

Application No: 21/00807/VAR Variation / Removal of Condition

Site: Paysanne, Godshill Wood, Fordingbridge, SP6 2LR

Proposal: Application to vary condition 2 of planning permission 18/00262 for Dwelling; detached garage with office over; sewage treatment plant; details of lighting; demolition of existing dwelling and outbuilding to allow minor material amendment (AMENDED PLANS)

Applicant: Mr & Mrs Vickers

Case Officer: Ann Braid

Parish: GODSHILL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP16 The historic and built environment
SP6 The natural environment
SP7 Landscape character
DP2 General development principles
DP35 Replacement dwellings
DP37 Outbuildings
DP36 Extensions to dwellings
DP18 Design principles
SP15 Tranquillity

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

Godshill Parish Council: Recommends refusal for the reasons set out below:

- The facts are that the house has not been built in the approved location and is much larger in size and height than was given approval. The mitigation proposed by the applicants to reduce floor space by altering an area of the house so that it can only be accessed externally, reducing the lighting and reducing the size of the kitchen windows is not, in the Council's view, sufficiently material to justify a change to the NPA's decision to refuse application 20/00903. Both the external access and the lighting can be easily reversed at a later date.
- Even with the proposed mitigations, the Council considers that the dwelling will continue to have an adverse impact on the amenities of the neighbours, particularly through height and orientation, the impact of the stairwell window and the increased area of glazing particularly on the southern aspect, will cause significant harm to the Western Escarpment Conservation Area and to the sensitive and nationally protected landscape of the National Park.
- The only exterior lighting approved in application 18/00262 was for a single external light. The Council's response to application 18/00262 included the sentence 'A condition be applied that no external lighting shall be installed on the site' in view of the application's dark skies location. The only acceptable mitigation therefore is for none to be installed without specific permission.

Amended Plans

Objects to the amended plans on the grounds that it considered the mitigations still to be insufficient when compared to the plans approved under Planning Application 18/00262. The orientation, massing, height of the roofline and lighting would continue to have an impact on the Conservation Area and the plans were contrary to policies DP2, SP7, SP16 and DP36 of the New Forest National Park Local Plan. The Council also expressed concern about there being other items on the plan which have not yet been given approval which might be rubber stamped and approved if the plan were approved.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 A total of 40 letters has been received, from 18 representees.

9.2 11 representees support the application (in 23 letters) on the following grounds:

- The design and build are high quality and ecologically sound.
- The dwelling is sympathetic and an asset to the locality.

- The size of the dwelling is proposed to be reduced significantly.
- The plans show a willingness to correct the issues.
- The plans would have been approved if originally applied for.
- The applicant has commissioned independent assessments.
- The house should not be demolished, which would be disproportionate to the harm caused.
- The development preserves the character of the conservation area.
- Deviations from the earlier approval have no material impact.
- The modifications would reduce footprint, volume and visual impact.
- The issue of light pollution is not as serious as stated in the objections.

9.3 Seven representees (in 14 letters) object to the application on the following grounds:

- Size, bulk and orientation of dwelling remain unacceptable.
- Alterations do not mitigate the harm.
- There would be excessive light pollution both from the glazed areas and the external lighting.
- The development is too different from the approved plans to be an amendment of that approval.
- The proposals include many breaches of planning control.
- There is a risk that unauthorised structures could be approved as part of this application.
- The proposed changes are easily reversible.
- The orientation and height remain unchanged.
- Overlooking and external lighting remain and are unacceptable.
- The case should be referred to the Appeal Inspector.

9.4 The Council for the Protection of Rural England (Hampshire) object to the proposed revision on the grounds of light pollution.

10. RELEVANT HISTORY

- 10.1 Swimming pool; plant/pump house (20/00005) refused on 26 February 2021
- 10.2 Application to vary condition 2 of planning permission 18/00262 Dwelling; detached garage with office over; sewage treatment plant; demolition of existing dwelling and outbuilding to allow minor material amendment (20/00903) refused on 15 February 2021.
- 10.3 Enforcement Notice issued 26 February 2021 concerning unauthorised construction of a dwelling (not in accordance with approved plans). Appeal against Enforcement Notice currently awaiting Inquiry date.

