

**Application No:** 24/00414FULL Full Application

**Site:** Hincheslea House, Hincheslea, Brockenhurst SO42 7UP

**Proposal:** First floor extension to include balcony and external staircase; alterations to doors and windows (AMENDED DESCRIPTION AND PLANS)

**Applicant:** Mr P Street

**Case Officer:** Lindsey Chamberlain

**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  
DP37 Outbuildings  
SP6 The natural environment  
SP15 Tranquillity  
SP16 The historic and built environment  
SP17 Local distinctiveness

#### Supplementary Planning Documents

Design Guide SPD

#### NPPF

Sec 12 - Achieving well-designed 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

Brockenhurst Parish Council: Recommend permission

## **5. CONSULTEES**

Building Design and Conservation Officer: Objection (summarised).

The building, a former Coach House is considered to be a non-designated heritage asset worthy of inclusion on the National Park's Local List and forms part of the National Park's cultural heritage. The building sits within a former parkland that has been researched by Hampshire Gardens Trust (Hincheslea House | Hampshire Garden Trust Research) and is also considered to be a non-designated Park and Garden.

Whilst revised designs overcome some of the initial concerns, the balcony is still of a considerable size projecting 5m forward of the building line.

The proposed rear extension interrupts the linear architectural form and introduces an open gable roof design which visually jars with the existing hipped roof.

The proposed balcony and rear extension would cause less than substantial harm to the historic and architectural significance of the non-designated heritage asset.

## **6. REPRESENTATIONS**

None received.

## **7. RELEVANT HISTORY**

Door & window alterations at the carriages house and conversion to staff room (07/92229) granted on 11 December 2007

Entrance gates and fencing with lantern lights; fencing (07/91951) granted on 28 September 2007

Extensions and alterations to outbuildings to form car port, garage and office/wc (07/91878) granted on 14 September 2007

Walled garden (07/91766) granted on 14 August 2007

Replacement dwelling (07/91193) granted on 02 April 2007

House; demolition of existing (06/90211) refused on 03 November 2006

Detached house (06/86899) refused on 16 March 2006. Subsequent appeal dismissed on 03 August 2006.

Erect staff house with triple garage & enclosed swimming pool (NFDC/94/54472) refused on 05 July 1994. Subsequent appeal dismissed on 12 January 1995.

Erect house & triple garage & staff accommodation in stables (NFDC/88/40190) withdrawn on 13 January 1992

Erection of a house (NFDC/91/46780) granted on 13 January 1992

Four applications granted between 1982 and 1988 (and listed below) for a dwelling and (separate) staff accommodation (references 22412, 27558, 30305, 36314) were revoked by a Revocation Order on 24 October 1991.

Erection of a house and quadruple garage and erect staff house (NFDC/87/36314) granted on 26 March 1988

Erection of a house and separate staff accommodation (NFDC/85/30305) granted on 22 November 1985

Erection of a house and staff accommodation (siting) (NFDC/84/27558) granted on 12 October 1984

Conversion of coach house to residential and erection of a house and garage (NFDC/83/25283) refused on 03 May 1984

Addition of a conservatory and erection of a swimming pool enclosure (existing glass house to be demolished) (NFDC/83/24236) granted on 17 June 1983

Erection of a house and separate staff accommodation (NFDC/82/22412) Grant 10 December 1982

Demolition of fire destroyed house and replacement with new house and new separate staff accommodation NFDC/79/12862 granted on 23 November 1979

Alterations and addition of a sitting room and attached garage block with two bedrooms and a bathroom over (existing glasshouses and outbuildings on site to be demolished) (NFDC/78/11809) granted on 06 December 1978

## **8. ASSESSMENT**

### **Application Site**

8.1 Hincheslea House site comprises a large site near to the Open Forest, accessed from the south side of Burley Road by a long drive across parkland landscape. A large two storey dwelling of Georgian 'country house' character stood on the site until it was demolished in the late 1970s following a fire. It was replaced by a smaller 'log cabin' style dwelling, which was also extensively fire damaged, in the early 1990s. A replacement dwelling received planning permission in 2007, which was constructed shortly afterwards and is the house which exists today.

8.2 Old brick outbuildings associated with the former country house have remained on site, situated within the curtilage to the south of the dwelling. The application the subject of this application comprised the former Coach House/Stables.

8.3 The site borders SAC, SPA, Ramsar and SSSI designations on the south boundary.

### **Proposed Development**

8.4 This application seeks consent for works to the former Coach House/Stables building, which is situated on the east side of the group of outbuildings. The building has a broadly symmetrical form, with a single storey 'outshot' element situated centrally on the east elevation and single storey elements at either end.

8.5 The works would be on the east elevation and would consist of:

- A central raised 'terrace' balcony constructed of wrought iron with internal staircase. The balcony would extend circa 5m out from the central east elevation 'outshot' and be circa 6.16m in width. The balcony would be supported on posts.
- On the front elevation it is proposed to include a new first floor window above the central arch.
- To the rear, a gable outshot is proposed enveloping the existing ground floor flat roof extension. This would have double doors out to access the proposed 'terrace' balcony. To the ground floor the two windows present on the existing rear addition are to be removed and replaced with two sets of double doors.
- Lastly, on the rear elevation, a new access door is proposed to be inserted instead of an existing window and two new windows added either side of this rear door.

### **Consideration**

8.6 By way of background, the former Stables/ Coach House, was conditioned to only be used for purposes ancillary to the dwelling on the site under planning permission reference 07/91878.

8.7 The key considerations in this case relate to the proposed design and impact on heritage assets and the impact on ecology.

8.8 Section 15, paragraph 189 of the National Planning Policy Framework (NPPF) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. All national park authorities in England have a statutory duty to seek to further the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park (being the first statutory purpose as set out in the Environment Act 1995).

8.9 Section 12 (Achieving well-designed places), paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process

should achieve. In addition, paragraph 139 of the NPPF sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.10 In respect of the impact on heritage assets, the building, also noted as a Coach House, has to date been sympathetically altered and is considered to be a non-designated heritage asset worthy of inclusion in the National Park's Local List and forms part of the National Park's cultural heritage. In addition, it is recognised that the building sits within a former parkland that has been researched by Hampshire Gardens Trust and is also considered to be a non-designated Park and Garden.

8.11 Paragraph 202 of the NPPF sets out that heritage assets including sites and buildings of local historic are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SP16 of the Local Plan provides stronger heritage protection than the NPPF, requiring that development within the National Park should conserve and enhance the significance or special interest of designated or non-designated heritage assets. They should: (a)(iii) make a positive contribution to, or better reveal, or enhance the appreciation of, the significance or special interest of a heritage asset or its setting. Proposals will be resisted where they would harm the significance or special interest of a heritage asset (designated or undesignated) unless any harm is outweighed by the public benefits of the proposal, proportionate to the degree of harm and significance of the asset, including securing its optimum viable use.

8.12 The Authority's Building Design and Conservation Officer has been consulted and is unable to support the proposals. Whilst amendments have been made following the initial objection which have addressed some matters, the balcony is of a considerable size projecting five metres forward of the building line. This overly excessive balcony is considered to erode the historic character and appearance of the building. In addition, the proposed rear extension would interrupt the linear architectural form and introduce an open gable roof design which would visually jar with the existing hipped roof. The resultant extension would appear bulky and dominate the rear of the heritage asset. Overall, the proposed development is considered to cause less than substantial harm to the historic and architectural significance of the non-designated heritage asset. No public benefits have been put forward to offset this harm. The proposals therefore conflicts with Policy SP16 of the adopted Local Plan.

