

Application No: 26/00492VAR Variation / Removal of Condition

Site: Walden Cottage, 9, New Forest Drive, Brockenhurst SO42 7QT

Proposal: Application to remove conditions 2 and 3 of planning permission NFDC/97/60754 for house and garage (demolish existing)

Applicant: Mr S Dabson

Case Officer: Joshua Dawes

Parish: Brockenhurst Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Defined New Forest Village
Tree Preservation Order

Principal Development Plan Policies

DP2 General development principles
DP36 Extensions to dwellings

NPPF

Sec 12 - Achieving well-designed places

3. MEMBER COMMENTS

None received.

4. PARISH COUNCIL COMMENTS

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

Councillors felt that by removing the restrictions the application would conflict with Policy DP2 (General Development Principles) and Policy

DP36 (extensions to dwellings).

5. CONSULTTEES

None required.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

Garage (26/00374FULL) granted on 26 May 2026.

Application for a Certificate of Lawful Development for proposed Conversion of internal garage to habitable floorspace (26/00158LDGP) Withdrawn on 08 May 2026.

Two Storey Rear Extension; First Floor Extension over Garage (09/93969) granted on 29 May 2009.

House and garage (demolish existing) (NFDC/97/60754) granted on 25 September 1997.

Erection of 2 storey addition (demolish existing garage). (NFDC/88/38637) granted on 02 August 1988.

8. ASSESSMENT

Application Site

- 8.1 9 New Forest Drive (Walden Cottage) is a detached dwelling within the Defined Village of Brockenhurst. The plot is bordered by tall vegetation and there are a number of tree preservation orders in the locality. The dwelling is located on a generous plot on New Forest Drive.

Proposed Development

- 8.2 This application seeks to remove conditions 2 and 3 from planning permission reference: NFDC/97/60754. The conditions read as follows:

“2 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or subsequent enactment, no building or structure permitted by Classes A, B and C of the Second Schedule of the Order, shall be erected without the prior written consent of the Local Planning Authority.

Reason - To ensure the character of the area is retained.”

“3 - The garage shall be retained as a garage and shall at no time in the future be converted into habitable accommodation or used for commercial purposes.

Reason - To safeguard the amenities of the area.”

Consideration

- 8.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.4 The removal of condition 2 would allow the use of national permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse; additions etc to the roof of a dwellinghouse; and other alterations to the roof of a dwellinghouse.
- 8.5 The removal of condition 3 would allow the use of the integral garage for habitable accommodation.
- 8.6 The key considerations in this case relate to whether the removal of the conditions would allow for development which would conflict with Policy DP2 (General development principles) and Policy DP36 (Extensions to dwellings).

Principle of Development

- 8.7 By way of background, Walden Cottage has been subject to a number of previous planning permissions. The earliest of which (planning permission reference: NFDC/88/38637) for a two-storey addition, which was not implemented, provides some detail as to the form of the dwelling as it existed historically, prior to its replacement and further extension in 1997 and 2009 respectively. Based on the plans of planning permission reference: NFDC/88/38637, the dwelling would appear to have had an ‘original’ floorspace which exceeds 80 square metres. As such, the dwelling would not comprise a ‘small dwelling’ as defined within Policy DP36.
- 8.8 As the dwelling is not a ‘small dwelling’ and is located within the boundaries of the defined New Forest village of Brockenhurst, there are no floorspace restrictions to comply with under Policy DP36. The removal of the condition restricting permitted development rights for *“the enlargement, improvement or other alteration of a dwellinghouse; additions etc to the roof of a dwellinghouse; and other alterations to the roof of a dwellinghouse”* would allow for minor alterations to the external form of the dwelling, and/or a potential single storey extension to the rearmost element of the dwelling. Given the characteristics of this particular plot (as well as the size of the existing dwelling), the potential

small-scale works enabled by national permitted development rights are not considered to result in a conflict with Policy DP36 in this particular case.

- 8.9 The removal of condition 3, allowing the use of the garage as habitable accommodation would similarly not conflict with Policy DP36 as there are no floorspace limitations, the garage is integral to the dwelling and the use of the garage would not result in any significant alterations to the exterior of the dwelling or its form.

