

Application No: 23/00734FULL Full Application

Site: Hollyholm, Bisterne Close, Burley, Ringwood, Bh24 4ba

Proposal: Replacement dwelling; replacement garage; demolition of existing dwelling (AMENDED DESCRIPTION & PLANS)

Applicant: Mr Tom Clarke

Case Officer: Liz Marsden

Parish: Burley Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Conservation Area
Site of Special Scientific Interest

Principal Development Plan Policies

SP15 Tranquillity
SP17 Local distinctiveness
DP2 General development principles
DP18 Design principles
SP7 Landscape character
DP36 Extensions to dwellings
DP37 Outbuildings
SP16 The historic and built environment
DP35 Replacement dwellings

Supplementary Planning Documents

Design Guide SPD

NPPF

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

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Burley Parish Council: Recommend refusal for the following reasons:

- The proposal does not comply with Policies DP35 and DP36 in that the replacement or extension of dwellings should not be allowed where they are unauthorised, which appears to be the case here
- Design of the proposed building does not reflect the characteristics of properties in the area and would be incongruous in this location which is located within the conservation area and adjacent to a non-designated heritage asset (NDHA).
- The modern design of the building and materials to not appear to accord with the Design Guide, does not have any regard to the adjacent NDHA and would not serve to preserve the NPA's standards in the protection of the Burley Conservation Area or the wider context of the New Forest.
- The replacement garage may be acceptable but the future vehicular and pedestrian access arrangements are unlikely to be fit for purpose for practical usage and safety.
- Adverse impact on neighbours due to the greater bulk, appearance and intensive site use.
- Remain concerned about the possible ecological impacts, particularly on the trees and hedges in the vicinity of the site.

5. CONSULTEES

Building Design and Conservation Area Officer: Support subject to conditions

Landscape Officer: Concern raised about the close proximity to the mature hedge along the boundary, which is an important landscape feature that helps to screen the site and the landscape character of the area. No information has been provided about external lighting.

Tree Officer: No objection subject to condition

Ecologist: Initial objection due to inadequate surveys and impact on the adjacent protected sites from the second access which have been resolved by additional information and amended plans. The application can now be supported subject to appropriate conditions.

Verderers of the New Forest: Initial objection to two vehicular accesses to the site, resulting in excessive and unnecessary loss of habitat and grazing. Providing that works are carried out in accordance with the amended site plan, with a single vehicular access and pedestrian gate, this would be acceptable if no hard surfacing material is added on the roadside of the pedestrian gate.

Forestry England: No objection subject to closure of one of the vehicular access points, provision of suitable parking within the property and avoidance of any damage to verge during construction.

6. REPRESENTATIONS

32 letters from, or on behalf of, 10 households objecting to the proposal on the grounds of:

- There is no evidence to suggest that the existing dwelling is in fact authorised and therefore, in accordance with Policy 35, its replacement should not be allowed as in the case of a recent, similar application elsewhere in the National Park.
- The most recent sale of the property was carried out as a non-residential transaction.
- If for some reason the property is deemed to be authorised then any replacement should be based on the first documented and approved size of the dwelling and not on subsequent unauthorised extensions and outbuildings.
- Previous applications have been refused on the site for smaller dwellings on the grounds of overdevelopment of the plot and adverse impact on neighbouring amenities and the surrounding area.
- The replacement would not be subservient to the existing dwelling
- Size and bulk of the proposal would be detrimental to neighbours and local amenity contributing to the sub-urbanisation of the National Park.
- The modern design is out of keeping with the conservation area location and its close proximity to a non-designated heritage asset.
- The examples used of other modern developments in support of the design are not comparable in terms of plot size or visibility.
- Conservation officer comments in support seem to contradict the negative policy implications and lack of sustainability.
- Excessive glazing on western side would result in light spill and an adverse impact on wildlife
- Proposal would be likely to result in the loss of the mature hedge along the boundary
- Application provides no indication of intended levels of insulation or renewable energy measures and has not demonstrated a high level of sustainability.