8.13 In relation to design consideration, Policy DP2 (General Development Principles) promotes high quality design and construction which enhances local character and distinctiveness. The first floor extension and that of the rear balcony specifically are not considered appropriate or sympathetic in terms of scale and appearance in the context of the existing building. The inclusion of a large 30.6 sqm balcony is considered excessive and disproportionate, with inappropriate massing. The proposal would fundamentally alter the design of the existing heritage asset and would not enhance the built and historic environment, nor be contextually appropriate.

The balcony which would extend 5m from the single story aspect of the existing building, would comprise a large area considering the main proportion of the building is 6.6m in width, even with the inclusion of the existing rear ground floor element the balcony would extend out to almost 60% of the depth, as the property exists today. In addition, it is noted that railings have now been included within the balcony design. The inclusion of railings on the proposed balcony - which rivals in size that of a principal room - is not supported by the Authority's Building Design and Conservation Officer. As above, the proposed gable would add to the bulk and dominance of the development. It is therefore considered that Policies DP2 and DP18 are not adhered to.

8.14 An ecological survey has been undertaken identifying the presence of bat roosts within the building and that a European Protected Species licence will be required for any works within the building, noted as the Stables within the Ecological Assessment, due to the temporary impact/loss of roost and potential direct impacts to a long-eared roost. The Authority must therefore be satisfied that the three tests for obtaining such a licence would be met. The first and second tests relate to the work being in the public interest, (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (the development is the appropriate means of meeting the homeowners' requirements). In this instance, as highlighted above, the proposal is not compliant with Policies DP2, DP18 and SP16 and thus does not meet these tests.

8.15 The third test relates to the maintenance of the conservation status of the population of protected species. Had the initial tests been met, this test would have been capable of being met subject to the work being carried out in accordance with the recommendations of the ecology report and the requirements of a licence.

## **Conclusion**

8.16 The proposed development, by virtue of its scale, siting and design would not be in keeping with or appropriate to the existing building. The proposal would cause less than substantial harm to the significance of a heritage asset. It has not been sufficiently demonstrated that the harm has been outweighed by public benefit. The proposal would be contrary to the requirements of Policies DP2, DP18 and SP16 of the adopted Local Plan, the Design Guide SPD and the NPPF.

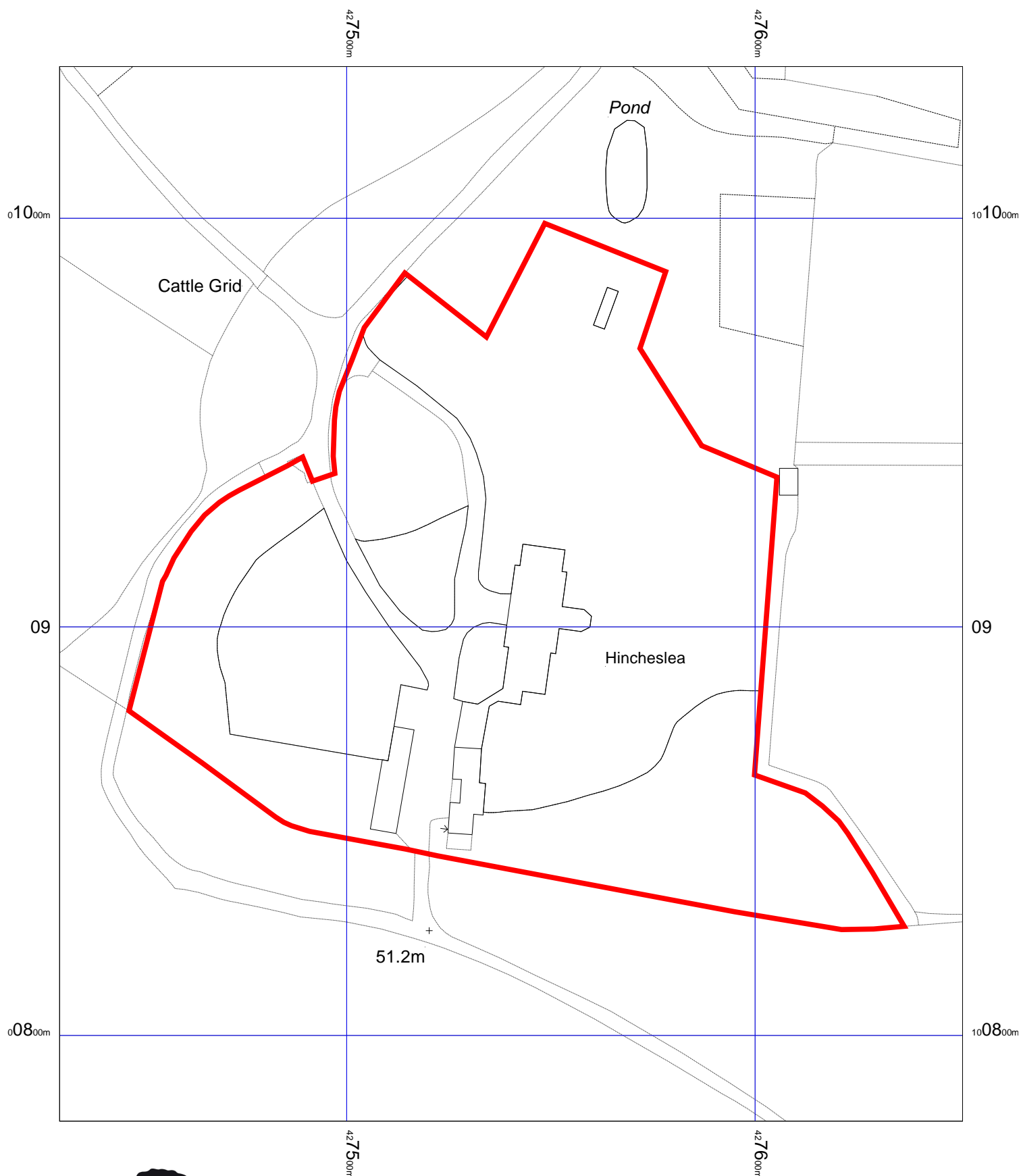
## **9. RECOMMENDATION**

Refuse

### **Reason(s) for refusal:**

1. The proposed development, by virtue of its scale, siting and design would not be in keeping with or appropriate to the existing building and its setting. The proposal would cause less than substantial harm to the significance of a non-designated heritage asset and it would fail to be appropriate or sympathetic to its setting within a historic parkland. It has not been sufficiently demonstrated that the harm has been outweighed by public benefit. The

proposal would be contrary to the requirements of Policies DP2, DP18, and SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019), sections 12, 15 and 16 of the National Planning Policy Framework and the Design Guide SPD. Furthermore, the proposed development would not seek to further the purposes of the National Park, contrary to the requirement of Section 245 of the Levelling Up and Regeneration Act 2023, which amended Section 11A of the National Parks and Access to the Countryside Act 1949.



