

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 16 OCTOBER 2008

CONSERVATION AREA REVIEW

LYNDHURST, SWAN GREEN AND BANK

CHARACTER APPRAISALS AND PROPOSED CHANGES TO BOUNDARIES

Report by: Paula Freeland, Head of Environmental Design

Summary:

This report sets out 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 Lyndhurst, Swan Green and Bank for adoption and proposes changes to the boundaries of Lyndhurst and Bank.

Recommendations:

- 1. In accordance with the powers contained in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, conservation areas are re-designated, to be known as:**

- **Lyndhurst**
- **Bank**

to cover the areas shown on the plans annexed to this report (Annex 2 and 5 respectively) and that notice of the designation be duly given and advertised in accordance with the provisions of Section 70 of the Act.

- 2. Character Appraisals of Lyndhurst, Swan Green and Bank conservation areas, including illustrations and maps, are published.**

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

Papers:

NFNPA 270/08:	Cover paper
NFNPA 270/08 Annex 1:	Additional planning controls in a conservation area
NFNPA 270/08 Annex 2:	Existing and proposed conservation area boundary (Lyndhurst)
NFNPA 270/08 Annex 3:	Consultation boundary (Lyndhurst)
NFNPA 270/08 Annex 4:	Consultation proposals text (Lyndhurst)
NFNPA 270/08 Annex 5:	Existing and proposed conservation area boundary (Bank)
NFNPA 270/08 Annex 6:	Character Appraisal text (all three areas)
NFNPA 270/08 Annex 7:	Analysis of consultation responses

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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 The first group of conservation areas to be considered is Lyndhurst, Swan Green and Bank. Boundary changes, as set out below, are proposed to Lyndhurst and Bank conservation areas. There are no changes proposed to the boundary of Swan Green conservation area.

2 Proposed boundary changes

Lyndhurst

- 2.1 The existing and proposed conservation area boundaries are shown on the plan in **Annex 2** and the consultation boundary in **Annex 3**.
- 2.2 The following additions to the conservation area are proposed (the additions which were proposed as part of the consultation are set out in **Annex 4**):
 - Gales Green and the northern entrance to Lyndhurst. This is a small area of development which has grown historically around the northern entrance into the settlement of Lyndhurst. It was traditionally a funnel out onto the Forest and is now a visual funnel into the settlement. It contains buildings dating from the 17th to the 20th centuries and an important public open space.
 - Forest Gardens. This is an important very early 20th century formal planned residential development. It contains a number of houses which are individually of architectural merit, clustered around a planted green area.
 - Victorian and Edwardian development in Romsey Road, Empress Road and Pemberton Road. This area is predominantly a Victorian and Edwardian development, which has survived relatively intact. It also contains the visually important listed Church of Our Lady and St Edward and the listed timber framed and thatched cottage 29 Romsey Road.
 - Bolton's Bench and environs. This area links the existing part of the conservation area in High Street with the previously isolated part of the conservation area containing the cemetery. It provides a visual entry into the settlement from both Southampton and Beaulieu. It is an important public open space which has historically had strong links with the settlement and contains a number of buildings of

architectural and historical interest on its southern boundary dating from the 18th to the 20th century.

- Victorian and Edwardian development on Southampton Road, Queens Road and Princes Crescent. Part of this proposed area is already included within the existing conservation area. It is an important area of planned residential development from the late 19th and early 20th centuries. It contains many buildings of architectural merit within a green setting.
- There are also some additions on the periphery of the existing conservation area. These include: three buildings on Welland Road which are key to retaining the character of the rear areas of the northern side of High Street; Shrubbs Hill Gardens, a small enclave on the eastern side of Shrubbs Hill Road, and Chart House and its landscaped garden off Sandy Lane, which is an interesting example of late 20th century, architectural design. These buildings and their settings compliment and enhance the existing conservation area.

2.3 The following exclusions from the conservation area are proposed (the exclusions are as those which were proposed as part of the consultation):

- Rufus Court on Gosport Lane. This is a modern development which it is considered does not enhance the conservation area.
- Two buildings, Cornerways and Normanton, on the northern junction of Gospost Lane and Shaggs Meadow. These are considered to be character reduced and architecturally poor, due to changes to their fenestration and setting and do not enhance this part of the conservation area.
- Five properties to the west of Shrubbs Hill Road. This is a group of modern buildings, part of a larger area of more recent development, hidden behind the dense green boundary along Shrubbs Hill Road. They do not contribute to or enhance this part of the conservation area.

