



HYTHE AND DIBDEN PARISH COUNCIL

The Grove, 25 St. John's Street, Hythe, Hampshire SO45 6BZ

Serving the communities of Dibden, Dibden Purlieu and Hythe

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To: Members of the Planning Committee

Mr W Binns

Mr R Guy

Mrs M McLean

Mr G Parkes

Mr M Short

Vice Chairman

and remainder of the Council for information

Mr B Uglow

Mr A Wade Chairman

Mr D Smith (ex officio)

Mr Jon Bennett (ex officio)

AGPLN376

16 March 2010

Members of the Planning Committee

are hereby summoned to attend the Planning Committee meeting to be held in The Grove, St. John's Street, Hythe on Tuesday next 23 March 2010 at 10.15 am

Yours faithfully

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S. Spence

Clerk to the Council

AGENDA

1. Apologies for absence.
2. To note any declarations of interest made by Members in connection with an Agenda item. The nature of the interest must also be specified.
3. Public Participation Period.
4. Notification of any other urgent business to be raised at the end of the meeting.
5. Forthcoming events that could affect the communities within the Parish.
6. To sign the Minutes of the meetings held on 25 January 2010, 8 February 2010 and 15 February 2010.
7. Planning lists –

New Forest District Council

(a) Period ending 3 March 2010

(b) Period ending 10 March 2010

(c) Period ending 17 March 2010

National Park

Applications received – 24 February 2010 to 2 March 2010 - none

Applications received – 3 March 2010 to 9 March 2010

Applications received 10 March 2010 to 16 March 2010



8. Notice of Appeal Decision - 8a Watermans Lane Hythe, Southampton - attached
9. New Forest National Authority Local Development Framework Core Strategy and Development Management Policies DPD – Publication of the Submission Document.
10. Any other urgent business concerning the Committee.

HYPHE AND DIBDEN PARISH COUNCIL

PLANNING COMMITTEE

AGENDA NOTES FOR 23 MARCH 2010

Item 9

New Forest National Authority Local Development Framework Core Strategy and Development Management Policies DPD - Publication of the Submission Document.

The New Forest National Park Authority has prepared the above document which is available to view online at www.newforestnpa.gov.uk. Alternatively a hard copy is available from the office.

The period for making representations on the submission document expires on 12 April 2010.

Member's views are requested.

Planning Applications to be considered on 23 March 2010

1 **10/95218**

17/02/10

Applicant - Mr Donaldson

Proposal - 1.5 metre boundary fence: access alterations

Site - Carrick, Lime Walk, Dibden Purlieu SO45 4RB

2 **10/95244**

17/02/10

Applicant - Mr Gibson

Proposal - First floor balcony; patio door to the front

Site - 5 Selman Close, Hythe SO45 6JS

3 **10/95262**

17/03/10

Applicant - Mr A Northeast

Proposal - Two storey front extension: single storey rear extension; raise roof; 2 solar panels

Site - 5 Talbot Road, Dibden Purlieu SO45 4PP

4 **10/95177**

17/03/10

Applicant – Mr Tony Roxburgh

Proposal – Flue

Site – Unit 2, Hythe Marine Park, Shore Road, Hythe SO45 6HE

5 **TPO10/0083**

01/03/10

Proposal - x2 Lime - Crown clean
1 Maple - Crown clean
1 Horse Chestnut - Fell

Site - Greenacres, Beaulieu Road, Dibden Purlieu SO45 4JB

6 **TPO10/0100**

12/03/10

Proposal - x 5 Ash - coppice to original stool

Site - 5-7 Cygnus Gardens, Dibden SO45 5UH

7 **TPO10/0101**

12/03/10

Proposal - T4 Oak - Reduce 3 lower laterals extending over property by up to 2m

Site - 15 Mountfield, Hythe, SO45 5AQ

8 TPO10/0103

15/03/10

Proposal - x 4 Scots Pine - Crown thin of 15% and crown clean

Site - Silver Firs, 6 West Road, Dibden Purlieu SO45 4RJ

9 TPO10/0106

16/03/10

Proposal - T1 Horse Chestnut - Crown reduce by up to 4m, reduce lateral branches by up to 2m and deadwood

T2 Lime - Crown reduce by up to 4m, reduce lateral branches by up to 2m and deadwood

Site - 4 Monks Walk, Dibden Purlieu SO45 4QH

New Forest National Park

1 10/94984

26/02/10

Applicant - Mr D Renyard

Proposal - Storage of 4 caravans on existing concrete hardstanding

Site - Talbot Farm, Main Road, Dibden SO45 5TB

Planning Application Decisions - 17 March 2010

1 09/94485 02/09/09

Applicant - Mr P Flatt

Proposal - Temporary Industrial Building

Site - Unit 2, Hythe Marine Park, Shore Road, Hythe SO45 6HE

Decision 17/03/10

Granted subject to conditions

2 09/94730 11/11/09

Applicant - Mr and Mrs Vaughan

Proposal - Single-storey side extension; dormer and roof alterations in association with new first floor.