NEW FOREST  
NATIONAL PARK

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

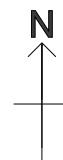
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Date: 06/11/2025

**Ref: 24/00414FULL**

**Scale: 1:1250**

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**Application No:** 24/01362FULL Full Application

**Site:** Christmas Tree Farm, Hangersley Hill, Hangersley, Ringwood  
BH24 3JR

**Proposal:** Replacement dwelling; outdoor pool; garage; outbuilding;  
demolition of existing dwelling (AMENDED PLANS &  
INFORMATION)

**Applicant:** Mr & Mrs T Wheeler

**Case Officer:** Carly Cochrane

**Parish:** Ringwood Town Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2. POLICIES**

**Development Plan Designations**

Conservation Area

**Principal Development Plan Policies**

**New Forest National Park Local Plan 2016-2036**

DP2 General development principles  
DP18 Design principles  
DP35 Replacement dwellings  
DP36 Extensions to dwellings  
DP37 Outbuildings  
SP6 The natural environment  
SP7 Landscape character  
SP14 Renewable energy  
SP15 Tranquillity  
SP16 The historic and built environment  
SP17 Local distinctiveness

**Ringwood Neighbourhood Plan**

R10 Zero Carbon Buildings

**Supplementary Planning Documents**

Design Guide SPD

## **NPPF**

Sec 12 - Achieving well-designed 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**

Ringwood Town Council: Recommend refusal. Six responses received between January and July 2025. Please refer to full comments on the Authority's website.

### **5. CONSULTEEES**

Tree Officer: Support subject to conditions.

Building Design and Conservation Area Officer: Initially submitted plans not supported. Amended plans, supported subject to conditions.

Ecologist: Support subject to conditions.

### **6. REPRESENTATIONS**

89 letters of representation have been received. 15 letters are in support of the application, nine provide comment, and 65 letters object to the application. It is noted that there have been multiple representations submitted by the same representees. The material planning considerations that remain relevant and raised in relation to the amended plans are summarised as follows:

- **Design**

- Low quality design not reflective of the standards of schemes subject of the National Park Building Design Awards.
- Out of character with the conservation area.
- Excessive in scale.
- Dominant and intrusive within the landscape due to its elevated siting.
- Oversized glazing resulting in light spillage.
- Query relating to the accuracy of the floorspace calculations and omission of the existing 'Cottage.'
- Proposed replacement should be located on the same footprint as the existing dwelling - no environmental benefit to be had in the proposed location.

- **Outbuilding**

- Scale disproportionate to the proposed dwelling.
- Concern it would not be used for incidental purposes.

- **Neighbouring Amenity**
  - Concern with regard to loss of privacy.
  - Concern with regard to noise pollution from the pumps serving the proposed swimming pool.
  - Concern with regard to increased noise pollution.
- **Facilities**
  - Concern with regard to wastewater discharge and connection mains drainage.
  - Concern with regard to removal of existing underground tank and contamination.
  - Concern with regard to swimming pool water and how it will be managed.
- **Other matters**
  - Permission would result in multiple dwellings on site, in relation to the Cottage which should be being used for storage only and not occupied for residential purposes.
  - The proposal does not and cannot achieve the required or purported eco credentials.
  - Proposal results in the overdevelopment of the plot.
  - Creation of additional accesses.

## 7. **RELEVANT HISTORY**

Relief of Condition 2 of RFR 9289 - agricultural occupancy (NFDC/91/47709) granted on 03 July 1991

Removal of agricultural occupancy condition under RFR.9289 (NFDC/74/00762) refused on 06 September 1974

Bungalow and access (RFR/XX/09289) granted on 08 January 1964

## 8. **ASSESSMENT**

### **Application Site**

- 8.1 The application site is located to the eastern side of Cowpitts Lane and comprises a single storey dwelling set centrally and within the front part of the site, oriented east-west, and attached via a 'car port' to a building which is not locally listed but is considered to positively contribute to the historic and architectural interest of the conservation area. There is a detached outbuilding to the northwest of the dwelling, and the site is screened from the highway by trees along the front boundary. The site rises away from the highway, and adjoins residential properties at Cowpitts Lane, Burcombe Lane and St Aubyns Lane.
- 8.2 The dwelling the subject of this application was originally granted permission in 1964, and its occupation was restricted by an agricultural tie condition. This occupation restriction was removed in 1991. The building adjacent to the front of the site, known as

'the Cottage' was in existence at the time of the 1964 permission, and the plans at the time indicated that the cottage was to be used for storage purposes in conjunction with the new dwelling, although there was no condition imposed controlling this use. The current use of the Cottage is subject to an enforcement investigation and whilst it is within the application site, the proposal does not involve this building.

- 8.3 The application site is denoted on the plans by a red outline. This outline initially included all land owned by the applicant and therefore extended east to cover a parcel of land which appears on plan as an agricultural paddock. It was proposed that some of the Biodiversity Net Gain (BNG) enhancements were to be provided within this area. Following the Case Officer's site visit, it was apparent that there is no physical separation between this area and the residential curtilage, and therefore for this area to be included within the red outline could be misinterpreted as being accepted that this area is part of the residential curtilage. Additionally, the BNG enhancements proposed for this area were not compatible with the agricultural use of the land. The red outline was therefore amended and reduced, to only cover the existing residential curtilage which is the usual approach for applications of this nature. For clarity, this does not result in the subdivision of the site, nor does it imply any change of use of the land. Resultantly, the site area, in combination with the self-build nature of the development, falls below the thresholds established nationally for BNG and therefore BNG is no longer applicable or a matter for consideration in this application.

### **Proposed Development**

- 8.4 The design of the proposal has been subject to amendments in response to consultee comments. This reflects the requirements of national policy for planning authorities to engage proactively and positively with applicants to address matters where appropriate. As such, this application seeks permission for the replacement of the dwelling and outbuilding, with the installation of a pool to the front of the dwelling, and hard and soft landscaping.
- 8.5 In respect of applications for replacement dwellings, Policy DP35 of the Local Plan sets out that the replacement of existing dwellings will be permitted except where the existing dwelling is the result of a temporary or series of temporary permissions or the result of an unauthorised use, or where the dwelling makes a positive contribution to the historic character and appearance of the locality, i.e. a non-designated heritage asset or listed building. In this instance, the dwelling is lawful, and whilst the building adjacent to the front boundary is of merit, it does not form part of the application. The principal of a replacement dwelling is therefore supported by the statutory development plan policies.
- 8.6 Policy DP35 also permits the siting of a replacement dwelling to be different to that existing, providing there are clear environmental

benefits. In this instance, the proposed replacement dwelling would be sited perpendicular (north-south) and rearward within the plot to the existing, with a minimal overlap of the existing footprint. The orientation of the replacement dwelling would seek to maximise passive solar gain, and, whilst the proposed replacement dwelling would be on a slightly elevated level to that of the existing dwelling, it is not considered that there would be any adverse impacts arising from the proposed siting. As such, the siting of the dwelling is considered acceptable, as it enables the orientation to improve the efficiency of the building.

