

Planning Committee - 19 May 2020

Report Item 1

Application No: 20/00018/FULL Full Application

Site: 11 Whartons Close, Ashurst, Southampton, SO40 7EE

Proposal: Two storey extension; single storey extension; veranda; porch; alterations to fenestration

Applicant: Ms Natalie Morris

Case Officer: Ann Braid

Parish: ASHURST AND COLBURY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village
Tree Preservation Order

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP17 Local distinctiveness
SP6 The natural environment
SP15 Tranquillity
DP36 Extensions to dwellings
DP18 Design principles
DP2 General development principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Ashurst and Colbury Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Ashurst and Colbury Parish Council: Recommend refusal.

The proposals appear overbearing and inappropriately sized within the curtilage of the plot and from the street scene; which is characterised by houses set well apart in large plots (DP2 e, SP17, DP18 a and e). The addition to the house is significant and is inappropriate to the existing dwelling in terms of scale, siting and layout (DP2 a).

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

10.1 None

11. ASSESSMENT

11.1 11 Whartons Close is a substantial, two-storey dwelling located at the end of a close, in a group of similarly scaled properties. It is built in brick under a tiled roof on a sloping plot which sits lower than its neighbour to the east. The front garden comprises a gravelled parking area. There is an existing flat-roofed, attached garage on the east side of the dwelling and a single-storey, flat-roofed extension at the rear.

11.2 Consent is sought to demolish the attached garage and replace it with a two-storey side extension. At the same time, it is proposed to build over the existing flat-roofed rear extension to create a master bedroom and add a single-storey mono-pitch extension to the rear elevation as well as a porch around the front door.

11.3 The site lies within the defined New Forest village of Ashurst and, for this reason, the floor area limitations of Policy DP36 do not need to be considered in this instance. Policy DP36 also requires extensions to be appropriate to the dwelling and its curtilage. The design of the proposals would appear appropriate to the existing house, matching the roof pitch and proportions as well as using matching facing and roofing materials. The extension over the flat roof rear extension would have a higher roof ridge but would be sited alongside a similar extension on the neighbouring property to the west (9 Whartons Close). Amended plans have been submitted which reduce the area of glazing at upper floor level by four square metres. Although the proposal includes gable glazing, in this location and context the proposal is considered to be

acceptable. Whilst the resulting house would be large, an assessment of the context of the site is required. This is considered below.

- 11.4 Each of the houses around the hammerhead of Whartons Close has been extended. The application site is the last of the group to be enlarged, and the proposals are similar to those previously found to be acceptable at 9, 10, 12 and 14 Whartons Close, the latter two permissions having been granted by the National Park Authority. The plot itself is generous and the site would not be overdeveloped as a result of the proposal. Further, in accordance with Policy DP2, there would be no undue adverse impact on the amenities of neighbours. Overall, the requirements of Policies DP36 and SP17 are met by this proposal which would appear appropriate to its plot and would not erode the character of this part of the National Park, or the close of substantial houses.
- 11.5 The protected trees at the rear of the site would be unaffected by the proposed extensions and a condition may be attached to ensure that materials and machinery are kept away from the trees and their root protection areas.

