has a shared boundary to the north and west of the application site. It is set away from the proposed gazebo and with high boundary treatments and a large outbuilding close to the location of the development, it would not be adversely affected in terms of loss of light, outlook or privacy.

A representation from another neighbour (3 Oak View) has advised that the first metre of each plot acts as a service margin owned by the Management Company and not by the owners of each plot. The applicant has completed Certificate A to confirm that they are the sole owners of the application site. Therefore, this would be a civil issue and not a planning concern.

Overall, based upon the assessment above, the proposed gazebo would be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1 in terms of overlooking.

Trees

Policy ENV4 seeks to retain and or enhance landscape features to successfully integrate new development into the local landscape.

There is a large protected Oak tree on the eastern boundary of the site which forms part of a group protection with the other Oak trees opposite (G9 of TPO/30/01). The tree is set back slightly from the road and is not particularly close to the proposed fence. The Council's Arboricultural Officer has confirmed that given that the works are within existing areas of hard surfacing within the drive, there would not be any impact on the tree.

It is not proposed to remove any trees or landscape features of significance. As such, it is considered that the development is in accordance with Policy ENV4.

Highway safety, access and parking

Policy ENV3 of the Local Plan requires the integration of sufficient car parking spaces so that realistic needs are met in a manner that is not prejudicial to the character and quality of the street or highway safety.

The on-site parking would not be altered by the introduction of the proposed boundary treatments. Oak View is an unclassified private road, and as there are only 4 properties there is limited traffic. Although the road does not have any pavements, it is a relatively wide road with areas of open space opposite No. 1 which allows good visibility. The proposed electric gates would allow access to the site easily. With sufficient room to turn on the site to egress in a forward gear, there would not be a highway safety concern. As such, it is considered that highway and pedestrian safety will be preserved and the proposals would comply with Policy ENV3 in relation to parking provision.

12 CONCLUSION

By reason of their height, length, and prominent position adjacent to the highway, the proposed fence and electric gates would create an enclosure with a harmful and intrusive visual impact which would not be sympathetic to the distinctive open landscaped character of Oak View, which is defined by its open garden frontages, its focal open space and a sense of spaciousness. The proposed front boundary enclosure would appear as a discordant design feature in this context, harmfully eroding the distinctive character of the area, contrary to Policies ENV3 and ENV4 of the Local Plan Part 1: Planning Strategy for the New Forest outside of the New Forest National Park and the Hythe & Dibden Neighbourhood Plan.

Furthermore, the proposed pergola, being inserted on an existing raised platform, would due to its height, open sided design and position in relation to the boundary with the neighbouring property, 2 Oak View, have a detrimental impact on the amenities of the occupiers of that property by reason of a loss of privacy. As such, it is considered the proposal also represents an unneighbourly form of development that would be contrary to the requirements of Policy ENV3 of the Local Plan, which seeks to avoid unacceptable effects by reason of overlooking.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

