

**Application Number: 20/11107** Full Planning Permission

**Site:** 21 ELLERY GROVE, LYMINGTON SO41 9DX  
**Development:** Single-storey rear extension; shed  
**Applicant:** Mr & Mrs Perrin  
**Agent:** Salt & Heather LTD  
**Target Date:** 16/12/2020  
**Case Officer:** Julie Parry  
**Extension Date:** 14/01/2021

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## **1 SUMMARY OF THE MAIN ISSUES**

The key issues are:

- 1) Principle of development
- 2) Impact on local character and appearance of the area in terms of scale and design
- 3) Impact on neighbour amenity in terms of outlook, loss of light and privacy
- 4) Use of the property.

This application is to be considered by Committee because of a contrary view to the Town Council

## **2 SITE DESCRIPTION**

The property is a traditionally styled two storey semi detached dwelling within the built-up area of Lymington. The property has been extended over the years with a two storey rear extension along with a single storey side addition and porch. The properties in this road are of a similar style and size, with some having been extended to the rear, including the adjoining neighbour. To the front and side of the property, the garden is laid with gravel to allow for parking, with sheds being sited on both the side and rear of the site.

## **3 PROPOSED DEVELOPMENT**

The application seeks planning permission for a single storey extension to the rear of the property and a small shed to be built within the garden to the side of the property. An additional door has been included on the side elevation towards the front of the property.

## **4 PLANNING HISTORY**

Proposal	Decision Date	Decision Description
98/NFDC/64177 Ground floor addition	03/08/1998	Granted Subject to Conditions
89/NFDC/42554 Addition of a porch	17/08/1989	Granted

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan Part 1**

Policy ENV3: Design quality and local distinctiveness

### **Local Plan Part 2 Sites and Development Management Development Plan Document**

No relevant policies

### **Supplementary Planning Documents**

SPD - Lymington Local Distinctiveness

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council:** Recommend Refusal

The drawings show an additional external door which demonstrates an intention for secondary access and therefore potential for separate upstairs accommodation, and for this property to be divided into two flats in the future.

The application does not reflect the applicant's full intention.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Environmental Health (Contaminated Land): No comment

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

### **Objections**

Two letters of objection have been received from the neighbour at number 19 and their representative Mr Cain from Planning Base Ltd, and one letter of objection has been received from the neighbour at number 26.

The reasons for these objections are as follows:-

Loss of light and visual impact on number 19  
Use of property as two separate living areas, creating a second residence.  
Excessive parking requirements

### **Comment**

One letter of comment from the neighbour at number 24 regarding the creation of a second residence

## Support

The applicant has written to address concerns raised by neighbours, explaining that the front of the dwelling is not a self-contained property and that a lodger uses shared facilities.

## **10 PLANNING ASSESSMENT**

### Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area, residential amenity and highways matters.

### Scale and Design, with resulting impact on local character and appearance of area

The proposed extension would be to the rear of the property and be modest in size and height. The external finish would consist of a brick plinth and timber cladding with a tiled roof. Being to the rear of the property this proposed addition would not be visible within the street scene and would therefore have limited impact on the local area.

The proposed shed would replace an existing structure and would have a maximum height of 2.9 metres, sloping down towards the shared boundary with number 23 to a height of 1.9 metres. This modest timber shed would be an acceptable form of development which, given its limited size and position on the plot, would have an acceptable impact on the street scene.

The plans also show the inclusion of a second front door installed on the side elevation towards the front of the property. This additional external door at ground floor would meet the criteria for permitted development and, as such, would not require planning permission. This additional door, which has already now been installed, would not have a detrimental impact on the resulting property.

### Residential use

There have been a number of objections in respect of the use of the property and whether it could be subdivided to form two properties. Following the historic alterations, the property already benefits from two internal staircases. The proposed internal layout to the front of the property shows a change of the lounge to a utility room and the addition of a further external front door. There are internal connections within this layout with no subdivision of the dwelling.

The representative for the neighbour at number 19, Planning Base Ltd, have identified a legal case *Gravesham Borough Council v Secretary of State for the Environment and O'Brien (1982)P&CR142* where it was established that a distinctive characteristic of a dwellinghouse was its ability to afford day to day living facilities. McCulloch J in the High Court in considering the definition of a dwellinghouse, concluded that not every case was to be determined by having regard only or even primarily to the use to which the building was put. The neighbour suggests that based on this case if the application is approved then it is clear that the front of the property would have all the fixtures and fittings required to be classed as a single dwelling. They conclude that it is evident that, by fact and degree analysis, that a separate dwelling will be created by virtue of this proposal being

approved. The applicant has written to address concerns raised by the neighbours and the neighbour's representative in respect of the possible subdivision to two properties. They have confirmed that there is no intention to subdivide the plot and that the front of the property is used by a lodger as part of the residential unit. Having a lodger to live in part of the property would not amount to a change of use.

There is no reason to conclude that the property has been subdivided into two separate units of accommodation and therefore there has been no material change of use which would require planning permission in its own right. It must also be noted that the planning application relates to a rear extension and a shed with the internal alterations not requiring planning permission.

#### Residential amenity

Both number 21 and the adjoining neighbour have been extended to the rear with two storey additions and currently the rear elevation of these properties is level. The proposed single storey rear extension would extend the built form 4 metres from the rear wall. The eaves height would be 2.4 metres, with a roof pitched away from the shared boundary to a ridge height of 3.1 metres.

