

**Application No: 22/00501/FULL Full Application**

**Site:** Bay Tree House, South Weirs, Brockenhurst, SO42 7UQ

**Proposal:** 1no. dormer; alterations to dwelling doors, windows and rooflights; alterations to outbuilding doors; 4no. rooflights to garage; summer house

**Applicant:** Mr & Mrs Jepson

**Case Officer:** Claire Woolf

**Parish:** BROCKENHURST

---

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view.

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP2 General development principles  
SP6 The natural environment  
SP15 Tranquillity  
SP16 The historic and built environment  
SP17 Local distinctiveness  
DP18 Design principles  
DP36 Extensions to dwellings  
DP37 Outbuildings

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment  
Sec 16 - Conserving and enhancing the historic environment

**6. MEMBER COMMENTS**

None received

## **7. PARISH COUNCIL COMMENTS**

Brockenhurst Parish Council: Recommend refusal for the reasons listed below:

- Contravenes Local Plan Policy DP36, exceeding the 30% rule having previously been a Forest cottage "Redbricks".
- Not in keeping with the forest character, being located adjacent to the Open Forest within the Conservation Area, the proposal is incompatible with adjacent properties which are mostly derived from commoners' cottages.
- The additional outbuilding would add significantly to the footprint of the original development, contra to Local Plan Policy DP37.
- Site development would be heavy compared to adjacent plots, contra to Local Plan Policy SP17 and would raise concerns as to gradual suburbanising of the area.
- The large areas of glass, as well as being out of keeping with neighbouring properties, gentrify the site and appear grandiose.
- The dormers and cathedral style glazing proposed on the rear elevation of the garage building are out of keeping.
- Concerns that the cathedral style windows have the ability to create light pollution in this sensitive location, contra to Local Plan Policy SP15.
- Concerns of reduction in residential amenity due to noise pollution from the heat pump, contra to Local Policy Plans SP15 and SP14.
- Should the application be granted, we would suggest a condition to prevent future installation of solar panels due to the sensitive location.
- We would accept the Tree Officer's advice concerning protection of the tree.

Comments on amended plans:

Recommend refusal for the reasons listed below:

- The amended plans have not resolved any of our original reasons for recommending refusal: in particular, the issue of light pollution remains a major concern.
- The proposed alterations would be extensive and out of keeping with what was formerly a modest Forest Cottage.

## **8. CONSULTEES**

8.1 Tree Officer: Support subject to conditions.

## **9. REPRESENTATIONS**

9.1 10 representations of objection on the following grounds:

- Large floor to ceiling windows to property and garage are out of keeping with the character of the area and result in suburbanisation. The cottage would lose its understated appearance.

- Light pollution and the impact upon the open forest, residents, and ecology.
- Concern over the use of the outbuildings for habitable accommodation.
- Flooding.
- 30% floor area was used when Bay Tree House was built.
- Detracts from the character and appearance of the conservation area.

9.2 Friends of Brockenhurst: object on the following grounds:

- Concern about proposed design.
- Breach of 30% policy.
- Amendments do not overcome objections.

## **10. RELEVANT HISTORY**

- 10.1 Dwelling (demolish existing dwelling) (01/73619) granted on 15 February 2002.
- 10.2 Detached double garage/workshop (03/78509) granted on 04 August 2003.

## **11. ASSESSMENT**

- 11.1 Bay Tree House is a detached dwelling located in The Weirs Conservation Area and adjacent to the open forest. The site is bound by hedging and permeable fencing. It has an external appearance of brick and black horizontal timber cladding. Two dormers are located on the front elevation alongside an open porch. The dwelling has been replaced in the past, originally called Redbricks and then Rookes Cottage. The property is not located within a flood zone.
- 11.2 Permission is sought for a dormer on the rear elevation to serve the bedroom area, alterations to doors and windows, the addition and removal of rooflights. Permission is also sought for additional rooflights on the existing outbuilding to improve the existing accommodation for a home office in the roof space. A new outbuilding is also proposed (summer house).
- 11.3 The key issues to assess include:
- Accordance with Policy DP36 (extensions to dwellings);
  - Accordance with Policy DP37 (outbuildings);
  - The impact on the character and appearance of the conservation area; and
  - The impact on residential amenity.