- Size of dwelling and garage are such they would reduce private amenity and parking areas to an unacceptable level, contrary to Policy DP37.
- Proposed access and parking is impractical and inadequate and would be likely to lead to parking on Bisterne Close and road safety issues due to the necessity of having to reverse onto the road near a blind bend.
- Question the need for a pedestrian access.
- Construction would have an adverse impact on the forest verges and animals.
- Queries over land ownership and encroachment onto Forestry England land.
- If approved would set a dangerous precedent for an unnecessarily high roof for a single storey building

7. RELEVANT HISTORY

Erection of a canopy and lytchet gate (84/26908) approved on 09 August 1984

Erection of house and garage and alterations to existing pedestrian /vehicular access (existing bungalow and garage to be demolished) (80/17623 O/L) refused on 30 September 1980

Erection of a dwelling of 950 sq. ft and garage with the construction of a pedestrian /vehicular access (existing bungalow and outbuildings to be demolished) (80/17623O/L) refused on 05 June 1980

Erection of a dwelling of 1,000 sq.ft and a garage with alterations to existing access (existing bungalow and outbuildings to be demolished) refused on 11 December 1979

8. ASSESSMENT

Application Site

- 8.1 Hollyholm is a detached, single storey timber clad dwelling, with a linear floor area, set in a long, narrow plot, to the south of Bisterne Close. There is a single garage building located towards the frontage of the site and a number of detached and detached outbuildings set along the eastern boundary and in the southern part of the site. To the west of the site there is an open paddock, which is associated with Shoot Wood, the garden of which is located to the south of the site. To the east is the neighbouring property, Holmwood (formerly known as Holm House). Both Shoot Wood and Holmwood have been identified as non-designated heritage assets (NDHAs). The site is located within the conservation area with the open forest to its north, with the designated SSSI, SAC and SPA's slightly overlapping the frontage of the site and that of the adjacent paddock.

Proposed Development

- 8.2 The application seeks permission to replace the dwelling and garage, retaining the existing outbuildings along the eastern boundary of the site, but removing those to the south and west. There have been a number of amendments made to the proposals during the course of the application in response to concerns that have been raised, including the removal of any two-storey element, a reduction in the overall size of the building and the removal of one of the vehicular accesses onto the road. The buildings, in particular the garage have also been slightly repositioned to address issues of encroachment outside the site.

The key considerations are:

- Implications for Policies DP35 and P36.
- Whether the proposed replacement garage is in accordance with Policy DP37
- Design of the proposal and whether it is appropriate to the property and its curtilage.
- Impact upon the street scene and the character and appearance of the surrounding Conservation Area.
- Impact on neighbour amenity
- Ecological impacts and impacts on trees.

Consideration

- 8.3 Policy DP35 states that the replacement of existing dwellings will be permitted except (a) where it is the result of a temporary permissions or series of temporary permissions or the result of an unauthorised use of (b) makes a positive contribution to the historic character and appearance of the locality.
- 8.4 In this case, whilst it is evident that there has been a dwelling on the site for a considerable number of years, the point has been raised in submitted comments that, as there is no record of any permission for the dwelling and it did not appear on maps or land survey records prior to 1963, it is effectively an unauthorised development and permission should not be granted for its replacement. Reference has been made to a recent decision, elsewhere within the National Park where an application was refused on this basis (Nestledown 23/00881). The origins of the application property as a dwelling are certainly unclear. However, the fact that there is no record of an original consent for the dwelling is not conclusive proof that no such permission was granted. The Authority's records are as complete as possible, but this is not the only site where it has not been able to find the original consent for a dwelling that has obviously been erected since planning regulations were introduced in 1947. Furthermore, there have been a number of applications on the site over the years which, with the exception of an access and lytchet gate in 1984, were for replacement

dwellings, albeit they were all refused. Each of these earlier applications refers to the 'existing bungalow and garage to be demolished'. A 'timber bungalow' was also referred to in Inspectors decision letter on appeal relating to the land to the west of the site in 1963. There is no indication in any of these applications that the bungalow that existed on the site was unauthorised and in the absence of any evidence to the contrary it must be concluded that the residential use of the property is lawful and its replacement would not be contrary to Policy DP35 in principle.

