

**Application No:** 23/00667FULL Full Application

**Site:** 10 Foxgloves, Garden Road, Burley, Ringwood BH24 4EA

**Proposal:** Solar panels

**Applicant:** Mr Harp Grewal

**Case Officer:** Ethan Townsend

**Parish:** Burley Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view.

**2. POLICIES**

**Development Plan Designations**

Conservation Area

**Principal Development Plan Policies**

DP2 General development principles  
DP18 Design principles  
SP7 Landscape character  
SP15 Tranquillity  
SP16 The historic and built environment  
SP14 Renewable energy  
SP17 Local distinctiveness

**NPPF**

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

**Supplementary Planning Documents**

Design Guide SPD

**3. MEMBER COMMENTS**

None received

#### **4. PARISH COUNCIL COMMENTS**

Burley Parish Council: Recommend refusal. Comment: This application appears to be in direct contravention of NFNPA Policy SP14. Such introduction of solar panels in a visible paddock location (within the Burley Conservation Area and New Forest National Park) would risk setting a most unfortunate and unwelcome breach of environmental principles whilst also establishing a most inappropriate precedent for future such applications.

#### **5. CONSULTEES**

Building Design and Conservation Area Officer: An array of 40 solar panels is probably the upper end of what can be considered a small-scale installation but could be supported if it will be used solely for meeting the energy needs of Foxgloves. The panels will be low so visual impact from outside of the site would be minimal and thus are unlikely to have significant adverse impact upon the landscape or the character and appearance of the conservation area. However, unsure why the solar panels cannot be located within the domestic curtilage of the building.

#### **6. REPRESENTATIONS**

None received.

#### **7. RELEVANT HISTORY**

Outbuilding; demolition of existing outbuilding (22/00543) granted on 25 October 2022

Single and two storey extension; 1no. single storey ground floor extension; 2no. single storey first floor extensions; infill opening to create additional habitable ground floorspace; alterations to doors and windows; alterations to roof; swimming pool; two storey extension and first floor single storey extension to garage to form ancillary accommodation; alterations to outbuilding; cladding; render (Application for a non-material amendment to planning permission 21/00325) (21/00883) objections raised on 26 October 2021

Single and two storey extension; 1no. single storey ground floor extension; 2no. single storey first floor extensions; infill opening to create additional habitable ground floorspace; alterations to doors and windows; alterations to roof; swimming pool; two storey extension and first floor single storey extension to garage to form ancillary accommodation; alterations to outbuilding; cladding; render (21/00325) granted on 27 May 2021

## **8. ASSESSMENT**

### **Application Site**

- 8.1 Foxgloves is a large, two-storey, detached Arts and Crafts dwellinghouse dating from the early 20<sup>th</sup> century. The area is characterised by similar style dwellings, set back from either side of the road. The property is located within character area A of the Burley Conservation Area, and it is identified as a building of local, cultural, and vernacular interest.

### **Proposed Development**

- 8.2 This application seeks permission for the installation of 40 solar panels on a field to the rear of the curtilage of the dwellinghouse. The panels would be arranged in two rows of 20. The row of panels would be 36 metres in length and have a height of circa 1.68 metres. The panels would be located near the northern boundary of the site.

### **Consideration**

- 8.3 The relevant considerations relate to compliance with Policy SP14; the impact upon the landscape and conservation area; ecological considerations; and the impact on neighbouring amenity.
- 8.4 Policy SP14 of the Local Plan relates to renewable energy and states that development proposals incorporating renewable energy generation, other than wind energy, will be permitted where they are small scale, are located and designed to have minimum visual impact and do not have an adverse impact on the special qualities of the National Park. Subject to meeting these requirements, Policy SP14 does not specifically require small scale schemes designed for household use to be sited within the domestic curtilage.
- 8.5 In this case, Foxgloves has extensive grounds and the panels would be sited on a paddock located to the rear of the domestic curtilage of Foxgloves. The site owner has provided further information relating to why this location is optimal for the solar panels. Firstly, the roof of the dwellinghouse is broken up, which makes it unsuitable for panels. Secondly, the property is a non-designated heritage asset, and the installation of roof mounted panels could harm the aesthetics of the dwellinghouse. Similarly, if the panels were sited on the roof, they would be more visible within the conservation area. Whilst ground mounted panels could have been sited within the garden, this location was chosen given the distance from street scene and from public vantage points. The siting of the array within the land to the rear of the garden would have very limited visibility from Garden Road. The low height of the solar panels would mean that their visual impact from outside of the site would be minimal. The panels would be situated 84 metres from Garden Road to the east and 41 metres from the public footpath serving Campden Park

to the west. The site is well screened by trees and hedges on all boundaries. Given the distance from external public vantage points, it is not considered that the proposal would have a detrimental visual impact upon the landscape character of the surrounding area.

- 8.6 The proposal would provide electricity purely for domestic purposes for the dwellinghouse. Currently, the property is unsustainable, with the heating and cooking facilities relying solely on oil. The proposed number of panels would help the property move towards a more renewable and sustainable energy solution. An array of 40 solar panels is on the upper end of what can be considered small-scale, however, given that the property is of a considerable footprint set within a generously sized plot, and the proposal is required to make the transition to electric heating and cooking viable, the proposed number of panels is considered to be acceptable. The number of panels would be commensurate with the energy output of the dwellinghouse and it would help in providing a renewable, carbon free energy to the dwelling. Therefore, it is considered that, in the context of this site, the proposal would comply with the requirements of Local Plan Policy SP14.
- 8.7 Policy SP16 seeks to ensure that development preserves and enhances the character of the conservation area and the setting of any non-designated heritage asset. The Authority's Conservation Officer has been consulted on the application and considers that the justification provided does not sufficiently explain why the solar panels cannot be located within the domestic curtilage of the building. Whilst noting this comment, the proposed location is considered to be a sufficient distance from the setting of the non-designated heritage asset and other designated properties located on Clough Lane and Garden Road to not result in visual harm. Due to the screening around the site, and distance from the road, it would be less visible within the conservation area. Overall, the proposed panels are assessed to have a neutral impact on the conservation area and setting of the non-designated heritage asset.
- 8.8 With regards to ecology, the site is not located within the open forest and is not constrained by ecological designations such as SSSI, SPA or SAC, the nearest of which are circa 50 metres away. While the proposed panels would be ground-mounted, they would be installed with low impact screw foundations which would limit the impact on the ground. The field in which the panels are to be located, is currently not used for any specific purpose. It is intended to use this field as a wildflower meadow. The site could still be used for this purpose and therefore the agricultural use of this field would not be compromised by the introduction of the proposed panels. Given the minimal physical impact on the land, the proposal would not result in a significant or long-term loss of this agricultural land. The proposal does not include or require lighting and would not have an adverse impact on the wildlife or tranquillity of the area. A condition would be attached in respect of external lighting to ensure that tranquillity is preserved.

8.9 The parish council have recommended refusal due to concerns over compliance with SP14, its visible location and potential to set a precedent. As noted above, the panels would provide energy solely for this dwellinghouse and enable a shift towards more renewable energy. The solar panels would be situated in a location to minimise their visual impact, being located at such a distance from Garden Road that they would be hardly visible from the street scene. Mature vegetation surrounds the side and rear boundaries of the site, which would further screen the development and ensure that it would not have significant wider impact on the character of the area. The granting of planning permission would not set a precedent, each application would still be considered on its own merits, and in this instance, the proposed panels in this location is considered acceptable.

