

Application No: 20/00487/FULL Full Application

Site: Azalea Cottage, Church Lane, Sway, Lymington, SO41 6AD

Proposal: Rear single storey extension; demolition of existing conservatory

Applicant: Mrs S Baker

Case Officer: Claire Woolf

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles

SP17 Local distinctiveness

DP18 Design principles

DP36 Extensions to dwellings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

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

- The inclusion of a flat roof and the inclusion of roof lights; in contravention of the Sway Village Design Statement and the rooflights in direct conflict with SP15 (Tranquility) and the Dark Skies policy.

- Without the inclusion of the roof windows, the Committee would have recommended permission.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 None received.

10. RELEVANT HISTORY

10.1 No relevant history.

11. ASSESSMENT

11.1 The application site lies within the Defined New Forest Village boundary of Sway. Azalea Cottage is a semi detached dwelling that was granted consent in 1998 as a set of semi-detached dwellings. The other half of the property is Rivendell, and is set at a lower level to Azalea Cottage.

11.2 Planning consent is sought for a rear extension covering the width of the rear elevation and would have a part flat roof with the remainder of the roof having a 15 degree pitch with two rooflights. The highest part of the roof of the extension would be 3.25 metres tall with eaves of 2.3 metres. The key considerations are whether the proposal would accord with policy DP36, be of appropriate design and materials and whether there would be a detrimental impact on neighbouring amenity.

11.3 Azalea Cottage is not a small dwelling and is sited in the Defined New Forest Boundary of Sway, therefore there is no restriction in terms of floorspace. In terms of whether the extension would be appropriate to the existing dwelling and curtilage, it would be of a similar height to the existing conservatory and mirror in depth the conservatory at neighbouring property, Rivendell. Whilst the roof design is unusual, being part flat-roofed and part pitched, this would ensure that the extension would remain relatively modest in scale in relation to the existing dwelling. In addition, this design would ensure that it would not have a significant impact on the first floor windows of the adjoining property, Rivendell, which is set at a lower height than Azalea Cottage. The facing materials are proposed to match the existing dwelling and are therefore considered acceptable.

11.4 The Parish Council have raised concerns relating to light pollution. The existing development at the rear is a conservatory and therefore the extension would result in a significant reduction in glazing and therefore would reduce light spillage into the night skies of the National Park.

- 11.5 Consequently permission is recommended, because the proposal would comply with policies DP2, SP17, DP18 and DP36 of the New Forest National Park Local Plan 2016-2036 (adopted August 2019).

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

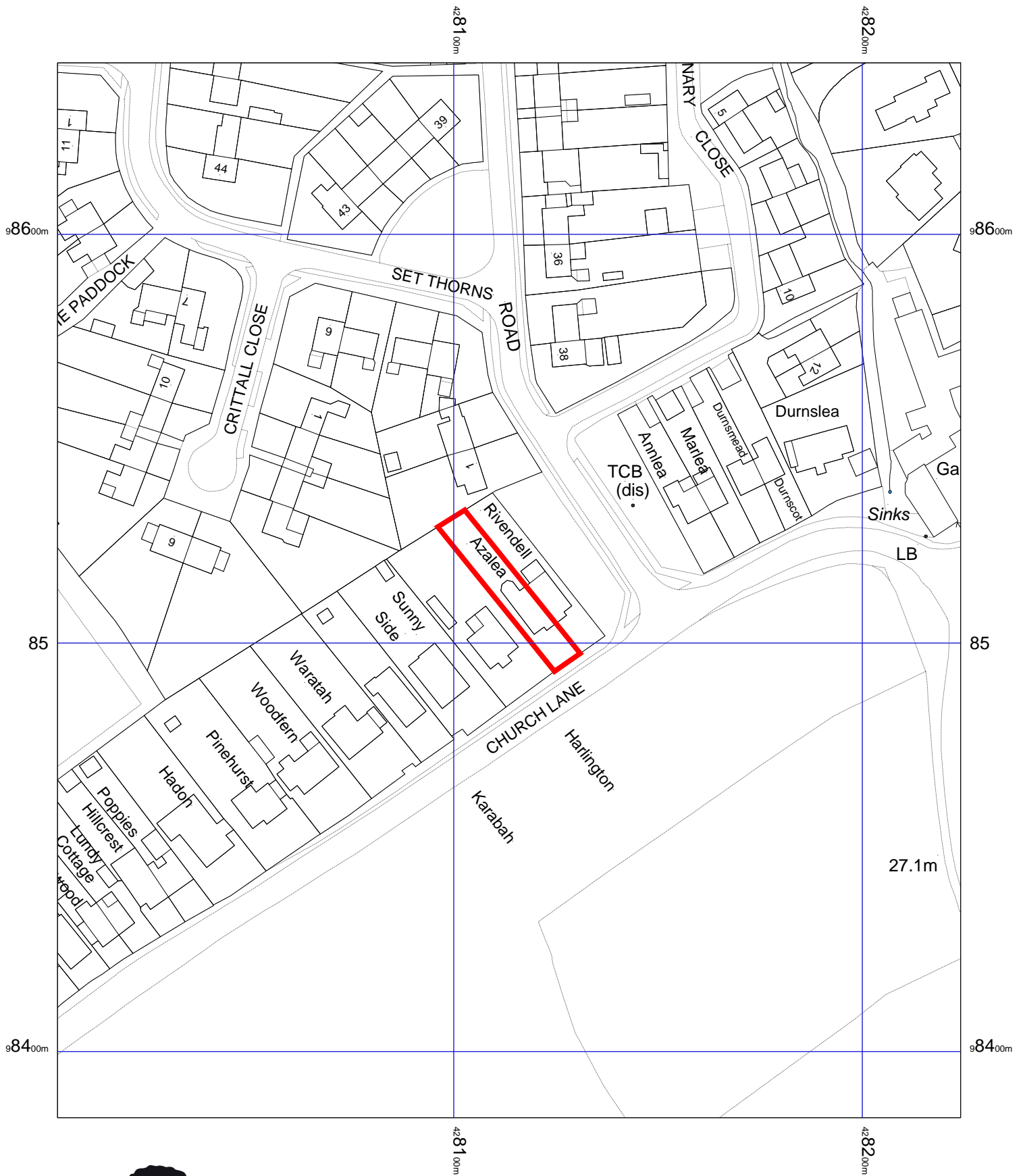
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Development shall only be carried out in accordance with

Drawing nos: SB/P/02A, SB/P/03B, SB/P/04, SB/P/05, SB/P/06.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 3 The external facing materials to be used in the development shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST
NATIONAL PARK

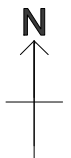
New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 29/10/2020

Ref: 20/00487

Scale: 1:1250



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Application No: 20/00505/FULL Full Application

Site: 7 Carters Close, Hale, Fordingbridge, SP6 2NU

Proposal: Single storey extension to side and rear; 2No. rooflights

Applicant: Mr Sheppard

Case Officer: Daniel Pape

Parish: HALE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
 SP7 Landscape character
 SP17 Local distinctiveness
 DP18 Design principles
 DP36 Extensions to dwellings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Hale Parish Council: We recommend refusal for the reasons listed below:

The Council notes the small reduction in the total proposed floor area which is now within the maximum permitted under DP36. However, the proposals would create a property extended by over 60% and substantially

different in terms of massing and scale especially when compared with neighbouring properties. Of the eight similar properties in the close only the adjacent property has been extended. This approval was 18 years ago and is modest by comparison. No other properties in the close have been extended either as a result of approved planning or permitted development. The close is a restricted site of eight similar small bungalows built in the late 1970's. Properties have a pedestrian access only and parking on the roadway and by the adjacent garage block is limited. The proposals do not appear to be in keeping with the principles of the Local Plan as they might be applied to this location (especially general development principles, DP2 landscape character SP7).

