

**Application No:** 23/00776FULL Full Application

**Site:** Park Farm House, Lyndhurst Road, Minstead, Lyndhurst, SO43 7FY

**Proposal:** Dwelling; 2 storey outbuilding (garage & office); outbuilding (garage); landscaping (demolition of existing dwelling and 2no. outbuildings)

**Applicant:** Mr Colin Bunday

**Case Officer:** Carly Cochrane

**Parish:** MINSTEAD PARISH COUNCIL

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. POLICIES**

Conservation Area

NPPF:

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

Local Plan:

DP2 General development principles

DP18 Design principles

DP35 Replacement dwellings

DP36 Extensions to dwellings

DP37 Outbuildings

SP6 The natural environment

SP14 Renewable energy

SP15 Tranquillity

SP16 The historic and built environment

SP17 Local distinctiveness

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

Minstead Parish Council: Recommend refusal. We are guided by the Conservation Officer's comments with whose recommendations we concur.

## **5. CONSULTTEES**

Building Design and Conservation Area Officer: Preferable to keep the rear bays at the scale and proportions as per the 21/01081 permission. No objection to the two proposed dormers, alterations to the placement of the facing materials or relocation of the garage. Considers the first floor front extension to result in less than substantial harm to the designated heritage asset (Conservation Area) due to its scale, design and amount of glazing.

## **6. REPRESENTATIONS**

One letter of representation has been received in objection to the proposal. The comments made are summarised as follows:

- Concerns with regard overbearing and overlooking in relation to the detached outbuilding to the rear of the site.
- No information in respect of sewerage.
- Concern with regard proposed flue and therefore woodburner within the aforementioned outbuilding in respect of smoke pollution.
- Concern with regard parking from the site overspilling onto neighbouring land and causing disturbance.

## **7. RELEVANT HISTORY**

Application to vary condition 2 of planning application 21/01081 (Replacement dwelling with attached outbuilding; 1no. detached outbuilding; demolition existing dwelling and 1no. outbuilding; associated landscaping and ancillary works) to allow minor material amendment (22/00970) granted on 05 April 2023

Replacement dwelling with attached outbuilding; 1no. detached outbuilding; demolition existing dwelling and 1no. outbuilding; associated landscaping and ancillary works (Amended plans) (21/01081) granted on 15 September 2022

Sun room and store (attached to existing garage) for use as a future sauna (NFDC/78/10322) granted on 22 June 1978

Double garage (NFDC/77/07010) granted on 18 March 1977

Alterations and additions of hall and cloakroom with bathroom over and utility room with bathroom over (NFDC/71/05851) granted on 22 September 1976

Alterations and extension of utility room and additions of lobby and toilet together with alterations and addition of bathroom over (NFDC/75/03774) granted on 07 January 1976

## **8. ASSESSMENT**

### Application Site

- 8.1** The application site is located to the southern side of Minstead Road and comprises a detached two storey dwellinghouse with detached outbuildings. The site shares its access with the neighbouring property to the north of Pipit's Green; its southern boundary is shared with the residential property of Park Farm Cottage, and to the west is the residential property of Stable Cottage along with commercial units and equestrian uses. The land to the east and front of the property is agricultural. The site is within the conservation area

By way of background, planning permission was granted in September 2022 for a replacement dwelling with a detached outbuilding. The proposal for the replacement dwelling was subject to a number of amendments during the course of the application, primarily in respect of its scale and to ensure compliance with the floorspace limitations of Policy DP36. Since, an application to vary the approved plans in relation to the garage outbuilding adjacent to the dwelling has been granted (reference 22/00970), which included the addition of two further air source heat pumps and two additional windows.

An application to vary condition 2 of 22/00970 has been submitted concurrently with this application under reference 23/00686. The changes proposed as part of the Variation application include:

- Addition of a brick plinth and lower brick courses and additional fenestration at ground floor of the detached outbuilding at the north western corner of the site;
- Re-siting of the detached garage outbuilding adjacent to the dwelling, further east;
- Enlargement of the rear two storey projections upon the main dwelling and introduction of Juliet balconies
- New dormer window upon the eastern side elevation
- New dormer window upon the western side elevation
- Change in materials configuration

### Proposed Development

- 8.2** This application is a resubmission of a previously approved application reference 21/01081, however incorporates the changes proposed through the variation of condition application in respect of the detached garage outbuilding (reference 22/00970) and through the variation of condition application as aforementioned (23/00686); the additional changes proposed as part of this application and not already listed above are as follows:

- Creation of first floor above enclosed entrance porch. This would be primarily glazed and internally would form part of the upstairs hall area.
- Change in the material of the Juliet balcony, to glazed panels.

