

Application No: 22/00144/FULL Full Application

Site: Tree Tops, Hale Road, Hale, Fordingbridge, SP6 2NW

Proposal: Replacement dwelling; 1No. outbuilding; hardstanding; demolition of existing dwelling (AMENDED PLANS)

Applicant: Mr Phillips & Mr & Mrs Kennedy

Case Officer: Liz Marsden

Parish: HALE

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
DP35 Replacement dwellings
SP17 Local distinctiveness
DP18 Design principles

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Hale Parish Council: Recommend refusal on the grounds that:

- appears that the floor area has been extended beyond policy limits and floorspace above garage not been included in the overall calculations
- garage very dominant to neighbours and the streetscene
- doesn't meet policy design principles as it overlooks neighbour to the

south and promotes shading to the north

- height of the dwelling will appear dominant in relation to neighbours
- although the existing dwelling is not of exceptional aesthetic or historic merit its current style is within keeping of the neighbouring properties and the scale and height of the proposed development would have a high impact on the street scene character and appearance of the surrounding area.

Following receipt of amended plans the Parish have commented further that whilst it is recognised that the amended plans have addressed some of the areas of concern for the neighbours, e.g. overlooking, the plans will still result in a property which will dominate the local landscape.

8. CONSULTEEES

- 8.1 Ecologist: No objection subject to a condition ensuring that work is to be carried out in accordance with the supplied bat mitigation strategy.

9. REPRESENTATIONS

- 9.1 Six letters of objection to the originally submitted plans from, or on behalf of three households, on the grounds of:

- inaccuracies in the supporting design statement
- garage too large and prominent and would be out of keeping with the area and contrary to policy
- massing and scale of the proposed house, with a 2m higher ridge height, does not reflect that of adjacent properties
- carbon footprint would be increased by the demolition and rebuilding of a house
- visual intrusion in the outlook from neighbours
- loss of privacy to neighbouring properties through overlooking from large windows
- a number of recent applications resulting in a piecemeal approach to planning that may result in more being granted than if submitted altogether
- overdevelopment of the site
- loss of light to adjacent properties
- potential loss of trees and hedgerows
- contrary to floorspace policies

- 9.2 Following submission of amended plans, three further letters received to the effect that the amendments had not overcome previous concerns and that the proposals fail to meet design principles, will be dominant in the streetscene and contrary to policy in terms of the floor space of the new dwelling.

10. RELEVANT HISTORY

- 10.1 Outbuilding to house swimming pool (21/00388) granted on 28 June 2021
- 10.2 Application for Certificate of Lawful Development for proposed conversion of attached garage to annexe (20/00657) - certificate issued (permitted development) on 10 November 2020
- 10.3 Addition of a bedroom and sitting room (88/38331) granted on 01 July 1988

11. ASSESSMENT

- 11.1 Tree Tops is a detached bungalow with a shallow pitched roof, set well back from the road frontage of a spacious plot which backs onto an area of woodland. This part of Hale Road is characterised by detached properties of a variety of size and design, including one and two-storey dwellings and bungalows with an element of accommodation in the roof space. A recent application for a Lawful Development Certificate (LDC) has confirmed that the conversion of the attached triple garage to the rear of the dwelling to an annexe would be permitted development, though this has not been implemented to date. In addition, a pool building has been permitted in the rear garden which has yet to be constructed. The site is not located within a conservation area.
- 11.2 The application seeks permission to replace the existing bungalow with a new dwelling, on a smaller footprint, but with a higher roof to facilitate accommodation at first floor level. It would also replace the existing flat roof of the garage block to the rear (east) of the bungalow, with a pitched roof. It was originally proposed to construct a triple garage/carport in the front garden, with external stairs leading to a home office space in the roof space, but amended plans have been received which reduce the height of the ridge and remove the staircase and office accommodation. A bin store is to be erected to the north side of the dwelling. The key considerations are:
 - The implications for Policy DP35;
 - The design of the proposals and whether they would be appropriate to the curtilage of the dwelling;
 - Whether the outbuilding is in accordance with policy DP37;
 - The impact on the streetscene and character and appearance of the surrounding area; and
 - Any impact on neighbour amenity.
- 11.3 With regard to Policy DP35, this seeks to ensure that replacement dwellings are of a similar footprint, scale and size as the existing dwelling. In this case, the property, which had a floor area of around 144 sqm in 1982 and is therefore not a small dwelling, has been previously extended to the policy limit allowed under

Policy DP36. The current proposal, whilst it would result in a different form of building, has the same floorspace as the existing dwelling and would not conflict with this policy. It should be noted that the floor area of the annexe, as proposed, remains identical to that as shown in the LDC application, albeit in a slightly different layout. The area of the annexe has been included for completeness and in order to obtain consent for the new pitched roof that is proposed to replace the flat roof.

