

Application Number: 19/10279 Full Planning Permission

Site: SELETAR COTTAGE, 1 OLD FARM WALK, LYMINGTON
SO41 3NY

Development: Replacement dormers (Retrospective) cedar cladding; slate cladding; render existing walls

Applicant: Mr Vokes

Target Date: 10/05/2019

Extension Date: 21/06/2019

Link to case file <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

1. Residential amenity
2. Appearance of replacement dormers and materials within the street scene.

1.2 This matter is before Committee as the officers recommendation is contrary to that of Lymington and Pennington Town Council.

2 THE SITE

The property is a detached bungalow with first floor accommodation. The site is primarily surrounded on 3 sides by high hedges and has recently been substantially altered under permitted development. There is a mixed street scene of primarily bungalows in Old Farm Walk, and the nearby two storey properties of Belmore Road. There is evidence of other front dormer windows and a variety of roof forms in the wider street scene.

3. THE PROPOSED DEVELOPMENT

The proposals are for retrospective permission for two replacement front dormers. In addition it is proposed to change the materials to cedar, slate roof and white painted render to the property. The main considerations are impact on residential amenity and on the street scene

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

XX/LYB/6730 – Proposed bungalow

5, THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None

Emerging Local Plan

Policy 13 - Design Quality and Local Distinctiveness

Supplementary Planning Guidance and other Documents

SPD Lymington Local Distinctiveness Document

6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Advice

NPPF Chapter 12 - Achieving well-designed places
Paragraph 124
Paragraph 127

7. PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal In the context of the host building the front facing dormers seem to be far too large and not appropriate within the street scene.

8 COUNCILLOR COMMENTS

None

9. CONSULTEE COMMENTS

None

10. REPRESENTATIONS RECEIVED

The following is a summary of the representations received they can be read in full via the link set out at the head of this report

Total Number of Representations Received: 8

0 In Favour: 0 Against: 8

- Development not in keeping with area or local distinctiveness
- Works detailed to be permitted development requiring planning permission.
- Objection due to the rear dormer's size and scale.
- Assertion that rear dormer is part of street scene and not of similar size to previous.
- Objection to the hip to gable conversion.
- Objection to the materials (render, slate tiles, cladding)
- Concerns related to use of flat roof of the rear extension being used as a roof terrace.
- Concerns relating to privacy associated with rear dormer windows.
- Concerns relating to the quality and safety of the build and building control.
- The submitted plans state the "existing" development as the completed permitted development aspects of the proposal and this is not an accurate representation of the existing building before works started.

Rt Hon Sir Desmond Swayne MP has written on behalf of an objector raising the following points:

- Timescale for determination of the application.
- Retrospective application only relates to the front of the building and no other works.
- Works to the rear exceed permitted development rights and so also need planning permission.

The applicants' agent has submitted details of comparable dormers close to the site in order to demonstrate that they are not out of character or overly large. They state that the dormers are just 200mm taller than those they've replaced, and are the same width overall.

11. OFFICER COMMENTS

Introduction

- 11.1 The proposals are for retrospective permission for two replacement front dormers. In addition it is proposed to change the materials to cedar and slate cladding, and white painted render to the property. These works to the front dormers have already been undertaken and so are retrospective. The remainder of these proposals are yet to be completed.
- 11.2 The main considerations are impact on the street scene and residential amenity. In addition a response will be made to the relevant objections particularly in relation to queries on permitted development

Relevant Considerations

1. Street scene

- 11.3 The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal. Para 127 requires planning decisions to ensure that development functions well, adds to the overall quality of the area and is visually attractive. Furthermore, development should be sympathetic to local character, respecting the surrounding built environment and should establish or maintain a strong sense of place with reference to its materials in order to create attractive and distinctive places.
- 11.4 The front dormers are similar in form and size to those that were replaced, with only an increase of 200mm in height retaining an equivalent width as the original dormers. The dormers are proportionate additions to the roof and do not dominate the roof form being of a recessive height relative to the ridge of the property. Furthermore they do not appear out of character due to the variety of property designs and dormers within the street scene. There are a number of examples of similar box dormers in the street scene, both single large or two small, as well as front dormers with cladding. As such there would not be an adverse impact on the street scene associated with the front dormers.

