

**Application Number:** 18/11673 Full Planning Permission

**Site:** 46 FULLERTON ROAD, PENNINGTON, LYMINGTON SO41 9JN

**Development:** Roof alterations and dormers in association with new first floor;  
Single-storey rear extension; replacement garage

**Applicant:** Mr Savin

**Target Date:** 13/02/2019

**Extension Date:** 15/03/2019

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Julie Parry

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view.

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Aerodrome Safeguarding Zone  
Plan Area

**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**

Lymington Local Distinctiveness SPD

**3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**4 RELEVANT SITE HISTORY**

No relevant history

## **5 COUNCILLOR COMMENTS**

No comments received

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council:** recommend refusal. Notwithstanding precedents set at other locations on Fullerton Road the topography of this site results in the property being higher than its neighbours and also those properties it overlooks on Samber Close. It is clear from the work already undertaken that the result is detrimental to the character of its immediate neighbourhood and will result in a loss of amenity for the residents of Samber Close. In the event of permission being granted we strongly recommended that permission for any further development to the roof space leading to the insertion of new dormers is specifically precluded.

## **7 CONSULTEE COMMENTS**

No comments received

## **8 REPRESENTATIONS RECEIVED**

Three representations received from numbers 122, 123 & 124 Samber Close on superseded plans raised concern regarding:

- overlooking from proposed dormers particularly due to elevated nature of application site.
- loss of daylight.
- noise and disturbance.

Following receipt of the amended plans the neighbours were re-consulted but no further comments have been received.

## **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.

Following the Officer's visit to the site a number of issues were identified. Amended plans were received to overcome these initial concerns and therefore in this case all the above apply and as the application was acceptable no further actions were required.

## 12 ASSESSMENT

- 12.1 The property is a bungalow positioned between two similar dwellings. The area is within Character Area 7; Yaldhurst Purlieu of the Lymington Local Distinctiveness Supplementary Planning Document. Many of the dwellings in Fullerton Road and surrounding streets have been altered and there is a variety of building formats and designs with some benefiting from roof alterations to allow rooms in the roof.
- 12.2 The land levels vary, sloping downwards from west to east, which means that the properties opposite are on a higher level and the properties to the rear in Samber Close, which are two storey dwellings, are significantly lower than the application site.
- 12.3 The current proposals are for roof alterations and dormers in association with new first floor, a single-storey rear extension and a replacement garage. The proposed development would include an increase in the height of the ridge by 1 metre. The resulting property would be finished in a white rendered walls and a slate roof. There would be areas of cladding to the dormer cheeks which are shown on the plans as being Cedral cladding in dark grey which would match the dark grey fascias and soffits.
- 12.4 The main considerations when assessing this application were impact on the street scene and neighbour amenity. During the application process the planning Officer has worked with the agent to overcome the initial concerns raised taking into account the neighbour comments and this resulted in amended plans being submitted as referred to below.
- 12.5 The amended plans submitted, and now for determination, reduced the overall height of the ridge by 400mm, reduced the width of the rear dormer by 600mm and changed the internal layout so that the first floor dormer window to the rear serve a bathroom ensuite so could be obscure glazed.
- 12.6 In terms of neighbour amenity the neighbour to the north, number 48 is slightly set back on the plot in comparison to number 46. This neighbour does have windows on the side elevation facing the application site which are obscurely glazed. Given that the separation of 3.5 metres would be retained the proposed increase in the roof height and bulk and rear extension would not have a significant adverse impact on their outlook or cause an unacceptable loss of light.
- 12.7 The neighbour to the south, number 44, also has windows on the side elevation facing the application site but given the orientation and that there is a gap between the properties of a minimum of 4 metres, the overall impact of the proposals on their amenity would be acceptable.
- 12.8 The neighbours to the rear within Samber Close are two storey properties with relatively shallow rear gardens of between 6 metres and 14 metres in depth. These properties are also at a significantly

lower level than number 46. There is a separation of a minimum of 24 metres between these properties and the application property. Whilst this back to back distance exceeds the normally recommended 21 metres given the difference in levels there could be some potential impact on the amenity of these neighbours to the rear. On visiting the neighbour to the rear, number 123 Samber Close, the proposed increase in height and additional built form from the rear dormer would be visible from their rear windows and garden but given the distance between the properties there would not be an adverse impact in terms of visual intrusion or a loss of light.