8.10 The rear gardens of residential properties 8, 10 and 12 Clough Lane back onto the paddock where the panels are proposed to be situated. The proposed panels would be well screened from neighbouring properties by virtue of the boundary hedgerow which runs along the northern boundary of the site. This hedgerow would minimise any visual impact from the proposed panels. The applicants have identified that there is an existing covenant requiring the hedge to be retained at a certain height. However, as covenants are civil matters, it is considered reasonable to also attach a condition to this application requiring the hedge to be retained and maintained at 1.8 metres in height to ensure that the visual impacts of the development are minimised. Furthermore, solar panels emit little noise, around 45 decibels of sound, which is considered quiet and therefore there is not considered to be any adverse impacts upon noise. Overall, it is not considered that the proposal would result in any adverse impacts upon neighbouring amenity.

## **Conclusion**

8.11 The proposed development would contribute towards the provision of renewable energy at the site and is capable of being accommodated without an adverse impact upon the landscape, setting of the property, character and appearance of the conservation area, or neighbour amenity. The proposal is therefore overall considered to be in accordance with Policies DP2, SP7, SP14, SP15, SP16, SP17 and DP18 of the Local Plan.

## **9. RECOMMENDATION**

### **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: 300-227/02 and 300-227/03. 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 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).

4. The solar panels the subject of this permission shall only be used in conjunction with the domestic property of 10 Foxgloves. The panels shall be removed when no longer needed and the land restored to its former condition, or condition agreed by the Local Planning Authority

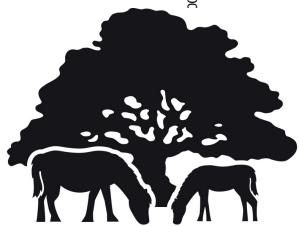
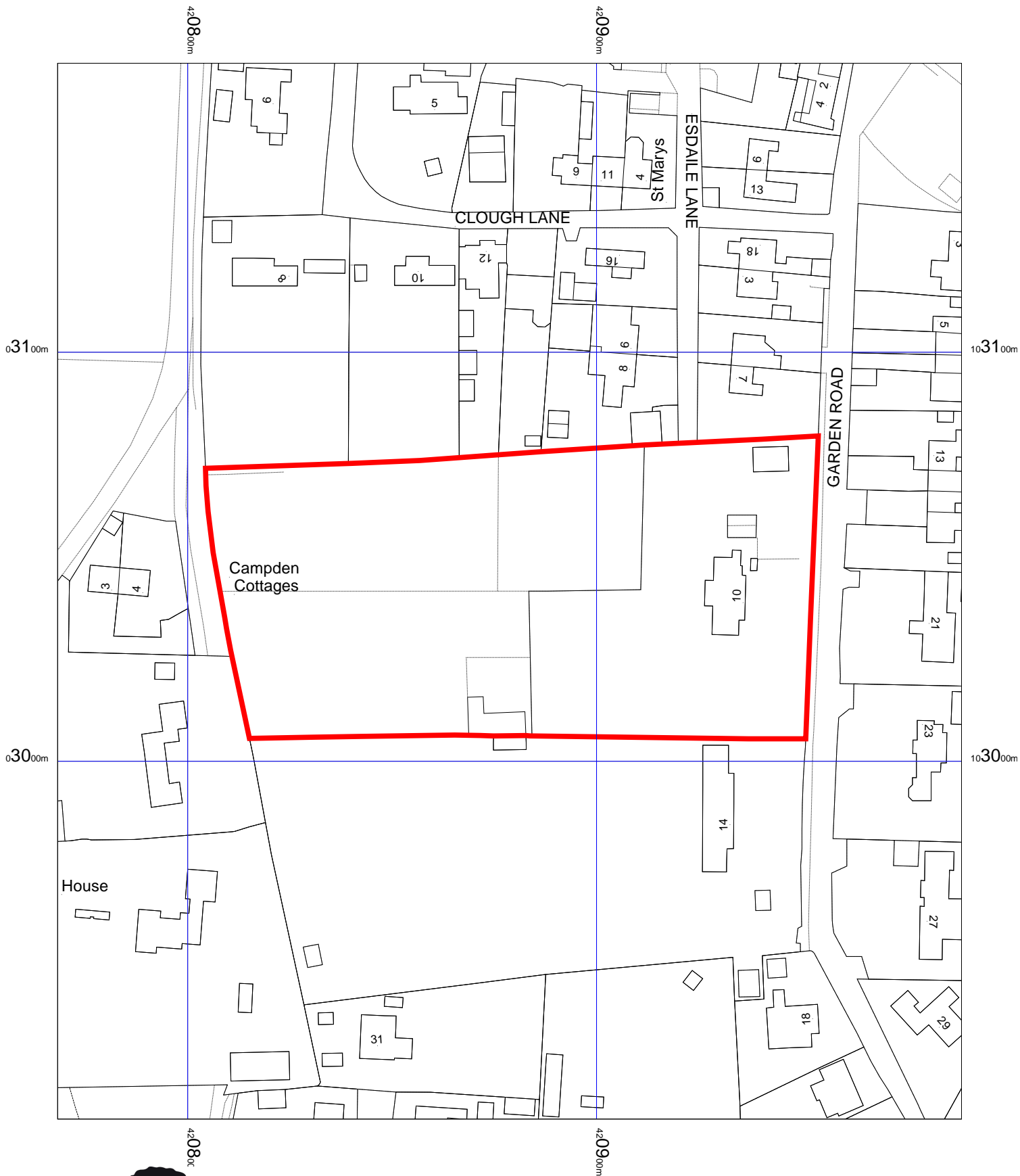
Reason: In the interests of safeguarding the long-term character and appearance of the area and as the solar array is only justified on the basis that it is necessary for small-scale energy provision for an individual household in accordance with Policy SP14 of the adopted New Forest National Park Local Plan 2016 - 2036

5. The hedgerow on the northern boundary of the site, shall be retained in perpetuity and maintained at a minimum height of 1.8 metres.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

**Informative(s):**

1. The applicant should note the Authority is not satisfied that the entire red line site area consists of the residential curtilage.



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

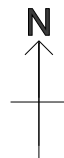
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Date: 18/08/2023

**Ref: 23/00667**

**Scale: 1:1250**

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**Application No:** 23/00686VAR Variation / Removal of Condition

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

**Proposal:** Application to vary condition 2 of planning permission 22/00970VAR for variation of condition 2 of planning permission 21/01081 for replacement dwelling with attached outbuilding; 1no. detached outbuilding; demolition existing dwelling and 1no. outbuilding; associated landscaping and ancillary works to allow minor material amendment

**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

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. Agree with the Conservation Officer's reservations provided as part of 23/00776.



## **5. CONSULTEEES**

Building Design & Conservation Area Officer: Comment on concurrent application reference 23/00776: Preferable to keep the rear bays at the scale and proportions as per the 2021 permission. No objection to the two proposed dormers, alterations to the placement of the facing materials and relocation of the garage.

## **6. REPRESENTATIONS**

None received.

## **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 (reference 21/01081). 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 then 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. This permission is extant and expires in September 2025.

A full application which includes the changes proposed below, as well as additional changes and additions, has also been submitted under reference 23/00776.

### Proposed Development

**8.2** This application seeks to vary the plans under Condition 2 of permission reference 22/00970 to make the following changes:

- 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

### Consideration

**8.3** There is no statutory definition of what constitutes a 'minor material amendment' for the purposes of this application, and the scope is broad. However in general, the amendments being sought cannot alter or change the operative part of the planning permission.

In relation to the proposed changes to the dwelling; the additional floor space to be created would not 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.

