



Appeal Decision

Site visit made on 5 January 2016

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

Appeal Ref: APP/B9506/W/15/3136803

Surigao, Knightwood Close, Lyndhurst, Hampshire SO43 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr D Platt against the decision of New Forest National Park Authority.
 - The application Ref 15/00135, dated 12 February 2015, was refused by notice dated 22 April 2015.
 - The development proposed is the erection of 1.5 storey detached dwelling following part demolition of existing dwelling and garage, with associated works.
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Decision

1. The appeal is allowed and permission is granted for the erection of 1.5 storey detached dwelling following part demolition of existing dwelling and garage, with associated works at Surigao, Knightwood Close, Lyndhurst, Hampshire SO43 7DR, in accordance with the terms of the application, Ref 15/00135, dated 12 February 2015, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including whether it would conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest National Park (NFNP); and
 - whether the proposal would make adequate provision in relation to affordable housing, habitat mitigation, open space and transport.

Reasons

Character and appearance

3. Surigao is a detached chalet bungalow on Knightwood Close, which together with Knightwood Avenue and Elcombes Close, form a residential area on the edge of the village of Lyndhurst. The area consists of individually designed houses, bungalows and chalet bungalows on variable sized plots. The gaps between properties, numerous trees, boundary vegetation and soft landscaping give the residential area a spacious verdant character.
4. However, Surigao is situated on an unusually wide plot and one of the largest in the vicinity. The existing chalet bungalow is oriented across its full width, with the main building on the left, a single storey extension

across the centre of the plot and a double garage on the right. The proposal is to demolish the extension and garage in favour of a 1.5 storey dwelling with a shared central access and single garages to serve each property.

5. Given the unusual width in this case, subdividing the plot to allow a new house would not appear cramped and the resulting two plots would not be significantly smaller than some others in the vicinity. The existing extension and double garage are relatively unattractive in appearance and dominate the plot; their replacement with a further individually designed property would consequently not be a harmful change within the street scene.
6. The boundary vegetation which forms the rear and side boundaries of the plot would not be affected by the proposal, nor would the mature Oak tree to the south in the grounds of Oakspan, the property to the rear. The front boundary would be altered with the access moved to the centre but the two existing Lawson Cypress and much other planting would remain. The driveway would also be adjusted but would be about the same area as before leaving the scope for soft landscaping unchanged.
7. The new house would be on the same building line as Surigao in about the same position as the existing extension and double garage. It would not greatly increase the built footprint on the site and the single garages to the front would not be obtrusive. The eaves and ridge height of the new house would be higher than Surigao and significantly higher than the existing extension and garage but the chalet design would minimise its impact in the street scene. The new property would also be significantly lower than the dwelling 'Courts of the Morning' on the adjacent plot.
8. This area of housing and indeed Lyndhurst as a whole lies within the NFNP where one statutory purpose of designation is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area¹. As the proposal would be an infill development within an existing built up area, and would not significantly change the overall character of that area, there would be no material effect on the natural beauty or cultural heritage of the National Park, nor direct effect on its wildlife.
9. For these reasons the proposal would not cause significant harm to the character and appearance of the area and would conserve the natural beauty, wildlife and cultural heritage of the NFNP in compliance with Policies CP8, CP9, DP1 and DP6 of the NFNP Core Strategy and Development Management Policies Development Plan Document 2010 (the DPD). These seek to protect local character, ensure development is sympathetic in terms of scale, appearance, form, siting and layout, and promote the highest standards for design. The proposal would also comply with paragraph 115 of the National Planning Policy Framework (NPPF) which attaches great weight to conserving landscape and scenic beauty in national parks.

Affordable housing, habitat mitigation, open space and transport

10. Policy CP11 of the DPD requires single dwellings in Lyndhurst to make a financial contribution towards affordable housing provision in the area and Annex 3 of the NFNP Development Standards Supplementary Planning Document 2012 (the SPD) sets the appropriate figure in this case at

¹ The other statutory purpose, to promote opportunities for understanding and enjoyment of the special qualities of national parks by the public, is not relevant in this case.

£40,200. However, the SPD accepts that the viability of a particular scheme may prevent a contribution being made and recognises that schemes involving demolition might become unviable.

11. The appellant has submitted a detailed viability assessment for the appeal proposal which estimates the likely costs and receipts for the scheme and demonstrates that it would be unable to make a financial contribution towards affordable housing. The Authority does not dispute this assessment and, based on this, I am satisfied that such a contribution would not be required in this case.
12. The Authority is however seeking three financial contributions should the scheme go ahead. These are £1,250 for habitat mitigation, £3,505 for open space enhancements and £5,457 for transport improvements. The viability assessment demonstrates that these could be accommodated within the likely costs of the scheme. A signed and dated unilateral undertaking has been submitted offering these contributions should I conclude they are necessary in this case and the Authority has indicated that the terms of this are acceptable.
13. Policy CP1 of the DPD resists new housing which may affect the New Forest Special Protection Area (SPA) unless adequate measures to mitigate any adverse effects on the ecology of the area are put in place. The SPD identifies a package of suitable measures and seeks £1,250 per dwelling built near the SPA to fund these in order to mitigate the impact of additional residents living nearby. This is a reasonable and pragmatic approach.
14. Although Policy CP1 and the SPD seek such contributions from new housing within 400 m of the SPA this distance is not exclusive and the appeal site is only 450 m away. Lyndhurst is surrounded by the SPA, the occupiers of the new house would therefore be very likely to visit it and the mitigation measures include improvements at the New Forest Centre in the village. The contribution is therefore fully justified in this case.
15. Policy DP15 of the DPD requires financial contributions for the provision of off-site infrastructure to ensure development is acceptable and Policy DP3 requires the provision or enhancement of open space. In relation to open space the SPD lists the type of enhancements which would be funded and Annex 4 explains how the figure of £3,505 has been derived. In terms of transport, the SPD explains that contributions will be sought towards various highway improvements and Annex 2 lists various schemes in Lyndhurst which would be funded. It also shows how the figure of £5,457 is derived.
16. Even one additional house is likely to have an incremental impact on the SPA, local open space and transport infrastructure. In these circumstances the contributions for habitat mitigation, open space enhancements and transport improvements would be necessary, directly related and fair and reasonable in scale and kind, the three tests in the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 204 of the NPPF. The Authority has confirmed that the limit of five contributions towards any particular project or scheme in CIL Regulation 123(3) has not yet been reached in the National Park and I have no reason to doubt this is correct.
17. The unilateral undertaking would provide for these contributions so the proposal would therefore make adequate provision in relation to habitat

