

**Application No: 15/00819/FULL Full Application**

**Site:** White Lodge, Sway Road, Brockenhurst, SO42 7SG

**Proposal:** Replacement dwelling and garage

**Applicant:** Mr & Mrs Bruton

**Case Officer:** Katie McIntyre

**Parish:** BROCKENHURST

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP6 Design Principles  
DP10 Replacement Dwellings  
DP11 Extensions to Dwellings  
CP8 Local Distinctiveness  
CP2 The Natural Environment

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

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

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Brockenhurst Parish Council: Support

**8. CONSULTees**

- 8.1 Ecologist: No comments received
- 8.2 Tree Officer: Raises an objection
- 8.3 Land Drainage (NFDC): No objection subject to conditions

**9. REPRESENTATIONS**

- 9.1 None received

**10. RELEVANT HISTORY**

- 10.1 None relevant

**11. ASSESSMENT**

11.1 The application site is a detached bungalow with a room within the roof space. The property is located outside of the defined village and occupies a corner plot on the entrance way to Brockenhurst Manor Golf Club. The entrance way to the golf club also forms part of a public right of way. The site is screened from Sway Road by a group of mature trees but is open along the frontage which abuts the public right allowing clear views of the site to be achieved. This application seeks consent for a replacement dwelling and garage; no alterations are proposed to the existing access.

11.2 There is not an in-principle design/ conservation objection to the demolition of the existing bungalow as it is not considered to be of historic or architectural importance. The relevant issues that therefore need to be considered are:

- The impact upon the character and appearance of the area;
- The amenities of the adjacent properties;
- Impact upon trees; and
- Ecology

Impact upon the character and appearance of the area:

11.3 The proposed replacement dwelling would be of a similar footprint to the existing bungalow on the site as well as a similar scale although the roof form of the property would be changed from hipped to gabled. The development would be partially screened by the trees along the eastern boundary to Sway Road however it would be very prominent from the entrance and the public right of way to the golf course. The proposal does propose an increase in floorspace above that *in situ* however this would not exceed the 30% restriction as set out in policy DP11. The basement has not been included within this calculation as per the supporting text of policy DP11. The Parish Council have supported the proposal.

- 11.4 The guidance contained within the National Planning Policy Framework states that development shall contribute positively to making places better (para. 56) and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (para. 64). Moreover, policies DP1, DP6 and CP8 require new development to demonstrate high quality design which enhances local character and distinctiveness ensuring that development is appropriate and sympathetic in terms of scale, appearance, form and siting.
- 11.5 There are no objections to the gable form proposed or the overall scale of the dwelling proposed however there are concerns in relation to its design and appearance. It is considered that the proposed replacement dwelling would be of a poor design having an overtly suburban appearance which would fail to contribute positively to the rural character of its surroundings. For example, the eaves height of the building is considered to be excessive and appears disproportionate in relation to the property exacerbating the size of the building. The excessive height of the eaves has tried to be disguised by adding horizontal cladding above the windows and under the eaves, however rather than disguising the gap, this has resulted in an awkward appearance which exacerbates its poor design. The fenestration and joinery details are also considered to be very weak and do not respond to the rural context of the site.
- 11.6 There are similar concerns in relation to the design and appearance of the proposed garage which would also have on overtly suburban character which would fail to respond to the rural context of the site and its prominent position adjacent to a public right of way.
- 11.7 Officers have been involved in a number of pre-application discussions with the applicant prior to the submission of the application whereby concerns in relation to the design and proportions were raised. A number of suggestions were made in relation to improving the overall appearance of the property such as; lowering the eaves height, introducing a brick plinth, utilising traditional roof pitches, stronger fenestration details, timber cladding to the gables, and conservation style rooflights. A sketch was also issued illustrating how these suggestions could be incorporated within the design. Although some of these suggestions have been taken up by the applicant, the fundamental concerns Officers had in relation to the proportions of the dwelling and its suburban appearance have not been addressed.
- Neighbour amenity:
- 11.8 With regards to neighbour amenity, it is considered that the property which could be potentially affected the most is the dwelling sited opposite 'Keeper's Cottage'. This dwelling is sited a reasonable distance away (around 35 metres) so as to not be

affected by loss of light, although there would be first floor rooflights facing the property. The boundary to Keeper's Cottage is very open and therefore views would be able to be obtained from the proposed first floor windows, however, as this would be limited to the front of the property only, which already as limited privacy from the public footpath; this relationship is thought to be acceptable.

Trees:

- 11.9 Situated in the site's rear garden area is an area of woodland comprised of native, broadleaf species and a large mature Beech tree which are clearly visible from Sway Road. The trees provide a good level of public amenity and are important to the character of the area and are protected by virtue of a tree preservation order. The proposed garage would be within the crown spread and root protection area of the mature Beech tree and a group of Ash trees. Given the level changes in this part of the site it is likely that existing ground levels would need to be lowered to accommodate the installation of the proposed garage. In these circumstances a foundation type, such as pile and beam, which could normally be utilised in order to accommodate the trees' rooting system, would not be enough to ensure that adjacent trees can be safely retained. The Authority's Tree Officer has therefore raised an objection to the application as the proposed siting of the garage would threaten the retention of important mature trees protected by tree preservation order and as such would therefore be contrary to policies DP1 and CP2 of the Core Strategy.

Ecology:

- 11.10 The bungalow *in situ* to be demolished has been identified within the submitted ecology report as being used as a day roost by a group of common pipistrelle bats. The proposal would result in the loss of this roost and a replacement roost would be incorporated within the roof space of the proposed garage. 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.
- 11.11 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 above, this proposal is not considered to otherwise meet with the policies 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 as things stand.

