

Supporting planning statement for the erection of a dwelling at land of 46 Cygnus Gardens, Dibden, SO45 5UH

Prepared by Katie McIntyre MA MRTPI

KM Planning

November 2023

1.0 Update:

1.1 As Officers will be aware, an application for an additional dwelling was refused by Committee Members on the 22nd October 2022 (LPA reference 22/10907). The application was refused for the following reasons:

1) The site is located close to a sensitive woodland edge area providing an important visual break in the development on this estate. The proposal is considered to be out of character with the visual appearance and character of this part of the settlement, and contrary to Policy ENV3 of the New Forest Local Plan 2016-2036, and Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan 2019.

2) The proposal is considered to comprise a cramped form of development with an overbearing and insensitive impact on the neighbouring properties resulting in a significant loss of amenity contrary to New Forest Local Plan Policy ENV3 and Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan 2019.

3) The proposal, it is considered, will place additional pressure on trees of importance within and outside the site through their proximity and shading impact giving rise potentially to a future need to carry out lopping topping or felling works resulting in a further loss of the verdant woodland character of this part of the settlement contrary to New Forest Local Plan Policy ENV3 and Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan 2019.

1.2 The Applicant appealed the above decision in January of this year and the Inspectorate issued a decision on the 15th November 2023. The appeal was dismissed, however not because of the reasons for refusal identified by the Council above, but rather due to impact upon the Habitats sites and appropriate mitigation not having been secured at the time of the appeal as the contributions paid did not reflect the index linked increase.

- 1.3 In relation to the reasons for refusal identified by the Council the Inspector found no harm in relation to the character and appearance of the area, no harm in relation to neighbour amenity, and no harm in relation to trees.
- 1.4 The proposal has been resubmitted with the same design and layout as previously considered by the Council given that the Inspector found this to be acceptable. To ensure however an acceptable impact upon Habitat sites a revised legal agreement will be submitted during the course of the application ensuring that the financial contributions towards the Habitat sites reflects the updated index linked required contribution given that 13 months has now passed since the original legal agreement was signed. Advice has been sought from the case officer prior to the submission of the application and this approach is in accordance with his advice.

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July 2022

1.0 Introduction:

- 1.1 The site lies within the designated built-up area of Hythe and consists of a vacant piece of land adjacent to numbers 46 and 47 Cygnus Gardens. The area of land does not form part of the curtilage or garden area of either 46 or 47 and is within different ownership to these dwellings.
- 1.2 Numbers 46 and 47 form part of the end of a row of terraces which have staggered front elevations. These properties are back-to-back houses with number 47 occupying the front half of the property over both floors and number 46 the rear half of the property over both floors. The rear garden area serves number 46; number 47 does not have a garden area, and this is a similar arrangement to other properties within Cygnus Gardens.
- 1.3 To the south of the site is an area of vegetation and a public footpath. This strip of land has been identified as a landscape feature within the Local plan policy maps.
- 1.4 The surrounding area is characterised by similar designed properties and is made up of a mixture of terraced and semi-detached properties serving both flats and houses.

Parking for the dwellings is to the front of the properties although there is also non-allocated communal parking also available within the close.

2.0 Proposal:

- 2.1 This application seeks consent for a single dwelling which would have two bedrooms and two parking spaces.



- 2.2 The submission of the application follows pre-application advice with Officers whereby a scheme for two dwellings was proposed. The Officer's informal view was that two dwellings would be overdevelopment of the site but advised that a single dwelling would be more favourable. The Applicant has considered these comments and has reduced the proposal as well as amending parts of the scheme in line with the Officer's comments.

3.0 Relevant planning history:

- 3.1 Pre-application enquiry ENQ/22/20189/ERES 20th May 2022

4.0 Relevant planning policy:

National Planning Policy Framework (July 2021) (NPPF)

- 4.1 Section 5, paragraph 69 recognises that small and medium sized sites, such as the application site, can make an important contribution to meeting the housing requirement of an area.
- 4.2 Section 12 of the NPPF requires development to be sympathetic to local character whilst not preventing or discouraging appropriate innovation or change. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 4.3 Section 15 requires planning decisions to contribute to and enhance the natural environment. Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

National Design Guide

- 4.4 This sets out what is good design and forms part of the government's collection of planning practice guidance. Development should respond to local character and identity having an appreciation and understanding of local vernacular and characteristics of the existing built form.