- 8.5 This dwelling can therefore be clearly distinguished from the property at Nestledown where it was clear from the planning history that the dwelling had been retained after the temporary permission for its siting had expired in 1967. As no action had been taken for its removal and it had been continually occupied for a period in excess of 10 years after the date that it should have been removed, it was recognised that whilst the use of the building for residential purposes was lawful, it was as the result of an unauthorised use and its replacement was not supported by policy.
- 8.6 Information has also been provided by third parties to suggest that the latest sale of the property took place as a 'non residential transaction' in support of their view that there is no established dwelling on the site. The applicant's solicitor has, however, confirmed that the purchase was made of a residential property and was subject to stamp duty, which was duly paid. Evidence of this has been provided, together with Council Tax records.
- 8.7 The size of the existing property has also been queried, with comments being made as to previous extensions that have resulted in a dwelling that is considerably larger than the original. These comments have been supported by calculations using scale drawings on previous applications, such as the OS extract location plan submitted with the 1984 application, in which the dwelling has a footprint of around 87sq.m. It should, however, be noted that there have been no applications to extend the property, with the only post 1982 application being for the access and lychet gate, showing no detail of the dwelling on the site. The location plan that was submitted with that application was the same as those submitted with the 1979 and 1980 applications and does not therefore mean that the dwelling had not been extended prior to 1982. It is again therefore not possible to confirm conclusively what the size of the dwelling was on the date used for assessing the floor area of the existing dwelling. Reference has been made to subsequent extensions and alterations that were not the subject of any consent, though there have been no complaints or information provided to the Authority about any works taking place during this period. The Authority has no historic enforcement records to suggest that unauthorised works have been undertaken on the site.
- 8.8 In these circumstances it is considered reasonable to treat the existing floorspace as being the current habitable floor area, which is calculated as just under 120 sq.m, excluding the attached outbuilding to the rear (south). The plans that were submitted originally included a usable (over 1.5m in height between floor and ceiling) mezzanine space and the resultant

dwelling was calculated as being 169 sq.m, an increase in floor area of 41%, clearly in excess of policy limitations. The plans were subsequently amended to reduce the ceiling height of the mezzanine to under 1.5m, thereby not considered to be habitable. This resulted in an increase in habitable floor area of just under 30%. The latest iteration of the plans removed the mezzanine area entirely and slightly reduced the footprint of the building to 140.5 sq.m. This amounts to an increase of 17% above the existing floor area and on that basis, falls within policy.

- 8.9 It is recognised that the 30% policy limitation is an upper limit rather than an entitlement and any development must therefore also be considered in terms of its appropriateness to the site and its surroundings, which are discussed in more detail in subsequent paragraphs.
- 8.10 Policy DP37 relates to outbuildings and seeks to ensure that they are appropriate in scale and subservient to the main dwelling, required for incidental purposes and would be located within the curtilage of the property without unacceptably reducing the amenity space around it. The replacement garage in this case is the same size and scale as the existing structure on the site and though it would be moved by around a metre closer to the dwelling, there would still be a gap of 5.75m between the buildings. In terms of available amenity area, it should be noted that the existing site contains, in addition to the outbuildings shown to be retained, an array of other structures, including the single storey building along the southern western side of the site and a number of glasshouses and sheds along the southern boundary which are to be removed. Therefore, notwithstanding the increase in the footprint of the dwelling, the overall coverage of the site with built form would be slightly decreased and the level of amenity land available to its occupants would not be compromised.
- 8.11 Reference has been made to previous applications on the site for replacement dwellings, all of which were refused. The application in 1979 was for a modest sized two-storey house, which was refused on the grounds that it would result in insufficient amenity space being available for the residents and the overdevelopment of the site would detract from the pleasant neighbourhood and the amenities of the adjacent dwelling. The most recent application (in 1980) showed a larger, two-storey dwelling set closer to the boundary with Holmwood and was refused for the reason: *'Having regard to the size and shape of the plot and its relation with the adjoining development it is considered that the proposed dwelling would detract from the amenities of this pleasant neighbourhood and the adjoining residential properties'*. Whilst the planning history of the site is relevant in the assessment of an application, it is also necessary to take into account the current situation. Where, as set out above, the actual increase in site coverage as a result of the proposal is no greater than exists at present and the proposed dwelling is of a similar form to the existing, the proposals must be considered in this context.
- 8.12 The design of the building is similar to the existing in that it is a long, low structure, which would be clad in timber and although it is recognised that

the ridge height would be increased, it would still retain the character and appearance of a single storey dwelling. There has been considerable concern expressed locally about the contemporary design and whether it is appropriate to the location within the conservation area. Advice has been sought from the Authority's conservation officer who maintains the view that the relatively simple design is an acceptable approach for a replacement dwelling in this location, incorporating the traditional materials of the New Forest in a contemporary fashion. The replacement building has also been designed to maximise its thermal and energy efficiency, through the use of high quality, sustainable materials which integrates passive heating and ventilation. Details of the measures to be taken have been provided with the application and seek to improve the energy performance from its current very low (F) energy rating to an A rating.

