

**NEW FOREST NATIONAL PARK AUTHORITY**

**AUTHORITY MEETING – 28 MAY 2009**

**CONSERVATION AREA REVIEW**

**BROCKENHURST, SWAY TOWER, KEYHAVEN AND ASHLETT CREEK**

**CHARACTER APPRAISALS AND PROPOSED CHANGES TO BOUNDARIES**

**Report by:** Paula Freeland, Head of Environmental Services

**Summary:**

This report summarises the background to the review of conservation areas being carried out by the National Park Authority. It presents character appraisals for the conservation areas of Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek for adoption and proposes changes to the boundaries of the four areas.

*Please note that, in order to reduce paper and printing and postage costs, the character appraisals covering the three areas have been set up electronically on the Authority's website and can be located by typing in the following path on your computer:*

[http://www.newforestnpa.gov.uk/index/aboutus/meetings\\_and\\_minutes/authority\\_meetings/authority\\_meetings\\_2009.htm](http://www.newforestnpa.gov.uk/index/aboutus/meetings_and_minutes/authority_meetings/authority_meetings_2009.htm)

*This will link to the meetings page on the Authority's website where the document can be located and downloaded. However, a hard copy of the papers can also be made available on request – please contact David Stone (Head of Member Services) on telephone 01590 646645.*

**Resources and Corporate Plan:**

Corporate Plan objective C7: Support high quality building and open space design in village and town centres, reflecting the distinctive character of the built environment.

**Recommendations: To agree:**

1. in accordance with the powers contained in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to designate the revised boundaries of the Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek conservation areas shown on the plans at Annexes 2, 3, 4 and 5 to this report and that notice of the designation be duly given and advertised in accordance with the provisions of Section 70 of the Act;

**2. to the adoption and publication of the character appraisals of Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek conservation areas, including illustrations and maps.**

**Papers:**

- NFNPA 299/09:** Cover paper
- NFNPA 299/09 Annex 1:** Additional planning controls in a conservation area
- NFNPA 299/09 Annex 2:** Brockenhurst conservation area proposed boundary showing exclusion and inclusions as a result of public consultation
- NFNPA 299/09 Annex 3:** Sway Tower conservation area proposed boundary showing inclusions
- NFNPA 299/09 Annex 4:** Keyhaven conservation area proposed boundary showing inclusions as a result of public consultation
- NFNPA 299/09 Annex 5:** Ashlett Creek conservation area proposed boundary showing inclusion as a result of public consultation
- NFNPA 299/09 Annex 6:** Analysis of consultation responses

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**CHARACTER APPRAISALS AND PROPOSED CHANGES TO BOUNDARIES**

**Report by:** Paula Freeland, Head of Environmental Design

**1 Background**

- 1.1 A conservation area is defined in Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as an “area of special architectural or historic interest, the character of which it is desirable to preserve or enhance”. It is the quality and interest of the area, rather than that of individual buildings, which is the prime consideration in designating a conservation area.
- 1.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to designate conservation areas and to review their areas from time to time to consider whether further designation of conservation areas is called for.
- 1.3 In addition to normal planning requirements, further controls apply in conservation areas, including control over building demolition and work to trees with a trunk diameter greater than 75mm (3 inches). The additional controls are set out in **Annex 1**.
- 1.4 At point 6 of **Annex 1** reference is made to the use of Article 4(2) Directions which would enable the Authority to adopt extra planning controls within the conservation areas. The Directions remove the normal Permitted Development Rights from dwelling houses, meaning that planning permission is required for certain specified works. A Direction would be selective both between and within the types of development listed in **Annex 1**. A Direction would, therefore, relate to specific work areas which are cause for concern in respect of the character and appearance of the conservation area, and also would relate to selected properties.

- 1.5 In pursuance of its responsibilities under both national park purposes and through the duty imposed by the Planning (Listed Buildings and Conservation Areas) Act, the Authority is reviewing conservation areas in the National Park (Corporate Plan Objective C7), by means of desk analysis of historic records, mapping, detailed site survey and analysis of areas.
- 1.6 There are 18 conservation areas in the National Park. Four of these areas were newly designated in 2007 and character appraisals were adopted for them as part of the designation process.
- 1.7 Character appraisals are now being prepared for the rest of the conservation areas and at the same time the boundaries of the areas, last assessed in the 1990s, are, in accordance with best practice, being reviewed.
- 1.8 This current group of conservation areas to be considered is Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek. Character appraisals are presented with this report and the report proposes changes to the boundaries of the four areas.