2. Residential amenity:

- 11.5 The replacement dormers are of a similar size to those previously on the front elevation with similarly detailed fenestration; as such there would not be a material

increase in harmful overlooking associated with the dormers. In addition there is an acceptable degree for separation from neighbours to the front which are located across the highway so additional overlooking would not result.

- 11.6 The Lymington SPD makes no direct reference to Old Farm Walk, and there are examples of similarly rendered, clad, and tiled buildings within the street scene and surrounding area. Although more modern in appearance, given the mixed designs evident in the area and other examples of cladding or painted/rendered properties within the street scene the proposed change in materials would be acceptable within their context.
- 11.7 As such it would comply with the development plan policies and guidelines within the NPPF para 124 and 127.

3. Response to the issues raised concerning permitted development

- 11.8 Comments have been made about whether the other works are permitted development. These works relate to a hip to gable extension, a rear dormer and rear extension.
- 11.9 The hip to gable extension are within permitted development criteria set out in the Class B of the General Permitted Development Order 2015 (As amended). This is government legislation and as such if the criteria are complied with development can proceed without planning permission.
- 11.10 The submitted plans indicate that the eaves of the rear and side extensions are set below the level of the parapet wall. As such the eaves of the extensions are equal to the eaves of the house when measured in accordance with the Technical Guidance to the General Permitted Development Order (April 2017).
- 11.11 The slope of the original roof and the eaves are maintained below the rear dormer, which complies with Class B of this legislation. However in the case of an extension which joins the original roof to that of a rear extension, the dormer would simply have to not extend beyond the outside face of any external wall.
- 11.12 Although large, the rear dormer has a volume of 47.5 cubic metres which when combined with the additional volume created by the hip to gable conversion would exceed the limitations of permitted development. However, the size of the previous rear dormer would be discounted from this total; as such the alterations would be within the 50 cubic metre limit of Class B.
- 11.13 As the rear dormer fits within permitted development criteria, further consideration of its impact on the street scene, the fenestration or impact on residential amenity cannot be considered.
- 11.14 Concerns relating to the use of the flat roofed rear extension as a balcony and the full length windows in the rear dormer are not considerations within this application. In this instance the applicant has not indicated a balcony, and therefore it is not a consideration. Should the roof of the rear extension be used as a balcony in the future, this would be considered at that time. Additionally, the agent has confirmed that there is no intention to use the flat roof of the rear extension as a balcony.

4. Other non-planning matters

- 11.15 Regarding Building Control, this site was dealt with by Approved Inspector and not NFDC Building Control. In any case building control considerations are not a planning matter.

12. CONCLUSION ON THE PLANNING BALANCE

- 12.1 The proposals have been considered in the context of the national and local policy framework. As set out above the replacement dormers are of a similar size to those previously on the front elevation so as not to increase amenity impacts. Furthermore, due to their similar form and size to those that were replaced would be proportionate additions to the roof and do not dominate the roof form. They do not appear out of character due to the variety of property designs and dormers within the street scene.
- 12.2 The other matters raised in objections have been considered and the application is therefore considered acceptable within its context and permission is therefore recommended

13. OTHER CONSIDERATIONS

Proactive Working Statement

- 13.1 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.
- 13.2 In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Local Finance

- 13.3 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.

Human Rights

- 13.4 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.

Equality

- 13.5 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
- 1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- 2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 13 March 2019 and 7 May 2019

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: LP.01, EP.01, EE.01 REV A, PP.01, PE.01 REV B.

Reason: To ensure satisfactory provision of the development.

Further Information:

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**Planning Development
Control Committee**
June 2019

Item No: 3g
Seletar Cottage
1 Old Farm Walk
Lymington
19/10291

Scale 1:1250

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

