

**Application No: 17/00101/FULL Full Application**

**Site:** Fryers, Norley Wood Road, Norley Wood, Lymington, SO41 5RR

**Proposal:** Replacement dwelling; repairs and alterations to outbuilding.

**Applicant:** Mr & Mrs Sellars

**Case Officer:** Carly Cochrane

**Parish:** BOLDRE

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**1. REASON FOR COMMITTEE CONSIDERATION**

Referred by Authority Member.

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP6 Design Principles  
CP2 The Natural Environment  
DP10 Replacement Dwellings  
CP8 Local Distinctiveness  
CP7 The Built Environment

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Boldre Parish Design Statement  
Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 7 - Requiring good design  
Sec 11 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

Cllr Ken Thornber has requested that the application should come to committee for discussion.

**7. PARISH COUNCIL COMMENTS**

Boldre Parish Council: Recommend Refusal, but would accept the decision reached by the National Park Authority's Officers under their delegated

powers. Having read the NPA's briefing advice we understand the existing property to be declared a heritage asset and as such our policy would be to retain the original building. In addition we can find no details of height of the proposed replacement which makes a considerable difference to the character of the neighbourhood as has been demonstrated with replacement dwellings elsewhere in the Parish.

## **8. CONSULTEES**

- 8.1 Ecologist: No objection subject to condition
- 8.2 Building Design & Conservation Area Officer: Objection raised
- 8.3 Tree Officer: No objection subject to condition

## **9. REPRESENTATIONS**

- 9.1 10 letters of representation have been received, in support of the application. The comments made are summarised as follows:
  - Design an improvement, sympathetic and in keeping with local vernacular
  - Property is being demolished because of structural issues associated with subsidence; there are many nearby properties that have similar problems.
  - Current house has been subject to inappropriate attempts at repair and alteration
  - Support cob building being refurbished, with the thatch roof-will enhance character of area

## **10. RELEVANT HISTORY**

- 10.1 Addition of a conservatory (NFDC/88/37375) granted 5 May 1998
- 10.2 Addition of a bedroom and bathroom at first floor and construction of a pitched roof (NFDC/86/31968) granted 17 June 1986
- 10.3 Change of use of study to office accommodation for private company (NFDC/85/29216) refused 14 June 1985
- 10.4 Addition of link hall and porch with addition of bathroom on first floor (existing porch to be demolished) (NFDC/84/28253) granted 17 January 1985
- 10.5 Addition of a porch and link wall with extension to bedroom, shower room and bathroom and addition of a shower room on 1st floor (NFDC/84/27806) refused 20 November 1984
- 10.6 Alterations and extension to dining room and addition of utility room (NFDC/78/10169) granted 23 May 1978

## 11. ASSESSMENT

- 11.1 The application site is located to the northern side of Norleywood Road, but to the south of the settlement of Norleywood, within the Forest South East Conservation Area. The property has been identified within the Conservation Area Character Appraisal as a building of local historic, architectural or vernacular interest, and as such, is considered to contribute in a positive manner to the character and appearance of the conservation area; the property is therefore considered an undesignated heritage asset. The property has been subject to a number of permissions to extend the dwellinghouse and for changes to the cob building. The main garden area is located to the north of the dwellinghouse, and slopes north to south, and there is a detached outbuilding to the north west, adjacent to the boundary with the neighbouring property of The Paddock.
- 11.2 This application seeks planning permission for the demolition of the existing dwelling, and its replacement, of a design not significantly dissimilar to that of the existing dwellinghouse. The two storey side elements would be set back subservient from the main core of the original dwellinghouse; the conservatory would be removed, and the cob building would be made separate from the main dwellinghouse, and would be restored with a thatched roof.
- 11.3 Pre application advice was sought in September 2016. It was advised that the property was an undesignated heritage asset in accordance with Section 12 of the National Planning Policy Framework (NPPF), and as such, the NPPF places a general presumption in favour of retaining buildings and other elements which make a positive contribution to the character or appearance of a Conservation Area. It was advised that the following would need to be provided as part of a future application:
- Clearer understanding of the significance of the building and its historic retention
  - Financial Viability Assessment, providing an accurate and detailed understanding of the costs involved of retention and repair compared with the demolition of the property and its replacement.
  - Sufficient justification to demonstrate a significant structural issue with the building, meaning that it would not be economically viable to retain and repair
- It was also advised that the plans did not represent a positive replacement for the existing historic cottage.
- 11.4 The proposed replacement dwelling would be sited slightly rearward of the existing location of the dwellinghouse, which would set the front elevation further from the front boundary. As such, the dwelling would be set closer to the adjoining

neighbouring properties of Brook House (north west) and Keepings (north east), however there would remain a distance of approximately 34 metres between the respective elevations. There would be no windows within the roofspace, and as such, it is not considered that the proposal would result in any adverse impact upon neighbouring amenity.