Overall, the amendments proposed as part of this application are not considered to change the operative part of the extant permission. The amendments would not deviate significantly from the scheme already approved, and therefore would not significantly alter the overall character or appearance of the dwelling when compared to the extant scheme. It follows then, that the proposed amendments would not result in any exacerbated or increased impact upon the character and appearance of the conservation area, or upon neighbouring amenity.

#### Conclusion

- 8.4** Therefore, subject to the re-imposition of all previously imposed conditions that remain pertinent, it is recommended that the variation to Condition 2 of permission reference 22/00970 be granted. The relevant drawing numbers would be amended under Condition 2.

### **9. RECOMMENDATION**

Grant Subject to Conditions

#### **Condition(s)**

1. The development hereby permitted shall be begun before:

15 September 2025; 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.B, 04.D, 05.D, 06.E, 07.E, 08.C, 09.B, 10.C

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, 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).

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

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 building 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.

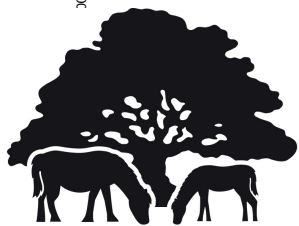
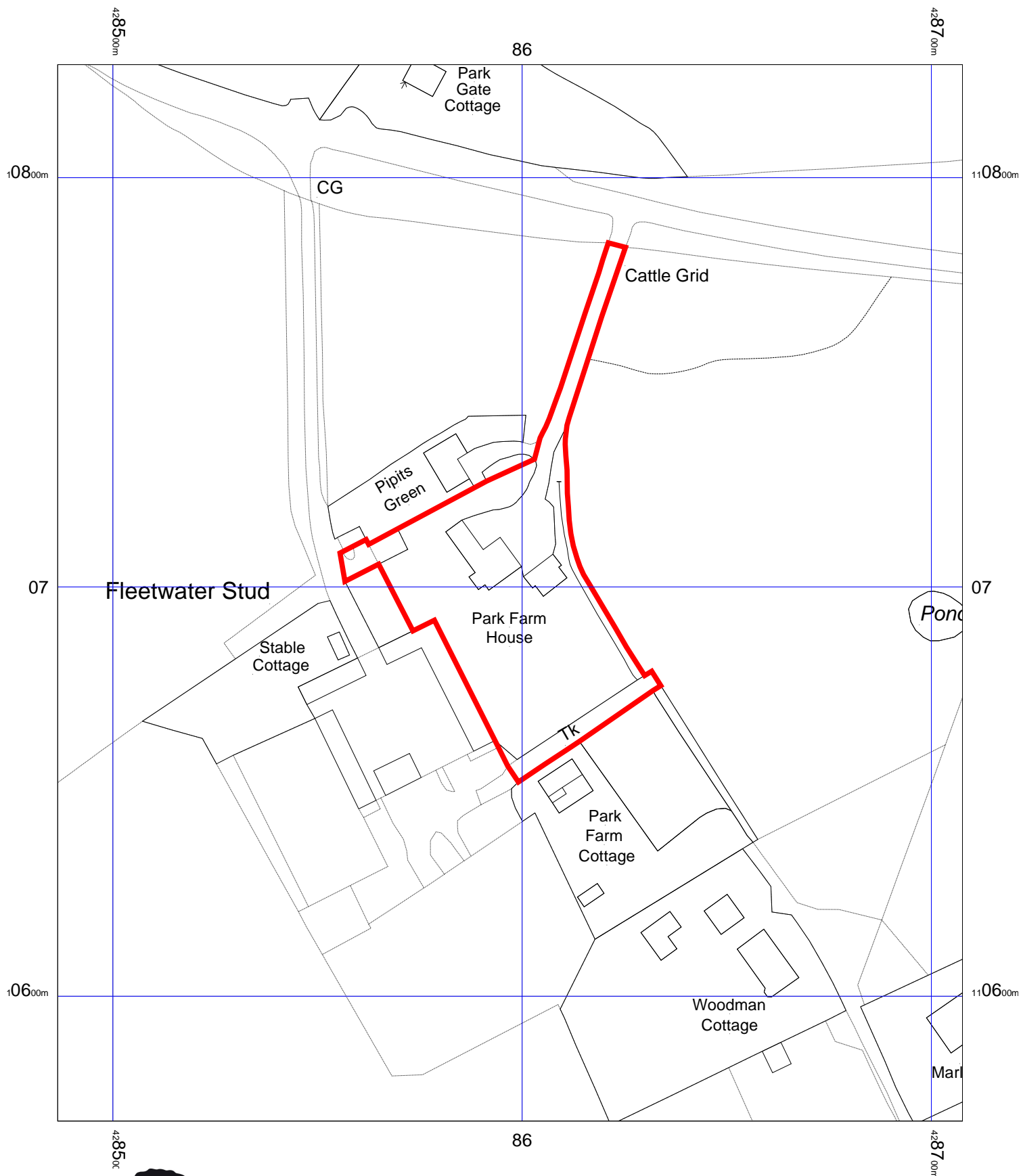
Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

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).



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New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
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Tel: 01590 646600 Fax: 01590 646666

Date: 18/08/2023

**Ref: 23/00686VAR**

**Scale: 1:1250**

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**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. CONSULTEEES**

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).

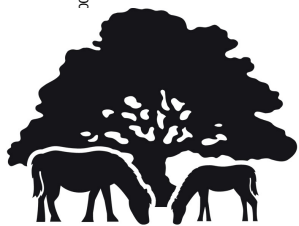
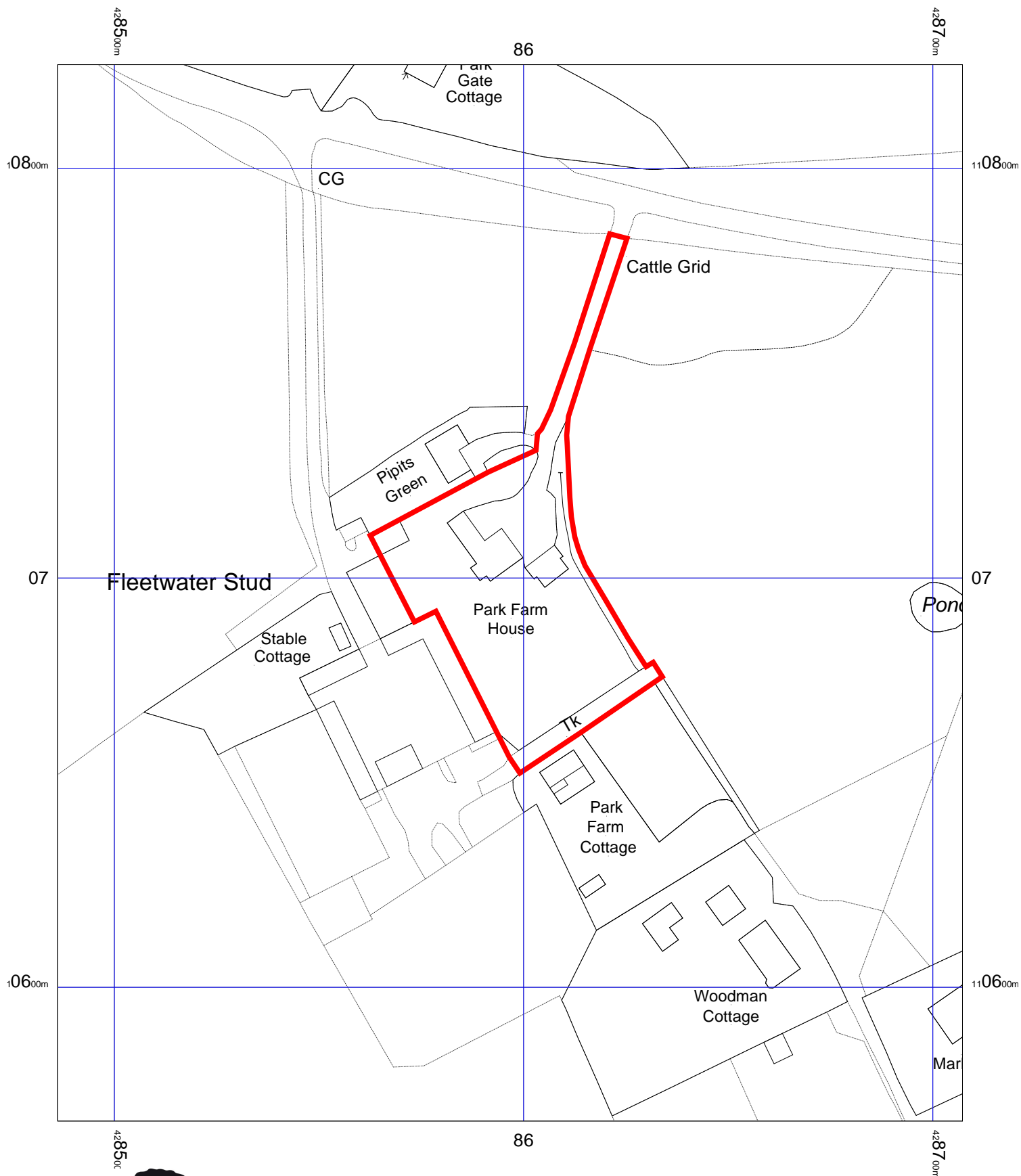
10. All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