Site - 1 Edward Road, Hythe SO45 6BD

Decision 17/03/10

Granted subject to conditions

3 09/94959 12/01/10

Applicant - Mr S Wilkins

Proposal - single-storey side extension

Site - 1 Hartley Close, Dibden Purlieu SO45 4LU

Decision 17/03/10

REFUSED

4 09/94995 12/01/10

Applicant - Dependable Properties Ltd

Proposal - Ground, first and second floor extensions to create 8 flats; additional parking spaces

Site - Fairview Parade, Beaulieu Road, Hythe SO45 5GT

Decision 17/03/10

REFUSED



Appeal Decision

Site visit made on 28 January 2010

by **Mike Stones BSc(Hons) DMS DipM**
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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Decision date:
1 March 2010

Appeal Ref: APP/B1740/A/09/2112963

8a Watermans Lane, Hythe, Southampton, Hampshire SO45 4JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Celia Boyes against the decision of New Forest District Council.
- The application Ref 09/94169, dated 29 May 2009, was refused by notice dated 19 August 2009.
- The development proposed is a house.

Application for Costs

1. An application for costs was made by Mrs Celia Boyes against New Forest District Council. This application is the subject of a separate decision.

Decision

2. I allow the appeal, and grant planning permission for a house at 8a Watermans Lane, Hythe, Southampton, Hampshire SO45 4JP in accordance with the terms of the application, Ref 09/94169, dated 29 May 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (A4), Block Plan (A3), 01 Rev A
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Prior to the first occupation of the dwelling hereby permitted, details of the obscure glazing for the first floor and second floor elevation windows shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and obscured glazing retained thereafter in accordance with those details.

Main issues

3. The main issues are the effect of the proposed dwelling on:
 - (a) the character and appearance of the area
 - (b) the living conditions of the occupiers of the neighbouring properties with particular reference to outlook and daylight.

Reasons

Character and Appearance

4. The appeal property is located in an established residential area comprising detached and semi-detached houses and bungalows in reasonable sized plots. The appeal dwelling plot is of a size that is typical of those in the street. Planning permission was granted in May 2008 (reference 08/92006) to demolish the existing bungalow that is adjacent to this appeal site, at no. 8 Watermans Lane, and erect two no. two-storey dwellings, one on the appeal site and one on the site of the existing bungalow. This appeal would provide a property that is larger than that already approved.
5. The appeal proposal would extend the previously approved dwelling by about 3m to the rear and provide additional accommodation within the roof space with roof lights and front and rear dormers. The proposed additional bulk to the rear would only be partially visible from the street whilst the existing bungalow is retained and in my opinion would be relatively insignificant in the street scene. I consider that when the existing adjacent bungalow is replaced by the new permitted dwelling the additional bulk would not be visible within the street scene.
6. Views of the rear of the appeal dwelling would be seen mainly from the private rear gardens of the existing dwellings to the rear. The proposed new dwelling would be more than 30m from any of these dwellings. In my view the modifications to the approved dwelling would be relatively innocuous, would not result in a significantly greater bulk and would not appear unduly large or intrusive when viewed from the properties to rear.
7. For the reasons outlined above, I conclude that the proposal would not be harmful to the character and appearance of the area. Therefore it is not contrary to policy DW-E1 of the New Forest District Local Plan First Alteration (2005) (LP) which requires development to be appropriate and sympathetic in scale, appearance, form and siting.

Living Conditions

8. The relationship of the appeal dwelling with the existing bungalow at no. 8 would be similar to that with the dwelling proposed in the existing planning permission. The appellant advises that no. 8 will be replaced in accordance with the extant permission and the Council raised no objection in respect of the relationship of the appeal dwelling with that replacement.
9. The main windows to the existing bungalow at no. 8 are on its front and rear elevations rather than the side elevation. The appeal dwelling would be quite

close to the side window of no. 8 but I do not consider that the increased size of the appeal dwelling would compromise the available light or outlook from no. 8. I note that there has been no objection from the occupiers of no. 8.