12. RECOMMENDATION

Grant Subject to Conditions

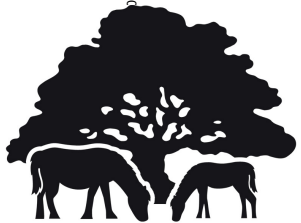
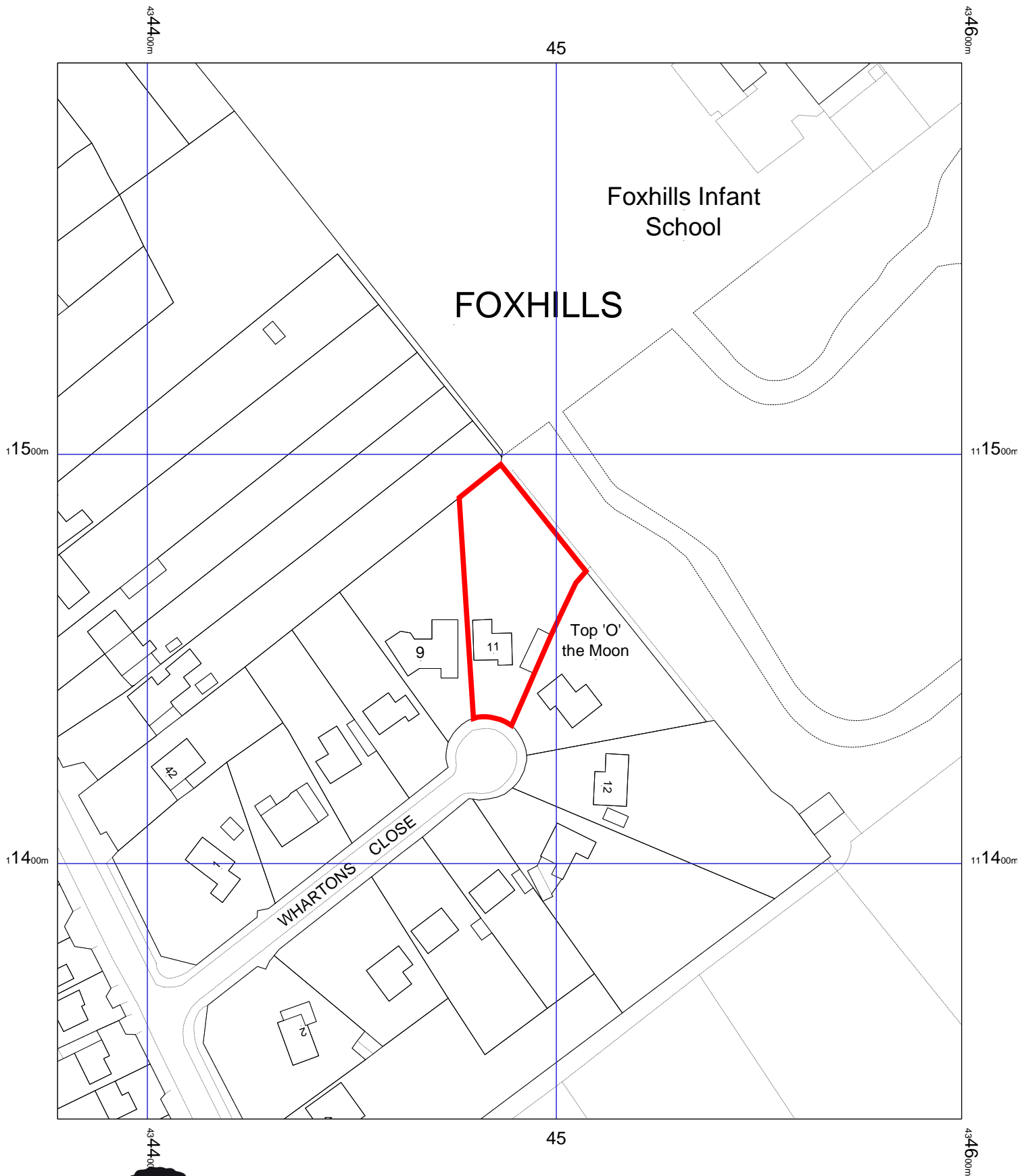
Condition(s)

- 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 The external facing materials to be used in the development shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.
- Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 3 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the recommendations as set out in BS5837:2012.
- Reason: To safeguard trees and natural features which are

important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 Development shall only be carried out in accordance with drawing numbers: 2/GCNM/19 and 1/GCNM/19A. 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 SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 05/05/2020

Ref: 20/00018

Scale: 1:1250

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Planning Committee - 19 May 2020

Report Item 2

Application No: 20/00126/FULL Full Application

Site: Long Acre, Adlams Lane, Sway, Lymington, SO41 6EG

Proposal: Conservatory

Applicant: Mr Parker

Case Officer: Liz Young

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
DP36 Extensions to dwellings
SP17 Local distinctiveness
DP18 Design principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend permission:

- Whilst recognising the terms of Policy DP36 an important material consideration is that the application proposes a high standard of design.