## **2 Proposed boundary changes**

### **Brockenhurst**

- 2.1 The existing and proposed conservation area boundaries are shown on the map at **Annex 2**.
- 2.2 The following **additions** to the conservation area are proposed:
- Linear historic development off Lyndhurst Road and part of Brookley Road. This includes properties and land along Lyndhurst Road from Brockenhurst Bridge in the north to the junction of Lymington Road and Church Lane in the south and west along Brookley Road from its junction with Lyndhurst Road to its junction with Sway Road. This area contains land forming the northern and southern entrances into Brockenhurst and 18th, 19th and early 20th century properties which represent the early development of the settlement.
  - The church and land/development to the north. This includes land and properties bounded by Mill Lane to the north, Church Lane to the west, the gravel track to the east and the church and churchyard of St Nicholas to the south, also to include Thurston's Cottage, North Lodge and Reynolds Cottage and their lands. This area represents the medieval origins of the settlement with its church.

- A small strip of land and a property to the east of the current Waters Green conservation area. This area completes the historic grouping of buildings here.
- Commercial Brookley Road. This includes properties along Brookley Road from its junction with Sway Road to its junction with Burley Road and also properties to the north of The Rise from the eastern boundary of the Watersplash Hotel to the junction with Burley Road. This area represents the late 19th and early 20th century commercial development of the settlement.
- Dispersed mainly Victorian and Edwardian development in the west of the conservation area. This includes properties along Burley Road and Rhinefield Road from the edge of Culverley Green in the south to the northwest boundary of the grounds of Forest Park Hotel and properties on the southern side of Meerut Road from its junction with Rhinefield Road east to the eastern boundary of the present Waters Green conservation area. The open areas formed by the bowling green and car park to the north of Brookley Road and Angel Valley have also been included. This area represents the 18th, late 19th and early 20th century development of the settlement mainly with large high status Victorian and Edwardian villas and includes St Saviour's Church and St Anne's Catholic Church and their landscaped contexts.

### **Sway Tower**

- 2.3 The existing and proposed conservation area boundaries are shown on the map in **Annex 3**.
- 2.4 The following **additions** to the conservation area are proposed:
- Small areas of land on the northern boundary of the current conservation area in order to regularise the boundary with that of the buildings included in the current conservation area.

### **Keyhaven**

- 2.5 The existing and proposed conservation area boundaries are shown on the plan in **Annex 4**.
- 2.6 The following **additions** to the conservation area are proposed:
- Northern edge of settlement. This includes properties at the entrance to the settlement at the northern end of Lymore Lane and also Vidle Van Cottage, Vidle Van House and Vidle Van Farm together with the fields to the south of this complex. The field to the north of Aubrey Farm and west of Lymore Lane is

also included. This area is important as it forms the northern entrance to the conservation area and the historic buildings in the Vidle Van complex are prominent in views when entering the conservation area from the north and also in long distance views from the causeway adjacent to the quay.

- Eastern bank of the Haven and associated mud-flats. This includes the small number of properties on the eastern bank of the Haven together with their associated land. This area is a 20th century encroachment onto the edge of Keyhaven Marshes and is prominent in views east from the main area of the settlement and also provides views back into the settlement and long distance views towards Hurst Spit and the Solent.
- Land on the western side of the settlement. This includes land to the south of Aubrey House and to the north of Salt Grass and Keyhaven House, bounded by the National Park boundary to the west and the lands of the properties on Keyhaven Road and New Road to the east. This area is visually important to the setting of the settlement as viewed from the west.

### **Ashlett Creek**

- 2.7 The existing and proposed conservation area boundaries are shown on the map at **Annex 5**.
- 2.8 The following **addition** to the conservation area is proposed:
- The area adjoining the sailing club regularises the boundary with that of the buildings included in the current conservation area.

## **3 Character appraisals**

- 3.1 The Authority has a duty to ensure that the character of a conservation area is preserved or enhanced, particularly when considering applications for development.
- 3.2 In order to do this, it is important to understand what gives the area its distinct and unique character. This is derived from a number of factors including historic development, landscape and topography, the style, type and form of the buildings, spaces between buildings, materials, textures, colours, detailing and less tangible aspects such as sounds and smells which can contribute to the special character of the area.
- 3.3 Character appraisals have been prepared to identify these special qualities and to highlight features of particular significance. By establishing what makes a conservation area special, the reasons

for designation should be clearer to those who live, work or propose to carry out development within them. The appraisals are intended as an overview, providing the framework within which individual planning applications can be assessed.

- 3.4 When determining applications, the planning authority considers factors such as size, scale, materials and design in order to assess the likely impact of the proposed development on the character of the conservation area. The character appraisals have been written to work in conjunction with planning policies and are reflected in ongoing policy development.
- 3.5 Brockenhurst and Sway Tower character appraisals and Keyhaven and Ashlett Creek are intended to be published in pairs as one document. Final published versions of the appraisals will include photographs and maps showing the boundary of the conservation area and detailed information picking out some of the features which contribute to the character of the area, including listed buildings, buildings of local interest, prominent trees and important hedges, traditional boundary treatments and views.