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 None received.

10. RELEVANT HISTORY

10.1 None.

11. ASSESSMENT

11.1 7 Carters Close is located within a cul-de-sac in Hale surrounded by bungalows of matching design. The dwelling sits at the end of the cul-de-sac with its principal elevation clearly visible when approached from the road. The dwelling is semi-detached and comprises a small dwelling as per Policy DP36. There is an access gate to the garden at the side of the dwelling and the property backs on to a treed area.

11.2 The applicant seeks consent for a single storey side and rear extension to be built with cladded elevations and a flat roof. By way of background, during the progression of the application, the material proposed has been altered from composite cladding to natural timber and the proposal has been reduced in size to accord with the maximum 100m² permissible under Policy DP36.

11.3 Notwithstanding the floorspace stipulations of Policy DP36, the proposal should be appropriate to the existing dwelling and its curtilage in relation to its design. In this instance, it is considered that the extension would be clearly subservient to the dwelling with its low form and the natural cladding would contrast appropriately with the existing dwelling. The wrap around side extension is modest and the flat roof would ensure that the bulk would be kept to a minimum. The proposed fenestration is simple with one notable section of bifolds to the rear and two small rooflights, which would conform to permitted development, in the existing pitched roof. Overall, it is considered that the

extension has been appropriately designed in accordance with Policies DP2 and DP18.

- 11.4 The impact of the side extension on the view of the principal elevation from the road would be minor and would not adversely affect the streetscene.. The impact to neighbours would be minimal due to the low flat roof and the proposal would not be visible from the rear due to dense mature screening. It is considered that the design would be compatible with the dwelling and would be appropriate to the character of the existing dwelling and surrounding area, ensuring that the National Park's landscape and character would not be adversely harmed in accordance with Policies SP7 and SP17.
- 11.5 Whilst the Parish Council's comments are noted, it is considered that the low height of the extension would ensure appropriate massing and the character of the area would not be adversely affected. No responses have been submitted from neighbours or interested parties to suggest the design or impact would be unacceptable to the local area.
- 11.6 Permission is therefore recommended subject to conditions.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

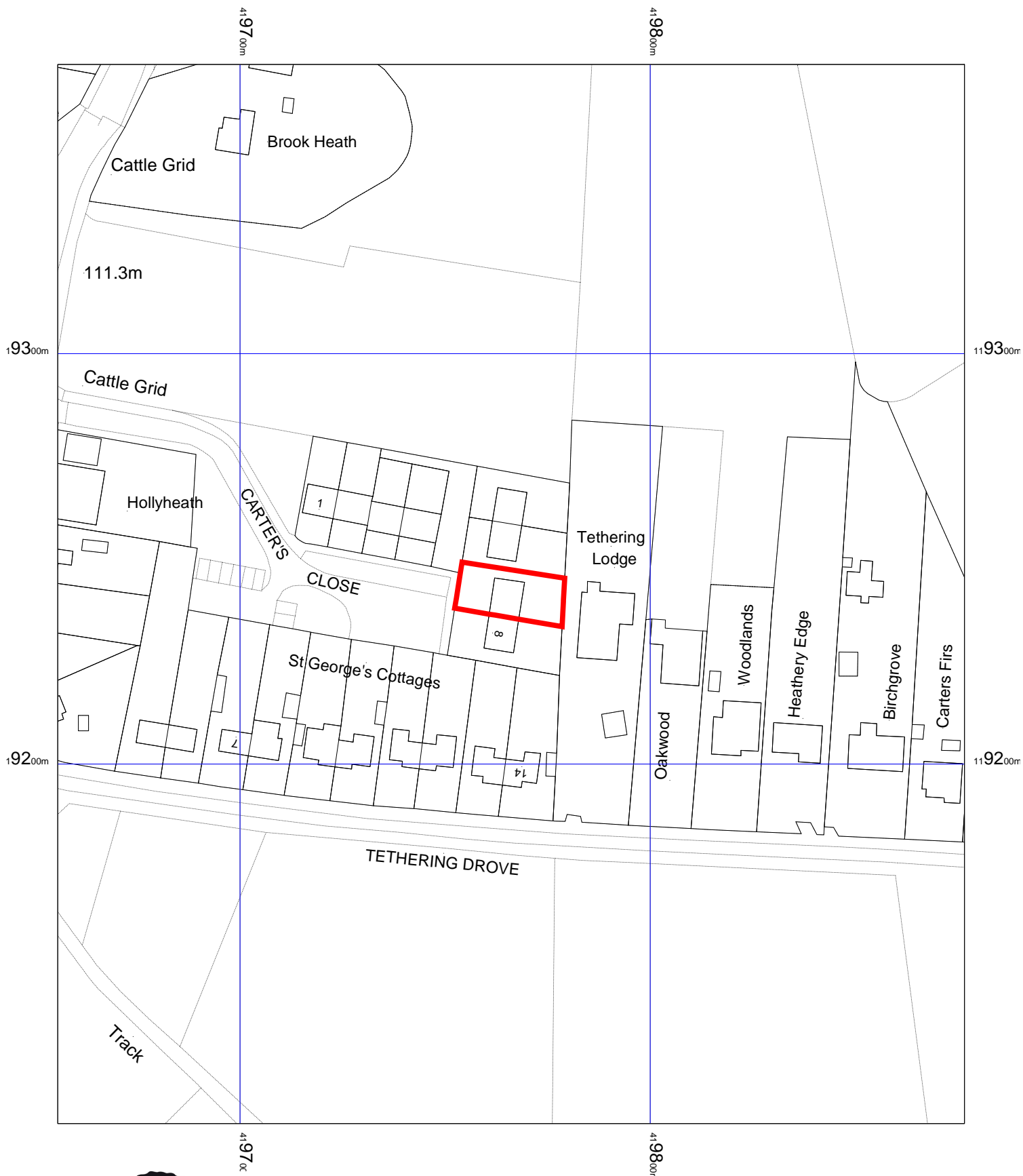
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No development shall 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).
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations)

otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

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

- 4 Development shall only be carried out in accordance with PL.01, PL.05 Rev B, PL.06 Rev A, PL.07 Rev A, PL.08, PL.09 Rev B, PL.10 Rev A. 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).



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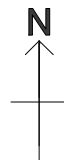
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Date: 03/11/2020

Ref: 20/00505

Scale: 1:1250

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Application No: 20/00578/FULL Full Application

Site: 54a Brookley Road, Brockenhurst, SO42 7RA

Proposal: Retention of summerhouse; demolition of bike shed

Applicant: Miss C Sharpe

Case Officer: Claire Woolf

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
SP17 Local distinctiveness
DP18 Design principles
DP37 Outbuildings
Annex 2 – Car Parking and Cycle Standards

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend permission.

8. CONSULTEEES

- 8.1 Building Design & Conservation Area Officer: Objection. Overly tall and visually dominant building causing less than substantial harm to conservation area.

9. REPRESENTATIONS

- 9.1 Four comments in support, summarised as follows:
- The summerhouse does not negatively impact neighbouring properties or the character and appearance of the surroundings.
 - The applicant has no use for the bike shed.
 - Environmentally sourced materials have been used.