Local Plan 2016-2036 Part One: Planning Strategy New Forest District outside the New Forest National Park

- 4.5 Policy STR1: Achieving sustainable development is an overarching policy which feeds into the specific policies below to ensure that all new development makes a positive social, economic, and environmental contribution.
- 4.6 Policy STR3: The strategy for locating new development seeks to ensure that new development is located in accessible locations that help to maintain the vitality and viability of the towns and villages.
- 4.7 Policy STR4: The settlement hierarchy identifies three tiers of settlements and sets out the nature and scale of development that would be appropriate for each type of settlement. The application site is located within a main village which has been identified as the most sustainable locations for small to medium-scale residential development.
- 4.8 Policy STR5: Meeting our housing needs identifies that at least 10,420 additional homes are to be provided during the plan period. This policy links with strategic objective S04 Housing Provision.
- 4.9 Policy ENV1: Mitigating the impacts of development on International Nature Conservation Sites states that development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are secured in perpetuity.
- 4.10 Policy ENV3: Design quality and local distinctiveness - The objective of this policy is to create high-quality places that enhance local character and distinctiveness. New development shall be sympathetic to the environment in terms of layout, scale, height, and appearance. It should also avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise, and light pollution.

- 4.11 Policy HOU1: Housing type, size, tenure and choice seeks to ensure that residential development addresses the diversity of housing needs. The policy specifically identifies the need for a greater quantity of lower cost forms of market housing. This policy links strategic objective S05 which specifically states that in particular homes more affordable for younger households are required.

Local Plan Part 2: Sites and Development Management New Forest District outside of the National Park

- 4.12 Policy DM3: Mitigation of impacts on European nature conservation sites - development will only be permitted where the Council is satisfied that any necessary mitigation has been secured.

Supplementary Planning Documents

- 4.13 Mitigation Strategy for European Sites provides further information in relation to the mitigation strategy and projects.
- 4.14 Parking standards SPD sets out the expected car parking and cycle standards for the district.
- 4.15 Hythe and Dibden Neighbourhood Development Plan 2018-2026 (Adopted December 2019) sets out a range of non-strategic policies that provide guidance in respect to the parish of Hythe and Dibden.

5.0 Planning case:

- 5.1 The site lies within the designated built-up area and as such there is not an in principle policy objection to the redevelopment of the site to provide for housing in accordance with Local Plan policies STR3 and STR4. The proposal would also result in the delivery of a two-bedroom property providing entry level housing in accordance with Local Plan policy HOU1, as well as the policy aims of the Hythe and Dibden Neighbourhood plan which specifically states that there is a shortage of smaller-sized houses such as one and two bedroomed dwellings (page 17). The site does not lie within a flood zone and access is proposed onto Cygnus Gardens. The applicant has the legal right to pass and re-pass across the current area of driveway to the front of the adjacent properties.
- 5.2 The character of the surrounding area is residential properties of a similar design and scale. It is predominantly characterised by terraces with semi-detached properties interspersed. The properties serve both flats and houses. A characteristic of the terraced properties is a staggered front elevation which adds visual interest to the

street scene and helps to break up the building line. Many of the properties have allocated parking spaces to the front of the dwellings.

- 5.3 The proposed design and proportions of the dwelling proposed would reflect that of the surrounding area as would the proposed plot size having taken influences from the immediate locality. The property has also been set back within the plot to visually continue the staggered appearance of the adjacent properties. The proposed set back would also minimise views of the property within the street scene and ensure the development would not appear visually imposing or detract from the current verdant views at the end of the cul-de-sac. The proposal would thus be viewed as a natural continuation of the building line respecting the design, scale and proportions of the adjacent properties whilst also ensuring that the current back drop of mature trees is not adversely impacted.





Proposed development site would appear as a continuation of the adjacent built form. The proposed set back would however ensure that the current verdant character and views of the landscape feature are retained.

