

Application Number: 15/10760 Full Planning Permission

Site: LITTLE ORCHARD, SWAY ROAD, LYMINGTON SO41 8NN

Development: Single-storey side & rear extension

Applicant: Mr Fairbairn

Target Date: 26/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

Green Belt

Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside

Policies

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas of the New Forest District

6 RELEVANT PLANNING HISTORY

90/46138 Erect 1 & 2 storey additions and detached double garage granted subject to conditions 19th November 1990

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Arboricultural Officer - No objection

9.2 Land Drainage - No comment

9.3 Conservation Officer - No objection.

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

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.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.

- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

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.

14 ASSESSMENT

- 14.1 The property is a large detached dwelling located on a large plot within the Green Belt, Countryside outside the New Forest and Lymington Conservation Area. The boundaries consist of high hedges and trees making the property screened from the road. The ground floor has been extended following planning consent in 1990 (the two storey addition has not been implemented). There are a number of trees around the site.
- 14.2 The main considerations when assessing this application were design, floor space increase and the impact on the designated area.
- 14.3 Given the location of the property there would not be any neighbour amenity issues.
- 14.4 There are a number of trees on and around the site and therefore the Council's Arboricultural Officer was consulted but raised no objection.
- 14.5 The property is located within an area designated as Countryside outside the New Forest and to safeguard the long term future of the countryside the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Policy DM-20 of the Local Plan Part 2, Sites and Development Management Plan, seeks to limit the increase of floorspace allowed to 30% from the floorspace in July 1982. From our records it would appear that the property had an existing garage attached to the property which

was converted to living accommodation and it was accepted in 1990 that this was part of the pre 1982 floor space. This garage was replaced with a larger side extension following planning consent in 1990, this permission also included a two storey rear extension which was never built.

- 14.6 The proposed addition would increase the floor space by a further 54.4 square metres. The overall increase of floorspace from the 1990 addition (excluding the 2 storey addition) and what is proposed would increase the floor space by 39% which would be contrary to policy. It should be noted that this calculation does not include the two storey addition which has not been built but as the 1990 consent was implemented this could be added at a later date. Therefore if the current application is approved a legal agreement would be needed to prevent the further expansion of the property by the previously approved two storey element.
- 14.7 This extension has the effect of architecturally balancing the building and is in keeping with the existing property. Furthermore, it is not visible from a public vantage point. Whilst the proposed addition is in keeping with the property and would not impact on the street scene it would however be contrary to Policy DM20 which looks to prevent the excessive increase in the size of properties within the Countryside. Therefore the proposed significant enlargement of the dwelling in this rural location would be contrary to the objectives of the adopted local plan and detrimental to the Green Belt and Countryside and the application is recommended for refusal.
- 14.8 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 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. 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.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
September 2015**

Item No: 3f
Little Orchard
Sway Road
Lymington
15/10760
SZ3097

Scale 1:2500

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scale.



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