- 8.13 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. It is also adjacent to a locally listed heritage asset (Holmwood) and consideration should be given to the potential impact on the setting of this asset. This part of the Burley Conservation Area at Bisterne Close features a number of late Victorian and Edwardian detached dwellings. There are also later C20 infill or modern dwellings which have been built, reflecting dwellings of a variety of ages, sizes and materials of construction. These are generally much larger than Holly Holm and not all are sympathetic to the traditional character of the New Forest in their materials of construction. The existing pre-fabricated nature of Hollyholm does not currently enhance or contribute to the character of the Conservation Area and is unusual in this area in terms of its small scale, design and linear plot layout. The current building is hardly discernible from the lane and whilst the ridge line of the proposal would be slightly taller (by 0.7m), it is still set back within the site, and screened by hedging along the western boundary and along the roadside. The proposed use of high-quality materials would improve the overall appearance of the building and it is not considered that the proposal would have an adverse impact on the character and appearance of the conservation area.
- 8.14 With regard to the impact on the setting of Holmwood, this property already has a close relationship, in terms of proximity, with the application site. The majority of the proposed dwelling would be no closer to the boundary of Holmwood than the existing and whilst the increase in height and length to the north would make it more visible from that property it would not compete with it in terms of its scale or have a significantly greater impact on its setting.
- 8.15 Considerable concern has been expressed about the impact of the proposals on the amenity of neighbouring properties, in particular Holmwood to the east, due to the height and increased length of the dwelling being more visible from that property. However, the fact that a building would be more visible does not, in itself, result in such a detrimental

impact to residential amenity, unless it can be demonstrated that undue harm is caused through loss of light, privacy or outlook. In this case, the single storey design of the building, together with existing intervening buildings and boundary treatment between the site and Holmwood are such that there would be no loss of privacy through overlooking. The existing bungalow has an average ridge height above the ground level of 3.5m with two chimneys of between 1m and 1.2m high projecting above it. The maximum height of the proposed dwelling would be 4.3m, with the roof sloping up from an eaves height of 2.8m away from the boundary. The nearest part of the proposed dwelling to the boundary is at the northern end, where the eaves would be around 2.7m away and the ridge 5.7m away. The boundary at this point is defined by a close boarded fence and a taller hedge. At the southern end of the dwelling, the site widens, with the eaves being 5.4m from the boundary and the ridge 8.4m away. Given these distances and the modest overall height it cannot be said that the proposed dwelling would have any added impact through increased shading or loss of light. Similarly, although it will have increased visibility from Holmwood, it would not be so intrusive in the outlook from that property, the windows of which are predominantly to the front and rear, so as to have such an adverse impact that it would be possible to refuse the application on these grounds. It is recognised that the garden room extension to the rear of Holmwood is glazed on its western side, but this aligns with a part of the boundary that, at least at the time of the site visit, had tall planting that extended well above the fence and would obscure the new building in views from this direction.

- 8.16 The only other residential property with a contiguous boundary with the site is 'Shoot Wood', located to the south. The new dwelling would have a similar relationship with that property as at present, with the nearest part being over 45m away and the increase in the height would not have any direct or increased impact on the outlook from that dwelling. The land to the west of the application site is in the same ownership as Shoot Wood and is a paddock, which is not considered to be unduly sensitive in terms of residential amenity, although care would need to be taken to protect and reinforce the boundary screening that defines the western boundary of the application site.
- 8.17 The site contains a number of trees of varying size and quality, together with mature hedgerows along the eastern and western boundaries. Concern has been raised that the proposed works would have an adverse impact on the long-term health and retention of these natural features, with consequent impact on the character and appearance of the surrounding area. In particular the comment has been made that the proposed pergola is too close to the mature hedge on the western boundary and that the concrete supports could jeopardise the long-term health of the hedgerow. Whilst it is acknowledged that the leaching of concrete into the soil can have a long-term deleterious impact on plants, there are measures that can be used to avoid this and, subject to such measures being in place, the tree officer has confirmed that the hedgerow is capable of being retained in a good condition. It is noted, however, that a tall fence has been recently

erected along the western and southern boundaries of the site, by the owner of the neighbouring land, which could have implications for the long-term well-being and retention of the hedgerow due to its close proximity blocking light from the inner face leading to dieback and thinning.