- 11.4 The point has been raised is that the existing garage has not yet been converted into residential accommodation and therefore, if it is included in the current application, this would result in a further increase in habitable floor area. By obtaining a lawful development certificate for the conversion, the applicants have clearly expressed the intention of doing so and this would be highly likely should the current application be refused. This represents a tenable “fallback position” which is a material planning consideration in the determination of the application. The current application seeks permission for the same habitable floor area that already exists plus that which is capable of being lawfully implemented. In these circumstances, it is not considered that it would be possible to sustain a policy objection to the proposal on the grounds of its floor area. However, since the property has been extended to the policy limit, it is considered reasonable and necessary to remove permitted development rights to ensure the dwellinghouse remains of a scale which is proportionate and to ensure a range in the mix and balance of housing stock across the National Park, in accordance with Policy DP35 of the Local Plan.
- 11.5 The design of the proposed replacement dwelling is more contemporary in appearance than the existing bungalow but, notwithstanding the accommodation at first floor level, retains the characteristics of a single storey property. The building that it replaces is not of particular design merit and it is not considered that the proposal would be unduly out of keeping. In terms of overall site coverage, the footprint of the dwelling would be decreased by the proposal and even with the proposed garage in the front garden, the level of built form across the site would not be significantly greater than the existing situation. The proposal would not therefore result in the overdevelopment of the site in accordance with Policy DP2.
- 11.6 The proposed replacement dwelling is in the same location on the site as the existing and at a distance from the road where it would not be unduly intrusive in the streetscene. Whilst the immediately adjacent properties are single storey in height, they are set further forward on their plots and the increase in height of the central section of the proposed dwelling would not appear to be disproportionate to the scale of those properties. Furthermore, the area as a whole is characterised by a variety of types and sizes of dwelling, including chalet style and full two-storey properties and it

is not considered that the proposal would be out of keeping with or detrimental to the character and appearance of the surrounding area. The garage would be more noticeable due to its location in the front garden, but it is still set some metres from the road frontage, along which there is a mature hedge, at roughly the same distance as a similarly sized garage that has been permitted on the property to the south.

- 11.7 Concerns have been raised about the adverse impact of the proposals on the residential amenity of occupants of neighbouring properties through loss of light, privacy and outlook. In terms of light, the primary impact would be on 'St Mary's' to the north of the site, which has a window in its southern side elevation. This bungalow is located around 8m from the boundary of the application site, defined by a tall (3m) hedge. The front wing of the existing dwelling extends forward along the full width of St Mary's at a distance of around 14m to the highest part of the ridge (4m). The proposed front section of the new dwelling, does not extend so far forward and is only 0.3m higher at the ridge and it is not considered that this would result in any increased shading or loss of light. Similarly the garage has been reduced in height to 4.5m and it located so that there would be a gap between the two buildings, in line with the side elevation of St Mary's, reducing the potential for additional shading. It is recognised that the ridge of the highest part of the new dwelling is a full 2m above the existing, bungalow, but this would be set adjacent to the existing garage in the neighbours garden and would not have a direct impact on the light to the house or its garden. The nearest part of the other neighbour to the north (Dorset View) is at a distance of around 25m away and would not be unduly affected. To the south, the relationship of the proposal with the adjacent property (Delmor) is not altered and the increase in the ridge height would not result in increased shading. Whilst the added height may be apparent in views from the rear of the property, it would be partially screened by the car port and garage that extend along the boundary between the two properties and it is not considered that it would have a significant or adverse impact on the outlook from the amenity area to the rear of Delmor.
- 11.8 In terms of potential loss of privacy through overlooking from the proposed first floor windows, this would relate particularly to the full length window/doors serving the dormer in the rear elevation. The position of this window is such that there would be no possibility of views of the area immediately to the rear of Delmor, generally considered to be the most sensitive in terms of residential amenity. Views towards the rear of the garden would also be restricted by the depth of the eaves (0.4m) which would serve to channel the outlook down the applicants own garden, rather than to the side. Similarly the front dormers would direct views toward the road rather than to either side. The rooflights on the rear elevation serve bathrooms and a condition ensuring that these are obscure glazed is appropriate. It is not therefore

considered that the proposal would result in loss of privacy or that a reason for refusal could be sustained on this basis.

- 11.9 A comprehensive ecological survey has been undertaken and identifies the presence of bat roosts within the dwelling and that a European Protected Species licence will be required. The Authority must therefore be satisfied that the three tests for obtaining such a licence would be met. The first and second tests relate to the work being in the public interest (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (the development is the appropriate means of meeting the homeowner's requirements). The third test relates to the maintenance of the conservation status of the population of protected species. The Authority's Ecologist confirms that if the works are carried out in accordance with the recommendations of the ecology report and the requirements of a licence, this test is capable of being met. A condition to secure the recommendations of the ecological report and requiring a post development report to be submitted to the Authority are appropriate conditions. The proposed development would therefore be in accordance with Policy SP6 as it relates to protected species. The report also sets out enhancement measures to be undertaken which, subject to the implementation of these measures, and which can be controlled by means of appropriate conditions, will improve the biodiversity of the area in accordance with the Environment Bill.
- 11.10 The proposed development would not exceed the floor area that already exists on the site. The development is capable of being accommodated on the site without resulting in overdevelopment of the site or adverse impact on the character and appearance of the surrounding area, neighbour amenity or ecology. It is therefore in accordance with Policies DP2, SP6, SP17, DP18, DP35 and DP37 of the Local Plan 2016-2036.