10. RELEVANT HISTORY

- 10.1 Application to vary condition 2 of appeal reference APP/B9506/W/15/3139150 to planning permission 15/00342 to allow retention of development as built, grant subject to conditions, (18/00221) granted on 18 July 2018.
- 10.2 Application to vary S106 agreement to waive financial contribution towards Affordable Housing, Public Open Space and Transport to planning permission, (16/00556) approved without conditions on 24 August 2016.
- 10.3 3 no. dwellings; associated car park; bike storage; demolition of existing building (15/00342) refused on 21 July 2015. Appeal against refusal allowed on 26 April 2016.

11. ASSESSMENT

- 11.1 54A is an end of terrace property granted consent in 2016 on appeal. The property is located at the site of the former Scout Hut to the rear of the Brookley Road car park within the Brockenhurst Conservation Area. The property includes a small garden with a low boundary fence.
- 11.2 Consent is retrospectively sought for an outbuilding constructed of horizontal timber panels and painted in a dark stain. The floor area is 3 square metres and the outbuilding measures 2.45 metres in height. The application also proposes the removal of the bike shed.
- 11.3 The key considerations are:
- Policy DP37 (outbuildings);
 - The design of the outbuilding (Policies DP2, SP17 and DP18); and
 - The impact of the development upon the character and

appearance of the conservation area (Policy SP16).

- 11.4 Policy DP37 states that outbuildings will be permitted where they are located within the residential curtilage of an existing dwelling; are required for purposes incidental to the use of the main dwelling; are not providing additional habitable accommodation; and will not reduce private amenity space - including parking provision - around the dwelling to an unacceptable level and where they are subservient in terms of scale, size, height and massing. Whilst the outbuilding is located within the residential curtilage and has been provided for an incidental purpose, it is highly visible from the adjacent car park and does not appear proportionate or subservient in terms of its design, scale, height and massing, contrary to Policy DP37. In addition, the design is poorly detailed with oversized bargeboards and a bulky roof design. It is considered to be overly dominant and visually intrusive in the curtilage and would not comprise high quality design. For these reasons, the proposal is considered to be contrary to Policies DP2, SP17 and DP18 of the adopted Local Plan.
- 11.5 In relation to the proposed impact on the character and appearance of the conservation area, paragraph 172 of the National Planning Policy Framework (NPPF) states *“great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks... The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks...”* Local Planning Authorities also have a general duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The bulky roof design and overall height of the outbuilding create an overly tall and visually dominant building within the village conservation area. Its prominent location, design and incongruous appearance are considered to lead to less than substantial harm to the character and appearance of the conservation area.
- 11.6 Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst neighbouring support and the particular circumstances of the applicant are noted, it is not considered that these outweigh the harm caused and there are also no other public benefits which would outweigh this harm. Furthermore, should the proposal be allowed, it would weaken the Authority's ability to resist proposals for tall outbuildings at the neighbouring properties 54B, and 54C, which could cumulatively add to the harm to the conservation area. Alterations to the existing building or boundary treatment are not considered to be

appropriate to overcome the concerns relating to the design of the outbuilding.

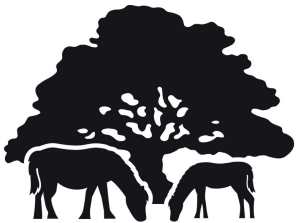
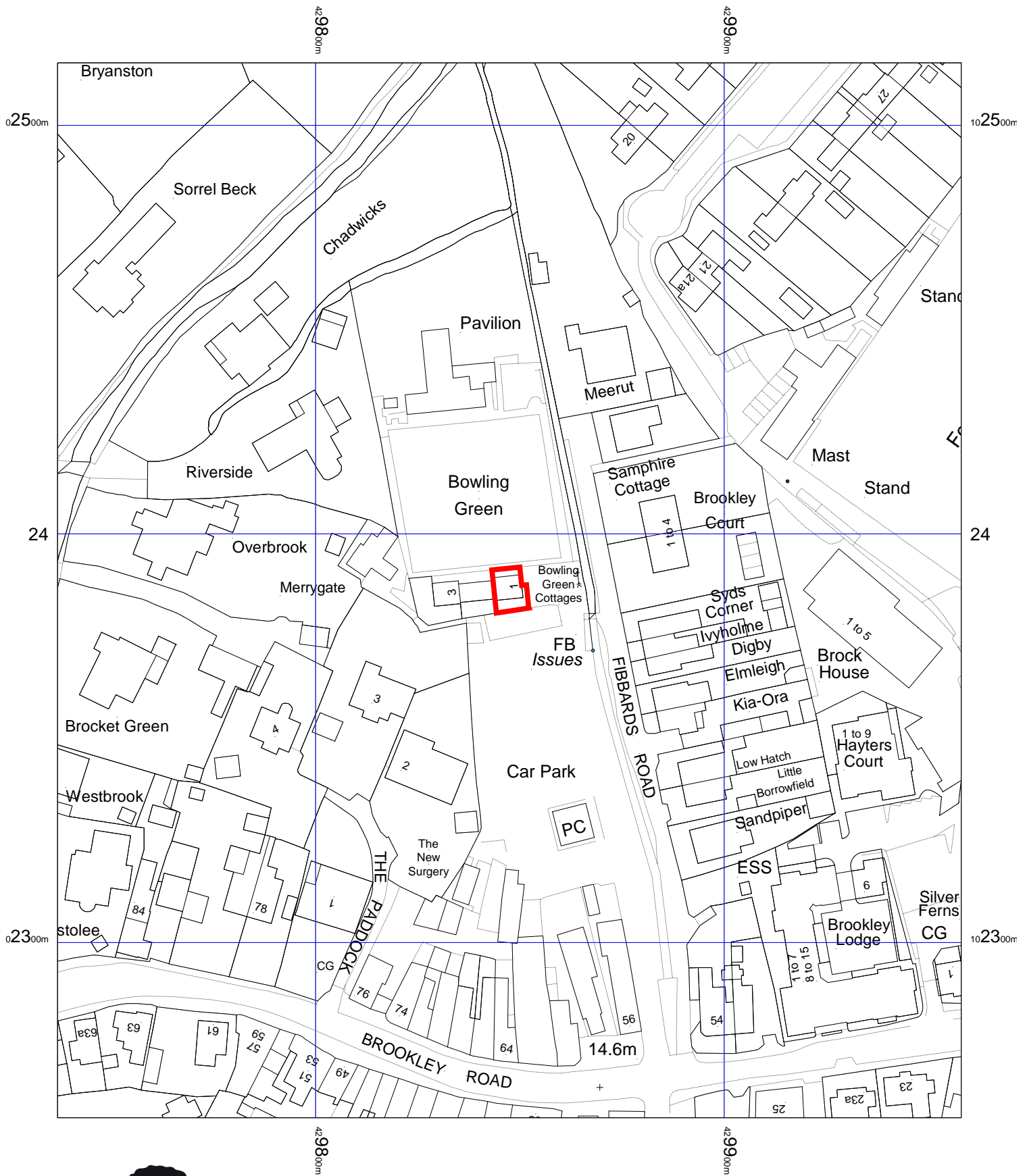
- 11.7 In relation to the proposed removal of the bike shed, there is no objection to the removal as there would remain sufficient space for the storage of bicycles.
- 11.8 In conclusion, notwithstanding the particular circumstances of the applicant, the outbuilding, by way of its bulky roof design and overall height, creates less than substantial harm to the character and appearance of the conservation area which is not outweighed by public benefits. The constraints of this site are such that a lower, more traditional outbuilding in this prominent location exhibiting high quality design would be more appropriate. The outbuilding is an incongruous and overly dominant feature within the conservation area and the proposal is therefore contrary to Policies DP2, SP16, SP17, DP18 and DP37 of the adopted Local Plan, the NPPF and the National Design Guide.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The outbuilding, by virtue of its prominence, height and design, comprises an incongruous feature which causes less than substantial harm to the character and appearance of the Brockenhurst Conservation Area with no overriding public benefits, contrary to Policies DP2, SP16, SP17, DP18 and DP37 of the New Forest National Park Local Plan 2016- 2036 (August 2019), the National Planning Policy Framework and the National Design Guide.



