

Application No: 16/00780/FULL Full Application

Site: Tyrrell Lodge, Southampton Road, Lyndhurst, SO43 7BQ

Proposal: New Dwelling; Change of use of two flats to create a single dwelling

Applicant: Mr N Kerr

Case Officer: Katie McIntyre

Parish: LYNDHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area: Lyndhurst
Special Protection Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP2 The Natural Environment
CP1 Nature Conservation Sites of International Importance
CP12 New Residential Development
CP9 Defined Villages
DP6 Design Principles
CP7 The Built Environment
CP8 Local Distinctiveness
CP19 Access

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Development Standards SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment
Sec 6 - Delivering a wide choice of high quality homes

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Lyndhurst Parish Council: Recommend refusal:

Although recognise that efforts have been made to meet objections from the last application, still feel that the layout is cramped and confined and is in a plot inappropriate for development; the garden is too small to support such a dwelling, that access for both properties is insufficient and that there would be significant loss of amenity for the neighbouring property The Chase and is against Policy DP1. The proposals are out of keeping with the character of the area and would likely contribute to an unwanted precedent for infill building.

8. CONSULTEES

- 8.1 Highway Authority (HCC): No objection subject to conditions
- 8.2 Building Design & Conservation Area Officer: No objection
- 8.3 Ecologist: No objection subject to conditions
- 8.4 Tree Officer: No consultation required as no objections to previous proposal

9. REPRESENTATIONS

- 9.1 Five representations of objection:
 - The field to the rear does not benefit from residential access and is outside of the defined village boundary and the residential curtilage.
 - The parking area does not allow sufficient space for cars to turn.
 - Cramped appearance.
 - Detracts from the Conservation Area.
 - Adverse affect on neighbour amenity.
 - Potential impact upon protected species.
 - Affect on drainage.
 - Inadequate access.

10. RELEVANT HISTORY

- 10.1 16/00601 - New dwelling; change of use of two flats to create a single dwelling - withdrawn 22 August 2016
- 10.2 16/00393 - New dwelling; change of use of two flats to create a single dwelling - withdrawn 11 July 2016
- 10.3 15/00796 - Additional new dwelling; single-storey extension to Tyrrell Lodge - refused 21 December 2015

- 10.4 15/00141 - New dwelling - withdrawn 28 May 2015
- 10.5 NFR/14158 - Conversion into two flats - granted 15 April 1965

11. ASSESSMENT

- 11.1 Tyrrell Lodge is a detached two-storey building with traditional double pile building format, fronting onto Southampton Road in the Lyndhurst Conservation Area. The building is currently divided into two flats. Adjacent to the site is Heather House hotel, a converted Victorian building which has recently been converted into two semi-detached dwellings, and a new coach house recently built within its grounds. To the west is a residential property, The Chase. Tyrrell Lodge and the adjacent properties have been identified within the Conservation Area Character Appraisal as being of local historical significance. The defined village boundary lies at the north of the site, beyond the curtilage of Tyrrell Lodge, but transects the application site. The access, together with two former agricultural buildings which now provide informal parking to Tyrrell Lodge, are outside of the defined village boundary. This application seeks consent for a new dwelling within the garden of Tyrrell Lodge and the conversion of Tyrrell Lodge from two flats to a single dwelling.
- 11.2 An application for a new dwelling plus extensions to Tyrrell Lodge (our reference 15/00796) was refused last year for the following reasons:
1. The proposal would result in a cramped and confined layout which is inappropriate to the established curtilage of the site and undermines the character of the Conservation Area both in terms of the rural appearance of the north of the site and the setting of the heritage asset building, Tyrrell Lodge. The overall visual impact of the development is suburbanisation, spilling outside of the defined village boundary. The development would result in the perception of overlooking of The Chase, and would not respect the spacious layout of plots and gardens within this area of the Conservation Area. As such, the proposal would be contrary to Policies DP1, CP7, CP8, CP12 and DP9 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
 2. The proposal would result in inadequate access width and inadequate on-site car parking provision which would undermine highway safety, contrary to Policies DP1 and CP19 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Authority's Development Standards SPD (adopted 2012).
 3. The proposal does not demonstrate that it would uphold the integrity of the New Forest SPA/SAC/SSSI/Ramsar site which

lies immediately adjacent to the proposal. In absence of adequate measures in place to avoid or mitigate any potential adverse effects on the ecological integrity of the site, the development is contrary to Policy CP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Authority's adopted Development Standards SPD 2012.