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

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

Tel: 01590 646600 Fax: 01590 646666

Date: 18/08/2023

**Ref: 23/00776**

**Scale: 1:1250**

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**Application No:** 23/00876FULL Full Application

**Site:** Mead Cottage, Hundred Lane, Portmore, Lymington,  
SO41 5RG

**Proposal:** Outbuilding (AMENDED PLANS)

**Applicant:** Mr Cherry

**Case Officer:** Lindsey Chamberlain

**Parish:** Boldre Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view.

**2. POLICIES**

**Development Plan Designations**

Conservation Area

**Principal Development Plan Policies**

DP2 General development principles

DP18 Design principles

DP37 Outbuildings

SP15 Tranquillity

SP16 The historic and built environment

SP17 Local distinctiveness

**NPPF**

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

**Supplementary Planning Documents**

Design Guide SPD

**3. MEMBER COMMENTS**

None received

#### **4. PARISH COUNCIL COMMENTS**

Boldre Parish Council: Recommend refusal. This Heritage Asset has a problematic planning history, the Council cannot support the application. This is overdevelopment contrary to NPA policies with regard to the special qualities of the National Park. The height of the garage does not appear subservient to the main dwelling and the proposed extension is unreasonably close to the neighbour's boundary.

#### **5. CONSULTEES**

Building Design and Conservation: Notes ridge height on 2017 approved drawings. Side extension makes a slightly larger outbuilding but it is a modest 19.5m<sup>2</sup> addition, which is no taller than the original garage's flat roofed section. Its location on the east side of the garage means it will be screened from the principal dwelling so any impact on its setting will be limited. Overall, the flat-roofed side addition makes minimal difference to the overall bulk or impact of the approved garage, and therefore is unobjectionable. Requests removal of rooflights on the eastern slope given the buildings proximity to the neighbouring boundary.

Tree Officer: No Objection. Trees on and adjacent to this property are protected by virtue of growing within the Conservation Area and the neighbouring TPO 1401. As of 20/07/23 construction works on site for these proposals appeared to be nearing completion and there was no evidence of associated works having affected any important amenity trees.

#### **6. REPRESENTATIONS**

Four representations from two neighbouring properties, objecting on the following grounds (summarised):

- Differing measurements of the ridge heights, specifically drawing, DSL01, the south and west elevations.
- Concerns over the height of the garage and a second floor being included.
- The usage of the garage structure, potentially for commercial means.
- Linkage of the garage with the summerhouse located behind.
- Impact on the character of the area and threat of urbanisation.
- Light pollution.
- Siting of the storage container.

#### **7. RELEVANT HISTORY**

Two storey rear extension; single storey side extension; summerhouse; replacement garage (17/00540) granted on 17 August 2017.

## **8. ASSESSMENT**

### **Application Site**

- 8.1 Mead Cottage is a semi-detached, two storey house which comprises a Non-Designated Heritage Asset (NDHA). The property is located on the north side of Hundred Lane in Portmore. It is built with rough cast render walls under a tiled roof. The majority of the garden lies to the side of the house, at the eastern end.

### **Proposed Development**

- 8.2 This application seeks retrospective planning permission for an enlargement to a garage outbuilding. In 2017, under application 17/00540FULL, planning permission was granted for an outbuilding with hipped gable ends, this structure is under construction and under the 2017 planning permission is conditioned to remain incidental.
- 8.3 The application seeks no alteration to the size and scale of the 2017 proportion of the outbuilding and only relates to the addition of the side store. Following comments from neighbouring properties and that raised also by the Parish Council within this current application, amended plans have been received. The 3no. roof lights originally on the eastern elevation, nearest that of the Haven, have been removed, and the number of roof lights on the side store reduced from 3no. to 2no in total. As such, there are now only 2no. roof lights on the western elevation, facing the main dwellinghouse, and 2no. on the side addition.

### **Consideration**

- 8.4 By way of background, in 2017, an application was approved for a replacement garage, this was part of a series of works under application reference 17/00540 for a single storey extension to the main dwellinghouse and a summerhouse, located to the rear of the replacement garage.
- 8.5 The historic garage structure had a pitched roof and a flat roof side extension that ran alongside the boundary with the Haven, at a height of 2.7 metres. The 2017 approved garage structure consisted of a hipped roof structure building, without the inclusion of the flat roofed side addition. Following the commencement of the work to replace the garage, it was noted that the construction was not being built in accordance with the plans. This application relates to the inclusion of the wedge-shaped, flat roof side extension to the hipped roof garage structure. It should be noted that this wedge-shaped flat roof side extension is being constructed at the same height that previously existed prior to the application in 2017. The 2017 approved plans detailed the garage to be positioned 1.75m, at the closest point, to the boundary location with the Haven. The resultant side addition to the replacement garage has a similar appearance to the historic garage formation, with the structure

being 0.38m from the boundary with the neighbouring property (the Haven).