- No light pollution.
- No impact upon the housing stock.
- Would not contribute to over development.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 No comments received.

10. RELEVANT HISTORY

- 10.1 Replacement dwelling; double garage; access alterations; demolition of existing dwelling (14/00403) approved on 11 July 2014
- 10.2 Replacement dwelling; double garage; access alterations; demolition of existing dwelling (13/99152) withdrawn on 17 February 2014)
- 10.3 Extension to kitchen, addition of utility room, store and attached garage with additions on first floor to form granny annexe (84/26092) approved on 30 July 1984

11. ASSESSMENT

- 11.1 This application relates to a large, two storey, detached dwelling set within residential surroundings off a rural cul-de-sac and in close proximity to the open forest. The site is set on fairly elevated ground which slopes steeply away to open fields to the west. The house itself is a relatively new building and was a replacement of a more modest property following the granting of planning consent in 2014. The site lies outside the defined settlement of Sway.
- 11.2 Consent is now sought to add a single storey extension to the rear of the existing dwelling. The extension would have an internal floorspace of 23 square metres. Facing materials (facing brick work and clay tiles) would match those on the main house.
- 11.3 It was established on site that the development would not have any direct or harmful implications for the amenities of neighbouring residents or the character of the wider area. Because the site lies outside the perimeter of the defined settlement boundary of Sway, however, it is subject to the 30% floorspace limit which applies under Policy DP36 (the key issue to consider as part of this application). The dwelling which originally existed on site in 1982 measured 203 square metres. As a result

of the recent replacement, the size of the dwelling was increased to 264 square metres (just within the 30% limit). A condition was attached to this consent removing permitted development rights. The proposed further extension would result in a 41% increase which exceeds the limits set out under Policy DP36. The extension now proposed could not be built under permitted development rights because it projects beyond a side wall of the original dwelling and because condition 3 of the 2014 consent removes permitted development rights under Class A of the General Permitted Development Order. The reason for imposing Condition 3 reads as follows:

To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)

This condition has not subsequently been appealed and no applications have been made to remove it.

- 11.4 Paragraph 7.79 of the Local Plan expands upon the reasoning behind Policy DP36 (which supercedes Policy DP11 of the former Core Strategy) and the limitations imposed upon extensions:

“Proposals to incrementally extend dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest. In addition, extensions can over time cause an imbalance in the range and mix of housing stock available. For these reasons it is considered important that the Local Plan continues to include a clear policy to guide decisions for extensions to dwellings. Successive development plans for the New Forest have included such policies which strike an appropriate balance between meeting changes in householder requirements and maintaining a stock of smaller sized dwellings”.

- 11.5 The supporting statement submitted with the application recognises the proposal is contrary to Policy DP36. The specific points put forward are summarised as follows:

- Condition 3 was imposed contrary to government guidance.
- A precedent has already been set following an appeal decision in Bartley (case reference 17/00774).
- The proposed extension would not have a significant impact upon the overall market value of the house.

The appropriate procedure for establishing the merits of condition 3 would either be through appealing the condition or making a further application to remove it. In any event, the information provided with this application does not demonstrate any specific

exceptional circumstances in this case which might give the Authority sufficient reason to grant permission for an extension larger than 30%. Even in cases where it is accepted that a larger extension is justified to meet the genuine family needs of an occupier who works in the immediate locality, the total floorspace of an extended dwelling must not exceed 120m². The proposed development clearly exceeds this limit. The explanatory text supporting Policy DP36 also defined a genuine family needs as:

"an exceptional and unique family need that could not have been reasonably anticipated at the time of purchase of the property. For example, additional floorspace may be required to cater for specialist equipment and facilities required in connection with an unforeseen event, such as severe disability arising from an accident whilst in occupation of the property; but, it normally would not cater for the needs of growing families or the need to care for elderly relatives, as these needs are not considered to be so 'exceptional' as to warrant a departure from the floorspace restrictions set out in this policy."