Amended plans were sought and have been provided in response to Parish and Officer concerns.

- 11.4 As the property does not lie within any of the four defined villages, the proposal would need to adhere to the floorspace restriction contained within Policy DP36 of the Local Plan which seeks to limit the size of

additions to properties in order to safeguard the locally distinctive character of the New Forest and to ensure there is the ability to maintain a balance in housing stock. The property is a replacement. Policy DP35, Policy DP36 and the Authority's Planning Information Leaflet (January 2022) set out that, when considering proposals to extend or replace a replacement dwelling, the 'base point' for calculating the floor space remains 1 July 1982.

- 11.5 When the house was built, some extra habitable accommodation was created in the roof space above the rear projection. No condition had been attached to the 2001 consent that would have prevented this, as only enlargements were controlled. The current proposal includes the removal of some of the floor area which was created as well as the roof lights that provide natural light to the space. Overall, there would be no increase in the habitable floor area of the dwelling as a result of the new dormer. It is recommended that permitted development rights should be removed to ensure no further floor area is created in the roof space in future.
- 11.6 Policy DP36 also requires development to be appropriate to the existing dwelling and its curtilage. The changes to the dwelling are mostly aesthetic, with alterations to the dormer placement on the roof slope and new window openings. The fenestration details have been amended to limit cluttering of the roof slope with additional rooflights, removing the full-length window for the shower which went against the horizontal emphasis of the rest of the fenestration and removed symmetry. In addition, the level of glazing to the front elevation has been reduced via having a solid panel incorporated into the bi-fold doors. The addition of a new dormer whilst larger than the existing would mimic the detailing of the existing dormers in the size of the fascias and bargeboard detailing. The proposed alterations are considered to be appropriate to the dwelling and its curtilage.
- 11.7 In relation to Policy DP37, the garage outbuilding was granted under planning permission reference: 03/78509. The form of the outbuilding would remain the same as the existing, except for the addition of four rooflights: two on the rear elevation and two on the front elevation. The roof space would be used for a home office. The alterations and the proposed use are considered capable of being used for an incidental and non-habitable purpose in accordance with Policy DP37. An appropriate condition should be applied. The design of the proposal is considered proportionate and subservient to the host dwelling.
- 11.8 In relation to the proposed outbuilding located to the northeast of the curtilage, it would not reduce private amenity space or parking provision to an unacceptable level and would be capable of being used for an incidental and non-habitable use. The proposed outbuilding would be constructed from stained timber and have a flat roof that would be subservient to the host dwelling. The outbuilding has been reduced in size by a third and is considered to be subservient to the existing outbuilding and dwelling on the site and not result in overdevelopment of the plot. The glazing would be set within the frames of the outbuilding to

reduce light pollution and would face solely into the curtilage of the property. The new outbuilding is considered to accord with Policy DP37, Policy SP17 and Policy SP15.