- 8.6 The key considerations in relation to this application relate to Policies DP37 (Outbuildings), SP17 (Local Distinctiveness), SP16 (The historic and built environment) and DP2 (General Development Principles).
- 8.7 The main dwellinghouse and the adjoining neighbour, West Cottage, have been identified as non-designated heritage assets (NDHAs) and the location of the property is within the conservation area. The Authority's Building Design and Conservation Officer has commented on the application noting that the height of the proposed outbuilding in relation to the host property is disappointing but also noting that the height of 5.4m was detailed on the 2017 approved plans. As such, the issue under consideration in relation to heritage assets, is the impact of the flat-roofed side addition on the conservation area and the setting of the locally listed host dwelling.
- 8.8 While the side extension does make for a slightly larger outbuilding (with a resultant area of 59.5 sq.m), it is a modest 19.5 sq.m addition, which is no taller than the original garage's flat roofed section. Its location on the east side of the garage means it would be screened from the principal dwelling so any impact on its setting would be limited. Due to the shape of the extension the eastern elevation will run closely parallel to the boundary, but due to the boundary treatment most of the extension would be screened from the Haven and have little additional impact beyond that which was experience with the original garage. Overall, the flat-roofed side addition makes minimal difference to the overall bulk or impact of the approved garage, and therefore there is no objection in conservation terms.
- 8.9 In respect of the impact of the proposed rooflights, it is noted that the 2017 approved application allowed for a total of 3no. roof lights to be installed, these to be positioned on the eastern slope of the garage. A series of revisions to the drawings have been carried out and the number of roof lights has since been revised, in response to concerns raised, to incorporate two on the western slope and then two on the flat roof side addition to the garage, denoted as a store. The roof lights are set relatively low down in the pitch roof structure, with a view to minimise the impact on neighbouring amenity yet maximising the amount of natural light to the single-storey structure. It is noted that the roof lights on the western elevation, facing the neighbouring property, the Haven, have all been removed and therefore there is to be no direct impact on this property.
- 8.10 It is noted from the objections that the hipped roof of the partly constructed proposed garage is visible from neighbouring properties and from the access road, however, given the nature of the plot associated to Mead Cottage being predominately to the side of the property, running alongside Hundred Lane, this would by virtue be more visible to the street

scene. The comments and objections from the two neighbouring properties has been reviewed, however, given there are no forward-facing windows on the garage outbuilding there are considered to be no overlooking issues. However, it is considered reasonable and necessary to remove permitted development rights to prevent alterations which could have a future adverse impact.

- 8.11 In relation to Policy DP37 of the adopted Local Plan, noting the above consideration of the height of the outbuilding, the main dwellinghouse is 6.4 metres in height and the outbuilding relating to this application would be lower than that of the main dwellinghouse. The garage/workshop and side incidental store is and will continue to be conditioned to remain incidental and would not provide habitable accommodation. The building is located within the residential curtilage and would not reduce private amenity space, including parking provision, around the dwelling to an unacceptable level. Overall, the proposal is considered to accord with Policy DP37.
- 8.12 As part of the objections, it is noted that there is a substantial amount of disturbance at the property with objectors advising that the project has been ongoing for six years and there is a general concern that this building would be utilised for commercial gain. The use of the garage and workshop is and will be conditioned to remain for incidental use for the enjoyment of the occupants of Mead Cottage.
- 8.13 Within the curtilage of Mead Cottage is currently sited a storage container, this has been referenced by the objections raised. The removal of the container would be conditioned, within a timely fashion, on the completion of the works, given the aforementioned structure will be surplus to requirements. The removal of the structure will reduce the built form along that of Hundred Lane and would benefit the character of the area.
- 8.14 As noted by one of the objections in relation to the drawings and elevations in 2017 there was a discrepancy within the hand drawn plans that were submitted. This has been rectified following a series of plan submissions and the plans are now consistent. The height of the structure is confirmed and is a consistent height of 5.4 metres for the overall ridge height of the partially constructed garage outbuilding.
- 8.15 It is also noted that the objections reference the main dwellinghouse and tree works that are not associated to this application 23/00876, as such only the comments relating specifically to the proposed and partly constructed garage and incidental store can be reviewed, and no comment can be made with regards to these applications.
- 8.16 It is therefore recommended that permission be granted subject to conditions, as the proposal is in accordance with Policies DP2, SP15, SP16, SP17, DP18 and DP37 of the adopted Local Plan.

## **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.

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:

- Proposed Floorplans, Drawing Number: DSL 03 Rev C
- Proposed Elevations, Drawing Number: DSL 01, Rev B
- Proposed Elevations, Drawing Number: DSL 02, Rev C.

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, 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 development is appropriate to its location within the countryside and to comply with Policies DP2 and SP16 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

5. The building 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).

6. 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).

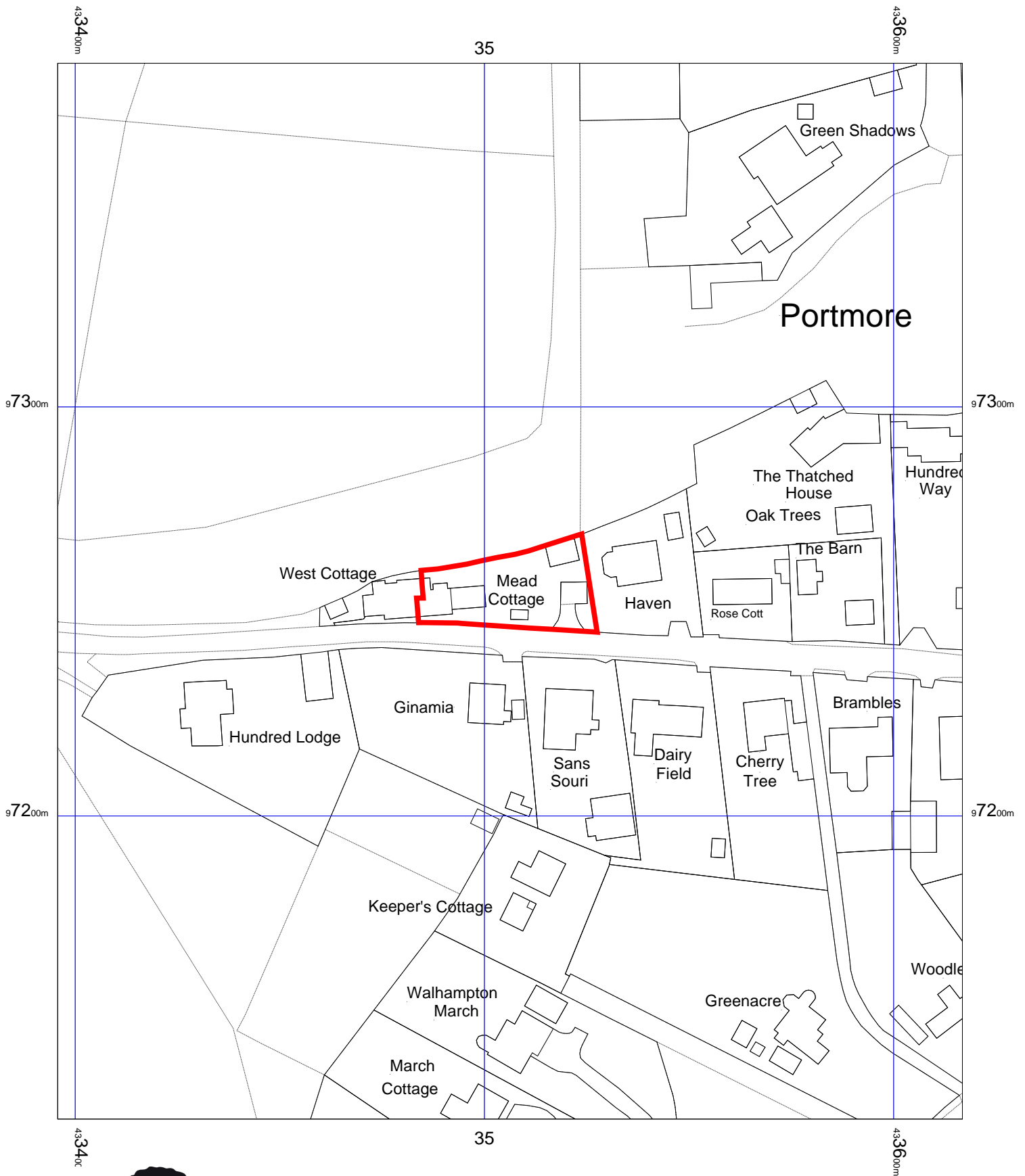
7. All new roof lights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.