10. The rear windows of the appeal dwelling would be more than 30 metres from the neighbouring properties to the rear and there would also be a reasonable distance to the properties across the road to the front. These distances are similar to others in the area and I note that the adjacent dwelling at no. 10 has second floor dormer windows. I do not consider that there would be significant overlooking from the second floor velux windows in the side elevations of the appeal dwelling. In any event any overlooking from the side elevations of the appeal dwelling can be controlled by a condition requiring the windows to be obscure glazed. I therefore consider that there would be no harm to the occupiers of nearby dwellings as a result of overlooking.
11. For the reasons outlined above, I conclude that the appeal dwelling would not be harmful to the living conditions of the occupiers of the neighbouring properties. Therefore the proposal is not contrary to policy DW-E1 of the LP which seeks to prevent new developments from causing an adverse impact on local amenities.

Other Matters

12. Objections were made on the basis that the appeal dwelling would have inadequate parking and that the parking provision would impinge on the drives of properties opposite the site. I note that there was no objection from the Highways Authority and I consider that the proposal would provide an appropriate number of parking spaces with suitable access to the spaces.
13. Objections were also made that the appeal dwelling contained too many bedrooms and bathrooms, and that the permitted development rights should be removed to prevent further enlargement of the appeal dwelling. I consider that the size of the appeal dwelling would be acceptable. Permitted development rights should only be removed in exceptional circumstances and I do not consider that these circumstances are exceptional.
14. I have taken account of all other objections raised, including that the appeal dwelling would be too large for the site and that the roof line and bulk of the proposed dwelling would appear overbearing on neighbouring properties. However, these objections are in themselves insufficient reason to dismiss the appeal and do not outweigh my considerations on the main issues.

Conditions

15. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I consider that condition 2) is necessary in order for the avoidance of doubt and in the interests of proper planning, condition 3) is necessary to ensure that appropriate materials are used in order to safeguard the character and appearance of the area. Condition 4) is necessary to protect neighbouring properties from overlooking and loss of privacy.

Conclusion

16. I have taken account of all other matters raised. For the reasons given above I conclude that the proposal would not affect the character and appearance of the area or the living conditions of the occupiers of neighbouring properties, and the appeal should be allowed.

Mike Stones

INSPECTOR



Costs Decision

Site visit made on 28 January 2010

by **Mike Stones BSc(Hons) DMS DipM**
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
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Decision date:
1 March 2010

Costs application in relation to Appeal Ref: APP/B1740/A/09/2112963 Land at 8a Watermans Lane, Hythe, Southampton, Hampshire SO45 4JP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs Celia Boyes for a full award of costs against New Forest District Council.
- The appeal was made against the refusal of planning permission for a house

Summary of Decision: The application is refused.

Reasons

1. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 2. Furthermore, the Circular advises that the failure of a local planning authority to produce evidence to substantiate each and every reason for refusing an application could be considered to be unreasonable behaviour that may lead to an award of costs. The appellant has applied for an award of costs on the basis that the Council has acted unreasonably, as set out within paragraphs A22 and A23 of the Circular, by not providing substantial justification for its decision (paragraph B16) and the appellant has therefore incurred the unnecessary cost of an appeal.
 3. The reason for refusal set out in the Council's decision notice firstly states that the additional bulk and depth of the proposed dwelling compared to the previously approved dwelling would result in a cramped, contrived and excessively dominant dwelling to the detriment of the character and appearance of the area. Secondly, it refers to the harm that would be created to the light and outlook of the existing adjacent bungalow. The officer's report adequately identifies the issues and policies that were relevant to the situation and the reason for refusal clearly sets out the Council's concerns. The detail provided within the grounds for refusal is carefully framed, complete, precise, specific and relevant to the application in accordance with paragraph B16 of the Circular and it is clear in defining the elements of the proposed development which are considered unacceptable, notwithstanding the officer's recommendation for approval.
 4. Paragraph B20 of the Circular makes it clear that authorities are not bound to accept the recommendations of their officers but will need to show reasonable planning grounds for taking a contrary decision. The assessment of the issues noted in the Council's decision notice is a matter of judgement and I do not
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consider it unreasonable for the Members to take a different view from their officers.

5. However, paragraph B16 of the Circular states that authorities will be expected to produce evidence at the appeal stage to substantiate each reason for refusal and advises that if they cannot do so they risk a costs award against them for an unsubstantiated reason for refusal. The Council failed to prepare evidence in an appeal statement justifying its decision which it should have done. I note that in response to the appellant's application for costs the Council subsequently provided reasoned justification for the decision. I therefore find that the Council acted unreasonably in not preparing an appeal statement that contained reasoned justification for the decision.
6. However, even though the Council acted unreasonably in not producing appropriate evidence to justify its decision, this has not resulted in the appellant incurring unnecessary or wasted expense in the appeal process, as the appellant would still have had to appeal.
7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009 has not been demonstrated and that a full award of costs is not justified.

Formal Decision

8. I refuse the application for an award of costs.

Mike Stones

INSPECTOR