11.5 The property is not located within a Defined New Forest Village, and is not a small dwelling. As such, additional floorspace is limited to 30% of the 'original' floorspace (as existing on 1st July 1982) under Policy DP11. In the case of replacement dwellings, proposals can involve additional elements in order to utilise the 30% allowance as part of the replacement scheme. The additional elements would have to clearly read as such, and be designed so as to be subservient to the main dwellinghouse. As a result of the various permissions granted by New Forest District Council, the property as it stands has utilised much of its 30% allowance. It is calculated that the proposed replacement dwelling would not result in a total floorspace exceeding the 30% allowance, and as such, the proposal would be compliant with policy in this respect.

11.6 Policy DP10 of the Core Strategy permits the replacement of existing dwellings, except where the existing dwelling:

a) is the result of a temporary or series of temporary permissions or the result of an unauthorised use; or

b) makes a positive contribution to the historic character and appearance of the locality.

It is not considered that the existing dwelling would be contrary to part a) of this policy, however, and as aforementioned, the property has been identified within the Conservation Area Character Appraisal as being an undesignated heritage asset, a point accepted by the applicant as stated on page 9 ("Conclusions") of the submitted Planning Statement, dated January 2017. As such, when determining planning applications for demolition, the National Park Authority is obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

11.7 Paragraph 135 of the National Planning Policy Framework states the following with respect to undesignated heritage assets: *'The effect of an application on the significance of a non designated heritage assets should be taken into account in determining the application, In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*

11.8 In order to fully assess the proposal to demolish the undesignated heritage asset, and as recommended within the pre-application

advice, substantive evidence should be provided to demonstrate the costs involved for the retention and repair of the building compared with the demolition of the property and its replacement. No such evidence was provided upon submission of the application. Following on from the request for this information from the Conservation Officer, information was provided in the form of a written response to the Conservation Officers comments, an insurance quote and Completion Certificates for works previously carried out. This information failed to provide the required financial breakdown of costs. The submitted Completion Certificate only proves that the building was underpinned in 2007, along with other repairs, however notes that whilst that the most likely cause of the movement (and the subsequent damage to the building) was from clay shrinkage as a result of moisture extraction. The detail within the insurance quote, dated 8th September 2016, contradicts the case put forward by the applicant that the building is beyond repair, and states that the building is *'in a good state of repair' and has not suffered from or shows no signs of subsidence, landslip or heave*. The quote also states that the property was *'built before 1837'* which further demonstrates the historic significance of the building. Therefore, the information submitted does not provide sufficient evidence as to why it would not be financially viable for the building to be repaired and retained.

- 11.9 The requirement for the evidence to be submitted with regard the demolition of an undesignated heritage asset has been referred to in a number of dismissed appeal decisions, notably APP/B9506/A/08/2088159, where, in the absence of information on the financial viability of restoring the building subject of the Appeal, the Inspector was *'not persuaded that there is any justification for demolishing the building'*. Further, it has been noted within the Inspector's reports for the dismissed Appeals APP/B9506/A/08/2088159, APP/B9506/A/11/2144067 and APP/B9506/A/112162146 that *'[I am not persuaded] that any benefits in terms of the standard of accommodation outweigh the harm to the historic environment that would be caused by replacing the existing cottage'; 'upgrading and extension of the existing building may well be less straight forward than construction of a new dwelling however [I] consider neither this nor the existing poor condition of the rear extension is sufficient to justify its loss'; and '...the resultant dwelling would be an entirely modern house. [I] recognise the benefit of that to the appellant in terms of the entire structure conforming to current standards of construction and insulation, together with the exemption from VAT that a new build provides, but these arguments could readily apply to many of the older buildings across the National Park. No evidence has been advanced by the appellant in support of its proposed demolition, to demonstrate that the building is either structurally unsound or incapable of being viably renovated'*.