#### **4 Consultation process**

- 4.1 County and District Councillors and the Parish Councils representing the areas concerned have been consulted, together with the New Forest Consultative Panel and representatives from other organisations including the Ninth Centenary Trust, New Forest District Council and English Heritage.
- 4.2 Letters were sent to all properties directly affected by the proposals.
- 4.3 An open afternoon and evening was held on 15 January 2009 at Brockenhurst Village Hall (for Brockenhurst and Sway Tower proposals) and at Keyhaven Sailing Club on 14 January 2009 with an exhibition, information about the proposals and officers available to answer questions. Letters were sent to all properties directly affected by the proposals. Full details of the proposals and copies of the character appraisal were sent to all properties in Ashlett Creek conservation area. Similar information in relation to all four areas was made available on the National Park Authority's web site.
- 4.4 A questionnaire was prepared to seek individuals' views.

#### **5 Consultation responses**

- 5.1 An analysis of responses is set out in **Annex 6**. A summary is provided below.

## **Brockenhurst**

### *Members of the public*

- 5.2 Responses were received from 19 members of the public. Details of these are summarised in **Annex 6**. Ten are supportive of the proposals and some of these make suggestions for additional inclusion. Some provide useful comments and information in relation to the character appraisal. Three do not support the proposals for the new designation. Two are neither supportive nor unsupportive generally but request the specific exclusion of a site. A further four are neither supportive nor unsupportive, three providing information about the area and one expressing concerns about opportunities for future alteration to their property.

### *Specific respondents*

- 5.3 Brockenhurst Parish Council supports the proposals and puts forward additional areas for inclusion.
- 5.4 Brockenhurst Parish Church objects to the inclusion of both Anglican churches, considering that they are sufficiently governed by ecclesiastical and other regulation.
- 5.5 The Diocese of Portsmouth objects to proposals. It is considered that there has not been a proper assessment of buildings likely to be caught by extension. The Diocese objects to inclusion of St Anne's Catholic church on grounds that it is relatively architecturally unimportant and 'not considered to be a candidate for listing' and that inclusion might have impact on ability to consider potential future uses.
- 5.6 New Forest Association supports the inclusion of the additional areas proposed and also recommends additional areas for inclusion.
- 5.7 Brockenhurst Business Association express concerns about the about proposals and cost implications for alterations. They consider it is too late to preserve appearance of Brookley Road.

### *Questionnaires*

- 5.8 13 questionnaires were completed. 11 of these are supportive of the proposals. Six of these suggest furthers inclusions. Some provide useful comments and information in relation to the character appraisal.

## **Sway Tower**

- 5.9 No written responses were received in respect of Sway Tower (individuals did visit the exhibition to look at the proposals and discussed them with officers).

### **Keyhaven**

#### *Members of the public*

- 5.10 Responses were received from ten members of the public. Details of these are summarised in **Annex 6**. Nine are supportive of the proposals and all make suggestions for additional inclusion. Some provide useful comments and information in relation to the character appraisal. One provides additional information but is neither supportive nor unsupportive.

#### *Specific respondents*

- 5.11 Milford-on-Sea Parish Council is supportive of the proposals and puts forward a number of suggestions for inclusion.
- 5.12 New Forest Association supports the inclusion of the additional areas proposed and also recommends additional areas for inclusion.

#### *Questionnaires*

- 5.13 17 questionnaires were completed. All of these are supportive of the proposals and all suggest further inclusions. Some provide useful comments and information in relation to the character appraisal.

### **Ashlett Creek**

#### *Members of the public*

- 5.14 One member of the public wrote in support of the proposals.
- 5.15 A meeting was held at Ashlett Mill attended by approximately 45 people. There was particular interest in the proposed extension of the conservation area and the reason for this. A number of individuals expressed concern about the proposal and implications for the mooring of boats. There are no implications for the latter.

#### *Specific respondents*

- 5.16 Fawley Parish Council are neither supportive nor unsupportive of the proposals but note that they are keen to maintain the character of the area.

- 5.17 New Forest District Council agrees that the Creek is part of the setting of the conservation area and recommends an alternative boundary is at the edge of the reed beds on the salt marshes as this would provide a more clearly defined area and boundary.
- 5.18 Shoosmiths Solicitors on behalf of Esso objects to the designation of its land as a conservation area and considers that its importance to the setting of the conservation area is not sufficient to justify its inclusion in the designation.