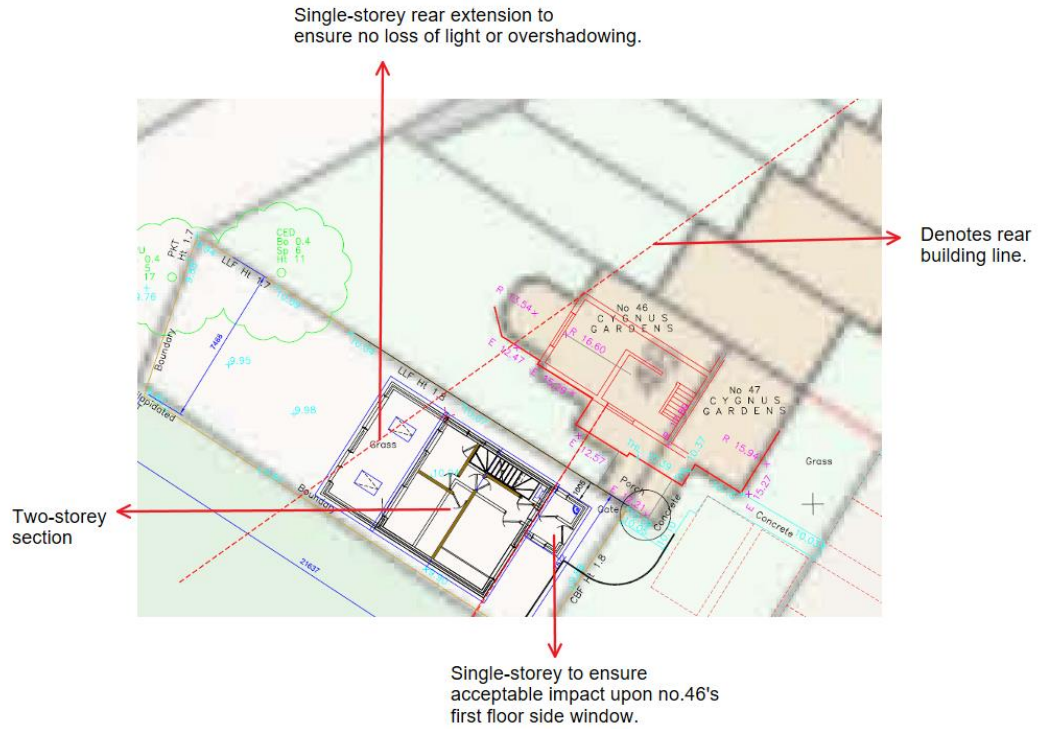


Proposed development site.

Aerial view demonstrating staggered elevations are a feature of Cygnus Gardens.

Street scene photos

- 5.4 With regards to neighbour amenity, the proposed set back of the property within the plot, together with the set back of the proposed two-storey section of the building, would ensure that views from the current side window serving number 46 and the light this window receives would not be adversely affected. The proposed two-storey section of the building has also been amended to respond to the pre-application comments. The depth of the two-storey element has been reduced to ensure that the impact upon number 46's rear conservatory and garden area is acceptable and would not cause undue overshadowing, respecting the staggered rear building line. Furthermore, the proposed dwelling has also been positioned away from the boundary as per the pre-application advice.



Block plan showing neighbour relationship

- 5.5 The proposal would not encroach upon the adjacent designated landscape feature and no changes are proposed to this area of land.
- 5.6 With regards to parking it is proposed for two parking spaces to serve the dwelling in accordance with NFDC's adopted parking standards. Secure cycle parking facilities are also proposed.
- 5.7 There are several mature trees within the vicinity of the site which enhance the character of the area. Accompanying this submission is an arboricultural report which demonstrates how the proposed development would have no adverse impacts upon these trees.
- 5.8 It is also material that as confirmed by the Authority's Statement of Housing Land Supply and Housing Trajectory 2016-2036 that the Council cannot currently demonstrate a five-year land supply of deliverable housing land for the period 2021/22 to 2025/26. The NPPF requires that where an Authority cannot demonstrate a five-year land supply the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (paragraph 11d of the NPPF).

This is thus a material consideration and where a proposal would deliver sustainable development, as in this case, then planning permission should be granted.

- 5.9 The Applicant would be willing to enter into the necessary financial contributions towards air quality, habitat mitigation and nitrates in accordance with Local Plan policy ENV1.

6.0 Conclusion:

- 6.1 To conclude, pre-application advice has been obtained from the Council prior to the submission of this application. The informal comments of the Officer have been considered carefully and the proposal has been amended to address these. The above paragraphs demonstrate how the proposal would comply with the development plan as well as the National Planning Policy Framework resulting in small-scale scheme which would be sympathetic in terms of layout, scale and appearance responding to the local character of the area and ensuring an acceptable impact upon neighbour amenity.

- 6.2 The development of a two-bedroom property in this established residential area would also provide much needed smaller homes as identified within the adopted Hythe and Dibden Neighbourhood Plan and would help to contribute to the circa 10,500 homes needed. The Applicant is aware that the Council is currently struggling to demonstrate their five-year housing land supply which is a material consideration. In such cases, as is confirmed by the NPPF, when applying the presumption in favour of sustainable development even greater weight should be accorded in the overall balance to the provision of new housing.