- 11.6 Policy DP36 has been carried forward through successive local plans for the New Forest over the last 30 years. When the National Park's Core Strategy was adopted in 2010, the Inspector endorsed this policy as a useful tool in ensuring extensions did not cumulatively erode the modest scale and rural character of dwellings within the National Park. It was carried forward largely unchanged into the Local Plan. The Inspector's 2019 report into the New Forest National Park Local Plan 2016-2036 stated:

Policy DP36 sets out the circumstances within which extensions to existing dwellings would be allowed. Whilst concerns are raised regarding the size restriction for small dwellings and new dwellings (100 square metres total internal habitable floorspace); to allow larger extensions would undermine the aim of Policy SP19 which seeks to achieve a more balanced housing stock. Furthermore, the policy allows for larger extensions (120 square metres total internal habitable floorspace) in exceptional circumstances which provides sufficient flexibility for the needs of agricultural/forestry workers and commoners if so required. On this basis, we are satisfied that the approach is justified and effective.

The policy therefore remains as valid now as it has over the preceding years. The Local Plan Inspectors raised no objection to the restrictive nature of the policy either during the Examination or in their report. It is worth noting that other National Parks in England have a similar floorspace restriction including Exmoor National Park and the South Downs National Park.

- 11.7 Following on from the above, it is acknowledged that Planning

Practice Guidance is cautious about the use of conditions to restrict permitted development rights in other than exceptional circumstances. However, where a rural extension is to be allowed, a restriction on further additions would be required in the interest of protecting the countryside against further encroachment or a further loss of openness. This is also now reflected in Policy DP36, which makes clear reference to the need to consider conditions which remove permitted development rights. Paragraphs 80 and 89 of the Inspector's Local Plan Report reads as follows:

Paragraph 80: *“So that the benefits of the dwelling size limit are not eroded over time, it is necessary to provide for the withdrawal of permitted development rights for extensions to new dwellings.”*

Paragraph 89: *“Policy DP36 sets out the circumstances within which extensions to existing dwellings would be allowed. Whilst concerns are raised regarding the size restriction for small dwellings and new dwellings (100 square metres total internal habitable floorspace); to allow larger extensions would undermine the aim of Policy SP19 which seeks to achieve a more balanced housing stock. Furthermore, the policy allows for larger extensions (120 square metres total internal habitable floorspace) in exceptional circumstances which provides sufficient flexibility for the needs of agricultural/forestry workers and commoners if so required. On this basis, we are satisfied that the approach is justified and effective.”*

- 11.8 A number of recent appeal decisions within the New Forest National Park include conditions which remove permitted development rights. In the case of one recent example (APP/B9506/W/17/3182917), the Inspector concluded as follows:

“although I am mindful that the National Planning Policy Framework advises that conditions should only restrict national permitted development rights where there is clear justification for doing so, in this case I consider the restriction on permitted development rights to extend or alter the replacement dwelling... is justified in order to meet the aims of policies DP10 and DP11 of the Core Strategy”

- 11.9 With regard to the other case referred to by the agent, this decision (made prior to the adoption of the current Local Plan) clearly did not reflect the policy requirements in place at the time. Additionally, there have been more recent appeal decisions which support the Authority's approach of ensuring all extensions fall within the 30% limit in the absence of any exceptional circumstances. One recent example relates to Home Farm, Canada Road (APP/B9506/D/18/3208703). This decision also related to an extension to a dwelling which was a recent

replacement of a much smaller property and was dismissed on the grounds that it would exceed the 30% floorspace limit.