- 10.4 Retention of roof extension over existing log store, retaining wall, addition of 1no. rooflight to outbuilding (19/00303) granted on 14 June 2019
- 10.5 Dwelling; detached garage with office over; sewage treatment plant; demolition of existing dwelling and outbuilding (18/00262) granted on 14 September 2018

11. ASSESSMENT

- 11.1 The house at Paysanne is a two-storey, detached property built in red brick, timber cladding and clay tiles, on a sloping plot within the Western Escarpment Conservation Area. The dwelling is substantially complete, with a swimming pool sited immediately to the south of the house and a patio area cut into the slope to the north. There are outbuildings, including a garage with an office above, a hen house, a garden chalet and a temporary hut, which has been in use during the build. The house is accessed by way of an unmade track from Castle Hill, and the network of tracks in the vicinity serve a scatter of dwellings, in mature and secluded plots. There is a single vehicular access to the property in the north east corner of the site.
- 11.2 By way of background, consent was granted in 2016 for the replacement of the single storey dwelling that existed on the site. Subsequently, the property was sold to the current applicant who, in 2018, obtained full planning permission for a different design of house (reference 18/00262). The dwelling, as built, differs from that shown on the approved plans and is unauthorised. In 2021 an application made under Section 73A of the Town and Country Planning Act 1990 (for minor material amendments) attempted to regularise this, but the application was refused. The reasons for refusal related to the size, scale and floor area of the dwelling as well as the revised design, extent of glazing and re-orientation of the dwelling which had resulted in adverse impacts on neighbouring amenity, the locality, the wider conservation area and the landscape of the National Park. The Authority has served an Enforcement Notice requiring the demolition of the dwelling, as no attempt had been made by the applicant to overcome the issues identified in the refusal. It is open to the Authority to decline to determine an application for development that is the subject of an enforcement appeal, but this is at the discretion of the Authority, and the amended plans now submitted have been provided in an effort to mitigate the harm that has resulted from the dwelling as built.
- 11.3 Central Government guidance relating to material minor amendments states that there is no statutory definition of a minor material amendment but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The issues to assess are therefore the proposed amendments to the development approved in 2018.

- 11.4 This application substitutes a fresh set of plans for those which were approved under planning permission reference: 18/00262. The differences between the approved and submitted schemes are as follows:
- The proposed revised house would be 1 metre shorter than the approved.
 - The proposed revised house would be 0.5 metres narrower (at its widest point) than the approved.
 - The plans indicate the ridge would be 0.8 metres higher (however, the slab level is some 0.3 metres lower than it would have been in its approved location).
 - The house has been re-orientated so that the south elevation faces to south-south-east instead of south-south-west.
 - As a result of the re-orientation, the house would be closer, by 2.2 metres, to the boundary to the south west, and has been located to the south of the approved position.
 - A double height glazed gable window on the north elevation would be wider than the approved gable window, but would be 0.5 sq.m smaller in overall glazing.
 - As a result of the re-orientation, the double height gable window would be located further to the west and face north-north-west.
 - Security lighting has been installed in breach of condition and this is proposed to be removed.
 - Amendments are proposed to the fenestration, which would have an area of 34.7 sq.m as opposed to the approved 31.5 sq.m.
 - The design and length of the single storey kitchen would be revised.
- 11.5 The Government guidance referred to in the preceding paragraph advises that pre-application discussions will be useful to judge the appropriateness of this route in advance of an application being submitted. It is necessary for the Authority to focus attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as on the changes sought. Since the grant of consent in 2018, the New Forest National Park Local Plan 2016-2036 (August 2019) has been adopted and the new policies are relevant to this case. Policies DP10 and DP11 of the Core Strategy have been carried forward to become Local Plan Policies DP35 and DP36 respectively (see paragraph 11.6). Policy CP7 which related to the built environment has been replaced by Policy SP16 of the Local Plan, which sets out the Authority's approach to the protection of designated heritage assets such as conservation areas. The policy is considerably more detailed than Core Strategy Policy CP7 against which the dwelling that was approved in 2018 was assessed. The Local Plan also includes

Policies SP7 and SP15, which relate to landscape character and tranquillity respectively, and are now relevant. Under Policy SP7, great weight will be given to conserving the landscape and scenic beauty of the National Park. Policy SP15 seeks to control development to prevent artificial lighting from eroding rural darkness and tranquillity.