Reason: To protect the character and appearance of the area in accordance with Policies DP2, DP18 and SP16 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

8. Within 3 months of the completion of the proposed outbuilding, application 23/00876FULL, the existing temporary storage container should be removed from site.

Reason: To protect the appearance of the conservation area, local distinctiveness and the special character of the non-designated heritage asset in accordance with Policies DP2, SP17 and SP16 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019)





NEW FOREST  
NATIONAL PARK

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Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 04/10/2023

**Ref: 23/00876**

**Scale: 1:1250**

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**Application No:** 23/00927FULL Full Application**Site:** Land adjacent to 9 Racecourse View, Lyndhurst SO43 7AQ**Proposal:** New dwelling; parking and amenity; parking for adjacent dwelling**Applicant:** Mr A Dunkerson**Case Officer:** Liz Marsden**Parish:** Lyndhurst Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. POLICIES****Development Plan Designations**

Defined New Forest Village- Lyndhurst  
Conservation Area

**Principal Development Plan Policies**

SP17 Local distinctiveness  
SP19 New residential development in the National Park  
DP2 General development principles  
DP18 Design principles  
SP16 The historic and built environment  
SP21 The size of new dwellings  
DP34 Residential character of the Defined Villages

**NPPF**

Sec 11 - Making effective use of land  
Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment  
Sec 16 - Conserving and enhancing the historic environment

**Supplementary Planning Documents**

Design Guide SPD

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

Lyndhurst Parish Council: Recommend refusal for the reasons listed. The proposed dwelling will be detrimental to the site and will have a negative impact on the amenity of the existing family property. In addition, there will be detriment to the street scene in this already cramped location. There is inadequate parking with provision reduced from that which currently exists to only one space per property. This is an extremely important consideration especially in this under provisioned street and further parking on overcrowded and protected verges must not be encouraged.

**5. CONSULTEES**

Archaeologist: No objection

Building Design and Conservation Officer: The proposed dwelling reflects the architectural character of the area and complements the adjacent property. Some concern about the limited level of parking provided and it would be appropriate to request suitable bike storage.

Ecologist: No objection subject to the necessary mitigation and enhancement being secured.

Natural England: Requested additional information to ensure that the proposed development would have no adverse impact on the protected sites. This has now been received.

**6. REPRESENTATIONS**

None received.

**7. RELEVANT HISTORY**

Single storey side extension (09/94543) granted on 07 December 1993

Single and two-storey additions, garage and access alterations (92/50543) withdrawn on 24 September 1992

**8. ASSESSMENT**

**Application Site**

- 8.1 The application site currently forms part of the domestic curtilage of No.9 Racecourse View, a detached, two-storey, dwelling situated on a corner plot with a wide road frontage, narrowing significantly to the rear. A

garage and outbuildings are located along the southern boundary of the site which would be removed. The site is located within the defined village boundary and Lyndhurst Conservation Area. The land to the front of the property is designated as SSSI, SPA and SAC, with open forest to the north of Racecourse View.

### **Proposed Development**

8.2 The application seeks consent for a detached two-storey house to be located to the south side of the existing house. Two parking spaces are to be provided, one of which would be for the benefit of No.9, which would lose its garage and off-road parking. The key considerations are:

- Whether the proposal accords with policies for new residential development in the National Park (Policies SP19 and SP21);
- The scale and design of the dwelling and whether it is appropriate to the curtilage within which it is located;
- Any impact on the character and appearance of the conservation area;
- Any impact on neighbour amenity;
- Any impact on ecology; and
- Implications for highway safety.

### **Consideration**

8.3 The site lies within the defined New Forest village of Lyndhurst where, under Policy DP19(c), the development of previously unallocated or unidentified land may be acceptable, subject to it being appropriate and sympathetic to the local character of the village in terms of its scale, appearance, form and siting (discussed in subsequent paragraphs). Policy SP21 requires all new dwellings to have a maximum total internal floorspace of 100 sq.m. In this case, the property would have an internal floor area of under 80 sq.m and is therefore within policy limitations.

8.4 The site is located in the conservation area and, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area and this is reflected in Policy SP16 of the Local Plan. In this case, the prevailing pattern of built form along Racecourse View is of two storey houses, set close together with limited private amenity space. No. 9 is unusual in that it has a larger plot, with a wider road frontage and the development would result in two smaller plots, the size of which, together with the spacing of the houses is more reflective of the road to the west. At the same time, the width of the two plots and the new dwelling still manages to mark the transition to the wider frontages and more spacious plots along Custards Road. The design of the building is traditional in appearance and its narrow and deep form reflects the architectural character of the area and would complement the adjacent dwelling. It is considered that the proposal would, subject to appropriate materials which can be secured by

condition, be in keeping with the overall character and appearance of the conservation area.

- 8.5 With regard to potential impact on neighbour amenity, the primary impact would be on the existing property due (No.9) to the significant reduction in the private amenity area available to it. The retained area is, however, commensurate with, or larger than, the majority of gardens in the vicinity of the site and would not result in an unduly cramped or inadequate amenity area. The two-storey height of the dwelling would be clearly visible from No.9, but not intrusive in the direct outlook from that property nor, due to its position to the south east, would it result in significant loss of light through shading. There is a single rooflight window in the side elevation facing No.9, though as this serves a bathroom and would look out onto a blank wall, would not result in any loss of privacy through overlooking. The property to the west of No.9 (No.8), would be predominantly screened from the proposal by the immediately adjacent dwelling and, whilst the end of the house could be viewed from the rear garden, there would be no direct views from the house, which has no windows at first floor level in its side elevation other than one that looks out over the existing house.
- 8.6 To the south, the neighbouring property, Woodbank, has a garage adjacent to the boundary with the site and further outbuildings to the rear, again very close to the boundary. Whilst the first floor window in the rear elevation of the proposed dwelling would be angled towards the boundary with Woodbank, any views would be restricted by the existing buildings within its curtilage, ensuring that there would be no undue overlooking or loss of privacy. To the rear, the additional first floor window resulting from the new dwelling would be at a similar distance from the neighbouring properties as the existing.
- 8.7 In relation to highway considerations, Hampshire County Council's standing advice applies to residential development of 1 to 5 new dwellings, where the site is accessed from an unclassified road, such as this application. The proposed development would accord with standing advice for single residential developments. Concern has been raised about inadequate on-site parking being provided for both the existing and proposed properties. In this case, the existing dwelling is a three-bedroom house and the proposed would have two bedrooms. Annex 2 of the adopted Local Plan contains a requirement of two spaces for 2-3 bedroom units. The application proposes two spaces, one for each property, and there would therefore be a shortfall in parking provision. However, Annex 2 of the adopted Local Plan sets out that reduced parking provision may be acceptable in certain circumstances, such as where there is relatively good accessibility by public transport. In this case, account must be taken of the location of the site in close proximity to the village centre and its facilities, together with the easy access to public transport (the nearest bus stops are on Romsey Road, near the junction with Racecourse View). In these circumstances, it is considered

that the site is sustainable and that a reason for refusal could not be sustained on this basis.