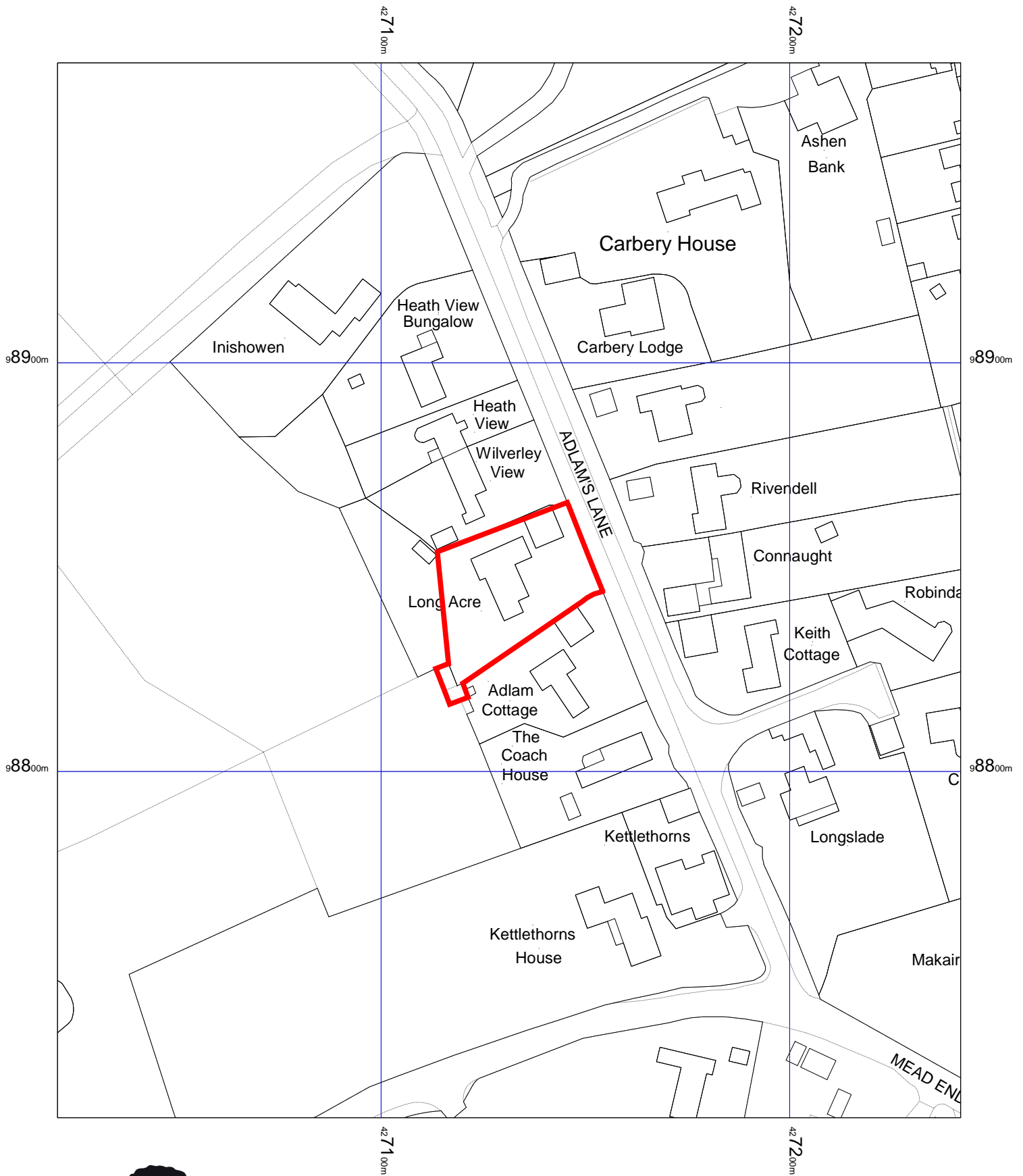
- 11.10 In conclusion, although the proposal would result in the enlargement of the floorspace of the *replacement* dwelling by less than 30%, this would represent more than a 30% floorspace increase of the original dwelling as defined by Policy DP36, that is the dwelling as it existed on 1 July 1982. The proposal would therefore not accord with Policy DP36 of the Local Plan, which seeks to limit the extension of existing properties within the New Forest National Park in order to prevent the harmful incremental extension of dwellings in the national park, which is a nationally designated landscape.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 In order to help safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently Policy DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) seeks to limit the proportional increase in the size of such dwellings in the New Forest National Park recognising the benefits this would have in minimising the impact of buildings and activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal, taking into account a previous enlargement, would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside.



