

Application Number: 18/11047 Full Planning Permission

Site: CHILFROME AND HAINAULT, LOWER PENNINGTON LANE,
PENNINGTON, LYMINGTON SO41 8AN

Development: Single-storey front extensions

Applicant: Miss Currie-Crouch

Target Date: 08/10/2018

Extension Date: 16/11/2018

RECOMMENDATION: Refuse

Case Officer: Jacky Dawe

1 REASON FOR COMMITTEE CONSIDERATION

Referred by Service Manager Planning Development Control

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Tree Preservation Order: NFDC/TPO 0008/13

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
18/10226 Single-storey front extension (Retrospective)	03/05/2018	Refused	Decided
18/10163 Single-storey rear extension; roof alterations to existing front extension; fenestration alterations (Retrospective)	22/03/2018	Granted Subject to Conditions	Decided
17/11552 Two-storey rear extension; single-storey front extension; roof alterations to existing single storey front elevation	10/01/2018	Refused	Decided
15/11027 Single-storey rear extension; 3 front roof lights (Lawful Development Certificate that permission is not required for proposal)	07/08/2015	Was Lawful	Decided
11/97994 Two-storey side extension	23/01/2012	Granted Subject to Conditions	Decided
86/NFDC/33092 Extension to lounge.	29/10/1986	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission but would accept a decision made by District Council under delegated powers.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

8.1 One comment received that brickwork to side and rear extensions do not match existing.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The applicants agent has commented that the imposing of a condition to secure the completion of the whole development is not justified or reasonable and would not meet the tests of lawfulness in paragraphs 54 and 55 of the NPPF. A Section 106 agreement would be disproportionate and unreasonable. As such this has not been agreed and the application should be determined as submitted.

No pre application advice was sought prior to the application being submitted. As the application now fell to be determined and there was identified harm arising from the proposal due to the fact that a mechanism to secure the completion of the whole development had not been agreed, a refusal was justified in this instance.

12 ASSESSMENT

12.1 The application property is located within the built up area and Lymington Local Distinctiveness Area 10. It is located on a private road with a varied mix of development. Chilfrome and Hainault are a pair of semi detached properties where there is an unauthorised single-storey front extension at Chilfrome adjacent to the boundary of Hainault.

12.2 The current application has been made jointly by both Hainault and Chilfrome. The proposal - which is partly retrospective - is to construct a pair of single-storey front extensions, either side of the boundary.

12.3 The main issues for consideration are the impacts on neighbour amenity, street scene and the character of the area.

12.4 A previous application 18/10226 for a single-storey front extension (retrospective) at Chilfrome was refused for the following reason :-

"The proposed single storey front extension, by reason of its length, height and close proximity to the neighbouring property Hainault would result in an unacceptable level of loss of light to the main living area, of an adjacent property. Furthermore it would create an oppressive and enclosing development to this neighbour to the detriment of their reasonable amenity. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside of the National Park and Chpt 7 of the National Planning Policy Framework"

12.5 Extending both properties to the same length would overcome this reason for refusal as the impact on light to Hainault would not be adversely affected and concerns about the resultant sense of enclosure would be resolved.

- 12.6 A joint application is therefore an appropriate way forward but only if the entire development is constructed as this would overcome the previous concerns. An appropriate mechanism to secure this is therefore required if the current proposal is to be supported.
- 12.7 A condition to secure this was rejected by the agent who considers that this is not justified or reasonable and would not meet the tests of lawfulness in paragraphs 54 and 55 of the NPPF. A S106 agreement was considered to be disproportionate and unreasonable.
- 12.8 The front extensions does not detract from the character of the area or appear overly prominent within the street scene.
- 12.9 In response to a comment made about materials, this is an older property and the bricks used on the recent side and rear extensions are the nearest match possible due to the age of the property and the availability of materials.
- 12.10 Notwithstanding that the impact on the street scene and character of the area is considered acceptable, without a mechanism to give certainty about completion of the development harm to the amenity of Hainault would remain and as such the proposals cannot be supported. It is on this basis that the application is therefore recommended for refusal.
- 12.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. In the absence of a mechanism in place to secure the completion of the development as a whole, and if the current situation were to remain, it would result in unacceptable harm to the neighbour Hainault. The proposed single storey front extension, by reason of its length, height and close proximity to the neighbouring property, Hainault, would result in an unacceptable level of loss of light to the main living area of that adjacent property. Furthermore, it would create an oppressive and enclosing form of development to this neighbour to the detriment of their reasonable amenity. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 12 of the National Planning Policy Framework.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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Further Information:

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**Planning Development
Control Committee**
November 2018

Item No: 3g
Chilfrome & Hainault
Lower Pennington Lane
Pennington Lymington
18/11047

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

