

Application Number: 19/10047 Full Planning Permission

Site: 5 SHERIDAN GARDENS, TOTTON SO40 8TP

Development: First-floor side extension

Applicant: Mr Carter

Target Date: 22/03/2019

Extension Date: 14/06/2019

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. The main issue to be considered is the impact that the proposed development would have on the neighbour to the west, 7 Shaw Close, in respect of their outlook, light and enjoyment of their garden.

1.2 The application has been brought to Committee for a decision because of an objection from a Councillor.

2 THE SITE

The application site relates to a two storey dwelling within a cul de sac of similar properties and is linked to the neighbouring property, 4 Sheridan Gardens, via the attached garage. The applicant's garage forms part of the boundary for the neighbour to the west, 7 Shaw Close. The application property has been extended to the rear with a conservatory and has a relatively large rear garden which is enclosed with high fences.

3 THE PROPOSED DEVELOPMENT

Planning permission is sought for a first floor side extension which would be positioned over the garage and store. The resulting development would be set back from the front elevation of the property and have a lower ridge height than the main dwelling. The proposal includes first floor windows to the front and rear elevations of the new development and these would both serve a master bedroom

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

05/86591 Rear conservatory 20/01/2006 Granted Subject to Conditions

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

No relevant documents

The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

No relevant documents

6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE

National Planning Policy Framework

Chap 12: Achieving well designed places

Paragraph 124

Paragraph 127

7. PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

This proposed addition would be subservient to the existing dwelling and would not be out of keeping with the character of the area. There are some minor concerns about impact on neighbouring properties, but it is believed that these issues could be mitigated with conditions for obscure glazing.

Recommendation: Permission but would accept the decision reached by the District Council's Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Councillor Louise Cerasoli

Object to this application on the grounds that the impact on 7 Shaw Close will have a serious loss of garden amenity, namely more light loss in the morning and the height of the proposed building would give a feeling of enclosure, the garden is not large, so this will give a negative impact and I would say is unneighbourly.

9. CONSULTEE COMMENTS

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

Environmental Health Contaminated Land: No concerns

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

For 0 Against 1

The neighbour to the rear, 7 Shaw Close, has written three letters of objection on the grounds that the proposed development would result in a loss of light and would have an overbearing impact on their property.

11. OFFICER COMMENTS

Introduction

- 11.1 The main issue when determining this application is in respect of the impact on the neighbour at 7 Shaw Close. Further to this, whether the proposal would be acceptable in terms of design and the impact on the street scene.

1. Design

- 11.2 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.
- 11.3 Para 127 of the NPPF requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials.
- 11.4 The properties in the immediate vicinity are positioned in a cul de sac and therefore whilst the spatial gaps between the properties are important they are not consistent within the street scene. Because of its position next to a neighbour's garage the loss of some of the space above the garage would not have a detrimental impact on the spatial characteristic of the site. The proposed addition would be subservient to the main dwelling and would be in keeping within the street scene, complying with development plans and guidelines within the NPPF para 124 and 127.

2. Neighbour amenity

- 11.5 The neighbour at 4 Sheridan Gardens has a garage which is joined to number 5's garage. The proposed first floor would be set away from the front of this neighbour's property and therefore the impact on their outlook would be acceptable. The orientation of the site means there would not be any loss of light from the proposed development.
- 11.6 The neighbour at 7 Shaw Close has a garden which extends behind the proposed extension and therefore the impact on their amenity is a consideration. Given that the proposed first floor rear window would allow some views across this neighbour's garden it could be conditioned to be obscure glazed with restricted opening (1.7 metres above floor level) to limit the potential for overlooking.
- 11.7 Being to the east of this neighbour's property the proposed development would cause a degree of additional shading to the rear of this neighbour's garden. However, as the existing built form already results in some loss of light to the rear of their garden in the early morning the increased built form

would not increase this shading to such a degree to be harmful or have an unacceptable additional impact on their amenity.

- 11.8 On visiting this neighbour it is clear that their garden is relatively small. They have a conservatory to the rear of their property. No 4 Sheridan Gardens and 6 Shaw Close (which has been extended with a two storey rear extension) are all in close proximity such that their garden is already enclosed by built form. A part of the garage for 5 Sheridan Gardens forms a part of the shared rear boundary with an overhang of the eaves. The proposed first floor extension would result in an excessively high wall on the shared boundary which would result in a further sense of enclosure to a part of the garden which is currently used for outdoor seating. The visual impact of the proposed extension and overhanging guttering would be detrimental to the enjoyment of their garden having an overdominant and enclosing impact and therefore would be unacceptable.

12. CONCLUSION ON THE PLANNING BALANCE

- 12.1 The proposals have been considered within the relevant local and national policy context. The proposed development would be acceptable in design terms and would not have a detrimental impact on the street scene.
- 12.2 Whilst it is accepted that there would some loss of light to No. 7 Shaw Close during the early morning this would mostly be to the rear of the garden. Therefore on balance the officers assessment after visiting this neighbour is that the resultant loss of light would not be to such a degree to be considered unacceptable or sufficiently harmful in its impact to justify refusal.
- 12.3 However due to the limited size of the neighbour's garden, the close proximity of the proposed development and its excessive height the proposed extension would have an overbearing impact and would result in a further sense of enclosure detrimental to the neighbour's amenity. Therefore the application is recommended for refusal for reasons related to its overbearing impact as set out above .

13. OTHER CONSIDERATIONS

Proactive Working Statement

- 13.1 The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Crime and Disorder

- 13.2 No relevant implications

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 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.

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.
2. The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

15 RECOMMENDATION:

Refuse

Reason for Refusal:

1. The proposed first floor side extension, due to its excessive height and solid built form in close proximity to the neighbouring amenity space at 7 Shaw Close, would result in a detrimental impact on the residential amenities of the occupiers of that property by reason of visual intrusion, overbearing impact and increased sense of enclosure. As such the proposed development would be contrary to the Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Further Information:

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**Planning Development
Control Committee**
June 2019

Item No: 3b

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Sheridan Gardens
Totton
19/10047

Scale 1:1250

N.B. If printing this plan from
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scale.

