

**Application Number: 20/10008** General Permitted Development Extensions

**Site:** 1 FULMAR DRIVE, HYTHE SO45 3GL  
**Development:** Single-storey rear extension (Prior Approval Application)  
**Applicant:** Mr Ford  
**Target Date:** 15/02/2020  
**Extension Date:** 14/03/2020

**1 SUMMARY OF THE MAIN ISSUES**

This is a Prior Approval application and not a full planning application. For this particular type of Prior Approval application, which is an "*Application to determine if prior approval is required for a Larger Home Extension*", there is just a single issue that can be considered, which is impact on neighbour amenity.

An assessment of this single issue is set out in Section 11 of this report, after which a conclusion on the planning balance is reached.

This matter is before Committee because there has been an objection from a neighbour and the applicant is an employee of New Forest District Council.

**2 THE SITE**

The application site consists of a detached bungalow forming part of a group of low level bungalows, gable end onto the road with open frontages, most having a driveway to the side to provide off road parking.

**3 THE PROPOSED DEVELOPMENT**

The application proposes a single-storey rear extension which would have a footprint of 6.3 metres by 5.4 metres; the maximum roof height would be 3.5 metres with an eaves height of 2.4 metres, thus meeting the permitted development criteria for a larger home extension on a detached property.

**4 PLANNING HISTORY**

Proposal	Decision Date	Decision Description	Status	Relevant conditions
81/NFDC/19987 Alterations and addition of a bedroom, shower room and sun room.	21/07/1981	Granted	Not implemented no longer extant	No restrictions on PD
XX/NFR/12597 Revised layout for 44 bungalows and three houses with garages. Plots 60, 61, 36b to 48, 73 to 91, 102 to 110, 159 to 162	25/02/1964	Granted Subject to Conditions	Decided	No restrictions on PD
XX/NFR/12223 8 bungalows and 12 blocks comprising 48 dwellings	26/07/1963	Granted Subject to Conditions	Decided	Cond 6 - No building on land hatched

with 56 car ports and garages with construction of estate road.

green  
(visibility on roads)

XX/NFR/11388 137 houses and estate roads.	03/12/1962	Granted Subject to Conditions	Decided	No restrictions on PD
XX/NFR/10741 Residential development.	07/03/1962	Granted Subject to Conditions	Decided	Cond 8 - No building in front of front wall
XX/NFR/01952 Residential development.	06/11/1952	Granted Subject to Conditions	Decided	No restrictions on PD

## 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

### Core Strategy

CS2: Design quality

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### Relevant Legislation

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

### Relevant Advice

NPPF  
Chapter 12: Achieving well-designed places

## 7 PARISH / TOWN COUNCIL COMMENTS

Notified of the application, but no comment received.

Under the specific national legislation, the only people who can formally comment are the neighbours and the only relevant issue for them to comment on is residential amenity.

## 8 COUNCILLOR COMMENTS

Notified of the application, but no comment received.

Under the specific national legislation, the only people who can formally comment are the neighbours and the only relevant issue for them to comment on is residential amenity.

## 9 CONSULTEE COMMENTS

None notified

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received:

1 letter of objection from neighbour - height of the extension would substantially reduce light into kitchen window

## **11 OFFICER COMMENTS**

### **Introduction**

As set out at the beginning of this report, there is just a single issue that can be considered through this Prior Approval application, which is the impact on residential amenity.

However, before considering this single issue, it is first necessary to have considered whether or not the proposed development is permitted development and that the Prior Approval process does apply. This assessment has been carried out, and is set out as an Appendix to this report. The conclusion is that the proposal is permitted development and that the Prior Approval process for larger extensions does apply.

### **The site / proposal**

The site consists of a detached bungalow on an established residential road, being one of a group of low level bungalows. It is at the transition to larger two-storey dwellings which are also on higher level ground, with the immediate neighbour to the east being a chalet bungalow. The plots for these low level bungalows are long and fairly narrow with limited separation each side of the dwellings. There is an existing conservatory on the rear elevation, located on the eastern side of the building which would be removed to facilitate the proposal.

The application proposes a single-storey rear extension which would continue the building line along the eastern elevation and would meet the permitted development criteria for a larger home extension.

### **Relevant Considerations**

To the east of the site is No 1a Fulmar Drive (the objector's property), which is a detached chalet bungalow set on higher ground and positioned further to the rear of its plot. This property has three windows overlooking the application site: one serves the second floor and looks over the top of No 1, another looks out onto the side and roof of No 1, whilst the kitchen window currently looks out onto the roof of No 1's conservatory.

The proposed extension would be positioned 1 metre from the boundary with the adjacent neighbour at No1a Fulmar Drive, having a 2 metre separation from their kitchen window. The neighbour's side elevation kitchen window currently overlooks the top of the boundary fence and onto the roof of the existing conservatory. There are also fully glazed, south facing french windows on the rear elevation providing light into the kitchen and access to the rear garden of No 1a.

The application site is positioned to the northwest of No 1a, which is set deeper into its plot. The proposed extension would be to the west of the neighbour, and there would be some reduction in the light available to the side elevation kitchen window, but by reason of its single storey form and this being a secondary

window, together with the different relative levels of the dwellings, the proposed extension would not unduly compromise the light available to this room.

To the west of the site, No 3 Fulmar Drive is a similar low level bungalow separated by a high close boarded fence. The height of the proposed roof at 3.5 metres would not cause any significant harm to the living conditions of these neighbours by reason of loss of light or overshadowing.

