

Application Number: 15/10350 Full Planning Permission

Site: 44 WEST PARK LANE, DAMERHAM SP6 3HB

Development: Two-storey side extension; single-storey front extension

Applicant: Mr & Mrs Eyres

Target Date: 25/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Area of Outstanding Natural Beauty
Plan Area
Explosives Safeguarding Zone
Groundwater Protection Zone

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

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

05/83788 Two-storey side extension 21/03/2015 Refused

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council - PAR 3 : Recommend approval. The Parish Council agrees that this application fails the DM20 Policy, but the dwelling at No.42 has had a similar extension in 2000, therefore the two blocks of properties 41 and 42, 43 and 44 will look similar from the street scene. This is a family home that are looking to stay in the village, this application is to allow this. The Parish Council supports applications within reason that allow family resident to remain in the village as this allows for a better age spread of its population.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

Ministry of Defence - No safeguarding objections

10 REPRESENTATIONS RECEIVED

Further comment received from the applicants making reference to;

- Previous extensions permitted at No.40
- Relationship with neighbouring premises
- Visual impacts on the street scene
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Nine representations have been received from neighbouring residents in support of the application, noting that the proposal would:

- Be similar to other alterations made along West Park Lane
- Offer improvement to the village housing stock
- Enable the family to remain in the village.

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11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not CIL liable.

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 the applicants did not submit a pre-application enquiry and concerns raised were made publically available in the case officer's initial briefing. Changes to address concerns raised could not be dealt with under the scope of this current application submission and as the applicants have not requested the withdrawal of the application, it is being determined on the basis of the plans submitted.

14 ASSESSMENT

- 14.1 This is a semi-detached property located in the village of Damerham. The site is in the countryside, outside of the built up area and within the Area of Outstanding Natural Beauty. It is one of a row of properties of related design dating from the mid C20 which provide character and identity to the street scene. The property is externally clad in brick under a tile roof and has been previously extended with a conservatory on the rear elevation.
- 14.2 The site is in the countryside, whereby policy DM20 of the Local Plan Part 2 is applicable. This limits increases in floorspace to 30% over that of the existing dwelling (the 'existing dwelling' being defined as that as existed on 1 July 1982) in the interests of safeguarding the future of the countryside and maintaining a varied housing stock in rural areas. A dwelling may be permitted to exceed this limit, provided the increase in floorspace will not result in a dwelling in excess of 100m². In this case the existing floor area is 71.41m² and a 30% increase would allow a total of 92.83m² as such an increase above 30% may be permissible. However, the proposed additions including the existing conservatory addition, would see a total floor area of 126.53m², 26.53m² above the 100m² limit set under Policy DM20 for smaller dwellings. In total, additions to the property would constitute approximately a 77% increase in the floor area over that of the existing dwelling, which would represent a significant increase in its size. On this basis the proposal would fail to meet the requirements under Policy DM20.

- 14.3 It is noted that policy DM20 allows flexibility in the case of conservatory extensions provided they meet with the policy design criteria and are acceptable in their visual impacts. As such, if it were the case that the floor area of the conservatory alone was accountable for the extra floorspace over the prescribed limit, then this could be addressed by condition. This would enable the development to be acceptable by ensuring that the conservatory remains as such and by the removal of future permitted development rights for any subsequent extensions. However the floorspace of conservatory alone is 9.92 m² and the proposal would remain a further 16.61m² over the maximum floorspace limit.
- 14.4 In response to the applicant's further comments on the floor space, it is noted that a similar proposal on this site was refused in 2005 under App 05/83788 for reasons of its excessive increase in floor area under the prevailing policies at that time. Extensions to neighbouring properties have been reviewed by the case officer, including those at No.40. It is noted that a similar extension was permitted under App 00/68179 however in that case the extension was narrower and there were no existing extensions to consider, which gave a total proposed floor area of 100.08m², within the limits of the prevailing policy at that time. Furthermore the latter conservatory extension under 06/87153 met with the exception which was allowed for conservatory additions under the prevailing policy at that time.
- 14.5 In visual terms the proposed extension would unbalance this pair where the established sense of symmetry and the gaps between pairs of related properties in this row provide character to the street scene. This being said, previously approved alterations at neighbouring properties, in particular No.40 under App 00/68179, have seen similar albeit smaller alterations and as such this proposal would not be out of keeping with the street scene. The Parish Council comments and further comments from the applicant are noted in this respect. As such, on balance this would not result in harm to visual amenity and the street scene. Given the residential context of the site, this proposal would not result in any harm to the wider landscape character within the Area of Outstanding Natural Beauty.
- 14.6 The proposed extension would be close to the boundary with the neighbouring property to the north, where it is noted there are opposing window openings. As a result of the proximity, scale and relative orientation there are concerns that this proposal would result in a visually overbearing impact and also result in a loss of light. However the extension would remain set back from the boundary and have a staggered relationship in relative positioning. Considering this relationship and that it is understood these opposing windows do not serve principle habitable rooms, this would not, on balance, result in such loss of light that would result in significant adverse impacts and warrant refusal on these grounds.
- 14.7 On the basis of the above although this proposal would be acceptable in its impacts on visual amenity and the living conditions of neighbouring occupiers, the proposed significant enlargement of the dwelling in this rural location would be contrary to the objectives of the adopted local plan. Comments from the Parish Council regarding the aspirations of the current owners to extend so that they can remain in the village are

appreciated, however, as in the case of No.40 it should be possible to extend the property and provide this accommodation while meeting with the objectives of the adopted local plan.