#### *Questionnaires*

- 5.19 Six questionnaires were completed. Four are supportive of the proposals. Two are supportive of the character appraisal but object to the proposed extension of the area.

## **6 Changes as a result of consultation responses**

### *Character appraisals*

- 6.1 The character appraisals have been amended in the light of the comments provided (see **Annex 6** for specific detail).

### *Boundaries*

#### **Brockenhurst**

- 6.2 Many of the responses received suggested further additions to the area. As a result these further inclusions are proposed:
- Angel Valley. Whilst this area is already protected by Tree Preservation Orders, it is a valuable feature, originally the leat for the former mill in Rhinefield Road. It is therefore considered to be of historic value and worth of inclusion.
  - The bowling club which is a valuable open space on the edge of the proposed conservation area. It is logical if this space is included, to include the car park too. The proposed boundary has been amended accordingly.
  - Continuation of frontage along Meerut Road which will enable management of the area fronting the open Forest.
  - The extension of the area north to provide a gateway to the conservation area.
  - The history of the strip of land containing Whitecroft and Thorn on the western edge of Waters Green the history of which is interesting and it is considered it therefore merits inclusion.

- 6.3 The proposed boundary has been amended to exclude the site of 14 Noel Close as the site which has planning permission for a new dwelling and is to be separated from and would not therefore in future relate to the historic core of the village.

### **Keyhaven**

- 6.4 Many of the responses received suggested further additions to the area. As a result, amendments have been made to the proposed boundary to include the fields south of Vidle Van, between Keyhaven Road Saltgrass Lane and east of Aubrey Farm.

### **Ashlett Creek**

- 6.5 It was proposed to include the tidal area at the head of the Creek and its associated mud-flats. This is the setting for the historic buildings and is prominent in views into and out of the conservation area. A number of concerns and objections to this were received.
- 6.6 Whilst the proposed extension is considered justified and appropriate, opportunities for development in the area are unlikely. As the intention was simply to recognise the importance of tidal area to the setting of the buildings and given the concerns expressed it is not proposed to progress this extension.

## **7 Conclusions**

- 7.1 The special historic and architectural interest of the areas described in this report is sufficient to merit preservation or enhancement by means of designation as conservation areas. The character appraisals define the special character of these areas and give justification for the boundaries proposed.

### **Recommendations: To agree:**

- 1. in accordance with the powers contained in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to designate the revised boundaries of the Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek conservation areas shown on the plans at Annexes 2, 3, 4 and 5 to this report and that notice of the designation be duly given and advertised in accordance with the provisions of Section 70 of the Act;**
- 2. to the adoption and publication of the character appraisals of Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek conservation areas, including illustrations and maps.**

## **Additional planning controls in a conservation area**

### **Conservation Area Consent**

- 1 This is normally needed to demolish all or the very substantial majority of any building with a total cubic content exceeding 115 cubic metres. Consent is also needed for the entire removal of any gate, wall, fence or railing more than 1 metre high abutting a highway, public footpath or open space, or more than 2 metres high elsewhere.

### **Planning Permission**

- 2 Planning controls over what householders can do to their properties in a conservation area are effectively identical to those applying within a National Park.
- 3 Planning applications, which, in the opinion of the Authority, would affect the character or appearance of the conservation area, must be advertised and opportunity must be given for public comment. This may include proposals outside the conservation area which nevertheless affect its setting.

### **Trees**

- 4 Trees in a conservation area have the same protection as those covered by Tree Preservation Orders. It is an offence to fell or prune such trees without prior written consent from the Local Planning Authority. The Authority must be given six weeks notice of the intention to carry out work to protected trees in a conservation area.

### **Design of new development**

- 5 The Authority has a duty to ensure that the character of a conservation area is preserved or enhanced, particularly when considering applications for development.

### **Adoption of additional planning controls**

- 6 The National Park Authority may in the future also decide to adopt extra planning controls within conservation areas by the use of an Article 4(2) Direction. This Direction removes the normal Permitted Development Rights from dwelling houses, meaning that planning permission is required for certain specified works, as set out below (a direction can be selective both between and within these types of development):

- for the erection, alteration or removal of a chimney from a dwellinghouse;

and any of the following permitted development rights for development *which would front a highway, waterway or open space*:

- the enlargement, improvement or other alteration of a dwellinghouse;
- the alteration of a dwellinghouse roof;
- the erection or construction of a porch outside any external door of a dwellinghouse;
- the provision, within the curtilage of a dwellinghouse, of a building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;
- the erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse; and
- the painting of a dwellinghouse or a building or enclosure within the curtilage of a dwellinghouse.

- 7 The use of an Article 4(2) direction would be restricted to specifically chosen buildings and would seek to preserve their intrinsic value.