- 8.3** The principle of the replacement dwelling has already been established as a result of the 2021 application and permission. As per the variation application (23/00686), the changes which are repeated within this application are not considered to result in any conflict with Policy DP36. The rear two storey projections would be enlarged by approximately one metre in depth, and the width of the eastern projection would increase by approximately 200mm. The eaves and ridgeline heights would not change. It is not considered that the changes to the rear projections would result in any additional significant bulk to the overall dwelling which would have any adverse impact in respect of design, impact upon the character and appearance of the conservation area, or in respect of neighbouring amenity. The addition of the Juliet balconies would not give rise to any new opportunity for overlooking as the 2021 scheme included windows in these locations and it was concluded at that time that there would be no significantly harmful impact upon neighbouring amenity in relation to overlooking. The reconfiguration of the materials would not result in the introduction of a new material not already approved, and some of the elevations would appear 'simplified' in that there would be less of a mix of materials present. The proposed new dormer windows would be located upon the side elevations of the rear projections and would be modest in scale and appropriate in their design and would not give rise to any neighbouring amenity impacts.

The relocation of the detached garage outbuilding is inconsequential, and the changes to the detached outbuilding to the rear of the site are not considered to conflict with the criteria of Policy DP37 as the use would remain incidental. Similarly, the addition of a brick plinth and additional windows at ground floor level to the incidental outbuilding within the north western corner of the site would also comply with the criteria of DP37, and would not result in any additional impact upon the character and appearance of the conservation area or neighbouring amenity.

The Conservation Officer has commented that, in respect of the enlarged rear projections, these would not appear as clearly subservient elements and that their scale is now more similar to the scale originally proposed as part of the 2021 application, which were subject of negotiations and amendments in order to ensure an appropriate and proportionate design. As aforementioned, the proposal still falls within the floorspace limitation and the Conservation Officer concedes that the changes would not be prominent from outside the site, nor would they be a significant departure from the approved scheme.

The first floor extension above the porch is however, considered by the Conservation Officer to result in less than substantial harm to the character and appearance of the Conservation Area, being a designated heritage asset, by reason of the increased scale which erodes the character of the previously approved replacement dwelling scheme and is not considered to be appropriate to or reflective of the local vernacular architecture. Concern was also raised in respect of the additional glazing and first floor level. Paragraph 202 of the National Planning Policy Framework (2023) sets out that "Where a development proposal will lead

to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” It further states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It was previously assessed as part the 2021 application that the public benefit of the replacement dwelling balanced any less than substantial harm arising, and that the proposal would have a neutral impact upon the character and appearance of the conservation area.

In respect of the current proposed amended scheme, and whilst noting the views of the Conservation Officer, the proposed first floor above the porch would be proportionate and subservient in its scale, and it is not considered that the character or appearance of the replacement dwelling would be altered to such a degree that results in the design of the overall scheme now being considered inappropriate. Whilst the character of the replacement dwelling was considered by the Conservation Officer to be of a ‘faux cottage’, the overall scale of the dwelling is not unsubstantial. With a total floorspace of approximately 350 square metres, the replacement dwelling is significant in its scale and it is not considered that the addition of the first floor element would materially alter the character of the extant scheme. The application property does not have a presence nor is it prominent within the street scene due to its set back from the highway. Whilst the neighbouring property of Pipits Green is in close proximity, the scale and design of this dwelling is significantly different, both to that of the existing dwelling of Park Farm House and that proposed. Park Farm Cottage is located to the south of the site; this is a thatched dwelling which again, is of a different scale and design to that of the application dwelling. Therefore, properties within the area are mixed in their scale, design, materials, and there is no set character or appearance in respect of dwellings. The design of the dwelling cannot therefore be compared to or assessed against other dwellings in the area and as such, the proposed dwelling would continue to have a neutral impact upon the character and appearance of the conservation area.