- 11.9 The proposed alterations to the house and garage would have no direct impact on important trees. The proposed summer house would encroach into the root protection area of an Oak tree and this would require a specialist foundation. The Tree Officer has no objection subject to condition.
- 11.10 The extent of proposed development is considered to be acceptable in the context of the plot in accordance with Policy SP17. To preserve the character of the area, it is recommended permitted development rights for outbuildings are removed subject to condition.
- 11.11 In terms of the character and appearance of the conservation area, the additions would result in development to the house which would mimic the existing detailing of the dormers. Additional glazing is proposed at ground floor level, two rooflights on the front elevation and the slight enlargement of existing dormer windows. Most of the additional glazing is located on the rear elevations of the property and would face into the private amenity space of the dwelling. 31 square metres of glazing has been removed from the proposal and the level of additional glazing in this case is considered to conserve the character and appearance of the conservation area. The existing garage building has one rooflight on the rear elevation. It is not considered that the addition of four small rooflights would materially alter the character and appearance of the conservation area in this regard. The stained ship-lap cladding proposed on the new outbuilding would result in a matching appearance to the host dwelling and garage and be simple in form and shape that it is not considered to detract from the character and appearance of the conservation area.
- 11.12 Representations received from neighbour's concern flooding, design, air source heat pump and land ownership. The property is not located within a flood zone and the responsibility of maintaining ditches lies with the owner of the ditch and falls outside the scope of planning. In relation to the design, the design of the development as outlined is considered to be appropriate to the character of the conservation area and character of the host property. In terms of light pollution, a reduction from of approximately 31 square metres of glazing has been negotiated out from the dwelling and large gable 'cathedral style' glazing has been removed from the outbuilding. The applicants have also provided the Authority with a copy of the land registry, and it appears that all the proposed development would be within the applicant's ownership.
- 11.13 The new outbuilding would be set into the boundary of the property. The modest height of the building at 2.6 metres would not result in any unacceptable adverse impacts on amenity. In terms of the development to the property and existing outbuilding, the additional glazing and fenestration alterations are not considered would result in an unacceptable adverse impact in relation to overlooking, visual intrusion or shading in accordance with Policy DP2 (e).

- 11.14 The Sustainability Statement refers to the potential to install an air source heat pump and solar panels. The Local Plan is generally supportive of this type of development. The details have not been included upon the plans and can therefore not be assessed as part of this application. Permitted development rights could permit an air source heat pump / solar panels subject to specific restrictions. If an air source heat pump / solar panels would exceed the limitations of Permitted Development a planning application would be required. It is not considered necessary or reasonable to remove permitted development rights for these works.

Permission is therefore recommended subject to condition.

## **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: SD-2215-01 F, SD-2215-10 E, SD-2215-10 E

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 outbuildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

4. All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the New Forest Site of Special Scientific Interest, New Forest Special Area of Conservation, New

Forest Special Protection Area and Ramsar, in accordance with Policy SP6 and Policy SP5 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

5. The trees/hedges 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 measures set out in the submitted arboricultural statement.

Reason: to safeguard trees and natural features which are important to the visual amenities of the area.

6. No development, demolition or site clearance shall take place until a method statement and engineering drawings for foundation design of the approved development has been submitted to and approved in writing by the Local Planning Authority.

Development shall only take place in accordance with these approved details.

Reason: to safeguard trees and natural features which are important to the visual amenities of the area.

7. 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: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

8. No development on the new outbuilding shall take place above slab level until samples or exact details 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 DP2, SP16, SP17 and DP18 of the New Forest National Park Local Plan 2016 - 2036 (adopted August 2019)

9. Unless otherwise first agreed in writing by the New Forest National Park Authority the external facing and roofing materials for the works to the dwelling and existing outbuilding shall be as stated on the application form hereby approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2, SP16, SP17 and DP18 of the New Forest National Park Local Plan 2016 - 2036 (adopted August 2019)

10. Prior to the installation of the bi-fold doors on the front and rear elevation, the material of the bottom panel has 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, unless otherwise agreed in writing.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2, SP16, SP17 and DP18 of the New Forest National Park Local Plan 2016 - 2036 (adopted August 2019)

11. No work shall be undertaken for the construction of the dormer until the removal of the two roof lights shown to be removed on plan SD-2215-01 F has been carried out and the roof reinstated in materials to match the existing roof.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

12. No additional habitable floor space shall be created within the roof of the dwelling.

Reason: The creation of additional habitable accommodation / floor space would be contrary to Policy DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



# MapServe