- 11.6 Local Plan Policy DP35 relates to replacement dwellings and Policy DP36 to extensions. Policy DP35 states that for all dwellings which are not small dwellings and are located outside the defined New Forest villages, a replacement should be of no greater floorspace than the existing dwelling. At the same time, however, an extension can be considered under Policy DP36, and this policy restricts this increase to no more than 30% of the gross internal habitable floorspace that existed at the site in 1982. The approved replacement would have had a total habitable floorspace of 160 sq.m, which equated to a 30% enlargement over the floor space that existed in the demolished dwelling. The proposed plans that are the subject of the current application indicate that the floor area would be 160 sq.m. The roof ridge height would be 8.5 metres which is higher than the original dwelling and higher than that which was approved (7.5 metres). An enforcement site visit confirmed that the existing slab level is 300mm lower than originally intended, resulting in a finished ridge height that would be 0.7m higher than approved. This is not considered to be a major deviation and, in terms of its visual impact in the locality, would not have a materially greater impact than the approved dwelling.
- 11.7 With regard to the impact of the development on the wider locality and the Western Escarpment Conservation Area, Local Plan Policy SP16 states that proposals will be supported where they do not harm the character or appearance of a conservation area, including, among other things, spaces, views, and vistas which contribute to the special interest, character or appearance, having regard to the relevant conservation area character appraisal. The Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as specified within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The topography of this part of the conservation area is identified in the character appraisal as being key to the character of the area. Such built development as there is, is softened by being set against a backdrop of trees. Views across the valley to the south of the site are noted in the appraisal, and views of the dwelling may be gained from public footpaths which run along the valley.
- 11.8 As a result of the re-orientation and re-positioning, the north elevation, including the double height window would be less well screened by boundary vegetation and site topography, and boundary planting has been carried out to address this additional impact in the conservation area. The reorientation of the property

has angled the glazing on the southern elevation more directly down the valley. The proposed plans show that the glazing on this elevation would be 2.6 sq.m more than that which was previously approved, which is acceptable in this setting and would not materially erode the tranquillity of the locality. In total the revised design would have 3.26 sq.m more glazed area than the approved design. The dwelling would be more prominent in the landscape than the original bungalow that was demolished, but would have a similar visual impact to that which was approved in 2018. Overall, the dwelling would not have an unduly harmful impact in the wider landscape and would not be contrary to Policies SP15, SP16 and SP7.

- 11.9 The site of Paysanne is lower than its neighbour to the north, Jubilee Bungalow. The orientation of the revised house has resulted in the north elevation facing north-north-west towards this neighbour. Occupiers of Jubilee Bungalow have a clear view of the roof that has been built and of the gable window. The re-orientation has led to significant harm to the amenities of neighbours, by reason of light emissions across their garden, and the ability to see into their property from the upper floor of Paysanne. The redesign of the roof proposed in this application, which would revise the roof to a hip in place of the gable over the double height window, removes the possibility of overlooking from Paysanne to Jubilee Bungalow and this has been checked on site. The top of the window would be lower than that approved in 2018. The highest part of the revised window would be 4.7 metres above the ground level as opposed to the maximum height of 5.7 metres above ground level on the approved plans. With regard to impacts on the neighbour to the west, there is concern that use of the balcony nearest that property would lead to overlooking of the private garden. Overlooking to the west would be reduced as a result of the re-orientation of the dwelling towards the south east.
- 11.10 The amended floor plans indicate the location of six downward facing wall lights at ground floor level only. The style and low luminosity of the external wall lights are shown on the submitted plans (antique brass finish / 520 lumens) and a condition would ensure that the number and style of the proposed external wall lights is not changed. The chosen design would direct low level lighting downwards. The extent of lighting is considered acceptable and the lighting report indicates that they would also be controlled by sensors. The applicant has agreed to remove the flood light from the west elevation.
- 11.11 The case has attracted support locally, with 11 representees (in 23 letters of support) believing the build to be a high quality build which enhances the locality. Seven neighbours (in 14 letters) have strongly objected to the revised proposals. It is the view of objectors that the proposed revised dwelling would be too large, light pollution would be excessive, the alterations would not mitigate the harm and the variations are too great to be minor

material amendments. There is also concern that other unauthorised structures such as the pool, patio and outbuildings would be approved alongside the material minor amendment. However, for the reasons given above, it is concluded that the proposed amended design would address the issues that have arisen as a result of the unauthorised build and the scale, design and visual impact of the proposed house would be acceptable. Furthermore, its floor area would be within the limitations of Policy DP36. An approval would amend the 2018 scheme and would not introduce other items that were not part of the approved development.

- 11.12 Overall, the proposed revisions are considered acceptable as minor material amendments to the existing consent and the development would be in accordance with Policies DP35, DP36, SP16, DP2, SP7 and SP15 of the New Forest National Park Local Plan 2016-2036 (August 2019).

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Within two years of the date of this decision, the as-built dwelling shall be amended in accordance with drawing numbers SGA-143-102D Issue PL1 and SGA-143-104N Issue PL2 unless otherwise agreed in writing with the New Forest National Park Authority.

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).

- 2 Development shall only be carried out in accordance with BLA062-001, SGA-143-102D Issue PL1 and SGA-143-104N Issue PL2. 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 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).

- 4 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, 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 DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no means of enclosure otherwise approved by Class A of Part 2 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 DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 The area covered by the balconies along the southern elevation shall at no point be in-filled or incorporated into the main dwellinghouse.