Impact on Neighbour Amenity

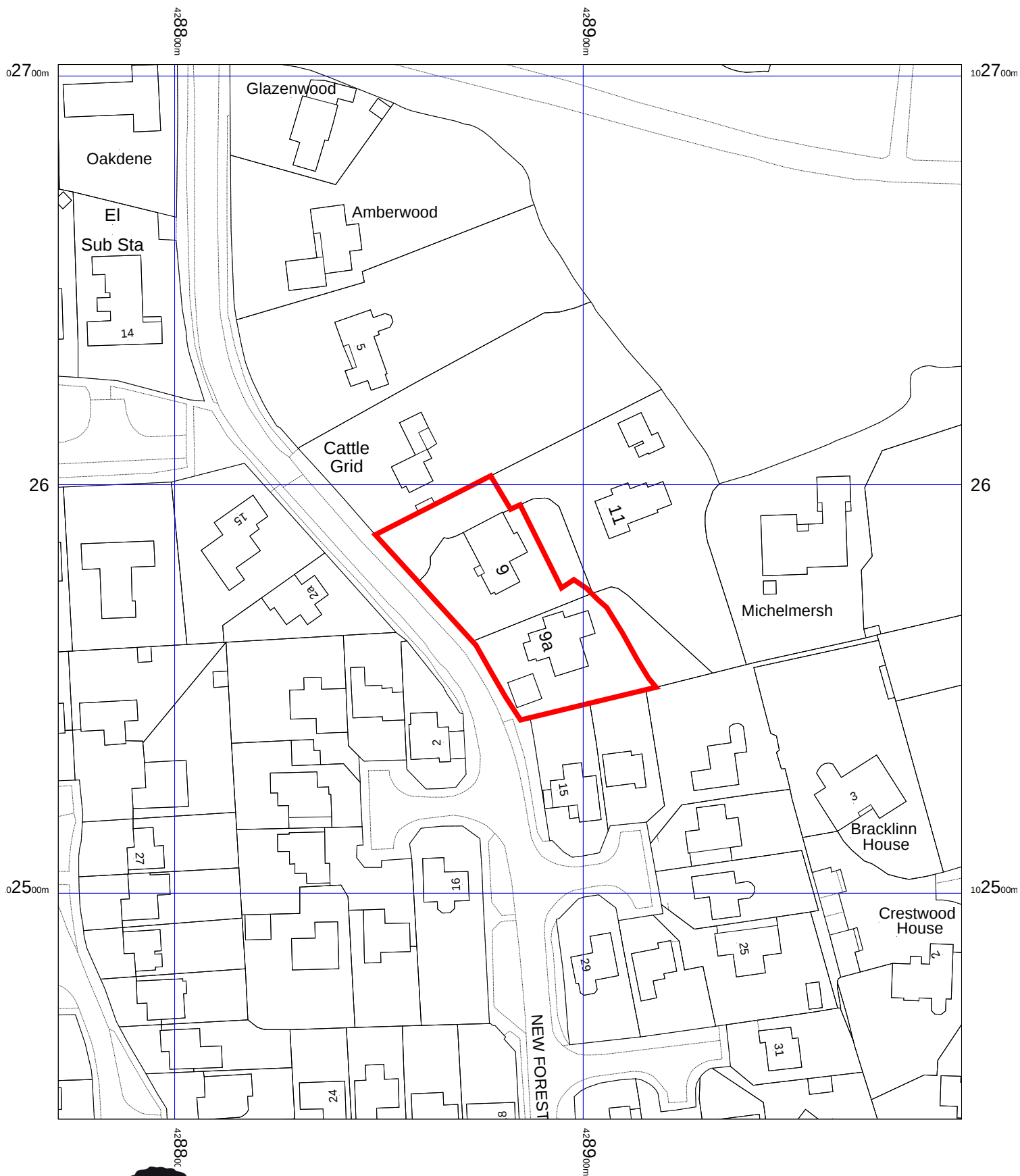
- 8.10 There are no foreseen impacts on neighbouring properties due to the removal of the two conditions cited above in relation to visual intrusion, overlooking or shading.

Conclusion

- 8.11 For the above reasons, it is concluded that the removal of conditions 2 and 3 of planning permission reference: NFDC/97/60754 would not conflict with the relevant policies of the adopted Local Plan. The remaining conditions within application NFDC/97/60754 are no longer relevant, therefore the application should be granted without conditions.

9. RECOMMENDATION

Approval without conditions



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
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Lymington, SO41 9ZG

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Date: 05/08/2026

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