- 11.10 The submitted Heritage Evaluation concludes that the property is of low heritage or visual significance as a result of the various additions and alterations, and as such, the proposal would not be harmful. Whilst the property has undergone many additions and alterations since 1978, it is considered that the historic building is still discernible, and indeed, still present, albeit somewhat dominated by the aforementioned later alterations. The conclusions within the submitted Planning Statement and Heritage Statements both state that the proposal 'would not be harmful to the character and appearance of the conservation area', however are silent with regard the impact of the proposed loss of the undesignated heritage asset. Whilst the proposed replacement may be of a similar appearance to that existing, it cannot replace the loss of the original historic fabric of the building. On this subject, the Inspectors report for the dismissed appeal APP/B9506/A/112162146 notes that *'Notwithstanding that many of the original parts of the building no longer remain, that does not alter the fact that [the appeal site] is identified as an unlisted building of local, vernacular or cultural interest...although these unlisted buildings were not subject to detailed survey and many have been subject to alteration and extension over time, they nevertheless are identified in the text as being of local, vernacular or cultural interest and thus remain worthy of retention unless there are unequivocal grounds for their demolition or removal'.*
- 11.11 The replacement dwelling has been designed with the main core of the dwellinghouse (reflecting the original dwelling) revealed through the subservience of the two side elements. The replacement dwelling would be constructed of brick, which would be subsequently painted, with clay tile cladding on the rear north western corner; a natural grey slate roof and timber casement windows. The cob building would be retained and restored, with the link to the main dwellinghouse removed, and a new thatched roof would replace the existing concrete tiles. Overall, it is considered that the design of the proposed replacement dwelling would be of a similar scale and impact as that existing, and as such it is considered that the proposal would be of an acceptable design. The proposed materials have already been submitted and considered acceptable.
- 11.12 There are a number of trees along the boundary of the application site, however the submitted plans show that both the existing and proposed replacement dwellings do not interfere with any of the existing trees on site. However, it is proposed that all trees and hedges will remain, and the trees would be protected by the erection of tree protection fencing in accordance with BS:5837:2012. This can be appropriately conditioned. Additional planting will be incorporated within the hedgerow to the front boundary, of matching species.

- 11.13 The application has been accompanied by an Ecology Report, which established the presence of bats at the property. The proposal would result in the destruction of a known bat roost, and as such, local authorities should consider the three tests of a European Protected Species (EPS) Licence prior to granting planning permission. Failing to do so would be in breach of Regulation 9(5) of the Conservation of Habitats and Species Regulations (2010) which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
- 11.14 The first of the three tests is whether there are imperative reasons of overriding public interest. Natural England guidance states that if a proposed development is in line with the development plan, it may meet this test. As has been set out in paragraphs 11.8, 11.9 and 11.10 of this report, this proposal is not considered to otherwise meet with Policies DP1, DP6 and DP10 of the Core Strategy, and therefore the proposal does not meet the first test of the development plan, and there is not considered to be any overriding public interest in this proposal otherwise; therefore the first test is concluded not to be met.
- 11.15 The second test is that there must be no satisfactory alternative, including the option of not undertaking the development. No structural survey has been submitted along with the application to demonstrate that the dwellinghouse has to be demolished. Information has not been submitted with regards a proper justification for non-viability of retention or refurbishment. Therefore it has not been demonstrated that the existing dwelling has to be demolished.
- 11.16 The third and final test is that the maintenance and favourable conservation status of the species should be ensured. The ecological consultant considers that this would be the case, provided that the mitigation as outlined was implemented. The application has addressed the issue of bat presence and the consultants report is from a respected source and has identified presence of bats, including a day roost. The consultant proposes mitigation/compensation which would be suitable for maintaining the favourable conservation status of the local population; however the issue of mitigation should only be addressed once the Authority is content that the tests of the Habitats & Species Regulations have been satisfied.
- 11.17 As two of the three tests have not been met, the likelihood of a EPS Licence being granted for these works is low. Whilst mitigation/compensation can address loss of potential of roosts in principle, there is little actual evidence that bats utilise the replacement habitats. With little monitoring or scientific information there remain risks that disturbance and loss of roosts can affect species populations. Therefore a precautionary approach is advisable and if the loss/disturbance is preventable

alternatives should be sought where possible, in accordance with the Habitats Regulations and Policy CP2.

- 11.18 To conclude, for the reasons given above it is not considered the proposal would comply with local and national planning policy and as such it is recommended permission is refused.