- 8.8 In terms of ecology, a preliminary ecological survey has been carried out and the existing building is deemed to have negligible potential to be used as a bat roost and the proposal would not adversely affect bird nesting habitat or other protected species. Recommendations have been made for the biodiversity enhancements and details of these measures have been provided subsequently, together with a Construction Environmental Management Plan (CEMP), to ensure that appropriate measures are undertaken to avoid additional impact on the adjacent SSSI. Implementation of these measures can be secured by permission to ensure that the development would accord with Policies DP2 and SP6 of the Local Plan.
- 8.9 Prior to mitigation, the Habitat Regulations Assessment of the Local Plan could not rule out the recreational impacts of any new residential and visitor accommodation throughout the National Park having a likely significant in combination effect on the New Forest SPA and SAC sites. Consequently, mitigation is required for all proposals of these types of development for their recreational impacts on these New Forest designated sites. The site lies in close proximity to the New Forest European designated sites and therefore it would be necessary to mitigate the adverse effects of new visitor accommodation on these sites as a result of increased recreational pressures. Policy SP5 of the Local Plan explains that a contribution to the Authority's Habitat Mitigation Scheme will enable developers to ensure that mitigation measures are secured for the recreational impacts of their development. The applicant has confirmed a willingness to make a financial contribution of the agreed amount via a Unilateral Undertaking (UU) to secure the mitigation.
- 8.10 Natural England have advised that there is uncertainty as to whether future housing and visitor accommodation development will adversely impact the protected habitats of the Solent due to increased levels of nitrates entering the system. In accordance with Natural England's advice to local planning authorities along the Solent coast, the potential impacts from nitrates have been considered in an appropriate assessment in assessing this application. A nutrient 'budget' has been submitted and revised to take account of the issues raised by Natural England and the applicant has indicated a willingness to accept a condition to secure an avoidance and mitigation package in respect of the impacts of the development. Subject to securing appropriate mitigation in order to achieve a nutrient neutral scheme, the Authority's obligations as a 'competent authority' under the Conservation of Habitats and Species Regulations 2017 are met.

## **Conclusion**

- 8.11 The proposed development is capable of being accommodated on the site without adverse impact on the character and appearance of the

existing dwelling, the surrounding conservation area, neighbour amenity, ecology or highways safety and is therefore in accordance with policies DP2, SP6, SP15, SP16, SP17, DP18 and DP35 of the 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.

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:

RV/23/001 - Location and block plans  
RV/23/002 - Proposed site layout  
RV/23/003 - Proposed floor and roof plans  
RV/23/004 - Proposed elevations

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. 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 complies with Policy SP21 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and to ensure that any future development proposals do not adversely affect the visual amenities of the area or those of neighbouring properties contrary to Policy DP2 of the Local Plan.

5. The development hereby permitted shall not be occupied until the arrangements for parking have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and Section 9 of the National Planning Policy Framework.

6. The parking space shown to the north west of the proposed dwelling shall be provided and retained for the sole use of the occupants of no.9 Racecourse View.

Reason: To ensure that adequate off-road parking is provided in the interests of highway safety.

7. The development hereby permitted shall not be occupied until:

a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;

b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such



additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.  
The development shall be carried out in accordance with and subject to the above details.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan (2016 -2036)

8. Prior to the commencement of development ecological mitigation for the New Forest Special Protection Areas, Special Areas of Conservation and/or Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's Habitat Mitigation Scheme and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019), the Authority's Habitat Mitigation Scheme and the SRMP

9. Prior to the commencement of development (including site clearance) details of the siting of the proposed biodiversity enhancements as set out in the additional information received 26/09/23 (including timescales for implementing these measures), together with a plan to manage any potential risks to nesting birds, shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity.

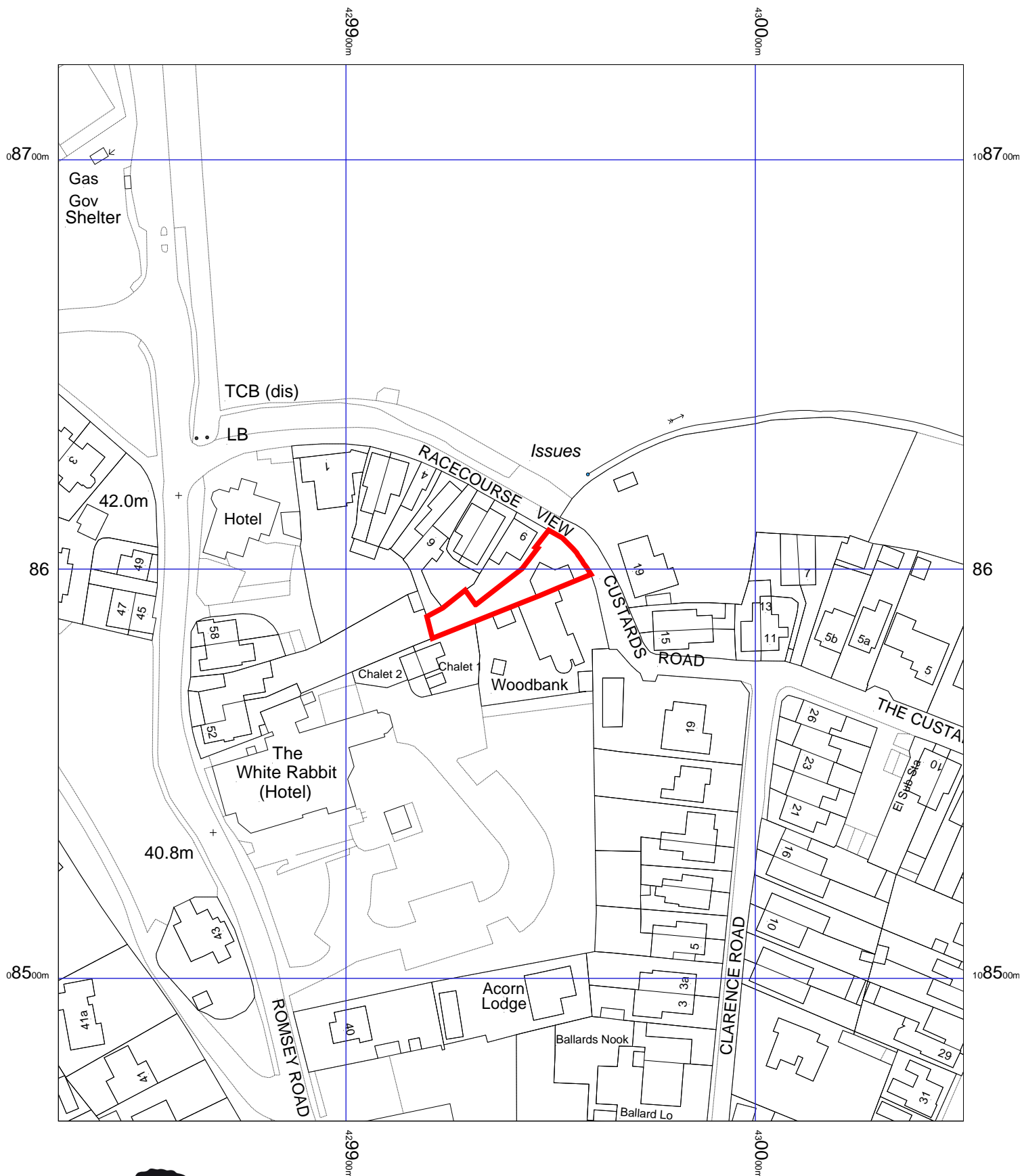
Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

10. Works shall be carried out in accordance with the measures set out in the Construction Environmental Management Plan, hereby approved and 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. No vehicles associated with the development shall be parked on the verge to the north of Racecourse View.

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).

11. 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).



NEW FOREST  
NATIONAL PARK

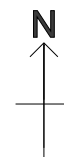
New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 04/10/2023

**Ref: 23/00927**

**Scale: 1:1250**



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**Application No:** 23/01079FULL Full Application

**Site:** Brockwell, Tattenham Road, Brockenhurst SO42 7SA

**Proposal:** Outbuilding (garden room); porch

**Applicant:** Mr & Mrs Allard

**Case Officer:** Julie Blake

**Parish:** Brockenhurst Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view.

**2. POLICIES**

**Principal Development Plan Policies**

DP2 General development principles

DP18 Design principles

DP36 Extensions to dwellings

DP37 Outbuildings

SP15 Tranquillity

SP17 Local distinctiveness

**NPPF**

Sec 2 - Achieving sustainable development

Sec 15 - Conserving and enhancing the natural environment

**Supplementary Planning Documents**

Design Guide

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

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

Concerns about light pollution resulting from the additional rooflights without the use of one-way glass.