- 11.12 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 bungalow has to be demolished. Information has not been submitted with regards to any structural problems nor a proper justification for non-viability of retention / refurbishment / extension has been made. Therefore it has not been demonstrated that the existing dwelling has to be demolished.
- 11.13 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 consultant's 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.
- 11.14 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 be affecting 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.
- 11.15 To conclude, for the reasons outlined above it is considered the proposal would fail to comply with local and national planning policy and as such it is recommended permission is refused.

## **12. RECOMMENDATION**

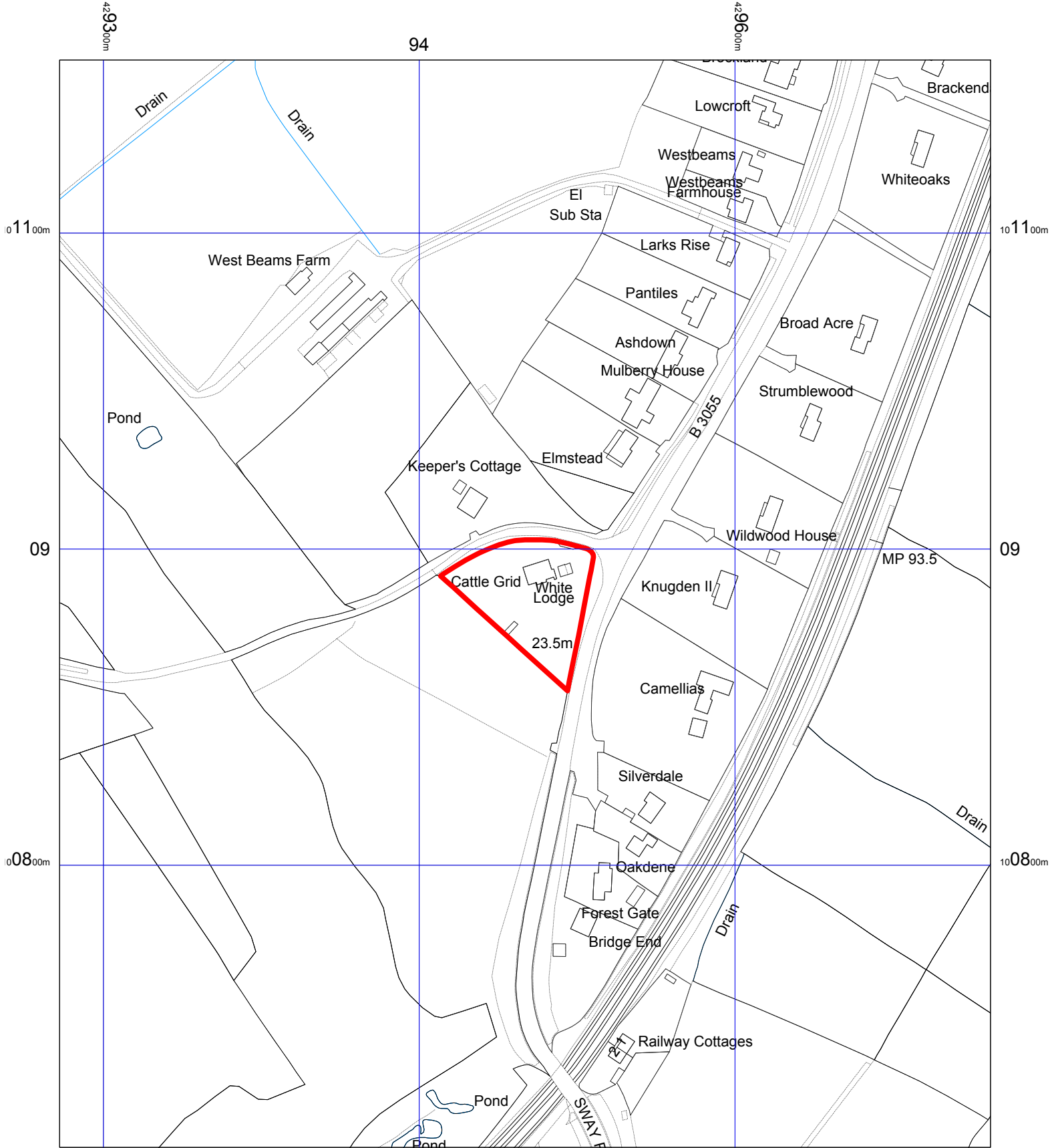
Refuse

### **Reason(s)**

- 1 The proposed development, by reason of its poor design and overtly suburban appearance, would fail to contribute positively to the rural character of its surroundings or enhance local character resulting in an adverse impact on the visual amenities of the area and the special qualities of the National Park. The proposal is therefore contrary to policies DP1, DP6, DP10 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010), Design Guide

Supplementary Planning Document and the National Planning Policy Framework.

- 2 The application fails to demonstrate that the proposed garage can be carried out without involving the loss of trees on the site. In particular, given the close relationship of the proposed garage to a mature Beech tree and a group of Ash trees on the frontage with Sway Road, the development is likely to result in a significant threat to the root system of these trees potentially leading to their loss. For this reason, the proposed development could result in the ultimate loss of trees that make a positive and important contribution to the visual amenities of the area to the detriment of the character and appearance of the countryside, contrary to policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).
- 3 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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Date: 30/12/2015

**Ref: 15/00819/FULL**

**Scale: 1:2500**

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