4. The proposal fails to make provision for affordable housing and public open space, contrary to the requirements of policies CP11, DP15 and DP3 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Authority's adopted Development Standards SPD 2012.

Consideration needs to be given as to whether the submitted proposal would overcome the above concerns.

- 11.3 Consent is sought for a new two bedroom dwelling within the grounds of Tyrrell Lodge. Tyrrell Lodge would be converted from two flats into a three bedroom house meaning that the proposal would not result in a net increase in the number of residential units at the site. Both properties would be accessed via the single width track to the rear from Queens Road as per the current situation. The existing garden would be subdivided by fencing and a hedge. The proposed dwelling would be sited within the defined village of Lyndhurst and as such there is not an in-principle policy objection to new residential development in this location. The changes to the scheme proposed from the previously refused application include:

- a reduced footprint which has led to the reduction in the bulk and mass of the dwelling;
- more trees are to be retained on the site due the reduction in built form;
- changes to the form of the dwelling to prevent overlooking; and
- alterations to Tyrrell Lodge itself by converting it from two flats to one house. The extensions to Tyrrell Lodge as proposed in application 15/00796 are also no longer proposed.

- 11.4 The Parish Council have raised concerns in relation to cramped and confined layout, inadequate access and significant loss of amenity to the neighbouring property The Chase. It should be noted that the Parish Council recently discussed a very similar proposal at their July meeting which was subsequently withdrawn by the Agent whereby the Parish had considered all other reasons for refusal had been overcome except for concerns with regards to overlooking.

- 11.5 The first issue to consider is whether the proposed development would preserve or enhance the character of the Conservation Area, in accordance with Policy CP7 of the Authority's Core Strategy, and in line with Section 12 of the National Planning

Policy Framework. The Conservation Area Character Appraisal notes all of the buildings in question, fronting onto Southampton Road, as buildings of local or vernacular interest. Concerns were expressed previously by Officers with regards to the attrition of the setting of Tyrrell Lodge and its suburbanisation as well as the cramped appearance of the development.

- 11.6 This application no longer seeks consent for the extension of Tyrrell Lodge to the rear which has resulted in a larger amenity area serving this dwelling as well as a significant reduction in the built development at the site. The footprint of the proposed new dwelling has also been reduced and its design amended which in turn has resulted in a reduction in the massing of the building proposed. The reduction in the footprint of the dwelling has also enabled further trees to be retained at the site which were previously plotted to be removed reducing the impact of the development upon the character and appearance of the area and allowing its rural character to be retained. The decrease in the net number of dwellings at the site also now negates the need for further hardstanding to be provided in the existing parking area to the rear of the dwelling for Tyrrell Lodge, further minimising the works required to accommodate the development and preserving the rural character of the northern part of the site. It is also not considered the development would appear out of keeping with the pattern and character of development surrounding the application site being similar to that of the adjacent infill development to the rear of Heather House which was permitted in 2014 and has recently been completed.
- 11.7 No concerns were previously raised with regards to the design and form of the proposed dwelling and this is considered to be of a high quality design which would reflect the rural character of Lyndhurst. The Authority's Conservation Officer has raised no objections to the proposal. It is therefore considered that the amendments which have been proposed would ensure that the development would not appear out of keeping with the pattern and character of development surrounding the application site, and would preserve the character and appearance of the Lyndhurst Conservation Area and the setting of Tyrrell Lodge.
- 11.8 The previous application at the site was also refused due to the perception of overlooking to The Chase due to the first floor window on the south elevation. A letter of objection has been received from the occupants of this dwelling. The south elevation of the proposed new dwelling would still feature a bedroom window around 16m from the back of the neighbour's house at The Chase. Notwithstanding this, the size of this window has been reduced and it would be set behind vertical timbers creating a louvered effect as shown in the submitted cross section. This would allow light to still enter the bedroom however it would significantly restrict views out as there would only 60mm gaps between the vertical timbers. Two high level rooflights are also

proposed which are sited on the eastern roof slope away from The Chase to allow further light and ventilation to the room. It is considered that the amendments to the window on the southern gable would now overcome previous concerns as it would ensure that views of The Chase could not be achieved. A condition requiring this window to be fixed shut and for the vertical timbers to remain in perpetuity is recommended.

