

Application Number: 19/11223 Full Planning Permission

Site: EBENEZER COTTAGE, WEST COMMON, LANGLEY, FAWLEY
SO45 1XL

Development: Proposed ancilliary building

Applicant: Mr & Mrs Switzer

Target Date: 21/11/2019

Extension Date: 13/12/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

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) Principle of development
- (2) Impact on character and appearance of the local area
- (3) Impact on neighbour amenity

This matter is brought to Planning Committee for determination as requested by Cllr Glass

2 THE SITE

The site is occupied by a detached two-storey dwelling which has a large timber outbuilding at the rear of the site. It is situated in a residential road of detached properties of varying styles, even though the road has a semi rural character, narrow and without pavements, it is in the built up area of Langley.

3 THE PROPOSED DEVELOPMENT

The current application seeks permission for a detached outbuilding located in the south eastern part of the rear garden. It would be used as an annexe for a family member. This would replace an existing large timber outbuilding. It would be a relatively large structure that would contain two bedrooms and a generous living area. It would be of a flat roofed design and be faced with cedar cladding.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
83/NFDC/24168 Alterations and addition of a living room with bedroom over.	16/06/1983	Granted Subject to Conditions	Decided

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

Policy CS2: Design quality

Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009) requires new development to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. It also states that new development shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities. This advice is reflected in the emerging Local Plan, namely Policy 13 - Design quality and local distinctiveness.

The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

SO3: Built environment and heritage

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework 2019

Chapter 12: Achieving well-designed places

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: (No 5) We are happy to accept the decision reached by the District Council's Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Cllr Allan Glass

Requested application go before full planning committee.

Cllr Mrs Alexis E McEvoy

Objects to this application

Comments in full are available on website.

9 CONSULTEE COMMENTS

No Comments Received

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 4

- Parking on the lane would compromise highway safety
- Emergency vehicles would be unable to pass parked cars on lane
- Would create additional traffic
- Not in keeping with neighbouring properties
- Materials are not traditional
- Garden grabbing
- Noise disturbance
- Cooking and drainage smells
- Overlooking
- Light pollution from rooflights
- Provision of utility services

11 OFFICER COMMENTS

Introduction

11.1 The proposal relates to an outbuilding within the curtilage of a residential property to be used as an annexe for a family member. Amended plans have been submitted which reduce the size of the proposed outbuilding. The principle issues to consider are:

- i) principle of the development
- ii) impact on character and appearance of the area
- iii) impact on amenity of neighbouring properties

Relevant Considerations

11.2 Principle of the development

The application proposes an outbuilding within the residential curtilage to be used as annexe accommodation for a family member for independent day-to-day living. The proposed outbuilding is intended to provide ancillary accommodation to allow a family member to live on the site and does not provide a separate unit of accommodation. A separate unit would not be acceptable because the subdivision of the plot would create a form of development out of keeping with the surrounding area, however planning permission could be granted for this ancillary accommodation as a condition could be used to prevent future use as an independent unit of accommodation.

The fallback position is that an outbuilding of a similar footprint but with a lower roof height could be built in this location under permitted development.

11.3 Impact on character and appearance of the area

The outbuilding would be set to the rear with limited views from public vantage points. It is well screened by the mature vegetation in the well-stocked garden, as such there would be limited impact on the street scene.

11.4 A large cedar tree sited close to the boundary with Clovelly would be removed to facilitate the proposal, although the tree has some amenity value it is not considered to be of sufficient amenity value to warrant retention or to be preserved.

11.5 Concerns were expressed that the proposal would be out of keeping with the current buildings in the street scene, however the proposal is for an outbuilding to be set to the rear of the garden and such buildings are often made from wood or cement board cladding under permitted development.

11.6 Neighbour amenity

The proposed outbuilding would be sited in the south eastern corner of the plot close to the boundary with Clovelly and No 1 Fernleigh. A large timber outbuilding is currently set in this corner of the garden which has a height of 4 metres, this outbuilding would be removed. The proposed building would have a height of 2.8 metres and although having a larger footprint which extends further along the boundaries with the adjoining neighbours, the lower flat roof height would minimise the impact on these properties. There is an evergreen hedge to the east about 2.4 metres high which provides screening along the boundary with the adjoining neighbour at Clovelly which would reduce the visual impact of the proposal.

11.7 The window on the east elevation would look out onto the hedge which provides adequate screening from overlooking towards the rearmost part of the garden of Clovelly. The main windows and doors of the outbuilding face into the applicant's garden and are not considered to cause any harm in terms of overlooking or loss of privacy to the living conditions of neighbouring properties.

11.8 The single storey height and position of the outbuilding would not cause overshadowing or loss of light to neighbouring properties.

11.9 Response to representations received

The key issues are assessed above, however there are a number of additional matters raised in representations which are considered as follows:

11.10 Potential drainage odours: this would be dealt with by Southern Water who are responsible for the foul drains in this area and would not be a material planning consideration.

11.11 Cooking smells and noise nuisance: some cooking smells could emanate from the existing property's kitchen which is located closer to the neighbour than the outbuilding and noise disturbance could occur from use of the garden, these would not be materially greater than those related to normal domestic use of the existing property.

11.12 Garden grabbing: the proposal is for ancillary accommodation and would not be a separate unit of accommodation therefore this is not a material consideration.