mitigation, open space and transport in accordance with the relevant DPD and SPD policies. For viability reasons the proposal would not make any provision for affordable housing but this is also in compliance with the SPD.

Other matters

18. Policy CP12 of the DPD sets out a requirement for an additional 220 dwellings within the New Forest National Park between 2006 and 2026, a rate of 11 per annum. Against this figure 187 dwellings were completed by 2015, a rate of 21 per annum. Whilst this suggests the 220 target will be easily reached, it is not a limit if other acceptable sites come forward and in any event the 2010 DPD pre-dates paragraph 47 of the NPPF which requires local planning authorities to boost significantly the supply of housing.
19. A number of other objections have been raised in connection with this appeal. It is suggested the proposal might lead to further development in the area, but each application must be considered on its own merits. The materials to be used can be controlled by condition. The dwelling would face existing properties across the road, but the windows would be no higher than those of the existing dwelling at Surigao and the front gardens mean that there would be a substantial separation distance. The houses to the rear are far enough away with good boundary screening for any loss of privacy or outlook to be minimal. The traffic and parking implications would not be significant and any inconvenience during construction would only be temporary. The motives of the appellant, the potential value of the property and the provenance of the existing garage on site are not relevant. Finally, any covenants affecting the site are a private matter.

Conditions

20. The Authority has suggested a number of conditions should the appeal be allowed and I have assessed these against the relevant tests. I agree with the appellant that conditions requiring cycle parking stands and preventing conversion of the roof space are unnecessary and the condition restricting permitted development rights would be unduly onerous. Only extensions, alterations to the roof and means of enclosure warrant control to protect the character of the area. Use of the garages for living accommodation would however limit their use for cycle or car parking and should be controlled.
21. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of proper planning. Conditions to control the materials to be used, the means of enclosure and to require further landscaping are necessary to ensure the development has a satisfactory appearance. Further conditions are needed to ensure parking and turning is provided on site and the old access is stopped up in the interests of highway safety. The disposal of surface water needs to be controlled to protect against flooding or pollution and measures put in place to safeguard important trees in the interests of visual amenity.

Conclusion

22. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall only be carried in accordance with the following approved drawings:
C14/053.02 Rev B, C14/053.03 Rev B, C14/053.04 Rev B, C14/053.05 Rev B, C14/053.07 Rev C, C14/053.13 Rev A, C14/053.14 Rev A, C14/053.15 Rev A, C14/053.16 Rev A, C14/053.17 Rev A.
- 3) No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the National Park Authority. Development shall only be carried out in accordance with the details approved.
- 4) The building the subject of this permission shall not be first occupied until (a) details of the treatment of the northern/front boundary of the site have been submitted to and approved in writing by the National Park Authority, and (b) these means of enclosure have been implemented in accordance with the details thus approved.
- 5) The development hereby permitted shall not be occupied until the space for parking and turning vehicles within its curtilage has been provided. This space shall then be kept available for the parking and turning of vehicles at all times.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactment thereof, the existing access to the site shall be stopped up and abandoned. The footway crossing shall be reinstated, in accordance with a scheme to be submitted to and approved in writing by the National Park Authority, immediately after the completion of the new access and prior to occupation of the buildings.
- 7) No development shall take place until a scheme of further landscaping of the site has been submitted to and approved in writing by the National Park Authority. This scheme shall include:
 - (a) the existing trees and shrubs 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.Thereafter, the approved landscaping/tree planting scheme shall be fully carried out within twelve months of the completion of the development. Any trees or other plants that form part of the landscaping/tree planting scheme which within a period of five 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 a similar size and species unless the National Park Authority give prior written permission to any variation.

- 8) 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 or C of Part 1 of Schedule 2 to the Order or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out to either dwelling without express planning permission first having been granted.
- 9) The detached garage buildings hereby permitted shall only be used for purposes incidental to the dwellings on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.
- 10) No development shall take place until details of the means of disposal of surface water from the site have been submitted to and approved in writing by the National Park Authority. Development shall only take place in accordance with the approved details.
- 11) No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted to and approved in writing by the National Park Authority. It shall be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement shall include the following:
 1. A specification for the location and erection of protective fencing around all vegetation to be retained.
 2. Specification for the installation of any additional root protection measures.
 3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
 4. Specification for the construction of hard surfaces where they impinge on tree roots.
 5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and rigs).
 6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
 7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.Development shall then only take place in accordance with these approved details.
- 12) No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the National Park Authority. This scheme shall be appropriate to the scale and duration of the works and shall include details of:
 - Induction and personnel awareness of arboricultural matters.
 - Identification of individual responsibilities and key personnel.
 - Statement of delegated powers.
 - Timing and methods of site visiting and record keeping, including updates.
 - Procedures for dealing with variations and incidents.