- 11.9 The occupants of The Chase have also raised concerns in relation to the proposal being visually overbearing and resulting in loss of light. Furthermore, comments have been received in relation to drainage and noise and disturbance. These did not form previous reasons for refusal and this scheme does not differ in these respects.
- 11.10 An objection has also been received from the occupant of 1 Heather House. The relationship with this dwelling was assessed as part of application 15/00796 and this was considered to be acceptable. The relationship with this property has not significantly changed and for the same reasons given above it is not considered there would be undue overlooking from the window in the southern gable. A rooflight is also proposed facing this property however this would have a cill height above 1.7m and as such views would be skywards only.
- 11.11 Concerns have also been raised by the occupants of 'Buena Vista' the dwelling which has recently been built to the rear of 1 and 2 Heather House. Two first floor rooflights are proposed which would face this property, however both of these would be high level and as such views would be skyward only which is considered to be an acceptable relationship. With regards to loss of light, due to the orientation of the plots the proposal would not result in significant overshadowing. Furthermore, the building would be sited approximately 3.5m from the boundary with this property and the proposed dwelling would have a single-storey eaves height. Although therefore the building would be visible from the garden area of this property it is not considered it would appear overbearing or visually imposing.
- 11.12 The third issue to consider is highway safety. The Highways Engineer has raised no objections to the proposal as there would not be a net increase in dwellings serving the site. The existing access and parking arrangements would remain the same and as such there would not be a net increase in vehicular movements.
- 11.13 With regards to ecology, as the proposal would not result in a net increase in dwellings at the site a financial contribution towards habitat mitigation would not be required in accordance with the Authority's Development Standards SPD. The Authority's Ecologist has also raised no objections to the proposal subject to conditions securing ecological enhancements and reptile mitigation in accordance with policy CP2. The Agent has confirmed that there

would be no objections to these conditions. A neighbour has raised concerns with regards to the potential for bats within the roof space of Tyrrell Lodge. This application does not propose any external alterations to Tyrrell Lodge nor any works to its roof. The Agent has also confirmed in writing that the internal works required to convert the property back into one dwelling will not involve any works to the roof space or the need to replace ceilings. In the event however that evidence of bats is found all works would stop and advice would be obtained from a qualified consultant. This precautionary approach is considered to be acceptable and would be subject to an informative.

- 11.14 Neighbours have raised concerns in relation to the trees at the site however the Authority's Tree Officer has previously raised no objections as the trees are not considered to be worthy of protection by a Tree Preservation Order. This application now seeks to retain more trees at the site than the previous proposal which is considered to be an improvement.
- 11.15 As the proposal would not result in a net increase in the number of residential units and in light of the Governments direction on tariff style contributions, financial contributions towards affordable housing and public open space would no longer be required.
- 11.16 To conclude, for the above reasons it is considered the submitted proposal would overcome previous objections raised by the Authority. It is considered the development would comply with local and national planning policy and as such permission should be granted.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Development shall only be carried out in accordance with drawing numbers: 143.01 REV D, 143.02, 143.03, 143.04 REV C, 143.05 and 143.06 REV A. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New

- 3 Before development commences in relation to the new dwelling hereby approved, the internal works required to Tyrrell Lodge to create a single dwelling shall be carried out and completed in accordance with drawing number 143.03, specifically the removal of any subdivision and the removal of the kitchen at first floor.

Reason: The application has been assessed on the basis that the proposal would not result in a net increase in the number of residential units at the site. An increase in the number of residential units would be contrary to policies DP1, CP1 and CP19.

- 4 Prior to the commencement of development in relation to the new dwelling hereby approved, no development shall take place above slab level until samples of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 Prior to the commencement of development (including site and scrub clearance), measures for ecological mitigation and enhancement (including timescales for implementing these measures) shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity. The measures shall be based on the recommendations set out in the ecological report approved as part of this planning application.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 A scheme for the parking of cycles shall be submitted to and approved in writing by the National Park Authority and completed prior to the development being first occupied.

The spaces shall be retained and kept available for their intended purpose at all times.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010), section 4 of the National Planning Policy Framework and the Development Standards SPD.

- 9 The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 10 The first floor window on the south elevation hereby approved shall at all times be fixed shut. The vertical timbers as shown on drawing number 143.04 Rev C shall be installed prior to the occupation of the dwelling and shall remain in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 The proposed rooflights on the east and south elevation shall at all times have a cill height of no lower than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 12 No windows or rooflights other than those hereby approved shall be inserted into the roofspace of the dwelling unless express planning permission has first been granted.