- 8.18 Ecological surveys were carried out and the reports submitted during the course of the application which did not identify the presence of any bats or adverse impact to other protected species. Recommendations were made for enhancement measures which are not detailed in the currently available information and a condition to ensure their acceptability is therefore appropriate. The amendments to the access will serve to reduce adverse impact on the adjacent verge, which lies within the SSSI. However, given the proximity of the site to ecologically sensitive areas, it would be necessary to ensure that there is no adverse impact during construction works, through the parking of vehicles on verges or any other inappropriate storage of plant and materials. A condition requiring the submission and approval of a Construction Environment Management Plan (CEMP) prior to the commencement of any development is therefore appropriate.
- 8.19 At some point in the past an additional vehicular access had been created on the frontage of the property, immediately adjacent to the access and gate permitted in 1984. There was no licence issued by Forestry England for the second access, which is not visually obvious, as the gates appear to be part of the close boarded fence along the frontage. Following an objection from the Verderers of the New Forest, amended plans have been produced, in conjunction with Forestry England advice, to resolve the historic encroachment of the site onto Crown Land. The unauthorised vehicular access is shown to be removed and replaced by a pedestrian gate. The proposed replacement garage is set slightly further back from the road than the existing and has been moved away from the western boundary. These amendments have been confirmed as being acceptable by both the Verderers and Forestry England.
- 8.20 Concerns have, however, been raised about whether the revised solution would in fact enable satisfactory on-site parking and the potential for it to result in an adverse impact on highway safety due to the necessity of reversing onto the road or lead to additional parking on the verge areas. In terms of amount of parking achievable on site, the loss of the second access would, if the garage was retained in its existing position, enable only one car to be parked on the site (within the garage) as there would be insufficient room to manoeuvre past the garage building into the area to its side. However, the revisions to the site plan show the garage to be set back 4.8m from the gate, providing enough room either to park directly in front of the garage or to move past it to the side. It is recognised that cars would be required to either reverse into or out of the site which is not ideal, but since this has always been the case, it is not considered that the amendments to the access would materially alter the implications for parking and highways safety so as to justify a reason for refusal on this basis.

Conclusion

- 8.21 This is a contentious planning application in the village which has attracted considerable objection. Legitimate concerns have been raised about the origins of the existing property and the scope to replace and extend it further on what is a tight and irregular shaped plot. However, following a series of amendments to the originally submitted plans and subject to the conditions set out below, it is considered that, on balance, the proposed development is capable of being accommodated on the site without adverse impact on the character and appearance of the surrounding conservation area or neighbour amenity, in accordance with policies DP2, SP15, SP16, SP17, DP18, DP35 and DP36 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 plans:

2303-PP 01 - Location plan
2303-PP 10-D - Proposed site plan
2303-PP 11-C - Proposed ground floor plan
2303-PP 13-C - Proposed roof plan
2303-PP 14-D - Proposed north and south elevations
2303-PP 15-C - Proposed east and west elevations
2303-PP 16-C - Proposed sections
2303-PP 17-D - Proposed sections
2303-PP 18-B - Proposed inset elevations
2303-PP 19-A - Replacement garage elevations
2303-PP 20-B - Proposed elevations (landscaping omitted)
2303-PP 21-B - Proposed elevations (landscaping omitted)
2303-PP 35-B - Existing and proposed street elevation

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. No development shall take place until a construction management plan, informed by ecological professionals, has been submitted to and approved in writing by the National Park Authority. The plan shall include:
 - details of a compound to be provided for the storage of materials, machinery, waste materials and spoil
 - details of the disposal of any spoil from the site
 - measures that will be implemented to avoid or mitigate constructional impacts on the adjacent SSSI during the construction phase.

All materials, machinery, waste materials and spoil shall be stored within the approved compound.

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)

5. Prior to the commencement of development (including site and scrub clearance), specific measures for ecological mitigation and enhancement (including timescales for implementing these measures) 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. The measures shall be based on the recommendations set out in the ecological report (Phillips Ecology dated September 2023) approved as part of this planning application.

