

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

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 principle 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.

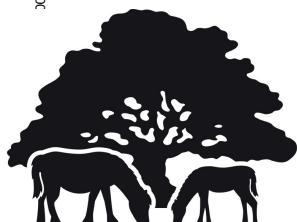
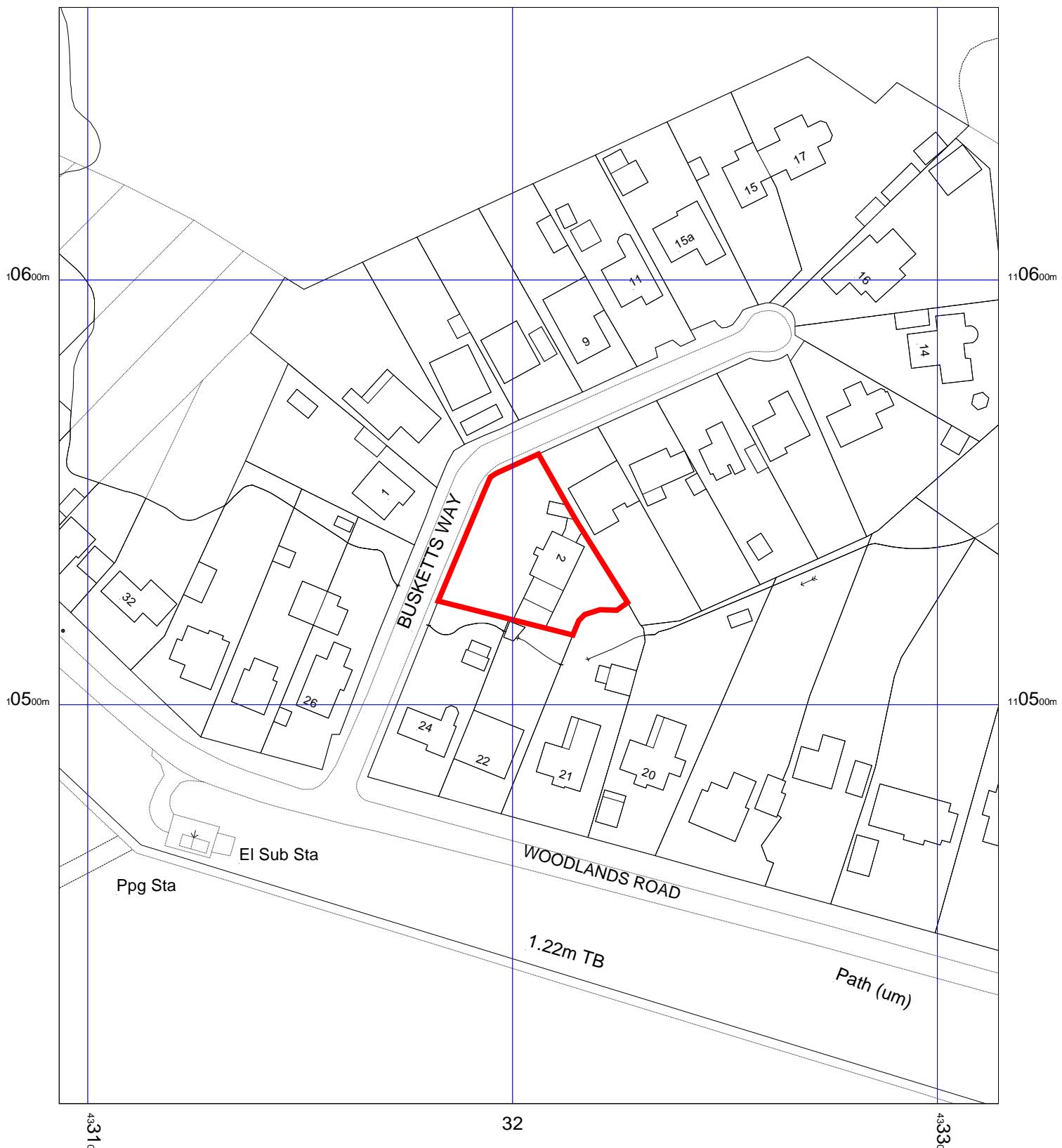
2. It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required in accordance with the Party Wall Act or other legislation.
3. 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

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