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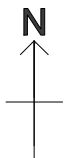
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Planning Committee - 19 May 2020

Report Item 3

Application No: 20/00157/FULL Full Application

Site: Land At Former Arnewood Turkey Farm, Barrows Lane, Sway, Lymington, SO41 6DD

Proposal: Replacement building (Plots D & F) for use within B8/B1(b-c) use classes; demolition of existing buildings

Applicant: Mr Wallrock

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Listed Building

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP7 Landscape character
SP42 Business and employment development
SP43 Existing employment sites
DP2 General development principles
DP18 Design principles
DP44 Redevelopment of existing employment sites

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 6 - Building a strong, competitive economy
Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal for the reasons summarised below:

- The site is proximate to a listed building and to a conservation area.
- Several neighbours have concerns over the number of HGV movements on Barrows Lane and the damage caused.
- The size of the proposed building would give rise to a significant intensification of use of the wider site.
- The incorporation of sixteen rooflights is contrary to the Dark Skies policy.
- Rejects the assessment of Hampshire Highways who raise no objection.
- Concern that the application for B1c use (any industrial process) would permit uses which are inappropriate within the National Park.

[The full comments can be viewed on the Authority's website].

8. CONSULTEES

8.1 Highway Authority (HCC): No objection

9. REPRESENTATIONS

9.1 Five representations received objecting to the application on the following grounds:

- The application has presumably been submitted due to infringements of the certificates of lawfulness issued;
- Part of the site does not have any buildings and the other half is not being used appropriately;
- There has been an increase in traffic (numbers (150-200 per week) and nature (HGVs)) since the certificates of lawfulness were issued with damage) to lanes and this scheme would increase this;
- Noise and other infringements.

9.2 Six letters of support (supplied by agent):

- The application makes sense;
- Pleased the site will be tidied up;
- Improvement to view from neighbouring property.

10. RELEVANT HISTORY

10.1 Alterations to existing B8 building comprising: cladding to walls; replace roof covering to include 4 no rooflights; new steel roller

shutter doors (19/00821) granted on 18 December 2019

- 10.2 Notification of proposed change of use of agricultural building (less than 150m²) to flexible use Class B8 (storage and distribution) (19/00003) details not required, decision issued on 11 February 2019
- 10.3 Replacement building (Plot E) for B8 use; insertion of rooflights and first floor window to Unit A (18/00704) granted on 21 November 2018
- 10.4 Retention of three replacement buildings, polytunnel, access track, installation of waste treatment plant; change of use of building (Plot A) to storage use (B8) (18/00357) granted on 27 July 2018
- 10.5 Retention of external materials and alterations to 4no. existing buildings (18/00250) approved on 29 May 2018
- 10.6 Application for a Certificate of Lawful Development for continued use of buildings (Units A-CC1) as B8 storage (17/00519) certificate issued (lawful) on 13 November 2017
- 10.7 Application for a Certificate of Lawful Development for continued use of buildings (Plots A-F) for pet fish breeding, hatching and rearing (*sui generis*) (17/00520) certificate issued (lawful) on 13 November 2017

11. ASSESSMENT

- 11.1 The former Arnewood Court Turkey Farm (the wider site) lies to the west of Barrows Lane. It comprises a collection of barns, sheds and other structures in a mix of materials and states of repair (many now either undergoing repair or have recently been re-clad) lying either side of a central spine road. There are also other areas of hardstanding, and a parking area with a below ground waste treatment plant adjacent to Barrows Lane. To the west, the buildings are mainly residential, but there is another smaller employment site opposite. The site lies opposite the Sway Tower Conservation Area, in which and lying close to the application site, are several listed buildings.
- 11.2 Plots D and F, the subject of this application, formed part of the certificate of lawfulness application relating to establishing the *sui generis* use (for pet fish breeding, hatching and rearing under 17/00520). The remaining building (Plot F) is a long nissen hut-shaped building with brick end elevations and a corrugated roof, whilst Plot D comprises a concrete base with a low brick wall. The proposal is to remove these structures and replace them with a single building. The dimensions of this building would be