Bank

2.4 The existing and proposed conservation area boundaries are shown on the plan in **Annex 5**.

2.5 The following additions to the conservation area are proposed (these are the same as those proposed as part of the consultation):

- Small areas of Forest edge along the western and southern boundaries of the existing conservation area. They form part of the setting of the historic buildings within the existing conservation area.

- A small section of Pinkney Lane which forms the visually important south eastern entrance into the settlement.
- An area of agricultural land on the eastern boundary of the settlement. This area is visually important for views into and out of the conservation area on this side of the settlement and also enhances the setting of the buildings within the 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 The 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 Local Plan Policies and are reflected in ongoing policy development.
- 3.5 The three Character Appraisals are intended to be published as one document as presented in **Annex 6**. Here they are text only. Final published versions 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. Any minor amendments to the text will also be carried out.

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 An open afternoon and evening was held in Lyndhurst with an exhibition, information about the proposals and officers available to answer questions. This was attended by approximately 80 individuals. The exhibition will be on display at the Authority meeting. Similar information was made available on the National Park Authority's web site.

4.3 A questionnaire was prepared to seek individuals' views.

5 Consultation responses

5.1 An analysis of responses is set out in **Annex 7**, together with copies of correspondence. A summary is provided below.

Parish Council

5.2 Parish Councillors in favour of the proposals. Four members of public present at their meeting, who would be affected by the changes in that their homes would now come within the conservation area. All said they welcomed the changes. The Parish Council is aware that some residents of Pikes Hill are not entirely in favour of the proposals as they are concerned that they have not been placed in the conservation area.

Other respondents

5.3 Letters were received from 14 members of the public. Various questions are raised about the implications of designation and these are addressed in Annex 6. Other letters raise suggestions regarding the boundary proposals (for Lyndhurst conservation area) as summarised below.

5.4 Three letters suggest that Rufus Court should be retained in the conservation area and two of these also that the other two buildings in Gosport Lane proposed to be excluded be retained.

5.5 Five letters make further suggestions for inclusion:

- Sandy Lane/original Hill House Estate (two letters).
- Area between Queens Parade and Mill Inn.
- Properties on Southampton Road beyond Princes Crescent (two letters).

5.6 Three letters object to the proposals to extend the boundary, one generally; two with specific references to Princes Crescent and Shrubbs Hill Gardens, respectively.

5.7 Three letters provide detailed comment on aspects of the Lyndhurst Character Appraisals.

5.8 A number of residents put forward views via the Chairman of the National Park Authority that the dwellings from Princes Crescent to the eastern edge of the village should be included in the conservation area.

- 5.9 One letter suggests the buildings on Southampton Road East of Princes Crescent should be included. Also, that properties standing well back from the bottom of Princes Crescent would merit inclusion together with the cottage at the end of the track at the bottom of Queens Road.
- 5.10 New Forest Association supports the contents of the character appraisals and the proposals for changes to the conservation area boundaries.
- 5.11 Lyndhurst, Emery Down and Bank Residents' Association consider that:
- Rufus Court should be retained in the conservation area.
 - Area of Gales Green should be further extended.
 - Area east of Romsey Road should be further extended.
- 5.12 Friends of the Earth are in favour of conservation areas.

Questionnaires

- 5.13 Six questionnaires were received. None of the questionnaire respondents are against extension of the conservation area. One suggests all of the National Park should be a conservation area. One seeks retention of Rufus Court. One suggests extension to cover "the whole area". One suggests inclusion of the Racecourse and Pemberton Road. Two support the boundary as proposed.
- 5.14 Four questionnaire respondents make suggestions with regard to the character appraisal (see **Annex 6** for detail and detailed responses). Two support the appraisal as presented.

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

- 6.2 The comments received in respect of the boundary of Lyndhurst conservation area have been assessed (detailed responses can be seen in Annex 6) and proposals as a result are summarised below:
- Victorian and Edwardian development in Romsey Road and Empress Road is proposed to be further extended to include Clarence Road, Pemberton Road and the Custards.
 - Victorian and Edwardian development on Southampton Road, Queens Road and Princes Crescent is proposed to be further extended along Southampton Road.

- 6.3 None of the correspondence or questionnaires comment on the proposals for changes to the boundary of Bank conservation area. The proposals set out at 2.5 above are therefore as originally proposed.

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

1. **In accordance with the powers contained in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, conservation areas are re-designated, to be known as:**

- **Lyndhurst**
- **Bank**

to cover the areas shown on the plans annexed to this report (Annex 2 and 5 respectively) and that notice of the designation be duly given and advertised in accordance with the provisions of Section 70 of the Act.

2. **Character Appraisals of Lyndhurst, Swan Green and Bank conservation areas, including illustrations and maps, are published.**

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.