NEW FOREST
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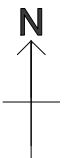
New Forest National Park Authority
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Tel: 01590 646600 Fax: 01590 646666

Date: 29/10/2020

Ref: 20/00578

Scale: 1:1250



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Application No: 20/00601/FULL Full Application

Site: Warwick Farm House, Beckley Road, Beckley, Christchurch, BH23 7ED

Proposal: Alteration of an attached conservatory into a detached garden room

Applicant: Mr Goode

Case Officer: Liz Young

Parish: BRANSGORE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
DP36 Extensions to dwellings
DP37 Outbuildings
SP16 The historic and built environment
SP17 Local distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Bransgore Parish Council: Objection.

Comment: the separation of the conservatory from the main dwelling is contrary to current policy which ensures such buildings are not used for

habitable purposes.

8. CONSULTEEES

No consultations required

9. REPRESENTATIONS

9.1 No comments received.

10. RELEVANT HISTORY

- 10.1 Addition of entrance lobby linking dwelling to garage (NFDC/95/56329) approved on 10 April
- 10.2 First Floor Extension (NFDC/91/48447) approved on 16 October 1991
- 10.3 Erection of a billiard room and tool store (NFDC/84/26397) approved on 18 June 1984
- 10.4 Temporary residential caravan (NFDC/79/13705) approved on 10 August 1979

11. ASSESSMENT

- 11.1 Warwick Farmhouse was originally a modest forest cottage which has since undergone a significant amount of enlargement since the 1980s. The site lies within rural surroundings and is set well back from Beckley Road off a private drive. The site (which also includes numerous outbuildings) is not directly adjoined by any other residential properties and is surrounded by small paddocks which also fall within the applicant's ownership. The land falls steeply away from the rear (south) elevation of the cottage.
- 11.2 Retrospective consent is now sought to partially retain a conservatory which has been added to the rear (south) elevation of the property. The conservatory currently has a gross internal floor area of 25 square metres and adjoins the attached garage (an earlier addition to the property). The proposed floor plans show a proposal to remove a section of the conservatory to form a gap of 0.2 metres between the conservatory and the main house.
- 11.3 The information which accompanies the application sets out that the applicant is aware that the addition of the conservatory would result in a floorspace increase over and above the limits which apply under Policy DP36. However the proposal to detach the conservatory has been put forward as a means to address this issue, thereby enabling the conservatory to be considered as a fully detached outbuilding rather than an extension.

- 11.4 With regards to floor area the original dwelling had a gross internal floorspace of 132m². Prior to the addition of the conservatory the dwelling had a gross internal floor area of 236m² (a 79% increase on the original). Whilst the dwelling had already been enlarged beyond the limits which apply under Policy DP36, to permit a further enlargement in the form of an extension to the property would be contrary to the objectives of Policy DP36. The proposal, which has been put forward to form a gap between the dwelling and the conservatory, could potentially address the issue of floor area subject to ensuring the use of the structure would remain incidental to the main house (for the purposes of meeting the requirements of Policy DP37).
- 11.5 The predominantly glazed form of the building would, along with the proposal to detach it from the main house, ensure it would not lend itself towards primary habitable uses such as bedrooms, kitchens, living rooms etc and its use would therefore be considered similar to that of a summer house or other modest garden structure. To ensure this would remain the case it would be appropriate to remove permitted development rights under Class E to ensure the building would not subsequently be adapted to living accommodation and also to impose a condition ensuring its use would remain incidental to the dwelling. These restrictions would enable the building to be considered as compliant with Policy DP37. The building would lie wholly within the curtilage of the dwelling and its low roofline would ensure it would appear incidental and subservient to the main house.
- 11.6 It was established on site that the development would not impact upon the amenities of any neighbouring residents. The character and modest scale of the house itself has already been compromised as a result of earlier additions and the addition of the conservatory would not impact directly upon the original part of the building or its wider setting. The development would not impact upon public views and its overall scale and low roofline would ensure it appears subservient to the main house. Whilst the concerns raised by the Parish Council are noted, the location of the development is such that a building of a comparable footprint (but lower roofline) could be erected under permitted development rights. Refusal would therefore not be justified due to the particular circumstances of this case (the applicant's willingness to detach it from the house and the absence of any direct visual harm). It is therefore recommended that planning permission should be granted.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Within three months of the date of this decision works shall be carried out in full so that the development strictly accords with drawings MBA/100/103, MBA/100/104 and MBA/100/105 and the Authority notified in writing to enable a post completion check to be undertaken.

Reason: The building which currently exists on site does not benefit from formal planning consent and conflicts with Policy DP36 of the Local Plan. The proposed works to detach the building from the main house will enable the development to comply with planning policy (specifically Policy DP37 of the New Forest National Park Local Plan).

- 2 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, C of Part 1 of Schedule 2 to the Order, or by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out on the approved building or the existing dwelling without express planning permission first having been granted.

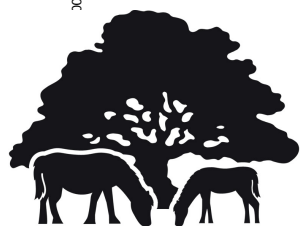
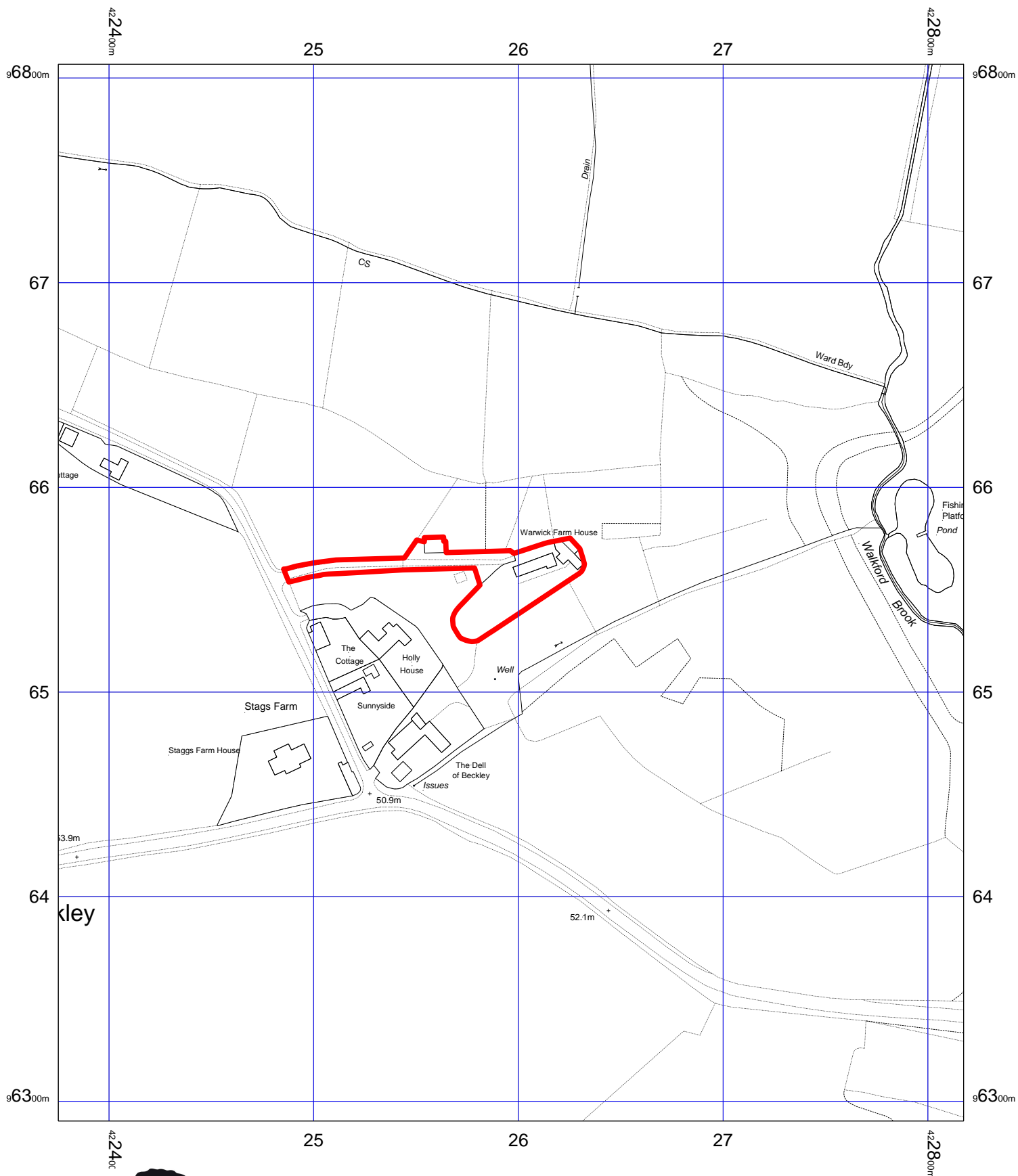
Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to ensure the outbuilding remains detached from the main house to comply with Policies DP37 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 The building the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