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 nos:
- 162-02-201 - Location and existing site plan

- 163-02-205 Rev B - Proposed site plan
- 163-02-206 Rev A - Proposed roof plan
- 163-02-207 Rev B - Proposed ground and first floor plans
- 163-02-208 Rev A - Proposed front and side elevations
- 163-02-209 Rev B - Proposed rear and side elevations
- 163-02-210 Rev A - Proposed streetscene and section
- 163-02-211 Rev A. - Proposed garage plans

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 No development 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 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 The velux rooflights serving ensuite bathrooms and shown on the rear (eastern) elevation hereby approved shall at all times be obscurely glazed.

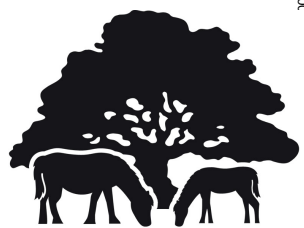
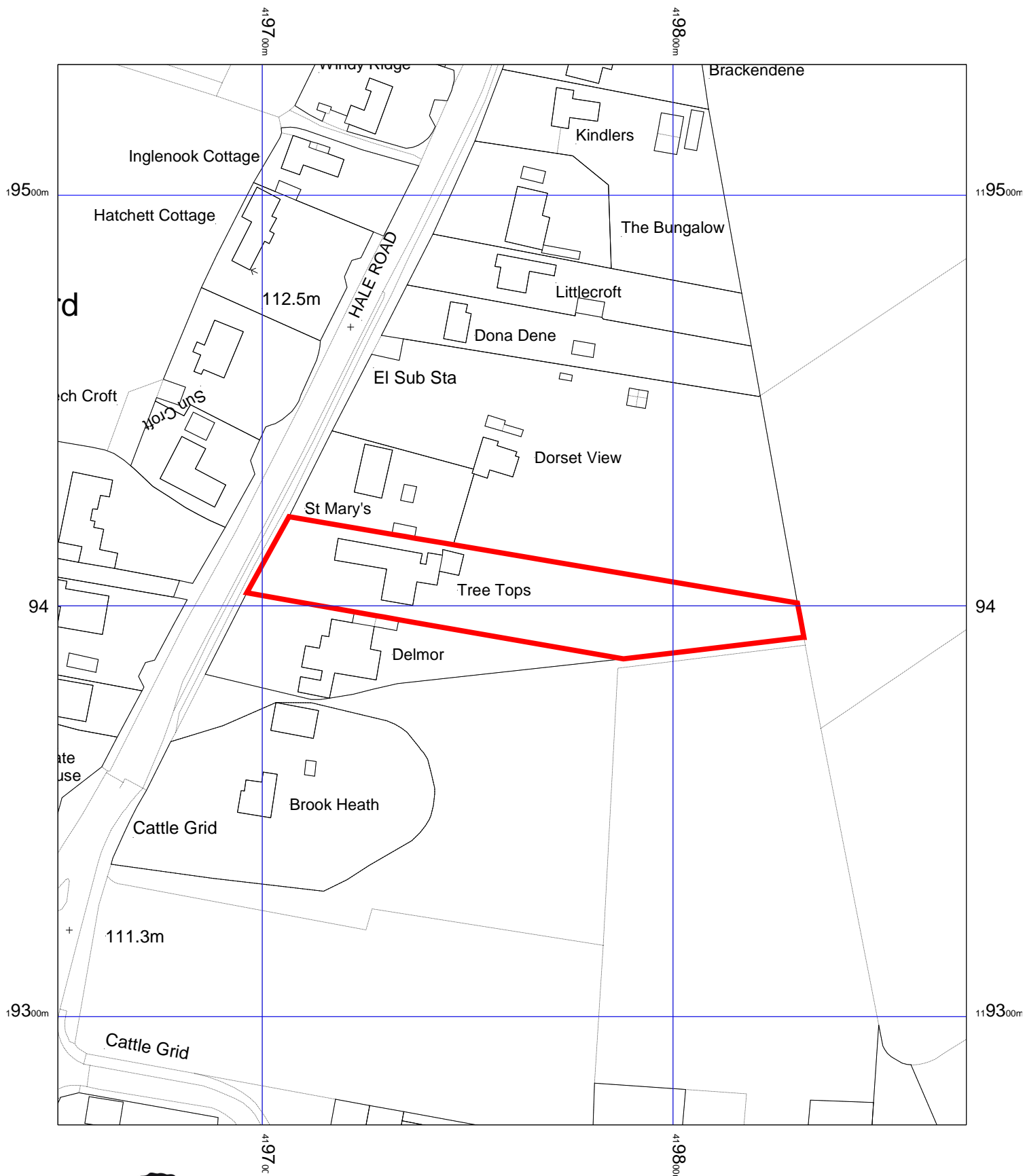
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the submitted Bat Mitigation Strategy (4 Woods Ecology, dated December 2021) hereby approved. Following the completion of the works, a short report confirming that they have been completed in accordance with the above recommendations shall be submitted to (and approved by) the National Park Authority. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 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 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).



NEW FOREST
NATIONAL PARK

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