20m x 14m with a height to ridge of 4m (the existing nissen hut has a height of 2.8m and external footprint of 105.9 square metres). The external materials would comprise profiled steel cladding (green) with a profiled roof containing eight rooflights (a reduction from the initial plan). It is also proposed to change the use of this building to B8/ B1 (b-c) use, i.e. storage or light industrial uses.

- 11.3 The key considerations for the proposed change of use and the redevelopment of the plots are:
- The principle of the development;
 - Its design and impact on the adjoining conservation area;
 - Traffic issues; and
 - Whether there would be any impact on the amenities of adjoining dwellings.
- 11.4 Policy SP43, which seeks to retain existing employment uses, and Policy DP44, which relates to redeveloping existing employment sites, are both relevant to this proposal. The latter policy permits redevelopment where there would be minimal additional effect on the visual impact of the site in the landscape, or amenities of nearby properties or on traffic and other disturbances. As the two plots have already been confirmed as having an employment use, the change to B8/ B1 would not affect this principle and would maintain this status in a more productive manner. The proposal would therefore comply with policy.
- 11.5 It is acknowledged that there has been a gradual change to the wider site recently with improvements made to the former buildings (many of which were in a very poor state of repair), and this proposal would continue that change. In terms of the size of the resulting building, this would be similar to a number of the other buildings on the site, and the materials would also match those that have been used elsewhere. In this respect, the proposal is therefore considered to be acceptable, and would not have a detrimental visual impact outside the site. Its location adjacent to a conservation area and listed buildings is acknowledged, but it is not considered that this proposal, which would improve the appearance of the particular plots, would harm their character and appearance.
- 11.6 Rooflights are proposed (8 reduced from 16) and, although few of the buildings have rooflights, it is not considered that these would give rise to significant light pollution of the area. The applicant's agent has advised that activities at the site take place during normal working hours and night-time pollution is therefore very unlikely. A condition is included restricting external lighting.
- 11.7 Objections have been received in relation to traffic and the likely

increase in HGVs. However, these objections refer to the current level of traffic which is argued to have increased, and the existing damage to the lanes. Given that these plots already had an employment use, it is not considered that the new use for Plots D and F would generate a significant increase in traffic. There are no objections from Hampshire Highways.

11.8 The Parish Council is concerned with the introduction of a B1 use because of its impact on the amenities of adjoining dwellings. Whilst the majority of the wider site is used for B8 uses, B1 uses (light industrial/ research and development, but not offices), are considered appropriate in close proximity to residential development as they tend to include quiet activities, and therefore would be acceptable in this location without adversely harming adjoining amenities.

11.9 For the above reasons, permission is therefore recommended.

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: 1, 2 and 2020/01/02 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 SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3 The replacement building, the subject of this permission, shall only be used for B8 (storage)/ Bb-c (light industrial/research and development) uses unless otherwise approved in writing by the National Park Authority.

Reason: To ensure the building remain in uses appropriate to their location within the countryside and to allow the Authority future control of the site to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

- 4 The external facing materials to be used in the development shall match those specified on the application form, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

