

**Application Number:** 15/10274 Full Planning Permission

**Site:** 5 MAYFLOWER CLOSE, LYMINGTON SO41 3SN

**Development:** Two-storey side extension; single-storey front canopy;  
single-storey rear extension

**Applicant:** Mrs Outhwaite

**Target Date:** 15/05/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Flood Zone  
Plan Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS6: Flood risk

**Local Plan Part 2 Sites and Development Management Development Plan Document**

None relevant

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework NPPF Ch. 7 - Requiring good design  
Circular 11/95 Use of conditions in planning consents

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Lymington Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

- 12/98422 Two storey side extension (extension to time limit of planning permission 09/93571) granted subject to conditions 01/05/2012
- 09/93571 Two storey side extension granted subject to conditions 23/03/2009
- 06/87571 Two storey side extension granted subject to conditions 08/05/2006

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council: recommend refusal  
Overlooking issues;  
Over dominant;  
Close proximity to boundary with neighbouring property

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage: no comment  
Environment Agency: site falls within scope of Flood Risk Standing Advice

## **10 REPRESENTATIONS RECEIVED**

3 objections from Nos.41, 43 and 45 Stanley Road

- over intrusive
- too close to rear boundaries of neighbouring properties in Stanley Road
- side windows would overlook back gardens of neighbouring properties in Stanley Road
- changes since previous consent - loss of screening created by Eucalyptus tree (removed with permission of NFDC due to disease)
- two storey extension at 45 Stanley Road was refused, so approval of this proposal would be inconsistent
- approved single storey extension at 45 Stanley Road has full height glazing and open plan across rear elevation, therefore allowing complete visibility from extension of 5 Mayflower Close if windows not fixed shut and obscure glazed
- scale not appropriate to the surrounding area and out of keeping with other properties in Mayflower Close
- would result in a much larger dwelling than others within immediate area
- overbearing

1 comment from No.4 Mayflower Close:

- please ensure that windows overlooking rear garden of 4 Mayflower Close are obscured.

Correspondence from applicant:

- floor levels no lower than existing and flood proofing has been considered

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## 13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and apart from requesting a flood risk assessment, the application was acceptable as submitted so no specific further actions were required.

## 14 ASSESSMENT

- 14.1 The application site is a detached dwelling sited within the built up area of Lymington and is located just outside the King Saltern Conservation Area.
- 14.2 This planning application does not differ from the scheme approved under three previous consents granted in 2006, 2009 and 2012. These previous applications considered that the proposal would not have an adverse impact upon the character and appearance of the area and, subject to conditions, would have an acceptable impact upon the neighbouring properties' amenities. Furthermore, Lymington and Pennington Town Council did not raise any objection to the previous applications and, in relation to the most recent application in 2012, recommended permission.

- 14.3 The proposed side extension has been designed to be subservient to the host property and would not be out of context with the size and styles of properties surrounding the site within Mayflower Close. Also, the majority of the built form would not be visible from public vantage points within the King Saltern Conservation Area as views of the development from the wider area would be blocked by development fronting Stanley Road. Furthermore, no issues were raised previously with regards to the impact upon the visual amenities of the locality.
- 14.4 In terms of neighbour amenity, the previous consents conditioned the windows on the north-east and south east elevations to be obscure glazed and other than fan light opening fixed shut at all times to protect the neighbours' amenities. Accordingly, it would be justifiable to reapply this condition to the current application, especially as, since the last permission, an extension has been approved at 45 Stanley Road. Furthermore, it is now considered important to protect the privacy of adjoining properties from the potential overlooking that could otherwise occur in the future as a result of permitted development rights.
- 14.5 The loss of the Eucalyptus tree, even though removing screening of the extension, is not justification to refuse this application. Due consideration was given to the potential loss of screening at the rear of Nos.43 and 45 Stanley Road under the assessment of the planning application in 2009. It was concluded that even with the then current screening removed there would be no adverse visual impact upon the occupiers of properties in Stanley Road given the residential nature of the area. Furthermore, the properties in Stanley Road have reasonable sized rear gardens resulting in the proposed extension being set over 20m away from the backs of their dwellings. It is also worth noting that the proposed extension would be set a metre off the common boundary with these properties.
- 14.6 In conclusion, there have been no material changes in circumstances since the consideration of the last previously approved application to justify refusing permission in this case. The proposed extension is considered to be in character with the area and would cause no harm to the amenities of occupiers of neighbouring properties by way of loss of privacy through overlooking, and loss of light or additional visual impact. The application is, therefore, recommended for permission subject to appropriate conditions, including one to protect the privacy of adjoining neighbours.
- 14.7 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

### **Proposed Conditions:**

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. The development permitted shall be carried out in accordance with the following approved plans: 09/10.001, ML01A, ML02

Reason: To ensure satisfactory provision of the development.

3. The first floor windows on the north-east and south-east elevations of the approved extension shall be obscurely glazed and other than fan light opening fixed shut at all times.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. No other windows or rooflights other than those hereby approved shall be inserted into the north-east and south-east elevations of the dwelling unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

### **Notes for inclusion on certificate:**

In accordance with paragraphs 186 and 187 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.

In this case all the above apply and apart from requesting a flood risk assessment, the application was acceptable as submitted so no specific further actions were required.

### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
June 2015

**Item No: 3h**

5 Mayflower Road  
Lymington

App No 15/10274  
SZ3395

Scale 1:1250

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