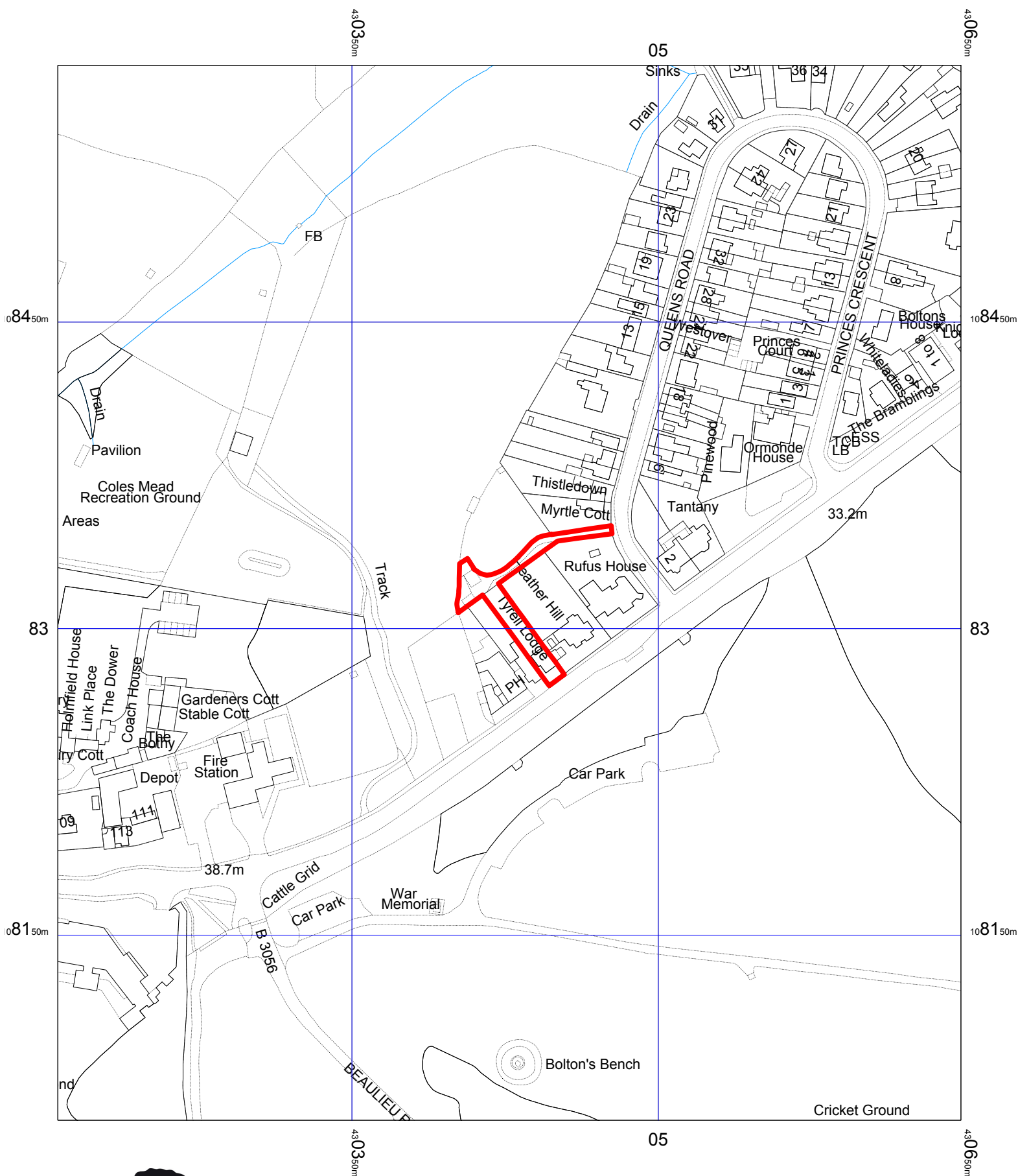
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP10 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

Informative(s):

- 1 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0845 600 3078.



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 03/11/2016

Ref: 16/00780/FULL

Scale: 1:2500

© Crown copyright and database rights 2016 Ordnance Survey 1000114703