- 8.7 In combination with Policy DP35, Policy DP36 of the Local Plan allows a dwelling to be extended at the time it is replaced. The Authority's Planning Information Leaflet (Domestic Extensions and Replacement Dwellings) and Design Guide Supplementary Planning Document (SPD) set out the expectation that any additional floorspace added at this point should read as an extension, i.e. be subservient in its scale, rather than being subsumed into the core of the main dwellinghouse. In this instance, the application proposes a two-storey structure with rooms in the roof space, with single storey elements and a combination of the use of pitched and flat roofs. Despite the height of the dwelling being approximately eight metres, the design of the proposed replacement dwelling is such that it appears single storey, particularly when viewed from the front elevation due to the lack of any glazing upon the roof. Single storey elements upon the front and rear elevations provide a visual break from the bulk of the dwelling, and overall, the design is considered acceptable in this respect.
- 8.8 In respect of floorspace, the proposed replacement scheme would comply with the policy limitations, subject to the pergola/veranda structures upon the west and east elevations being conditioned to remain unenclosed. The Authority's Planning Information Leaflet sets out that such open-sided areas covered by a roof may be excluded from the calculations if they are constructed of lightweight materials and are conditioned to remain open. The design of these elements is considered appropriate such that the condition can be reasonably applied. There is therefore no conflict with the floorspace restriction of Policy DP36. It is considered reasonable and necessary, however, to remove permitted development rights to ensure the dwelling remains of an appropriate size and appearance.
- 8.9 The design of the replacement dwelling is a significant departure from the style of the existing dwelling; however, it is reasonable to suggest that the existing dwelling is of no architectural merit, nor does it have any positive impact upon the character or appearance of the conservation area. There is a varied mix in the form, height, siting and materials of dwellings along Cowpitts Lane and the adjoining Burcombe Lane and St Aubyns Lane. The proposed siting and orientation of the replacement dwelling would broadly align with the building lines of the neighbouring properties to the

north and south, of Wychbury Cottage and Northbury Cottage respectively. The proposed materials palette, of warm and burnt effect timber cladding, with some grey stone elements and a raised seem metal roof result in a contemporary appearance, however, not one which is considered to result in any significant harm to the character and appearance of the conservation area. A condition requiring samples of the materials to be submitted for approval can reasonably be applied to ensure their appropriateness.

8.10 Representations have been received from members of the public, and by Ringwood Town Council, in respect of the scheme's 'eco' credentials, and in particular, the compliance with Policy R10 of the adopted Ringwood Neighbourhood Plan. This policy is comprised of five parts, and states (in summary) that:

- a) All development should be zero carbon ready by design to minimise the amount of energy needed to heat and cool buildings through land form, layout, building orientation, massing and landscaping.
- b) Where feasible development should be certified Passivhaus or equivalent standards should be applied.
- c) Requires Certification of the Passivhaus standard if b) applies
- d) Is applicable for Major applications
- e) Requires the submission of a Climate Change Statement

This policy seeks to ensure that sustainable measures are incorporated within the design process, and paragraph 5.61 of the Ringwood Neighbourhood Plan sets out that 'zero carbon ready' by design means making spatial decisions on layout and orientation of buildings to maximise passive design benefits. This policy and its requirements have been addressed within the Supporting Statement, which demonstrates appropriate regard to the orientation and the opportunities for the maximisation of passive solar gain and natural light, and passive cooling; the use of smaller windows upon the western elevation and larger openings upon the eastern elevation, assisting in the thermal performance of the dwelling; and the use of brise soleil upon the rear elevation. The consideration given to design, orientation and materials in the submitted scheme reflects the requirements of part a) of R10.

In addition, Building Regulations will require the highest standards of insulation, and the submitted Sustainability Statement sets out that the dwelling will either meet or surpass the current building regulation requirements. The proposals would deliver a significant improvement in the energy efficiency achieved by the existing buildings on the site. Criteria (b) and (c) of policy R10 state that 'where possible' development should be certified to 'Passivhaus' or equivalent standards. Whilst it is not purported that the dwelling would or could be Passivhaus certified, it is clear that measures have been considered and applied which maximise passive

benefits. Criterion d) is not applicable as this is not a major development, and as aforementioned, a Sustainability Statement, which sets out details as to how the proposal reduces carbon emission and incorporates measures to reduce its contribution to climate change, has been submitted and demonstrates a significant update in energy efficiency compared to the existing dwelling on site.

Whilst the proposal may not fully meet all the criterion within this policy, the proposed replacement dwelling incorporates a series of sustainable design measures, whereas the existing dwelling, by reason of its orientation and construction, would not be capable of achieving similar or the same measures through retrofit. It is therefore concluded that the proposals have given appropriate consideration to the aims of the Neighbourhood Plan policy and proposed replacement dwelling would maximise benefits.

- 8.11 Overall, the design, siting and appearance of the proposed replacement dwelling is considered acceptable.
- 8.12 The proposed replacement outbuilding would be oriented adjacent and perpendicular to the existing outbuilding and be broadly of a similar footprint. Internally, the outbuilding would provide covered parking for two vehicles and a home office. The design of the outbuilding would be simple and would harmonise with that of the dwelling through the use of matching materials. The ridge height of approximately 5.7 metres, whilst not insignificant, would be subservient to the dwelling, and fenestration proposed is minimal. It is noted that some excavation would occur, lowering the ground level upon which the outbuilding would be located. The southern roof slope would feature solar PV panels; the number is small-scale, and therefore compliant with Policy SP14 of the Local Plan. Overall, the proposed replacement outbuilding is considered to adhere to the requirements of Policy DP37 of the Local Plan.
- 8.13 Concern has been raised in respect of impact upon neighbouring amenity in relation to noise disturbance, particularly from the use of the proposed pool, and in relation to the perceived loss of privacy and overbearing appearance. The proposed replacement dwelling would be set centrally within the plot and therefore would be set 12 metres from the northern boundary and 21 metres from the southern boundary, at its closest points. Similarly, the distance between the proposed replacement dwelling and the dwellings at the properties to the immediate north and south would measure approximately 52 metres and 27 metres respectively. Both boundaries are lined with mature vegetation such that the dwellings at these properties are not clearly visible from within the site. This is the case for all dwellings which adjoin the site, particularly those at Burcombe Lane. It is noted that the dwellings at the properties to the north and south of the application site have a much closer relationship with their respective neighbours at St Aubyns Lane and Burcombe Lane than with the existing or proposed dwelling the subject of this application. Whilst some of

the proposed development may become more visible from within neighbouring properties as a result of the increase in height, given the separation distances and boundary treatments, a refusal on the grounds of either overbearing appearance, overshadowing or loss of privacy could not reasonably be sustained. The pool would be located in close proximity to the dwelling, and therefore within its curtilage. The use of the pool by the applicants in conjunction with the enjoyment of the dwellinghouse is not considered to result in any significantly adverse impact in respect of noise that would not be reasonably expected. There are other residential properties in the locality with private swimming pools. It is therefore not considered that the proposal would result in any unacceptable adverse impacts upon neighbouring amenity.

- 8.14 The submitted ABR Ecology Ltd Ecological Assessment Report confirms the dwelling as a roost for brown long-eared bats. As the proposal would result in the destruction of known roosts, the local authority should consider the three tests of a European Protected Species (EPS) Licence prior to granting planning permission. Failing to do so would be in breach of the Conservation of Habitats and Species Regulations (2017) which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
- 8.15 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. Whilst theoretically the alteration of the existing dwelling could be possible, it would not allow the applicant to achieve the orientation, internal layout or sustainability credentials desired. Alteration works could also in themselves result in the destruction of the known roost. The only alternative would be for there to be no replacement of the dwelling. 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.
- 8.16 The third test is whether the conservation status of the species would be affected. The ABR Ecology Ltd Ecological Assessment Report makes recommendations for mitigation, compensation and enhancement in relation to bats which are considered appropriate. 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**

- 8.17 It is therefore recommended that permission be granted, as the proposal is in accordance with Policies DP2, DP18, DP35, DP36,



## 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 numbers:

9514-200 Rev B, 9514-201 Rev B, 9514-202, 9514-203, 9514-204, 9514-109

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 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).