The neighbour at number 19 has objected to the proposed extension in terms of loss of light and an adverse visual impact on their property. This neighbour does have rear windows which would be in close proximity to the shared boundary. However, given the low eaves height and with the roof pitched away from the boundary the impact on their outlook would not be unacceptable. The rear of the properties are north facing and therefore there would not be a loss of light.

The proposed shed would be adjacent to the boundary with number 23, which is positioned to the east. This would replace an existing shed and would be modest in both size and height and, as such, would not have a detrimental impact on this neighbour's amenity in terms of loss of light or visual intrusion.

#### Highway safety, access and parking

Objections have been raised in respect of parking and the number of cars on the site. The proposed alterations would not make changes to the existing parking availability on the site, which is in addition to unrestricted parking on the roadside. Therefore, there would not be a highway safety concern. The erection of a single storey extension and shed would not generate the need for further parking provision on the site.

## **11 CONCLUSION**

The proposed development would be sympathetic to the existing property and would have an acceptable impact on neighbour amenity and the streetscene. The proposal would be consistent with the policies and objectives of the Local Plan 2016 - 2036 Part 1: Planning Strategy, Local Plan Part 2: Sites and Development Management Development Plan and the National Planning Policy Framework, with the planning balance being in favour of development. As such, the application is recommended for permission.

## **12 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.

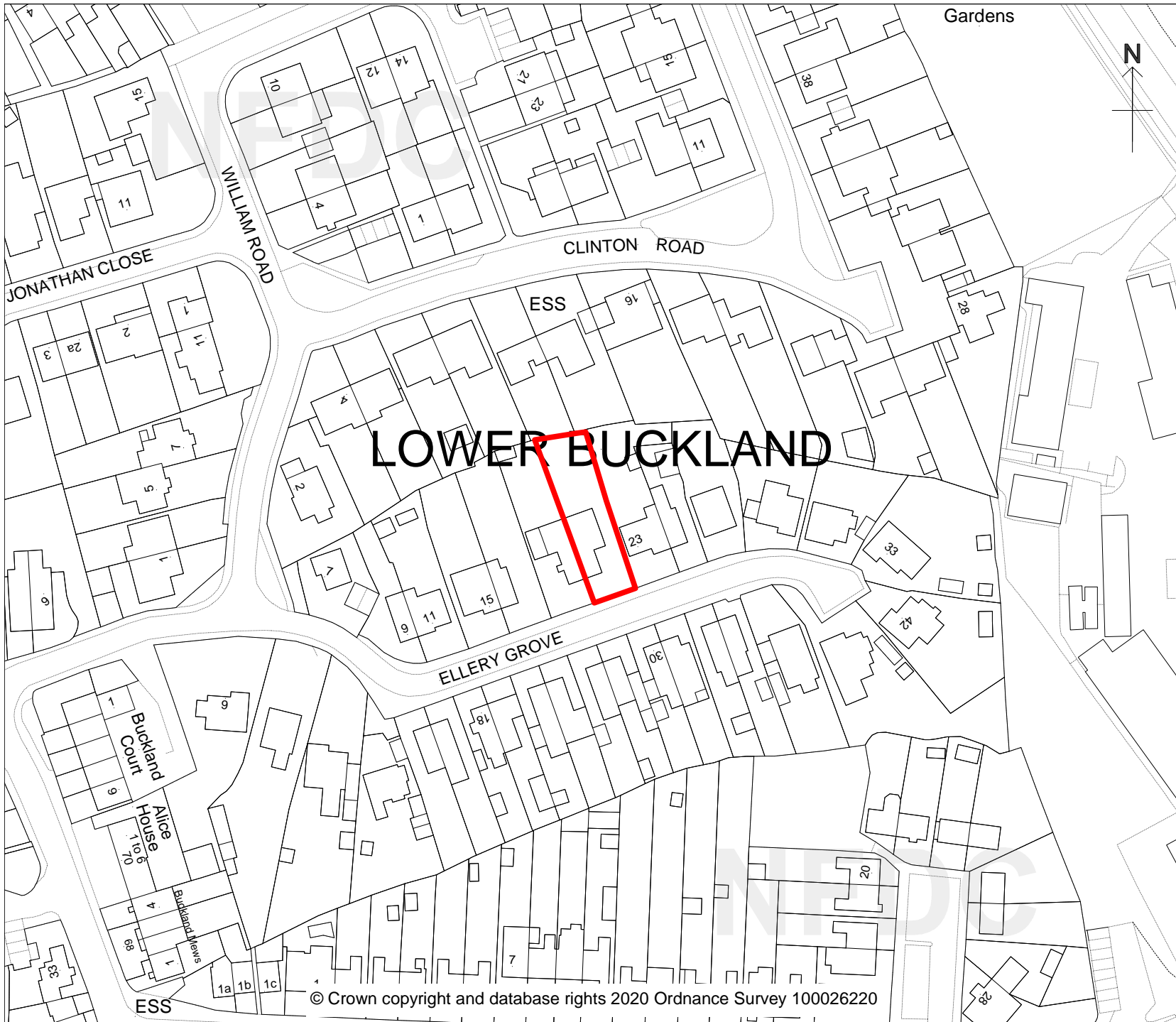
2. The development permitted shall be carried out in accordance with the following approved plans: SO1A & PO10A

Reason: To ensure satisfactory provision of the development.

**Further Information:**

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**New Forest**  
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**PLANNING COMMITTEE**

January 2021

21 Ellery Grove  
Lymington SO41 9DX

20/11107

Scale 1:1250

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