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

- 4 Development shall only be carried out in accordance with Dwg Nos: MBA/100/103, MBA/100/104 and MBA/100/105. 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).



NEW FOREST
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 29/10/2020

Ref: 20/00601

Scale: 1:2500



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Application No: 20/00615/FULL Full Application

Site: Passford Farm Cottage, Southampton Road, Boldre, Lymington,
SO41 8ND

Proposal: Retention of replacement decking; pool enclosure

Applicant: Mr Parsons

Case Officer: Liz Young

Parish: BOLDRE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Listed Building

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
SP16 The historic and built environment
SP16 The historic and built environment

4. SUPPLEMENTARY PLANNING GUIDANCE

Boldre Parish Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Boldre Parish Council: Recommend refusal.

This replacement decking is larger and taller than the previous decking.
Agree with the Building Design and Conservation Area Officer that it has a

suburbanising effect on this rural listed building and does not conform to:

DP 2 - does not respect historic environment

DP 18 - not contextually appropriate

SP 16 - Inappropriate in height, scale and colour.

SP 17- increases suburbanisation effect.

8. CONSULTEEES

- 8.1 Building Design & Conservation Area Officer: No objections subject to landscaping and a restriction on additional external lighting.

9. REPRESENTATIONS

- 9.1 One objection received on the following grounds:

- The development has been carried out with no consideration to neighbouring properties.
- The development is not a like for like replacement.
- The decking is out of character with poor design.
- The increased height of the decking will give rise to harmful levels of overlooking.
- Because the property is used as a holiday let this often involves large numbers of guests using the pool and hot tub late into the night.
- The landscaping scheme will not sufficiently mitigate impacts.

10. RELEVANT HISTORY

- 10.1 Outbuilding; demolition of existing outbuilding (20/00599) pending decision
- 10.2 Application for Lawful development certificate for continued use of the barn as a single dwelling house, The Barn at Passford Farm (19/00871) refused on 17 January 2020

11. ASSESSMENT

- 11.1 Passford Farm Cottage is a Grade II Listed Cottage which dates back to the 17th century and is a prominent feature within the Buckland Conservation Area. The front elevation is readily visible from the A337 and the building is positioned on elevated ground which slopes upwards away from the highway. Passford Farm was recently subdivided and now comprises the main dwelling, a unit to the rear of the site with the benefit of a Lawful Development Certificate for its separate use - 'The Chalet' and an outbuilding to the front, referred to as 'The Barn.' the subject of an application for lawfulness as a self contained unit (which was refused). The planning status of the current configuration of uses and development at the site has therefore not fully been

formalised in that the lawfulness of all elements has not been established. Passford Farm Cottage itself, however, remains a private dwelling (currently in use as a holiday let).

- 11.2 Retrospective consent is now sought to retain an area of raised decking in the rear garden area. This decking surrounds an outdoor swimming pool and hot tub and lies directly adjacent to a detached outbuilding / pool house. The development effectively replaces an area of decking which existed previously. However, there are no plans available for the earlier structure (although some photographs have been provided). The decking (excluding the pool and hot tub) occupies a surface area of just over 100 square metres. Because of the sloping nature of the plot, the decking has been split into two levels, with steps between. At its highest point, the decking measures 0.6 metres above ground level. The pool and tub (which have been in place for at least the last 4 years) also sit above ground level (and above the height of the decking). A timber and rope enclosure runs around the perimeter of the decking.
- 11.3 The main issues under consideration relate to the impact the decking has upon the setting of the listed building and also any potential loss of amenity to neighbouring residents.
- 11.4 Based upon the photographs submitted, it has been established that the original decking was darker in colour, more modest in its extent and lower in height. The replacement is therefore more extensive and (due to the elevated ground) concerns were raised with the applicant early on in the process to establish whether there would be scope to mitigate its overall impact given the sloping nature of the site. Following this, further plans were submitted to the Authority showing a proposal to carry out planting around the perimeter of the decking (lavender and climbing plants) to conceal the raised sections. The external lighting has also been clarified and the applicants have confirmed that they would be willing to accept a condition to ensure no further external lighting would subsequently be added. Based upon this additional information, the Building Design and Conservation Officer has confirmed that the overall impact of the development would be sufficiently mitigated to avoid harm to the setting of the listed building and the conservation area.
- 11.5 Whilst the concerns raised by the Parish Council are noted, the overall impact of the development is not considered to be harmful. The decking lies wholly to the rear of the main house and does not impact upon public views. The impact upon the immediate setting of the listed building is mitigated by virtue of its close association with existing structures (the outbuilding, pool and hot tub) and also the minimal enclosure. The development is also well distanced from the site boundaries and the proposal to add planting would soften the overall impact of the development. The decking is therefore considered to preserve the setting of the

listed building and the character and appearance of the conservation area in accordance with Policies SP7, SP16 and SP17 of the adopted New Forest National Park Local Plan.