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 ABR Ecology Ltd Ecological Assessment Report dated 23 May 2025 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 Ecological Impact Assessment (dated 25 July 2023) 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. All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the locally distinctive character of the Western Escarpment Conservation Area in accordance with Policy SP16 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) as well as the Western Escarpment Conservation Area Management Plan.

8. The outbuilding 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. The open-sided pergola/veranda structures shall at no point be in-filled or incorporated into the main dwellinghouse.

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

11. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Gwydions Tree Consultancy Arboricultural Impact Assessment & Method Statement (ref GH2199) dated 12 May 2025 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

#### **Informative(s):**

1. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

Stop all works immediately and leave the area

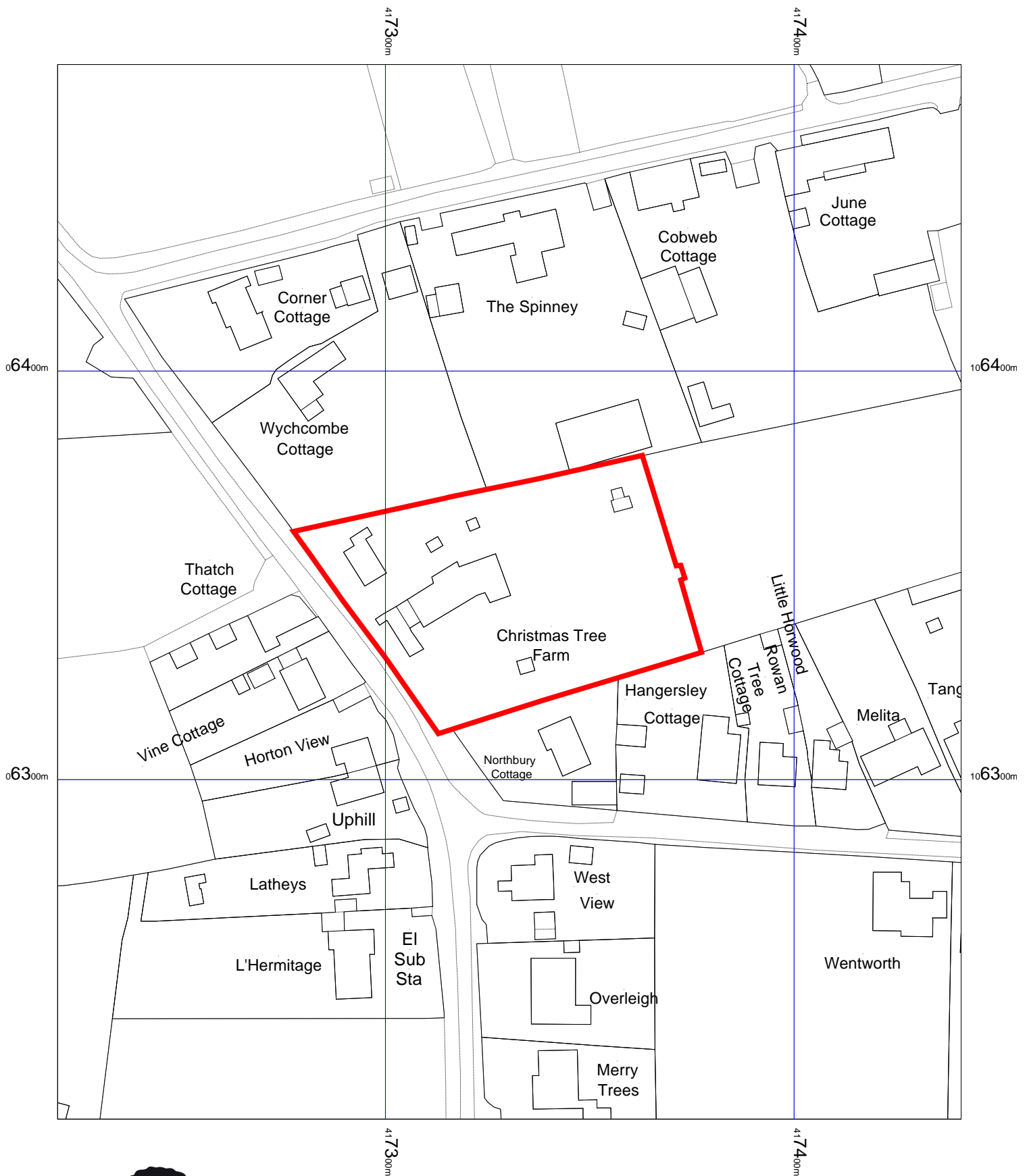
Inform an ecologist immediately who will provide further guidance / instructions

Do not try to handle or rescue a great crested newt

Do not resume construction works until advised it is safe to do so by an ecologist

It should be noted that if an individual great crested newt is found at any point during the works, a European Protected Species Licence (EPSL) or District Licence (DL) may be required to permit works that would potentially cause disturbance and otherwise commit an offence under the relevant legislation.

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for the New Forest National Park Authority's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at <https://naturespaceuk.com/>.



NEW FOREST  
NATIONAL PARK

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

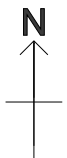
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Date: 06/11/2025

**Ref: 24/01362FULL**

**Scale: 1:1250**

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**Application No:** 25/00849FULL Full Application

**Site:** 2 Busketts Way, Ashurst, Southampton SO40 7AE

**Proposal:** Replacement dwelling and garage (demolition of existing bungalow and outbuilding)

**Applicant:** Pelleas Homes Ltd

**Case Officer:** Carly Cochrane

**Parish:** Ashurst and Colbury Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Called in by Authority Member

**2. POLICIES**

**Development Plan Designations**

Defined New Forest Village  
Tree Preservation Order  
Flood Zone

**Principal Development Plan Policies**

DP2 General development principles  
DP12 Flood risk  
DP18 Design principles  
DP35 Replacement dwellings  
DP36 Extensions to dwellings  
DP37 Outbuildings  
SP6 The natural environment  
SP15 Tranquillity  
SP17 Local distinctiveness

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

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

### **3. MEMBER COMMENTS**

Derek Tipp: Proposal is too large and not in keeping with the Village Design Statement.

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

Ashurst and Colbury Parish Council: Recommend permission but would accept the decision reached by the National Park Authority's Officers under their delegated powers.

### **5. CONSULTEES**

Tree Officer: Support subject to conditions.

Ecologist: Support subject to conditions.

### **6. REPRESENTATIONS**

Seven letters of objection have been received from six representees, in objection to the proposal. It is noted that no letters of representation have been received in relation to the amended scheme. The comments made in relation to the scheme originally submitted are summarised as follows:

- Design is out of character with Busketts Way, is overly large for the plot and in comparison to the neighbouring dwellings, does not follow the building line and uses incongruous materials.
- Significant levels of glazing resulting in light spillage.
- Proposal would result in the loss of light to neighbouring dwellings as a result of the scale and bulk.
- Siting of the outbuilding at the front boundary is visually intrusive.
- Concern with regard to proximity to the boundary and overbearing impact.
- Concern in relation to impact upon protected species (bats) as a result of the amount of glazing.
- Concerns in respect of flood risk.