11.13 Lack of on-site parking provision: the recommended parking provision for a 4+ bedrooomed property is for 3 on-site spaces, as set out in the NFDC document "Parking Standards Supplementary Planning Document" . There is more than sufficient parking space to meet this requirement. The proposal would not affect this provision or require additional parking to be provided.

- 11.14 Concerns were expressed about cars having to park on the road and additional traffic being generated, however there is a garage and several parking spaces within the curtilage of the property. Furthermore there are no parking restrictions on the road and as such there are no grounds for refusing the application on highway safety.
- 11.15 Light pollution from the rooflights: the outbuilding would be set in the built up area where there are streetlights, security lights and windows adding to the light pollution and it would be unreasonable to refuse the application on this ground.
- 11.16 Provision of utility services, these would be shared services made via connections to the main dwelling.

12 CONCLUSION ON THE PLANNING BALANCE

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise, they confirm the indication given by the development plan, namely that planning permission should be granted. Therefore, conditional permission is recommended.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations in respect of this proposal

Local Finance

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

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

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.

Other Case Specific Factors

No relevant considerations in respect of this proposal

14. 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.

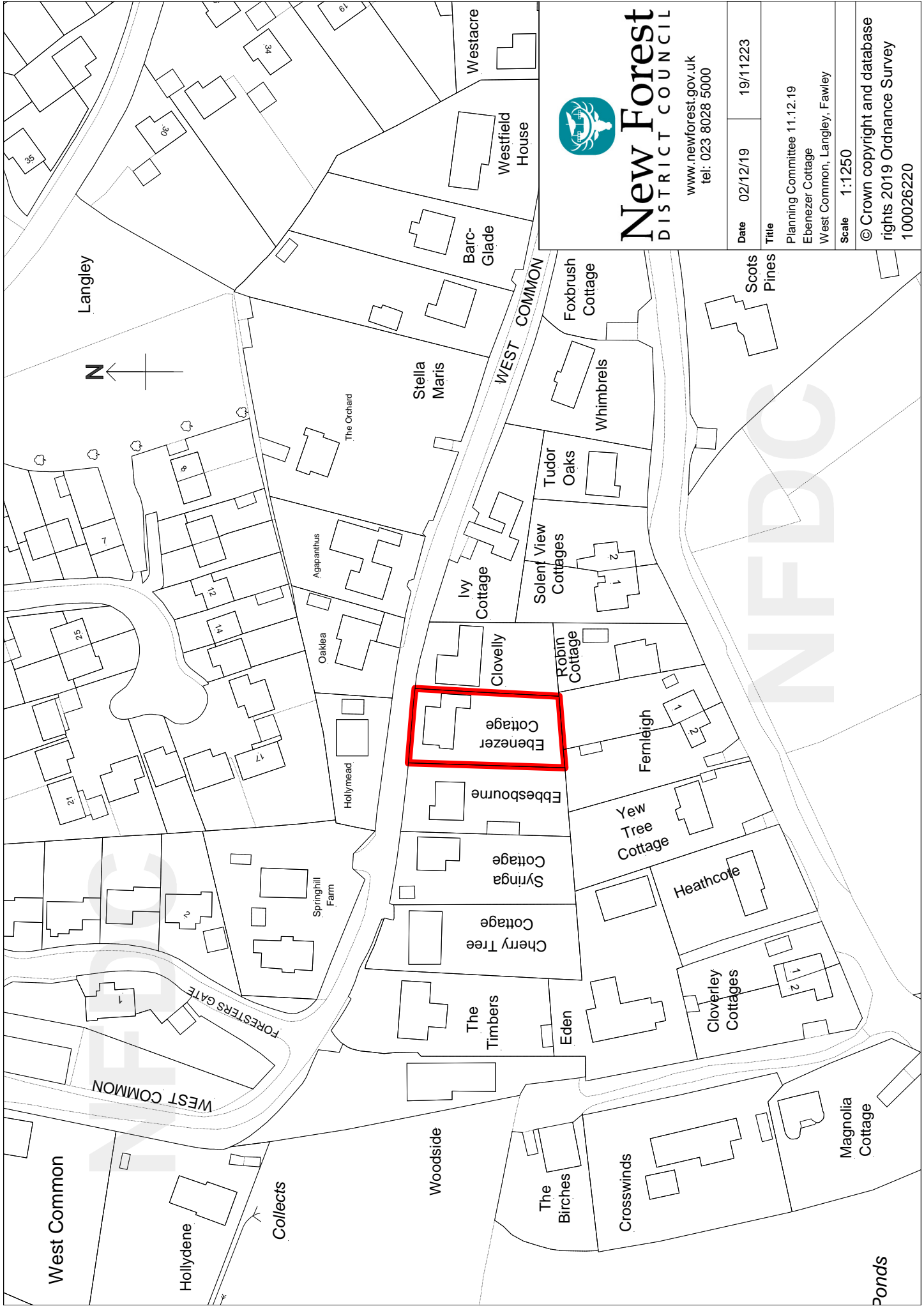
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan, 1:500 existing block plan, 1:500 proposed block plan, proposed roof and floor plan & proposed elevations.

Reason: To ensure satisfactory provision of the development.
3. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

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New Forest
DISTRICT COUNCIL

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Date	02/12/19	19/11/23
Title	Planning Committee 11.12.19 Ebenezzer Cottage West Common, Langley, Fawley	
Scale	1:1250	
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Ponds