- 11.6 Whilst concerns raised in relation to overlooking are noted, the overall increase in overlooking towards neighbouring properties would not be harmful due to the distance between the edge of the decking and the site boundaries. The development does not encroach significantly closer to the site boundary than the original decking (based upon historical aerial photographs). There is a distance of over 20 metres from the property to the west and over 25 metres to the north boundary. With regards to issues around noise and activity generated from the use of the pool, this element (along with the hot tub and pool house) were already in place and the main seating and barbecue area appears to be focussed alongside the pool house rather than the side which lies closest to neighbouring properties. The development is therefore not considered to give rise to a harmful loss of amenity to neighbouring residents in comparison with the previous situation, and meets the requirements of Policy DP2 of the New Forest National Park Local Plan. It is therefore recommended that planning consent should be granted.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 All hard and soft landscape works shall be carried out in accordance with the approved details (Drawings 002 REV A, 011 REV A). The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

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

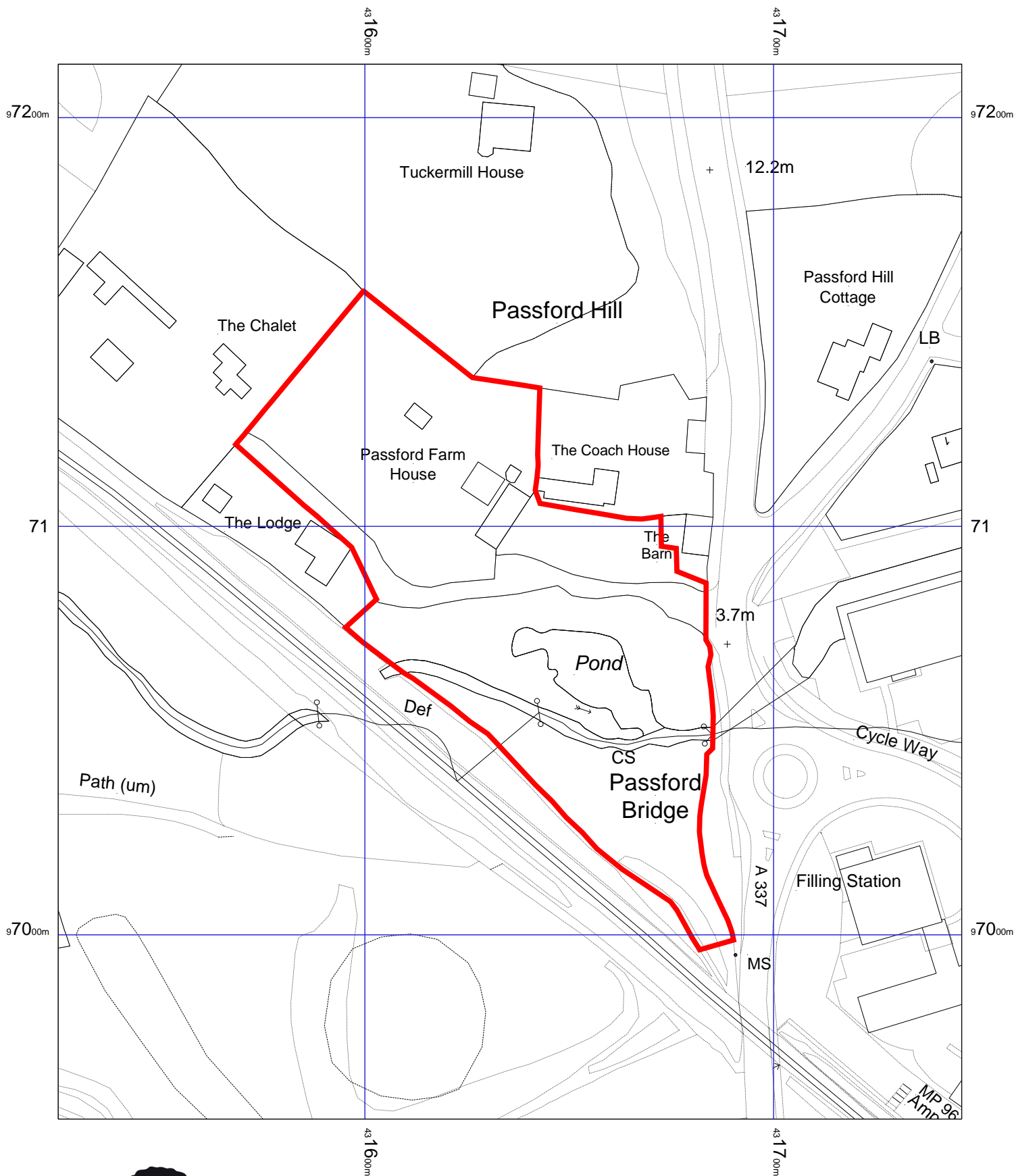
- 2 No external lighting shall be installed on the approved decking unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

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).

- 3 Development shall only be carried out in accordance with drawing nos: DR1, DR2, 001, 002, 011, 002 REV A, 011 REV A. 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 development in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



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Date: 29/10/2020

Ref: 20/00615

Scale: 1:1250

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Application No: 20/00621/VAR Variation / Removal of Condition

Site: Orchard End, Rear Of 1 & 2 Shelleys Cottages, Manchester Road, Sway, SO41 6AS

Proposal: Application to vary Condition 2 of planning permission 18/00548 for New dwelling; shed; alterations to access to allow completion and retention of doors, windows and flue as built

Applicant: Mr Doran

Case Officer: Ann Braid

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP19 New residential development in the National Park

SP15 Tranquillity

SP17 Local distinctiveness

DP2 General development principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal (4) for the reasons listed below (unanimous):

The Committee noted that the roof windows were not on the original plans and appear to be an unnecessary addition (unrelated to the need for accessibility), and cause concern in respect of SP15, Tranquillity, specifically the dark skies policy adjacent to the open forest.

If the roof windows had not been included in the application, the Committee would have been keen to support the amendments to enable accessibility and would have recommended granting permission (3).

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

10.1 New dwelling; shed; alterations to access (18/00548) refused on 21 September 2018, appeal allowed on 2 April 2019

11. ASSESSMENT

11.1 The site of Orchard End, formerly known as land rear of Shelley's Cottages, is now developed with a single storey dwelling, built in brick and timber cladding, with a slate roof. The house was granted planning permission at appeal in 2019 and is substantially complete.

11.2 The dwelling has been built with amendments to the approved design as follows:

- SE (rear) elevation: chimney and door omitted. Four rooflights installed.
- NE elevation: window and door swapped.
- SW elevation: window enlarged to a pair of doors.
- NW (principal) elevation: addition of a flue.
- Internal layout revised to allow wheelchair access.
- An enlarged patio, screened with fencing.

A comparison of the plans indicates that the building is no larger in footprint or ridge height than that approved at appeal in April 2019 and is located in the approved position. The issues to be assessed are whether the amendments that have been made to the design are acceptable in the light of the Appeal Inspector's decision. The conditions imposed by the Inspector in respect of external facing and roofing materials, levels and landscaping have been discharged and the development has been carried out in accordance with the approved details. With regard to hard landscaping a larger patio and screen trellis fencing have been added.

The Appeal Inspector's Decision

- 11.3 In his decision, the Inspector concluded that the dwelling would not harm the character and appearance of the area. As such, it would comply with the (then) Core Strategy and the Sway Village Design Statement that seek development of the highest standards of design that enhances local character and distinctiveness, including the density, appearance, form and layout of development. He found that the mitigation measures proposed for ecological impacts both on and off the site were appropriate. With regard to other objections raised, he concluded that the...'*dwelling would result in additional light in this edge of village location. However, the site is part of an existing garden close to existing dwellings, such that it would not result in material additional light emissions in the area...The proposed dwelling would be of modest height and single storey such that the proposal would not result in material overlooking of neighbouring properties. As a result, the proposal would not have a material effect on the living conditions of occupiers of neighbouring properties with regard to privacy.*' The amended dwelling, as built, has been assessed in the light of these conclusions and it is considered to be acceptable. The New Forest National Park Local Plan 2016-2036 (August 2019) adopted since the Inspector's decision has not changed the policy stance, and the development is in accordance with Policies SP17 and DP2 of the Local Plan.
- 11.4 The Authority's appeal submissions included suggested conditions for the Inspector to consider should he be minded to grant consent. Officers requested a condition removing normal permitted development rights, and the Inspector considered the request in his decision letter. He stated '*I have not included a condition removing permitted development rights as I do not consider it to be necessary. Such rights should be removed only in instances of specific and precise justification. Given the limited height of the proposed building and location within an existing garden, it is unclear development in accordance with these rights would affect the living conditions of neighbouring occupiers or the character and appearance of the area. Consequently, I find no exceptional circumstances in this case such as to warrant the removal of these rights.*'
- 11.5 With regard to ecological mitigation, the Inspector found that subject to appropriate payments being secured through the unilateral undertaking submitted by the appellants in the course of the appeal, adverse recreational impacts on the New Forest and Solent Special Protection Areas associated with the new dwelling would be mitigated. No payments have yet been received in respect of that undertaking, and it is therefore necessary to impose a condition to ensure the necessary mitigation measures are carried out.