### **7. RELEVANT HISTORY**

Raising height of roof; insertion of two dormers and roof light to facilitate loft conversion; porch; new access (Re-submission of application 14/00136) (14/00368) granted on 01 July 2014

Raising height of roof; insertion of two dormers and roof light to facilitate loft conversion; two storey front extension; new access (14/00136) withdrawn 28 April 2014

Alterations and addition of 2 bedrooms and extension to hallway (81/19823) granted on 11 June 1981

## **8. ASSESSMENT**

### **Application Site**

- 8.1 The application site is located to the eastern side of Busketts Way and comprises a detached single storey dwelling set centrally within the plot, which narrows towards the rear. The existing dwelling and its attached outbuildings span the majority of the width of the plot, which features trees and vegetation along its boundaries. The ground levels at the site rise south to north. The site is located within the defined village boundary, and parts of the site fall within Environment Agency Flood Zones 2 and 3.

### **Proposed Development**

- 8.2 The application proposal has been subject to alterations during the course of the application process. As such, this application seeks permission for the replacement of the dwelling, set forward within the plot in comparison with the existing dwelling, and a replacement outbuilding located adjacent to the front boundary.

### **Consideration**

- 8.3 In respect of applications for replacement dwellings, Policy DP35 of the Local Plan sets out that the replacement of existing dwellings will be permitted except where the existing dwelling is the result of a temporary or series of temporary permissions or the result of an unauthorised use, or where the dwelling makes a positive contribution to the historic character and appearance of the locality, i.e. a non-designated heritage asset or listed building. In this instance, the dwelling is lawful and is of no historic or architectural interest. The principal of a replacement dwelling is therefore supported.
- 8.4 Policy DP35 also permits the siting of a replacement dwelling to be different than that existing, providing there are clear environmental benefits. In this instance, the proposed replacement dwelling would be sited forward within the plot, with some overlap of the existing footprint, and with its front elevation oriented north west in order to create a larger rear private amenity space. The dwelling would broadly align with that at the neighbouring property to the north of 4 Busketts Way. The proposed siting and orientation would also provide more opportunity for passive solar gain, as the rear elevation would be a greater distance from the trees along the rear (southern) boundary. Additionally, there would be a solar array upon the rear roof slope. As such, the siting of the dwelling is considered acceptable.
- 8.5 In combination with Policy DP35, Policy DP36 of the Local Plan allows a dwelling to be extended at the time it is replaced. The Authority's Planning Information Leaflet (Domestic Extensions and Replacement Dwellings) and Design Guide Supplementary Planning Document (SPD) set out the expectation that any



additional floorspace added at this point should read as an extension, i.e. be subservient in its scale, rather than being subsumed into the core of the main dwellinghouse. In this instance, whilst there is no floorspace restriction to adhere to due to the defined village location, the proposal features single storey elements and diminishing ridgelines upon the rear two storey projections. The entirety of the floorspace is therefore not subsumed into the core of the dwelling, and overall, the design is considered acceptable in this respect.

8.6 The proposed materials palette of brick with horizontally hung timber cladding and a slate roof are acceptable and appropriate. Concern has been raised that the proposed dwelling would be excessive in scale and out of character with Busketts Way. Whilst there is a defined front building line, there is variety in relation to the scale, design, form and materials of dwellings such that there is no set character or appearance to the area. In respect of the scale of the proposed replacement, the submitted “Proposed Street Scene” plan illustrates that the replacement dwelling would have a lower ridgeline than that of its neighbour at number 4. Whilst the footprint of the dwelling would be enlarged, it is not considered that the resultant dwelling would be so large as to appear incongruous or visually intrusive to a harmful degree. Concern has also been raised in respect of the levels of glazing. It is not considered that the amount of fenestration is excessive, given the scale and design of the dwelling. Overall, the design of the proposed replacement dwelling is considered acceptable.

8.7 Concern has been raised in respect of the impact upon neighbouring amenity. The dwelling at 4 Busketts Way is sited in close proximity to the boundary with the application site. The two-storey elevation of the proposed replacement dwelling would be set back approximately five metres from this boundary, and the dwelling would be aligned so that neither the front nor rear elevation projects significantly beyond that at number 4. As illustrated on the “Proposed Street Scene Plan”, the ridgeline of the application dwelling would be lower than that of number 4. The application dwelling would be oriented south west of number 4, and therefore it is reasonable to suggest that the occupiers of this property may experience a change in the levels of direct sunlight reaching the garden immediately surrounding the dwelling, in the later afternoon hours. However, given the above-mentioned factors, in combination with the topography and presence of trees along the boundary, this impact is not considered to be significantly harmful. There would be a small window upon the first-floor elevation facing the neighbour at number 4, serving an ensuite. This can reasonably be conditioned to ensure it would be obscure glazed; it is also considered reasonable to condition that no additional first floor windows are inserted upon this elevation, in the interests of protecting neighbouring amenity. The proposed first floor windows upon the rear of the proposed replacement would introduce opportunity for a level of overlooking into the rear of number 4 not currently experienced. However, this property

likely already experiences some degree of overlooking from its neighbour to the north. Given the boundary treatment, topography and orientations of the respective properties, it is not considered that the proposed replacement dwelling would result in any significantly harmful opportunity for overlooking. Overall, it is not considered that the proposal would result in any unacceptable adverse impacts upon neighbouring amenity in respect of loss of light, loss of privacy or overbearing impact in accordance with Policy DP2.

- 8.8 The proposed replacement outbuilding would be located adjacent to the front boundary, within the south western corner of the site. An existing vehicular access would be closed, and the existing boundary treatment of close boarded fencing would be continued. Representations have been received stating that there are no other outbuildings to the front of dwellings at Busketts Way and that to allow such development would have an adverse impact. The application site would indeed be the first property to feature an outbuilding to the front of the building line. However, it is notable that, due to the location of the application site within Busketts Way, it does not contribute to or form part of the street scene in the same way in which numbers 4 to 17 do. An outbuilding adjacent to the front boundary would not, therefore, result in any harm to or alter the street scene or character and appearance of the area in the same way in which similar development at numbers 4 to 17 could. The principle of an outbuilding in this location is therefore considered acceptable. The outbuilding is modest in scale, providing a car port for two vehicles. The materials are appropriate, and it can reasonably be conditioned in accordance with Policy DP37 of the Local Plan.
- 8.9 Environmental Agency mapping shows that the southern section of the site, which includes the southern boundary and the existing outbuilding and access, are within Flood Zones 2 and 3. The proposed replacement dwelling falls outside these areas, and the flood risk classification of a 'more vulnerable' use would not change. The application is accompanied by a Flood Risk Assessment (FRA), which states that the proposed development would not result in any displacement of flood waters into neighbouring properties, and that the floor levels within the proposed replacement dwelling are above the predicted fluvial flood level in accordance with standing advice. It is considered appropriate to condition that the development be carried out in accordance with the guidance within the FRA.
- 8.10 The submitted Pro Vision Ecological Assessment confirms the dwelling as a roost for brown long-eared bats. As the proposal would result in the destruction of known roosts, the local authority should consider the three tests of a European Protected Species (EPS) Licence prior to granting planning permission. Failing to do so would be in breach of the Conservation of Habitats and Species Regulations (2017) which require all public bodies to have regard

to the requirements of the Habitats Directive in the exercise of their functions.