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

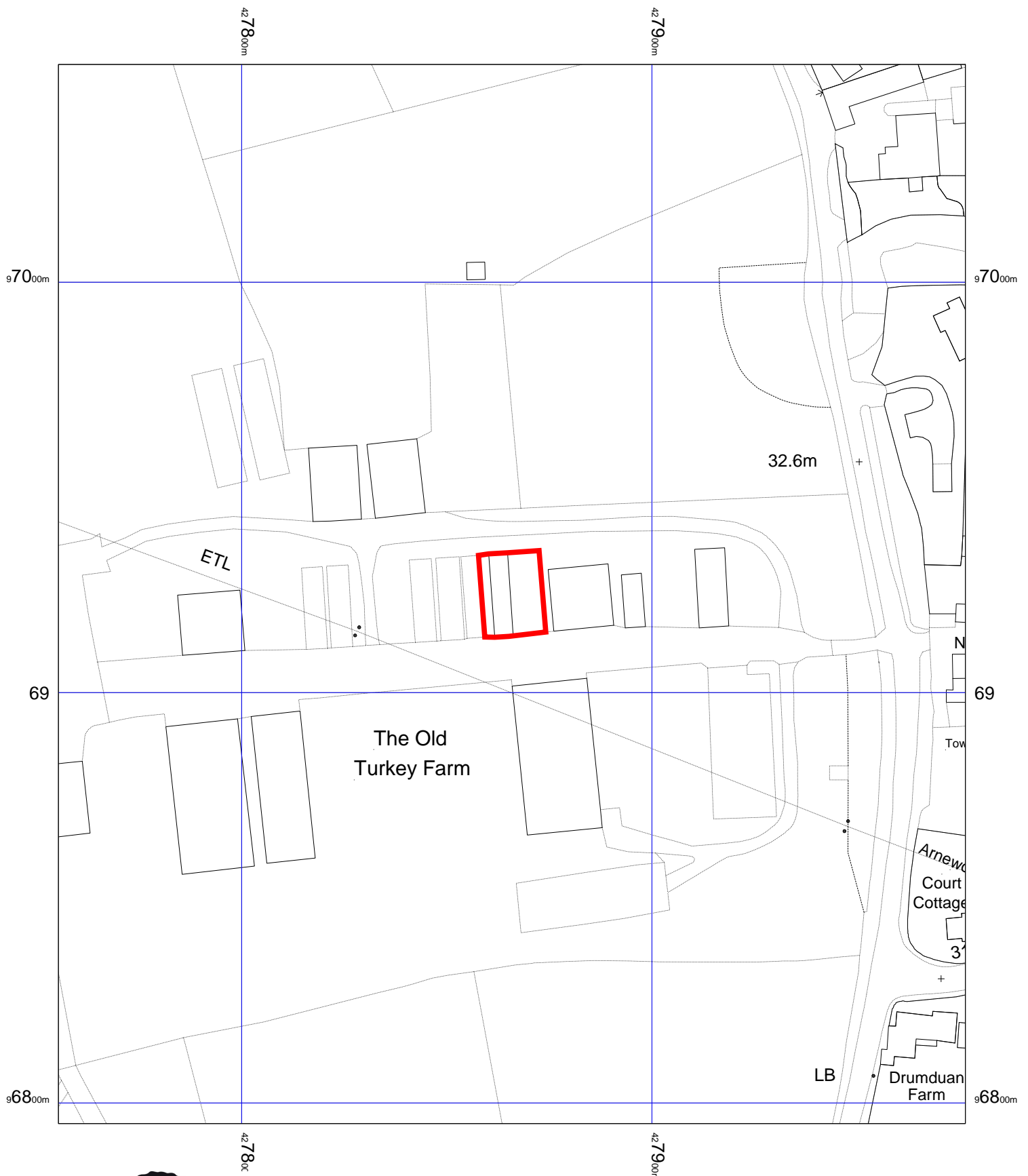
Reason: To prevent undue excessive light pollution in accordance with Policies SP15 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no change of use otherwise approved by Class I of Part 3 or development otherwise approved by Class H of Part 7 of Schedule 2 to the Order shall be carried out without express planning permission first having been granted.

Reason: To ensure the buildings remain in uses appropriate to their location within the countryside and to allow the Authority future control of the site to comply with Policy DP2 of the New Forest National Park Local Plan 2016- 2036 (August 2019).

- 7 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



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