Policy SP15 of the Local Plan seeks to reduce impacts of light pollution on the dark skies of the National Park, and development proposals should be controlled so as to prevent artificial lighting from eroding rural darkness and tranquillity. The proposed first floor element would feature glazing upon its front and side elevations. However, as aforementioned, the scale of this element is considered proportionate and subservient and therefore the amount of glazing within it is limited. The glazing within the first floor projection would be no higher than the first floor windows, and would not be dissimilar in overall scale to the windows upon the rear projections which would feature Juliet balconies. The overall extent of glazing upon the dwelling, including that proposed within the first floor element, is considered relatively modest and the majority of the openings are of a minimum size, which is welcomed and considered to add character to the dwelling. There are no large expanses of glazing anywhere upon the dwelling and permitted development rights have been removed which would prevent any such changes being made without planning permission. A condition controlling external lighting has also been attached. As aforementioned, the dwelling is separated from the

highway by an agricultural field and is therefore approximately 80 metres from the boundary. Also as aforementioned, the first floor element would serve an upstairs hallway, which is not a primary habitable room. Overall, and whilst it is considered reasonable to suggest that there would be some light spillage as a result of proposal, for the reasons given it is not considered to result in a significantly harmful impact upon the tranquillity of the area.

The previous application was accompanied by a Biodiversity Report which identified the presence of bats at the dwelling in the form of a maternity roost and day roost, and as the proposal would result in the destruction of known roosts, the Authority considered the three tests of the European Species License (EPS). Failing to do so would be in breach of Regulation 9(5) of the Conservation of Habitats and Species Regulations (2010) which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions. This Report was resubmitted as part of this application, however on the basis that it was written approximately two years ago, was considered out of date. The applicant was therefore required to undertake an update to the Report. This update to the Report does not identify any changes in respect of bats, and therefore the Authority can and must still consider the three tests of the EPS.

The first test is effectively whether the proposal is in accordance with the Local Plan. It is considered that the proposal does accord with Policies DP2, DP18, DP35, DP36, DP37, SP16 and SP17, and therefore the proposal does meet the first test. The second test is whether there is any alternative. In this instance, the alternative would be to not replace the dwelling, but extend and make alterations to the existing dwelling. This has been explored by the applicant during the course of the 2021 application, and whilst theoretically the extension and alteration of the existing dwelling could be possible, it would not allow the applicant to achieve the orientation or internal layout desired; further, any first floor extension works would also likely result in the destruction of the known roost. The only alternative would be for there to be no extension or works to the first floor. This is not considered a reasonable alternative as it would unduly restrict development. As the proposal has been found to be policy compliant in all other respects, the development is also considered to be in accordance with this test. The third test is whether the conservation status of the species would be affected. The Biodiversity Report makes recommendations for mitigation, compensation and enhancement in relation to bats which are considered appropriate by the Authority's Ecologist, as well as enhancements for other species such as swifts and bees. On balance, it is likely that a Licence would be granted and therefore the proposal is considered to meet with the Habitats Directive and thus would accord with Policy SP6.

## Conclusion

- 8.4** It is therefore recommended that permission be granted, as the proposal is in accordance with Policies DP2, DP18, DP35, DP36, DP37, SP6, SP15, SP16 and SP17 of the adopted Local Plan 2016-2036.

## 9. 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; or

The carrying-out of any further extension or enlargement to the dwelling otherwise permitted under Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order subsequently revoking or re-enacting that Order;

whichever is the sooner.

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 and to ensure the dwelling remains of an appropriate size in accordance 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

01.A, 04.E, 05.E, 06.F, 07.F, 08.B, 12

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. 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, 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).

4. 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).

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 Biodiversity Report (updated 1/10/2023) hereby approved. 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. Upon completion of the development, confirmation of the installation of the ecological mitigation, compensation and enhancement measures as set out within the Biodiversity Report hereby approved, shall be submitted to the Authority. This should be undertaken by a professional ecologist, and can be in the form of an email/photos.

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).

7. No development, demolition or site clearance shall take place until the following information has been provided:

A. A plan showing the exact route of all services to the outbuilding  
B. The exact Tree Protection Fencing to be installed as suggested in the Arboricultural Impact Assessment

C. Clarification and correction for the following aspects of the submitted Tree Protection Plan:

\* Point 1.2 in relation to contact details, as the site is within the National Park

\* Point 5.1 in relation to Statutory Tree Protection, as the site is within a Conservation Area

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

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).

8. 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).

9. 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.