- 8.11 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 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. Whilst theoretically the alteration of the existing dwelling could be possible, although supporting information highlights that the existing foundations have failed, it would not allow the applicant to achieve the orientation and site layout proposed. In addition, alteration works could also in themselves result in the destruction of the known roost. The only alternative would be for there to be no replacement of the dwelling. 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.
- 8.12 The third test is whether the conservation status of the species would be affected. The Ecological Assessment makes recommendations for mitigation, compensation and enhancement in relation to bats which are considered appropriate. 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.
- 8.13 The proposal is subject to the requirements of Biodiversity Net Gain (BNG). The submitted metrics show that the required statutory minimum cannot be achieved onsite, and therefore the purchase of offsite credits will be necessary. This approach is supported by the Authority's Ecologist, and a condition in relation to BNG can be attached.
- 8.14 Reference has been made to the recently updated Ashurst & Colbury Parish Design Statement (adopted January 2025). The updated Parish Design Statement recommends that the scale, form and mass of any new development should be in keeping with surrounding buildings and be sympathetic to the character, appearance and rural outlook of the village. The Statement confirms that new development should not be required to simply replicate existing forms of development in terms of design and density and it is noted that Ashurst & Colbury Parish Council have recommended permission is granted.

## **Conclusion**

- 8.15 It is therefore recommended that permission be granted, as the proposal is in accordance with Policies DP2, DP18, DP35, DP36, DP37, SP6, SP14 and SP17 of the adopted Local Plan 2016-2036 (2019).

## 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 numbers:

P24-056-03-01-003 Rev C, P24-056-03-05-003, P24-056-03-03-001C, P24-056-03-05-001C, P24-056-03-05-002B, P24-056-03-03-002, and in accordance with the details of the Enviropass Site Flood Risk Assessment dated 16 September 2025.

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. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the Authority:

Evidence that a minimum of 10% Biodiversity Net Gain, calculated by reference to the statutory biodiversity metric, has been secured by means of the purchase of either (i) off-site biodiversity units sold in the off-site private market by an accredited provider, or (ii) statutory biodiversity credits.

Reason: to ensure delivery of the statutory biodiversity net gain required by the Environment Act 2021 and to accord with Policy SP6 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

4. Unless otherwise first agreed in writing by the New Forest National Park Authority the external facing and roofing materials shall be as stated on the application form hereby approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 and DP18 of the adopted New Forest

5. The first floor window on the north eastern side elevation hereby approved shall at all times be obscurely glazed.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

6. No first floor windows other than those hereby approved shall be inserted into the north eastern elevation of the building unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

7. The outbuilding 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).

8. 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).

9. Upon completion of the development, confirmation of the installation of the ecological mitigation, compensation and enhancement measures as set out within the Ecological Impact Assessment (dated 25 July 2023) 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).

10. 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).

11. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement.

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).

**Informative(s):**

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the New Forest National Park Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

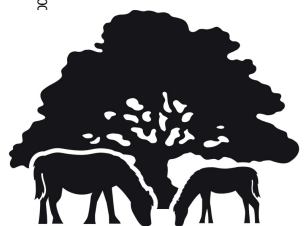
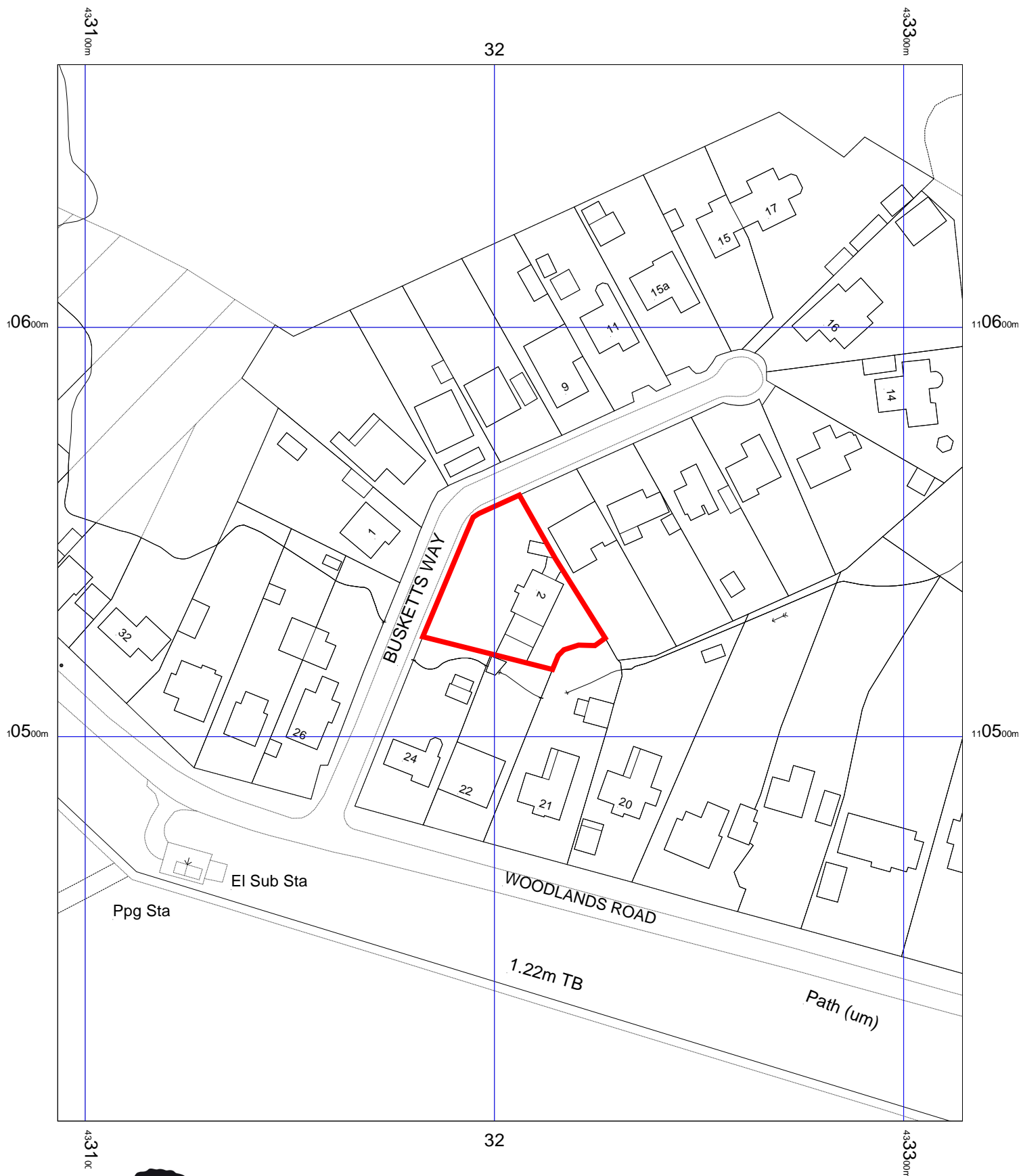
2. It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required in accordance with the Party Wall Act or other legislation.
3. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

Stop all works immediately and leave the area  
Inform an ecologist immediately who will provide further guidance / instructions  
Do not try to handle or rescue a great crested newt  
Do not resume construction works until advised it is safe to do so by an ecologist

It should be noted that if an individual great crested newt is found at any point during the works, a European Protected Species Licence (EPSL) or District Licence (DL) may be required to permit works that would potentially cause disturbance and otherwise commit an offence under the relevant legislation.