Planning permission was granted for a similar extension in 1981, which although never implemented agreed the principle of development. Policies have moved on since that time, albeit without great changes and this proposal must be considered against the current policies and legislation.

The permitted development fallback position if this proposal fails would be for a 4 metre rear extension across the whole of the rear elevation with the ridge of the existing dwelling being continued along the extension.

## **12 CONCLUSION ON THE PLANNING BALANCE**

Taking into account the above, the concerns raised by the neighbours are not sufficient to warrant a refusal of the prior notification application, and there are no other issues with regard to the other adjacent neighbours. Therefore, it is recommended that prior approval for this development be granted.

## **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

No relevant considerations in respect of this proposal

### Housing

No relevant considerations in respect of this proposal

Habitat Mitigation

No relevant considerations in respect of this proposal

Other Case Specific Factors

No relevant considerations in respect of this proposal

**RECOMMENDATION:**

Prior Approval Not Required

Further Information:

Rosie Rigby

Telephone: 023 8028 5588

## APPENDIX

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### Notification of Proposed Householder Development Report

DATE APPLICATION VALIDATED: 07 January 2020  
INITIAL PERMITTED DEVELOPMENT CHECKS

#### The site is located within an SSSI

No  
If YES cannot deal with as Prior Notification

#### The site is located on Article 2 (3) Land

No  
If YES cannot deal with as Prior Notification

### CLASS A

#### Permitted development

The enlargement, improvement or other alterations of a dwelling house

Yes      Single storey rear extension

The development exceeds the limits of Paragraph A1 (g) of Class A of Part I of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or the enlarged part of the dwelling house would extend beyond the rear wall of the original dwelling house by **less than** 4 metres in the case of a detached dwelling house, or **less than** 3 metres in the case of any other dwelling house

No  
\*If YES not appropriate for prior notification procedure. Request LDC

#### Development not permitted

##### A.1

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

No

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)

No

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse

No

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse

No

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which -  
(i) forms the principle elevation of the original dwellinghouse, **or**  
(ii) fronts a highway and forms a side elevation of the original dwellinghouse

No

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or  
(ii) exceed 4 metres in height;

Yes Extends 6.3 metres

- (g) the enlarged part of the dwellinghouse would have a single storey and -  
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or  
(ii) exceed 4 metres in height;

No

- (h) the enlarged part of the dwellinghouse would have more than one storey and  
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres or  
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse

No

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres

No Within 2 metres of boundary with eaves height 2.4 metres

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would  
(i) exceed 4 metres in height,  
(ii) have more than one storey, or  
(iii) have a width greater than half the width of the original dwellinghouse

No

- (ja) any total enlargement( being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceed the limits set out in sub-paragraphs (e) to (j)

No

- (k) it would consist of or include -

- (i) the construction or provision of a veranda, balcony or raised platform

NO  
If YES does it have a height in excess of 300mm YES/NO.

If NO complies with Interpretation of Part 1 “raised” in relation to a platform means a platform with a height greater than 0.3m

- (ii) the installation, alteration or replacement of a microwave antenna

NO

- If YES does it comply with Class H - **checklist to complete on pages 4 - 6**

- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

NO

- If YES does it comply with Class G **checklist to complete on pages 4 - 6**

- (iv) an alteration to any part of the roof of the dwellinghouse.

NO

- If YES does it comply with Class B **checklist to complete on pages 4 - 6**

## CONDITIONS

### A. 2

In the case of a dwellinghouse on Article 2 (3) land, development is not permitted by Class A if

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse
- (d) any total enlargement( being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceed the limits set out in sub-paragraphs (b) and (c)

Not applicable

### A.3

Development is permitted by Class A subject to the following conditions –

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be – (i) obscure glazed and (ii) non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part shall, so far as practicable , be the same as the roof pitch of the original dwellinghouse.

Yes (a) Confirmed on application form  
(b & c) Not applicable



## PLANNING HISTORY

PD REMOVED	No		
<b>Planning Ref:</b>			
81/NFDC/19987	21/07/1981	Granted	Not implemented
Alterations and addition of a bedroom, shower room and sun room.			
XX/NFR/12597	25/02/1964	Granted Subject to Conditions	No restrictions on permitted development
Revised layout for 44 bungalows and three houses with garages. Plots 60, 61, 36b to 48, 73 to 91, 102 to 110, 159 to 162			
XX/NFR/12223	26/07/1963	Granted Subject to Conditions	Cond 6 - No building on land hatched green (for visibility displays). Not applicable.
8 bungalows and 12 blocks comprising 48 dwellings with 56 car ports and garages with construction of estate road.			
XX/NFR/11388	03/12/1962	Granted Subject to Conditions	No restrictions on permitted development
137 houses and estate roads.			
XX/NFR/10741	07/03/1962	Granted Subject to Conditions	Cond 8 - No building forward of the front of properties. Not applicable.
Residential development.			
XX/NFR/01952	06/11/1952	Granted Subject to Conditions	No restrictions on permitted development
Residential development.			

## CONSULTATION:

One letter of objection has been received from No1a Fulmar Drive

Number of comments received: 1



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
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**PLANNING COMMITTEE**

**March 2020**

**Item No: 2d**

1 Fulmar Drive  
Hythe SO45 3GL

20/10008

Scale **1:1250**

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