- 12.9 Neighbour objections were received from 122, 123 & 124 Samber Close in respect of the original plans (now superseded) which raised concern regarding overlooking, loss of daylight and noise and disturbance. The original plans indicated a rear bedroom window in the proposed dormer. Amended plans were received which show that the rear dormer would contain a single window which would serve an en-suite bathroom. No further comments were made from these neighbours following re-consultation on the amended plans.
- 12.10 These changes to the layout now propose a single rear window in the dormer to serve an en-suite bathroom. Given its use, this window could reasonably be conditioned to be obscure glazed with high level opening which would overcome the concerns about overlooking to the rear. Furthermore, to protect the neighbour's privacy in the future it is proposed to apply a condition to any approval for no additional windows to be inserted on this rear roof slope/dormer without further planning permission.
- Noise and disturbance would be limited to the construction period only.
- 12.11 The proposed increase in height of 1 metre and two flat roof dormers with its modern material palette would introduce a change to the appearance of this property in the street scene. Furthermore the Parish Council have commented that other changes already undertaken in the locality have resulted in a detrimental affect on the character of the area. However whilst immediately adjoining properties remain small scale bungalows, there are a number of properties in the wider area which have been altered in a similar manner to increase their roof height and providing dormers to allow for rooms in the roof.
- 12.12 The street scene is varied and has evolved over time such that there is no longer a strong pattern of development. Therefore, due to this degree of variation in the street scene the increase in roof height is not considered to be detrimental to the local area. This was the view expressed by the Inspector in allowing two appeals at 4 Fullerton Road (15/10223 and 16/10989).
- 12.13 Dormers are not an uncommon feature in the area and there are existing properties with flat roof dormers within the street scene. The proposed dormers on the front elevation would not appear dominant and would be proportionate features within the roof slope and the roof light windows would have minimal effect on the overall appearance of the property.

- 12.14 The proposed flat roof dormer to the rear is relatively large. However being to the rear of the property it would not be clearly viewed from the street scene and therefore would not have a significant impact on the street scene.
- 12.15 The materials to be used would be white render and slate roof and similar materials have been used in other properties in the wider area. Therefore these are not considered to look out of keeping in this location. The areas of cladding are minimal and therefore whilst this would result in a more modern finish to the property it would not be to the detriment of the overall street scene.
- 12.16 The proposed alteration to the front elevation would include the introduction of a flat roof to the porch and existing single storey projecting element. Whilst this is not a form of development which is generally considered appropriate it is acknowledged that the proposed flat roof would be limited in size and reflect the modern style of development proposed and therefore on balance it would not be significantly harmful to the street scene to justify refusal. Overall the proposed development would be visually acceptable within its context and respect the local distinctiveness of the area.
- 12.17 The proposed garage would be set back on the plot and limited in height . It would be an appropriate addition which would not have a detrimental impact on the street scene or neighbour amenity.
- 12.18 Following submission of amended plans, the impact on neighbour amenity is considered to be acceptable and there would be no resultant harmful overlooking. The increase in height from the proposed development is limited and whilst there would be a change of design, inclusion of dormers to the front roofslope and use of modern materials this would not be dissimilar to other properties in the wider street scene where there is a varied character. Therefore the proposed development would not have a significant adverse impact on the street scene or local distinctiveness and the application is recommended for approval.
- 12.19 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.

## **13. 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: LP.01 ,G.01, EE.01, EP.01, PE.01 REV A & PP.01 REV A

Reason: To ensure satisfactory provision of the development.

3. The first floor dormer window on the rear elevation of the approved building shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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).

4. No other windows or rooflights other than those hereby approved shall be inserted into the rear roofspace 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:**

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.

Following the Officer's visit to the site a number of issues were identified. Amended plans were received to overcome these initial concerns and therefore in this case all the above apply and as the application was acceptable no further actions were required.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 21 January 2019

**Further Information:**

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**New Forest**  
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**Planning Development  
Control Committee**  
March 2019

**Item No:** 3f  
46 Fullerton Road  
Pennington  
Lymington  
18/11673

Scale 1:1250

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