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for the New Forest National Park Authority's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at <https://naturespaceuk.com/>



NEW FOREST  
NATIONAL PARK

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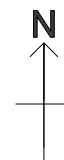
Tel: 01590 646600 Fax: 01590 646666

Date: 06/11/2025

**Ref: 25/00849FULL**

**Scale: 1:1250**

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**Application No:** 25/00862FULL Full Application

**Site:** 15, Chestnut Drive, Ashurst, Southampton SO40 7DW

**Proposal:** Replacement garage; construction of new outbuilding; store

**Applicant:** Mr R Holland

**Case Officer:** Rhian Jones

**Parish:** Ashurst and Colbury 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  
Tree Preservation Order

**Principal Development Plan Policies**

DP2 General development principles  
DP12 Flood risk  
DP18 Design principles  
DP34 Residential character of the Defined Villages  
DP37 Outbuildings  
SP15 Tranquillity  
SP17 Local distinctiveness

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

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

**3. MEMBER COMMENTS**

None received.

**4. PARISH COUNCIL COMMENTS**

Ashurst and Colbury Parish Council: Recommend refusal. Comments:  
Councillors felt that the building was:

- Contrary to DP2 (e) and SP15 - visual intrusion, particularly to the neighbouring properties;
- DP34 - it does not reflect the locally distinctive character and built heritage of the Defined Village;
- DP37 - it is not incidental to the main dwelling, the store room is being used as a cinema room. Councillors feel that the building is overbearing, particularly due to the proximity to the boundary of no. 14, and, as the dwelling has already had a substantial extension, the site is overdeveloped.

Councillors also wondered if there was any other information about the refusal of planning permission for the garage (NFDC/86/31638) in 1986 – the copy online is very hard to read but mentions refusal due to it being un-neighbourly due to the proximity to the neighbouring property.

## **5. CONSULTEES**

Tree Officer: No objection, subject to withdrawal or amendment of the Arboricultural Assessment report. [The Arboricultural Assessment Report has been subsequently amended to remove tree removal recommendations]

## **6. REPRESENTATIONS**

Two letters of support have been received raising the following points:

- The previous garage had subsidence issues and required replacement.
- The new structures are more appropriate to the setting and cause no harm to neighbours.
- The buildings comply with permitted development height and siting limits.
- The buildings are for incidental domestic use only and not self-contained accommodation.

One letter of objection has been received raising the following points:

- The development is overbearing and results in loss of privacy to no. 14 due to height, raised base, and proximity to the boundary.
- The footprint is significantly larger than the original garage and negatively affects outlook.
- Concern that the buildings are not incidental but capable of future residential use.
- Reference to the 1986 refusal for being unneighbourly, with concern that the site is now overdeveloped.
- The raised base has created concerns about drainage and potential flood risk.

## **7. RELEVANT HISTORY**

Erection of a double garage (NFDC/86/31638) refused on 23 May 1986

## **8. ASSESSMENT**

## **Application Site**

- 8.1 15 Chestnut Drive is a two-storey detached dwelling constructed in buff brick with a tiled roof, located within the defined New Forest village of Ashurst. The property sits within a small close of similar houses. The rear boundary is formed by protected trees, and the plot widens towards the garden. Ground levels are generally flat.
- 8.2 The house has been extended to the side and rear under permission 13/99074. Until recently, a detached mono-pitched double garage stood at an angle on the north side of the dwelling. Several small domestic structures, including sheds and a pergola, are also present within the rear garden.

## **Proposed Development**

- 8.3 The application seeks retrospective planning permission for the removal of the former garage and the construction of a replacement dual-pitched garage, together with a second outbuilding and attached log store. The buildings are positioned further north and east than the previous garage, closer to the northern and eastern boundaries.
- 8.4 The garage measures circa 3.6 metres to the ridge and is clad in horizontal timber boarding with a tiled roof to match the dwelling. The second outbuilding is flat-roofed, measuring circa 2.48 metres in height, with an attached log store. Both structures are clad in matching timber. The submitted plans describe the use of the garage for vehicle storage and the smaller building for storage and a cinema room.

## **Consideration**

- 8.5 Policy DP37 permits domestic outbuildings where they are proportionate and clearly subservient to the dwelling they serve; are located within the residential curtilage of an existing dwelling; are required for purposes incidental to the dwelling; are not providing additional habitable accommodation; and whether they will not reduce private amenity space, including parking provision, to an unacceptable level.
- 8.6 The house remains the visually dominant structure and both buildings have the appearance, scale and form of incidental domestic outbuildings. They sit within the established residential curtilage and are constructed from materials that reflect the character of the main dwelling.
- 8.7 The use of the buildings are incidental uses and this would be secured by an enforceable planning condition. The footprint of the buildings does not erode usable garden space to a harmful degree and parking arrangements remain unaffected. Overall, the development complies with DP37.
- 8.8 Chestnut Drive is characterised by detached dwellings with reasonably sized rear gardens and a conventional pattern of domestic outbuildings. The development reflects this pattern. The buildings sit comfortably within the plot, remain clearly secondary to the house and do not alter

the rhythm, spacing or settlement character of the close. The residential character of Ashurst is therefore conserved, and the development complies with Policy DP34.

- 8.9 Concerns have been raised regarding the height and proximity of the buildings. The larger structure sits approximately 2.6 metres from the boundary with No.14. While the close has a compact layout, this separation is not unusual in a residential setting and does not, in itself, result in an unacceptable overbearing impact. There are no windows on the elevation facing No.14, and the glazing in the doors of the smaller outbuilding faces the garden at ground level. The development would not result in unacceptable adverse impacts in relation to overlooking.
- 8.10 At circa 3.6 metres to the ridge, the structure is not considered to cause unacceptable overshadowing. The boundary fence between the properties is approximately 1.8 metres high, now with a trellis on top. Further, the protected Scots Pines along the opposite boundary are around 18-20 metres in height and already cast significant shadow. Any additional shading from the outbuilding would be limited. The proposal would not result in unacceptable adverse impacts in relation to shading, in accordance with Policy DP2.
- 8.11 The Authority's Tree Officer has no objection to the development. Trees on and adjacent to this property are protected by Tree Preservation Order 51/03. The replacement garage / outbuilding has been completed and appears to have been constructed on concrete piles which should have reduced any risk of root severance over traditional strip foundations. The timber building is also unlikely to suffer from subsidence issues as with the previous garage. The originally submitted arboricultural report proposed tree removal for unrelated insurance reasons and has since been amended. There is no tree removal proposed as part of this application.
- 8.12 A neighbour has raised concern about drainage. The site lies within Environment Agency Flood Zone 1, with a low risk of fluvial flooding. Parts of Chestnut Drive are at risk of surface water flooding. The application states that the design of the building has taken account of future potential flooding through its finished floor levels above ground level.
- 8.13 Reference has been made to a 1986 refusal for a similar garage. That structure was taller, at 4.5 metres, and was assessed under a different development plan. Limited weight can be attached to that historic decision, and this proposal must be determined on current policies and its own merits.

## **Conclusion**

- 8.14 The outbuildings accord with Policy DP37. They would not harm the residential character of the defined village, the amenity of neighbouring occupiers, or the tranquillity of the National Park. Permission is recommended subject to conditions as the development would accord

with Policies DP2, DP18, DP34, DP37, SP15 and SP17 of the adopted Local Plan.

## **9. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

1. 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).

2. Development shall only be carried out in accordance with plans:

Proposed Block, Site & Floor Plans (1886-P-02)

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 buildings 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).