The Proposed Revisions

- 11.6 Each of the proposed revisions is relatively minor, although cumulatively the changes are not considered to be non-material amendments, hence this revised application. Had the dwelling been completed as approved, each of the revisions now proposed could have been carried out without planning permission as the property benefits from full permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The alterations to the fenestration would be permitted under Class A, the roof lights under Class C, the patio under Class F and the flue under Class G of the GPDO. As the Inspector specifically stated that it was not clear that development using permitted development rights would adversely affect living conditions of neighbours or the character and appearance of the area, it must be concluded that he would have considered the amendments now proposed to be acceptable. This conclusion has been taken into account in consideration of this proposal and the full assessment of the amendments, on site, indicates that the development is acceptable, in accordance with Policies SP15, SP17 and DP2 of the Local Plan.
- 11.7 The Parish Council have objected to the installation of the four rooflights, as they consider the proposal to be contrary to Local Plan Policy SP15, Tranquillity; specifically the dark skies policy adjacent to the open forest. However, light emissions from the new dwelling were assessed by the Inspector (as set out in paragraph 11.3 above) and it must be concluded that he considered the implications of light emissions from rooflights when he decided not to restrict permitted development rights on the dwelling. The development will increase light emissions in this location, but not to the degree that refusal would be justified on this ground alone. The revised interior layout to allow for wheelchair access has been supported by the Parish Council and to increase the privacy, the applicant has erected a trellis screen on the new patio.
- 11.8 It is considered that the amendments that have been made to the dwelling as it has been built are acceptable, and do not alter the dwelling to the extent that it would have been unacceptable in the opinion of the Inspector. In the light of this, and following the inspection of the development on site, it is concluded that the changes have resulted in an acceptable form of development, which accords with the adopted Local Plan. It is recommended that consent for the revised dwelling be granted. All outstanding conditions imposed by the Inspector, and those requiring further action on the part of the applicant will be re-imposed.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Development shall only be carried out in accordance with drawing numbers: 416/11B and 416/10B and drawing numbers 01, 416/5A and 416/12 of planning permission 18/00548. 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 SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 2 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 Ecology Report by Martin Noble dated 28 June 2018. 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 New Forest National Park Local Plan 2016-2036 (August 2019).

- 3 The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 416/10B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

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

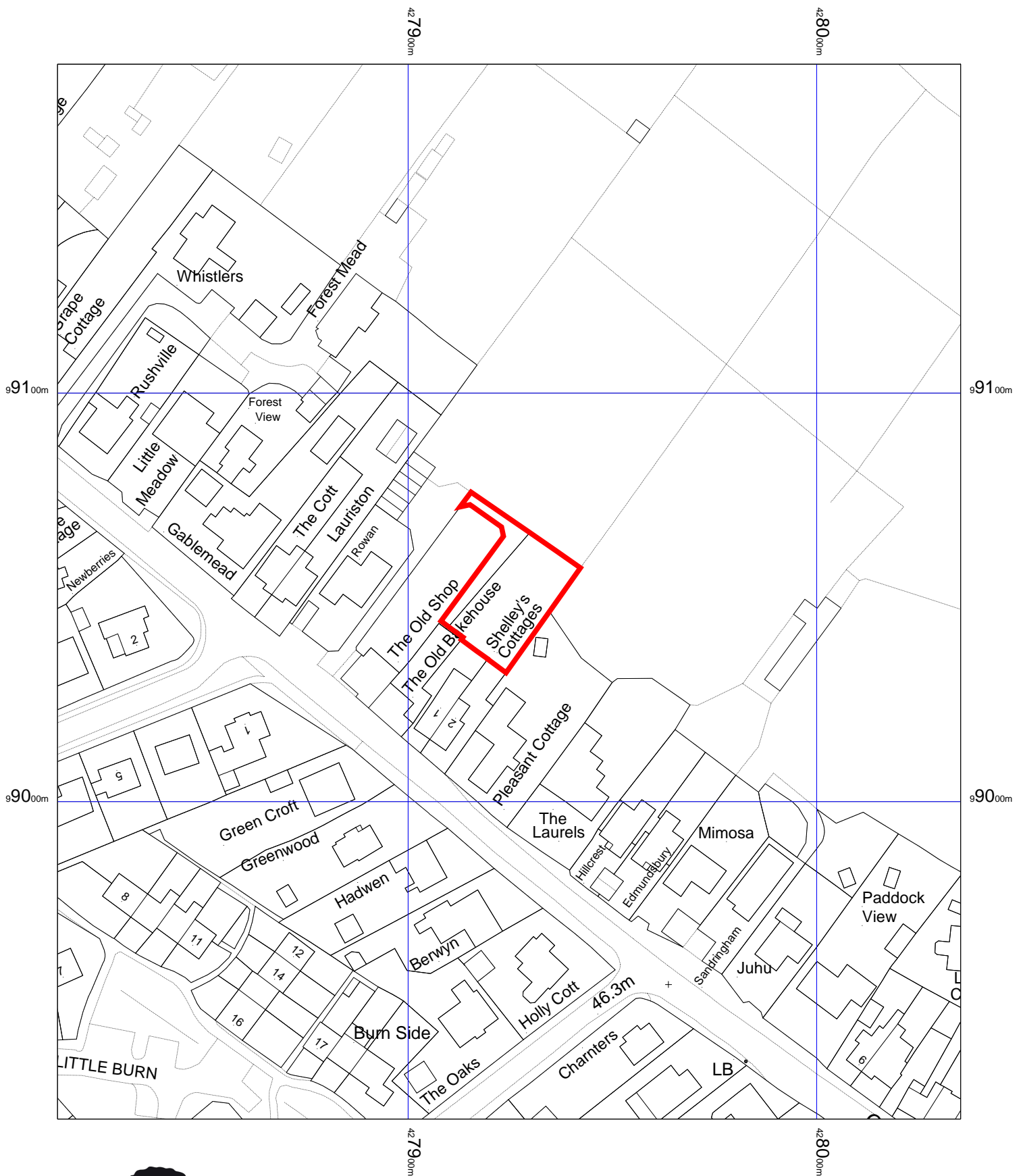
- 4 All hard and soft landscape works shall be carried out in accordance with the approved details as shown on plan number 416/20 (with additional statement) attached to consent reference 18/00548. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

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

- 5 Prior to the occupation of the development, ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of financial contributions in accordance with the Authority's Habitat Mitigation Scheme and the Solent (SRMP) Explanatory Note, as secured in the unilateral undertaking submitted to the Planning Inspectorate under application reference 18/00548.