- 14.8 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan, Policy CS10 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. 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 the applicants did not submit a pre-application enquiry and concerns raised were made publically available in the case officer's initial briefing. Changes to address concerns raised could not be dealt with under the scope of this current application submission and as the applicants did not request the withdrawal of the application, it was determined on the basis of the plans submitted.

Further Information:

Householder Team
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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
June 2015**

Item No: 3m

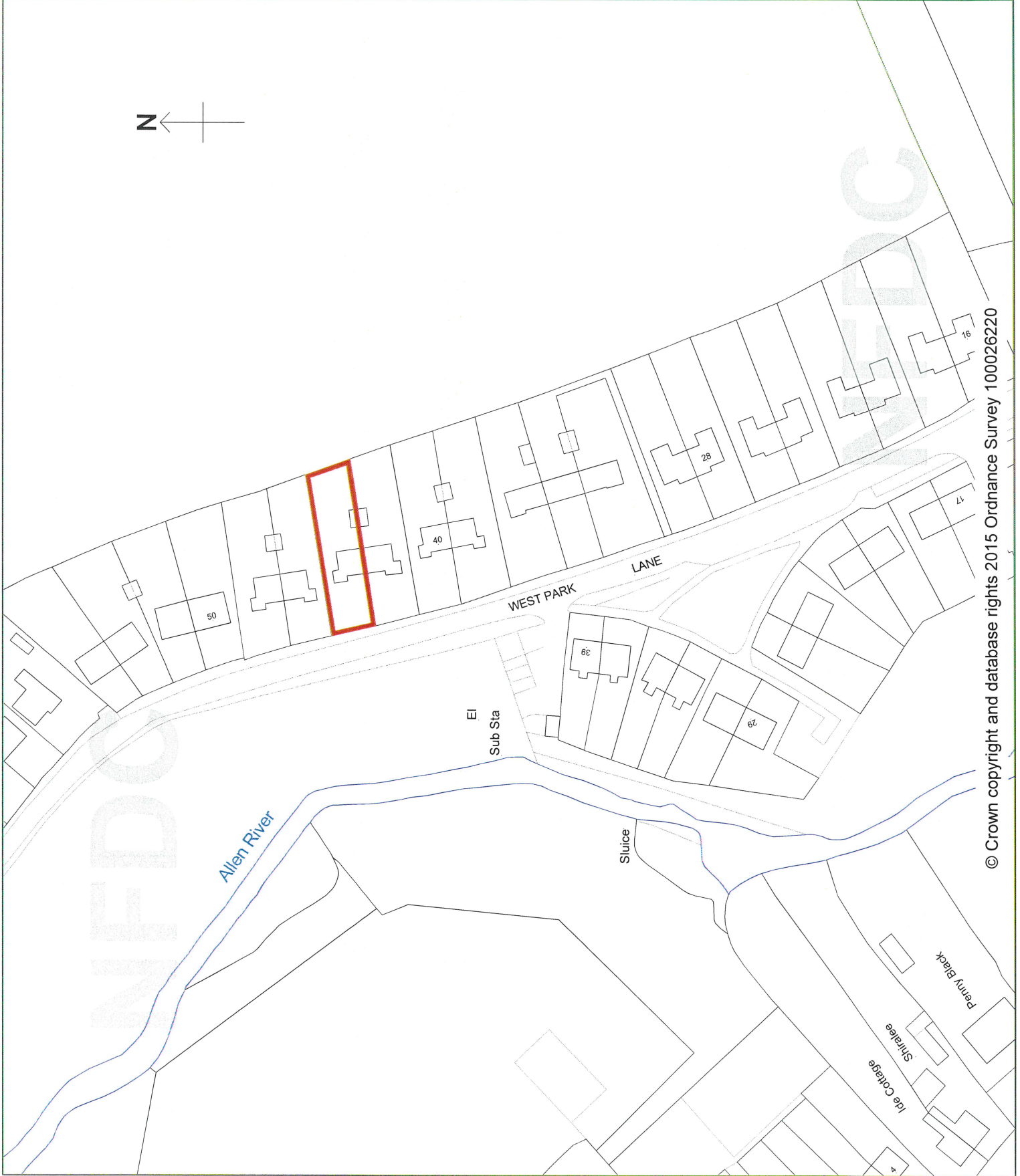
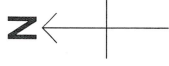
44

West Park Lane
Damerham

App No 15/10350
SU1016

Scale 1:1250

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