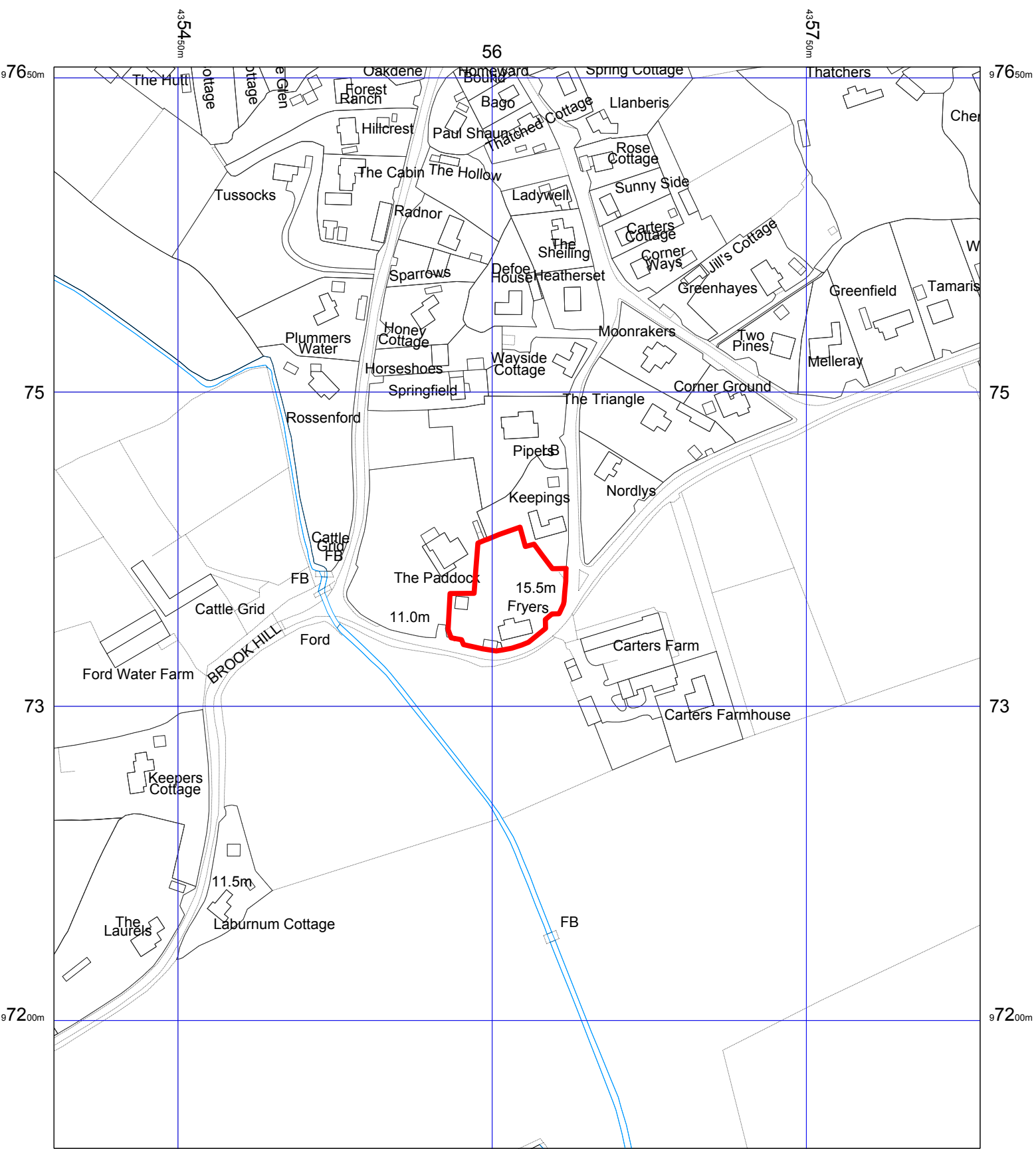
## **12. RECOMMENDATION**

Refuse

### **Reason(s)**

- 1 Insufficient information has been submitted to the National Park Authority to demonstrate the need for the proposed demolition and replacement of the undesignated heritage asset. The proposal would therefore be contrary to Policies DP1, DP6, DP10 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
- 2 The development would impact upon a common pipistrelle day roost and insufficient detail has been provided to demonstrate that the destruction of this roost is necessary and within the public interest which is contrary to policy CP2 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010), the National Planning Policy Framework and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.





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