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



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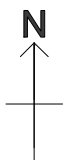
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Ref: 20/00621

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Application No: 20/00627/VAR Variation / Removal of Condition

Site: Land At Former Arnewood Turkey Farm, Barrows Lane, Sway, Lymington, SO41 6DD

Proposal: Application to remove condition 4 of Planning Permission 19/00821 for Alterations to existing B8 building comprising: cladding to walls; replace roof covering to include 4 no rooflights; new steel roller shutter doors

Applicant: Mr Wallrock

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal. No comments given.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 One letter of objection on the following grounds:

- The NFNPA were quite correct to impose conditions. Continued attempts to change the character and purpose of this site to something for which it was never intended have been tireless and should be discouraged
- The use of claddings and rooflights is to be discouraged as it significantly affects both the character of the buildings on site and then successively their proposed uses

10. RELEVANT HISTORY

10.1 Alterations to existing B8 building comprising: cladding to walls; replace roof covering to include 4 no rooflights; new steel roller shutter doors (19/00821) granted on 18 December 2019

10.2 Notification of proposed change of use of agricultural building (less than 150m²) to flexible use Class B8 (storage and distribution) (19/00003) details not required, decision issued on 11 February 2019

11. ASSESSMENT

11.1 The former Arnewood Court Turkey Farm (the wider site) lies to the west of Barrows Lane. It comprises a collection of barns, sheds and other structures in a mix of materials and varying states of repair (many now either undergoing repair or have recently been re-clad) lying either side of a central spine road. There are also other areas of hardstanding, and a parking area with a below ground waste treatment plant adjacent to Barrows Lane. To the west, the buildings are mainly residential. The site lies opposite the Sway Tower Conservation Area, in which and lying close to the application site, are several listed buildings.

11.2 This application relates to a single building - an open-sided barn - at the western end of the site which was recently the subject of a Prior Notification application for its use for storage and distribution, and also a further application to add cladding to the walls (green profiled cladding), replace the roof covering to include 8 rooflights, and to add steel roller shutter doors to each of the end elevations. Both applications have been favourably determined.

11.3 This application seeks to remove a condition imposed on 19/00821 (for the external materials), which read:

"The replacement building, the subject of this permission, shall

only be used for B8 (storage) uses unless otherwise approved in writing by the National Park Authority.

Reason: To ensure the buildings remain in uses appropriate to their location within the countryside and to allow the Authority future control of the site to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019)."

This condition reflected the use applied for under application 19/00003.

- 11.4 The applicant has submitted this application as he considers that the imposition of the condition was not reasonable or necessary, failing to reflect the nature of application 19/00821 which was for external materials only (and not a replacement building). In addition, the applicant considers that its imposition would go against the Government's own intentions under Class R of the General Permitted Development Order which permits agricultural barns under 150m² to change to a variety of flexible uses which include Class B8, but also A1, A2, A3, B1, C1 and D2.
- 11.5 Application 19/00821 was for external changes only. Notwithstanding that the earlier application 19/00003 for the Prior Notification specifically sought the change of use for storage and distribution, when considered further against the tests for the imposition of conditions, the Authority accepts the case for removal of the condition.
- 11.6 It should be noted that the use of a building after a change of use permitted by Class R is to be regarded as a *sui generis* use. Therefore any changes not included in the list included in paragraph 11.4 above would require planning permission. This means that the Authority would retain some control over the future use of the building. The Use Classes Order has also recently been amended and, whilst transitional provisions will remain in place until 31 July 2021, new, revised permitted development rights are then anticipated to be introduced (the detail of which is not yet known).
- 11.7 The comments made by the objector to the proposal are noted but the external changes already have the benefit of permission.
- 11.8 The recommendation is that the relevant condition should therefore be removed.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

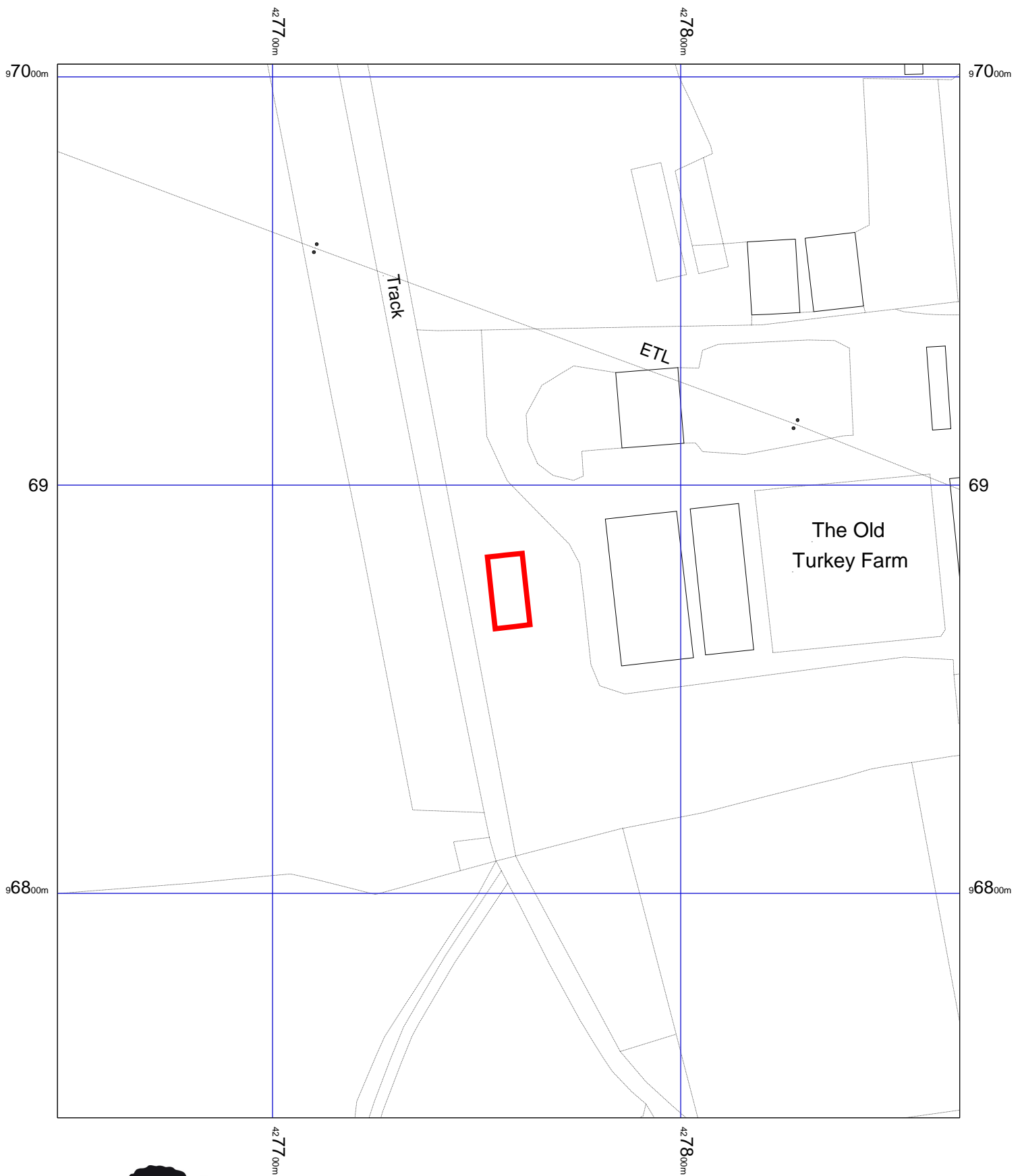
- 1 Development shall only be carried out in accordance with Drawing

numbers: 1 and 2019/10/02 (received 17/12/19 in respect of application 19/00821). 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).

- 2 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).



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