**5. CONSULTEEES**

None required.

**6. REPRESENTATIONS**

None received.

**7. RELEVANT HISTORY**

Outbuilding (garden room); porch (22/00929FULL) granted on 18 April 2023

First floor extension and subdivision of an existing dwelling to form two dwellings; alteration to access (17/00044) granted on 14 March 2017.

**8. ASSESSMENT**

**Application Site**

- 8.1 The dwelling is a result of subdivision of the neighbouring property and is now a semi-detached, brick-built two-storey dwelling of Victorian construction. It is situated on the southwest side of Tattenham Road in the defined village of Brockenhurst. At the front there is low timber fencing with vehicle and pedestrian timber gates leading into a gravelled front garden with some provision for off road parking. The site is not in a conservation area.

**Proposed Development**

- 8.2 The construction of the porch and the outbuilding have already been approved under application 22/00929, which was unanimously approved subject to conditions by the Planning Committee in April 2023.
- 8.3 This revised application proposes no changes to the porch and the matters under consideration are therefore only the alterations to the approved outbuilding and the addition of 5No. rooflights.

**Consideration**

- 8.4 The outbuilding would be used as a garden room and would be 4.3m x 6m with a height of 3.4m. The appearance of the front of the outbuilding has been amended from the previous proposal so that the door is now set back and its pitched roof above removed. In addition, 5No. rooflights and a small high-level window to the south side of the outbuilding are now proposed.
- 8.5 The redesigned outbuilding would not affect its compliance with Policy DP37. The alterations would result in a small reduction of the internal floorspace from 22sqm to 21sqm. The intended use remains subservient and would be used for purposes incidental to the use of the main dwelling. The alterations would not provide additional habitable

accommodation or reduce private amenity space to an unacceptable level in accordance with Policy DP37.

- 8.6 The proposed use of materials is the same as in the previous application. They would not be dissimilar to the existing covered seating area and the main dwelling, comprising timber cladding and a shingle roof, in accordance with Policy DP2.
- 8.7 The addition of the rooflights and a small high-level window to the south side would not result in overlooking and therefore would not result in an unacceptable adverse impact on the neighbouring properties and their amenity in accordance with Policy DP2.
- 8.8 The Parish Council have recommended refusal and raised concerns over light pollution resulting from the addition of the rooflights without the use of one-way glass. These concerns are understood but in the context of this particular site, within the defined village, the addition of five rooflights and one small window is not considered to be unduly excessive. The rooflights would reduce the need for artificial lighting whilst proposed condition no.2 below would ensure that the building is only used for incidental purposes.

### **Conclusion**

- 8.9 The proposed porch and outbuilding would not exceed policy restrictions and have already been agreed in principle. The alterations to the outbuilding are in keeping with the dwelling and would not adversely affect the character, appearance and tranquillity of the area or neighbour amenity. The proposal is therefore in accordance with Policies DP2, DP18, DP36, DP37, SP15 and SP17 of the Local Plan.

## **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.

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 building 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).

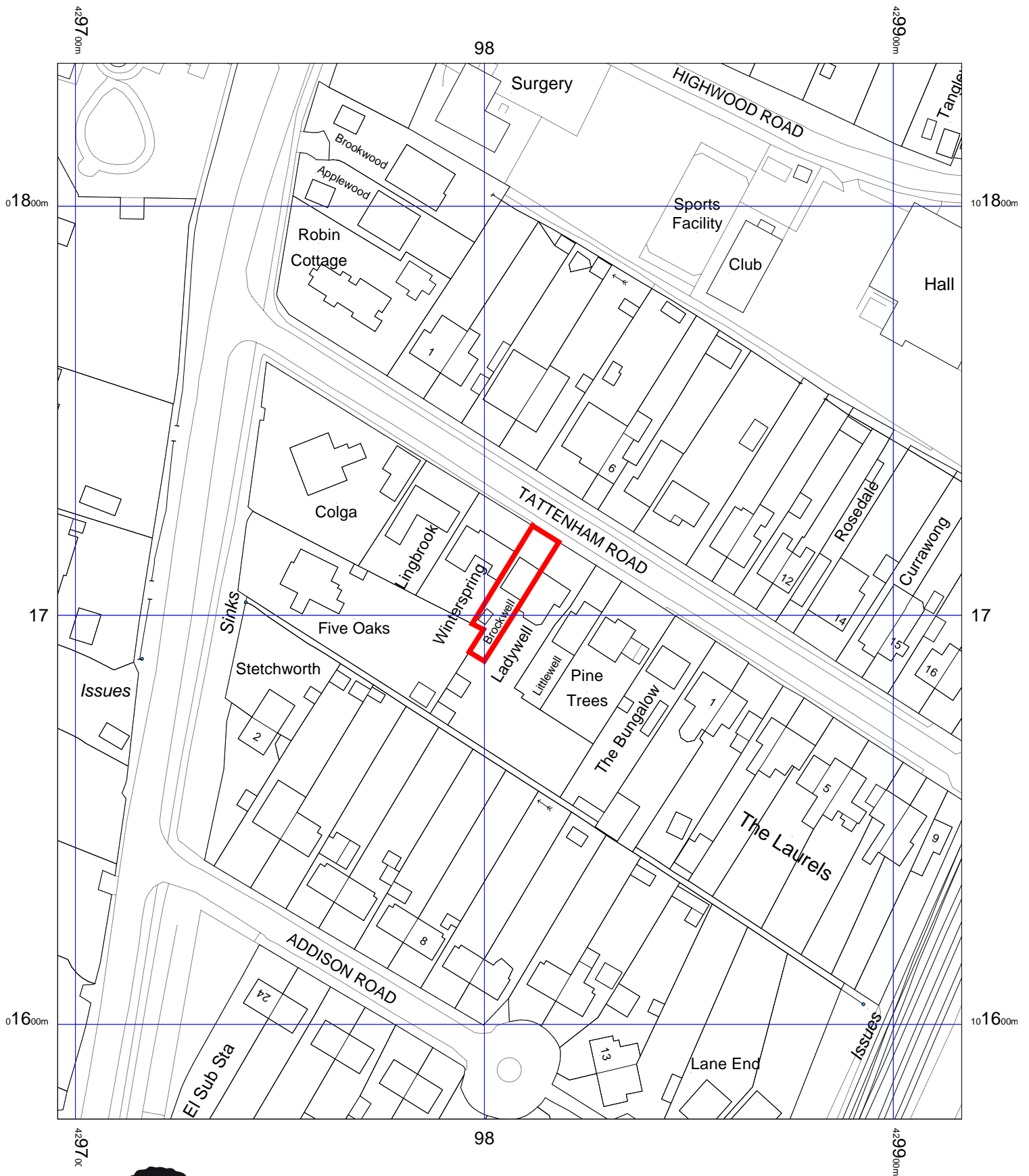
3. Development shall only be carried out in accordance with drawing nos: 22075-00-01, 22075-00-02 Rev C, 22075-00-03 Rev C. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

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).

4. No development shall take place above slab level until exact details of the rooflights 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).



NEW FOREST  
NATIONAL PARK

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Lymington Town Hall, Avenue Road,  
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