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).

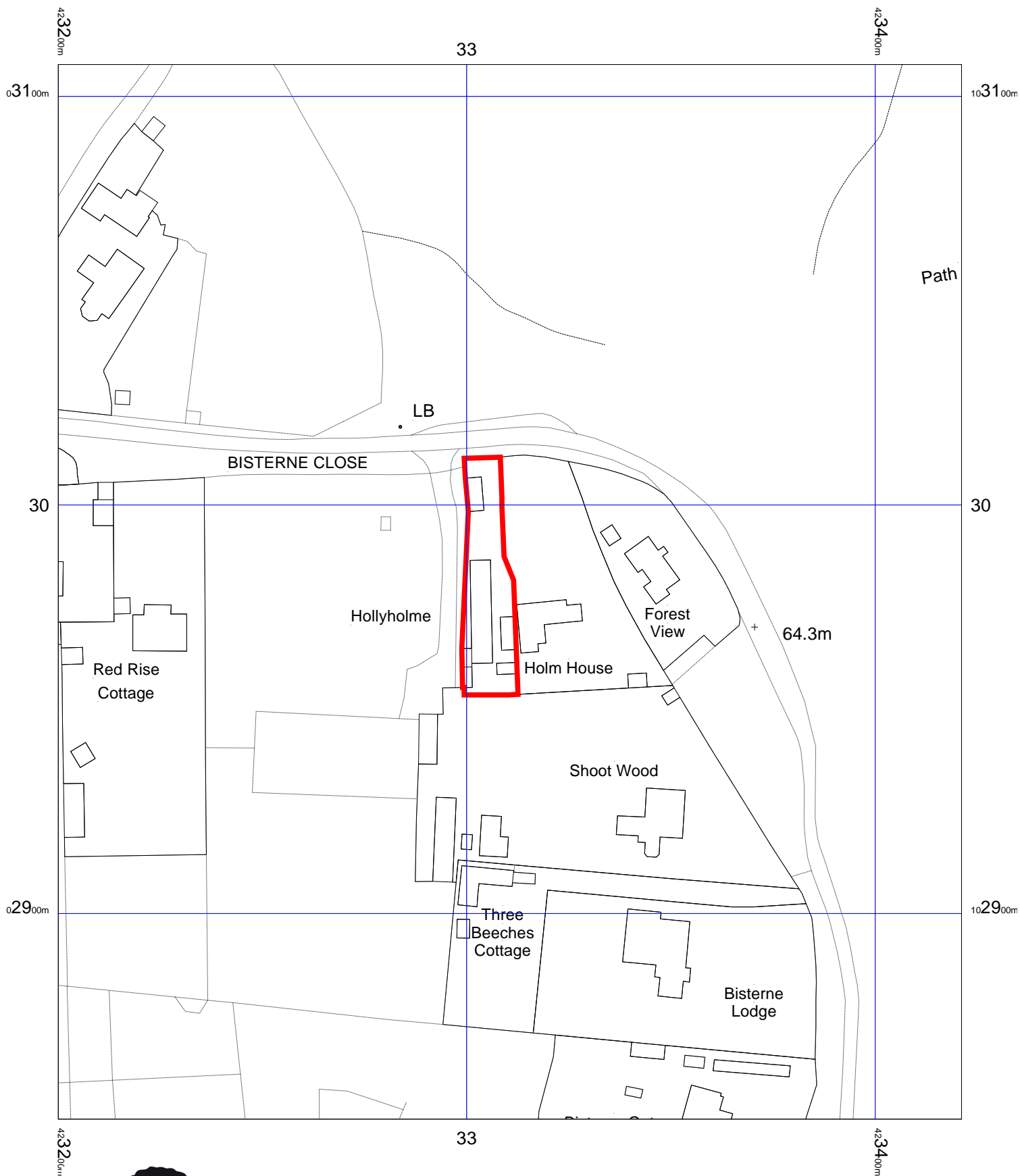
6. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site and Arboricultural Method Statement in accordance with BS5837: 2012 have been submitted to and approved in writing by the Local Planning Authority. The western boundary hedge should be maintained at a height of no less than 1.8 metres.

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 and to screen the development from livestock in the adjacent paddock, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

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



NEW FOREST
NATIONAL PARK

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