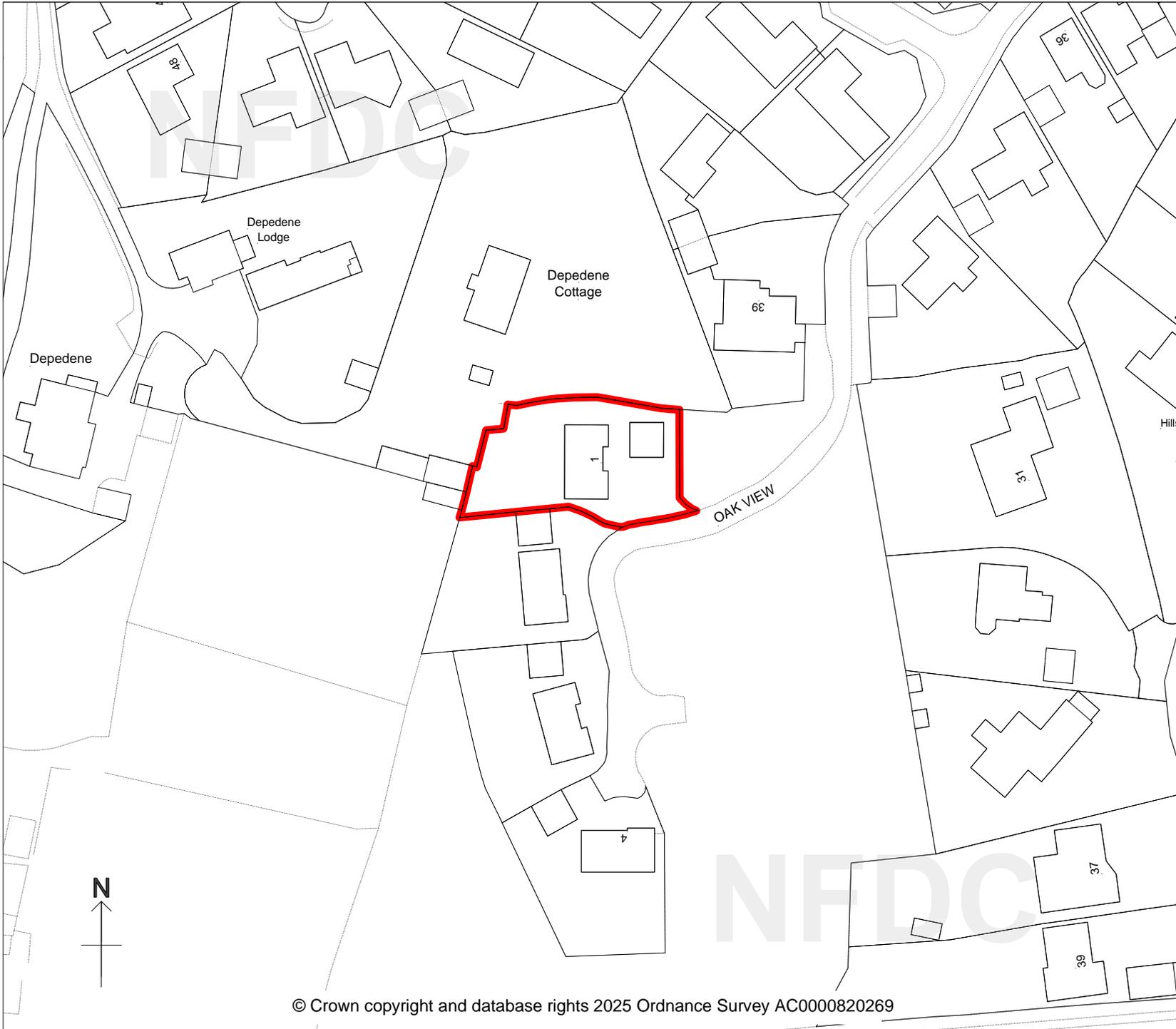
1. By reason of their height, length, and prominent position adjacent to the highway, the proposed fence and electric gates would create an enclosure with a harmful and intrusive visual impact which would not be sympathetic to the distinctive open landscaped character of Oak View, which is defined by its open garden frontages, its focal open space and a sense of spaciousness. The proposed front boundary enclosure would appear as a discordant design feature in this context, harmfully eroding the distinctive character of the area, contrary to Policies ENV3 and ENV4 of the Local Plan Part 1: Planning Strategy for the New Forest outside of the New Forest National Park and the Hythe & Dibden Neighbourhood Plan.

2. As a result of its height, its open-sided design and its position on a raised platform in close proximity to the boundary with the neighbouring property, 2 Oak View, the proposed pergola would result in a detrimental impact on the amenities of the occupiers of that property by reason of a loss of privacy. As such, it is considered the proposal represents an unneighbourly and harmful form of development that would be contrary to the requirements of Policy ENV3 of the Local Plan, which seeks to avoid unacceptable effects by reason of overlooking.

Further Information:

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PLANNING COMMITTEE

September 2025

1 Oak View
Hythe

25/10648

Scale 1:1000

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