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).

- 7 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 Ecological Impact Assessment report by Lindsay Carrington, dated 2018, approved under case reference 18/00262. The specified measures shall be implemented and retained at the site in perpetuity.

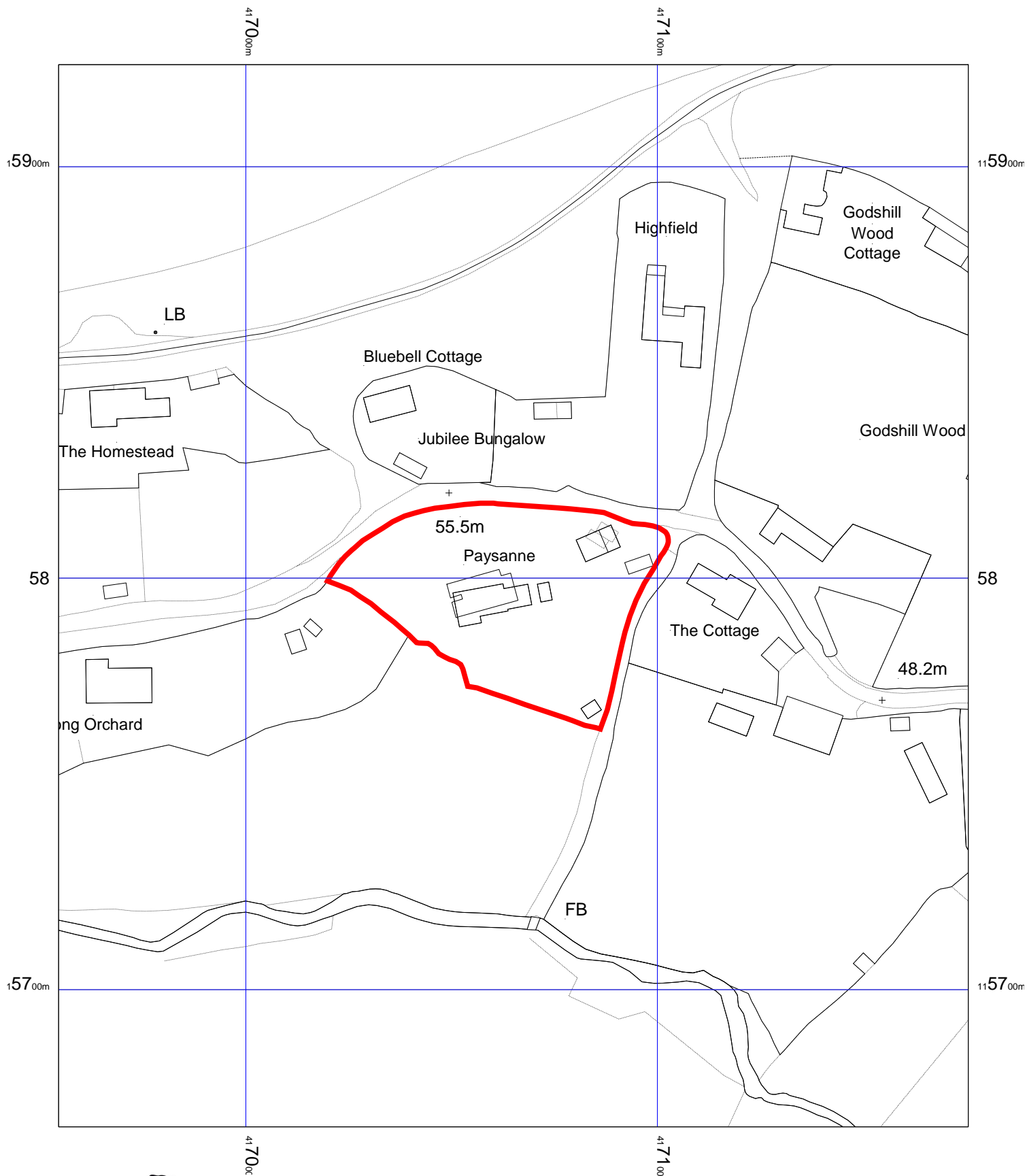
Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 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 locally distinctive character of the Western Escarpment Conservation Area in accordance with Policy CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Western Escarpment Conservation Area Management Plan.

- 9 No external lighting shall be installed on the site except as shown on the approved plans, and controlled in accordance with the approved lighting plan and the recommendations of the ecological report by Lindsay Carrington dated July 2018 and approved under consent reference 18/00262

Reason: To protect the amenities of the area and protected species in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)



NEW FOREST
NATIONAL PARK

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