

Application Number: 20/10081 Full Planning Permission

Site: ARRACHAR, FOX POND LANE, PENNINGTON, LYMINGTON
SO41 8FW

Development: Porch alterations; front log store; rear canopy; link outbuildings
(part retrospective)

Applicant: Ms Ashworth

Agent: Draycott Chartered Surveyors

Target Date: 06/04/2020

Case Officer: Vivienne Baxter

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

- (1) principle of the development
- (2) impact on the character of the area
- (3) impact on the residential amenities of adjoining properties

This matter is being considered by Committee as an objection has been raised by the Town Council.

2 THE SITE

The sites lies within the built up area of Lymington in a residential area. Arrachar is a large, detached house with associated outbuildings with parking within the front curtilage.

3 THE PROPOSED DEVELOPMENT

The application proposes porch alterations, a front log store, a rear canopy, the linking of the approved outbuildings and the provision of a roof light to the larger outbuilding.

It is partly retrospective as the log store is partially in place and the outbuildings have been linked externally.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/11072 Variation of condition 2 of planning permission 17/10532 to allow revised plans	09/10/2019	Granted Subject to Conditions	Appeal Received	

18/11476 Outbuilding	03/01/2019	Refused	Appeal Decided	Appeal Allowed with Conditions
18/11171 Outbuilding (Lawful Use Certificate for retaining an existing use or operation)	05/11/2018	Was Not Lawful	Decided	
18/10773 Outbuilding (Lawful Development Certificate that permission is not required for proposal)	20/08/2018	Was Not Lawful	Decided	
17/10532 House; detached outbuilding; 1.8m high boundary fencing and gate; demolition of existing	06/06/2017	Granted Subject to Conditions	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

N/A

The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

Supplementary Planning Documents

SPD - Lymington Local Distinctiveness

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework
NPPF Ch.12 - Achieving well-designed places

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal, linked outbuildings are too big and are trying to overturn prior approval decision.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

One objection has been received from a local resident concerned with the following matters:

- joining the outbuildings together is contrary to previous decisions
- roof light is not necessary and would result in overlooking due to the mezzanine within the structure
- concerns also expressed with regard to elements of the dwelling which are not subject of this application

11 OFFICER COMMENTS

Introduction

There is extensive planning history relation to this site, since the last application to deal with initial changes to the original approval (granted in October last year), further works requiring planning permission have been implemented in part. Namely, the provision of a log store and linking the outbuildings. In addition to this, permission is now sought for extending the canopy over the main porch and the provision of a fixed timber canopy over the external barbecue area at the rear.

Relevant Considerations

As a residential dwelling within the built up area, there are no restrictions on the size or number of alterations that maybe added to a dwelling providing that they are of an acceptable design and do not have a detrimental impact on neighbouring dwellings or the street scene.

The porch alterations and log store are located to the front of the property the recessed nature of the porch relative to the front projection and limited height of the log store, which is lower than the adjacent gate leading to the back garden are modest alterations to the dwelling. Neither element are considered to be intrusive in the street scene or unacceptable additions to the dwelling. Neither of the proposed additions would have any impact on the residential amenities of adjoining properties in terms of overlooking or overshadowing.

The alterations implemented to the outbuildings are attractive and in keeping with the character of the property. The original permission for the larger outbuilding included a roof light which was never implemented. In view of concerns raised about the location of this roof light now that internally, a mezzanine floor has been added, the position of the rooflight has been amended to locate the rooflight above the main entrance to the building. The position of the rooflight would not result in any loss of amenity to adjoining residents in terms of loss of privacy or overlooking.

The Town Council has raised concern that the proposal is trying to circumvent the rejected prior approval application. However, there has not been any prior approval applications at this property. The smaller of the two outbuildings was subject to two lawful development certificates which were both refused as planning permission was required for the development. Although the subsequent planning application for the building was refused, it was allowed on appeal and the two structures, whether connected or not both have planning permission. It is not considered that the proposed linking of these outbuildings would result in any additional impacts on amenity in terms of overlooking or loss of privacy or adversely affect the character or appearance of the area.

The proposed canopy over the barbecue area would match existing materials on the property and would have a limited visual impact. Given its proposed siting to the north of the immediate neighbour and its limited size, it is unlikely that it would give rise to any significant loss of outlook or light.

12 CONCLUSION ON THE PLANNING BALANCE

The proposed alterations to the dwelling and associated outbuildings are minor in nature and would not adversely affect either the residential amenities or adjoining properties in terms of overlooking or loss of light or the character and appearance of the area. The alterations are proposed or have been constructed in matching materials and would not be out of keeping with the character of the property.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

Local financial considerations are not material to the decision on this application.

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.

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 rev.E, PP.01 rev.B proposed plans, PE.01 rev.F, PE.02 rev.C proposed elevations 2, approved elevations and floor plans for outbuildings, PP.01 rev.B existing plans, PE.01 rev.E, PE.02 rev.C existing elevations, PL.01, PL.01 rev.D, proposed elevations and floor plans for outbuildings (P.P.01 rev.A).

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with 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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PLANNING COMMITTEE

May 2020

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20/10081

Scale 1:1250

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