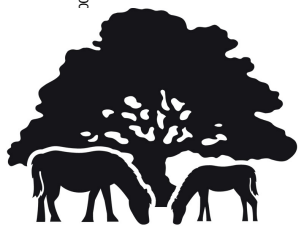
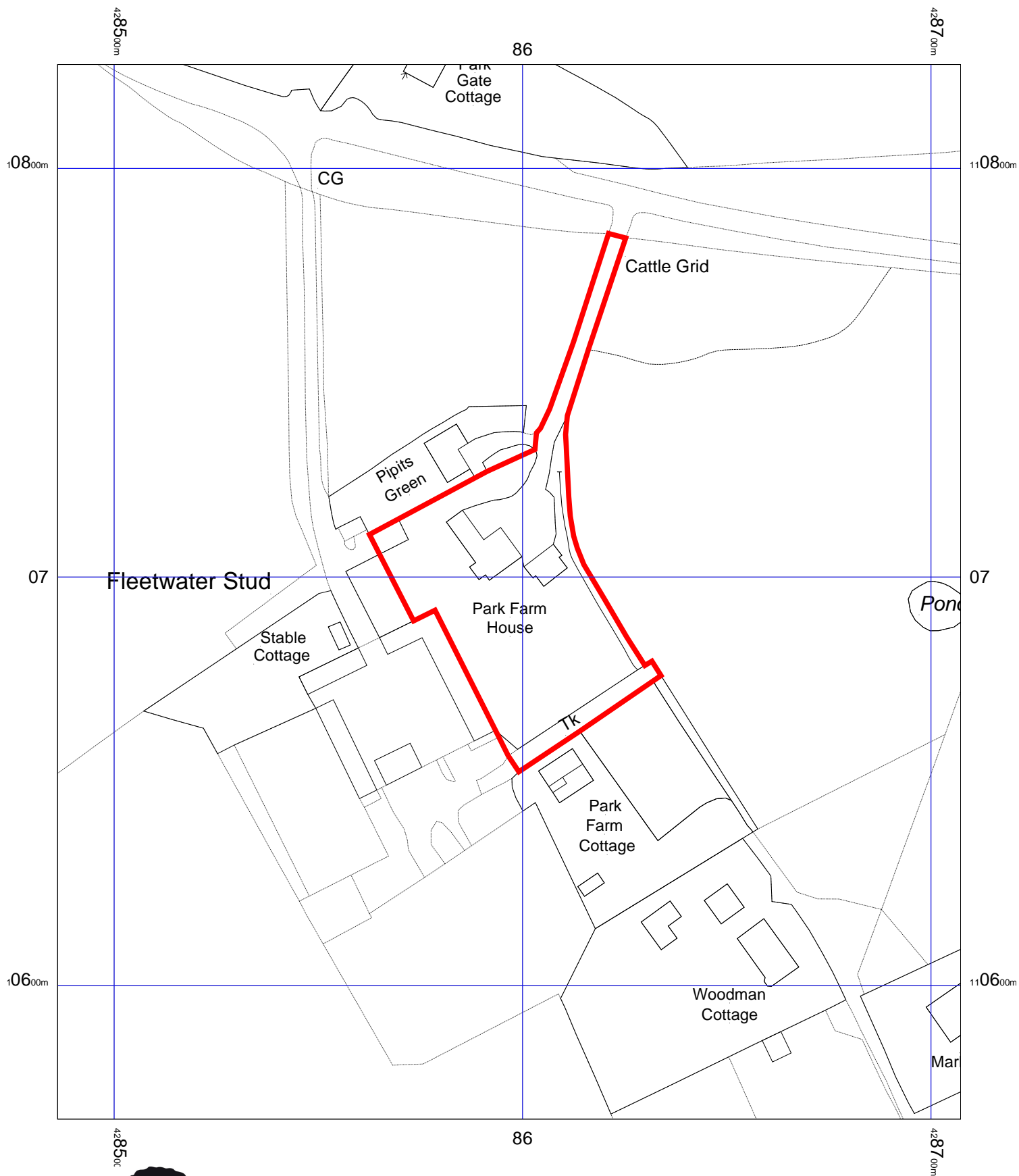
Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

10. 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 in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

**Informative(s):**

1. The Authority has considered the application in relation to its adopted Local Plan, the National Planning Policy Framework and any other relevant material planning consideration and has recommended changes which have been accepted by the applicant to ensure the development is compliant and does not harm the character and appearance or amenities of the area.
2. It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required in accordance with the Party Wall Act or other legislation.



NEW FOREST  
NATIONAL PARK

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