

Application Number: 15/10822 Full Planning Permission

Site: 6 JONATHAN CLOSE, LYMINGTON SO41 9DY

Development: Single-story rear extension; rooflights and fenestration alterations;
porch

Applicant: Mr & Mrs Pegler

Target Date: 10/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission
Subject to obscure glazing to window in response to the objection from the neighbour

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

1 Objection:

The window/door to the side of the new extension will look straight into our lounge. There is a small tree but that does not provide any screening particularly during the winter months when there are no leaves.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The application relates to a detached bungalow situated in the built up area of Lymington. The immediate area is characterised by two storey detached dwellings on one side of the street and detached bungalows on the other side. The bungalow is situated at the very bottom end of the cul-de-sac and is set back from the road with parking to the front with an attached side garage.
- 14.2 The rear garden slopes to the rear (northwards) and is enclosed with fencing. There are trees around the boundary with neighbouring properties to the west. The proposal is to replace the existing rear extension with a flat roofed single storey rear extension with 3 rooflights, the addition of 2 rooflights to the eastern roof slope, a new front porch and alterations to the window on the front end of the eastern elevation. The main consideration in assessing this application is the impact on the neighbouring properties and character of the area.
- 14.3 The neighbouring properties would be screened from the proposed single storey rear extension by trees and a high fence. The scale of the proposed extension would not adversely impact on the neighbouring properties. The proposed rooflights would not cause any issues of overlooking and would provide light to the dining area.
- 14.4 The proposed front porch would be screened from the street scene by the hedges and tree to the front. The window on the eastern elevation would be replaced with a round window and would be much smaller than the existing. These elements would not adversely affect the neighbouring property no 7. No other neighbours would be adversely affected by the proposed development.
- 14.5 There are various types of front and rear extensions on this road; the proposed single storey rear extension would however, introduce a different material (timber cladding) than the host dwelling. However, on balance as this would be to the rear of the dwelling, therefore would not have an adverse impact on the street scene.
- 14.6 One letter of objection was received from the neighbour at No. 94 Lower Buckland Road regarding potential overlooking from the proposed window/door on the western elevation. This neighbour is located at right angles to the application site and has a garden of a minimum of 11 metres in length. The proposed single storey rear extension would however reduce the amount of fenestration on this side elevation compared to the existing conservatory and it would not extend any

further than the existing conservatory from the original rear wall. Furthermore the proposed window would be set lower than the existing fenestration on the conservatory and that of the existing dwelling due to the rearward sloping nature of the land. In this instance, imposing a condition for the use of obscure glass as recommended by the Town Council would not be justifiable in this instance.

- 14.7 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.

15. 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: P01, P02, P03, P04, P05a, S01, S02, S03, S04 and S05a.

Reason: To ensure satisfactory provision of the development.

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
September 2015**

Item No: 3g

6
Jonathan Close
Lymington
15/10822
SZ3196

Scale 1:1250

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

