

Application Number: 15/10954 Full Planning Permission

Site: 24 DANIELLS WALK, LYMINGTON SO41 3PN

Development: Two-storey front and rear extensions; Juliet balconies; roof lights; fenestration alterations; flue; detached double garage

Applicant: Mr & Mrs S Muskett

Target Date: 24/08/2015

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

No relevant policies

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

Lymington Local Distinctiveness Supplementary Planning Document

6 RELEVANT PLANNING HISTORY

01/72580 Extension to existing garage granted subject to conditions 27th
September 2001

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal. The shading, intrusive impact of the excessive height of the extension upon the neighbours amenity; concerns regarding the windows on ground and first floor overlooking neighbouring private space.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

Arboricultural 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. (Based on the information provided at the time of this report this development has a CIL liability of £8,080.00). Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. Furthermore, it would be a self build, the relevant Exemption form has been claimed as it relates to a self build extension and the required form submitted. As a result, no CIL will be payable.

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 agent supplied additional plans to demonstrate the potential impact of the proposals and therefore 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 property is a modest detached bungalow in an area where there is a mixture of styles and sizes of dwellings. Many have been considerably altered. A detached garage is located to the rear, sited behind a car port side extension. The front boundary consists of mature hedging and trees.
- 14.2 The main considerations when assessing this application are the impact on the neighbouring properties and on the street scene.
- 14.3 The neighbour at number 22 is a modest bungalow, positioned to the north and set back on its plot in comparison to number 24. This neighbouring property has had an application for alterations and a detached garage approved in 2014. This has not been implemented. There are windows at ground floor and first floor on the elevation facing the application site and therefore the proposed rear extension, because of its height and bulk would be likely to have an impact on their amenity. However as there is a gap of approximately 5.5 metres between the properties and the roof would be pitched away a balanced view has been taken and the visual impact on this neighbour would therefore be considered acceptable. Furthermore, the agent has provided shadow plans to demonstrate that the impact, in terms of loss of light, would be limited.
- 14.4 The proposed first floor rooflights on the north-east elevation serving the bathroom are shown as obscurely glazed and, as they are close to the existing first floor window, would not cause an additional loss of privacy. The proposed rooflight to the rear of the development would serve a bedroom and is shown as 1.7 metres above floor level and therefore, given the height would have limited views over this neighbour's rear garden, so as not to unreasonably impact on their amenity.
- 14.5 The proposed Juliet balcony on the rear elevation would increase potential overlooking to the rear but given other existing rear facing first floor windows, existing boundary treatment and that this is not an

uncommon situation in residential areas, no overriding objection is raised.

- 14.6 The neighbour at No.26 has a detached garage within the front garden built up to the shared boundary with No.24. There is a first floor window on the side elevation of this neighbour but as this faces the main part of the dwelling at No.24 there would not be a significant visual impact on it from the proposed extensions. As this neighbour is to the south there would not be harmful loss of light.
- 14.7 The two new rooflights which would face No.26 are shown as obscurely glazed and therefore any increase in overlooking is limited. The proposed rooflights serving the bathroom and ensuite rooms are shown on the plans as obscure glazed and with their position alongside the neighbouring property would have limited impact in term of overlooking. It is however appropriate to add a suitable condition.
- 14.8 The proposed front alterations would be in keeping with other properties in the area and being set back from the road would not impact on the street scene.
- 14.9 While the proposed garage is within the front garden it is similar to others in the area and, therefore, would not impact on local distinctiveness or undermine the existing character of the area. The high boundary treatments would provide some screening so that there would not be an adverse impact on the street scene.
- 14.10 The proposed two storey rear extension would have an eaves height higher than the existing height of the property. While this increased height and bulk does not relate well to the existing dwelling it is to the rear of the property and as such would not be clearly viewed within the street scene. Furthermore there are other properties with large bulky roof forms within the immediate area and therefore the resulting property would not be out of keeping or adversely impact on the local distinctiveness.
- 14.11 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.
- 14.12 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.

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self build (CIL Exempt)	297	196	101	£0

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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.
- The development permitted shall be carried out in accordance with the following approved plans: 376/1, 376/2A, 376/3A, 376/4 & 376/5A

Reason: To ensure satisfactory provision of the development.
- 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.
- The first floor rooflight windows on the north east and south west elevations of the approved building (extension) shall at all times be glazed with obscure glass except where the lowest cill level of the rooflights exceeds 1.7 metres above finished floor level.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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 agent has supplied additional plans to demonstrate the potential impact of the proposals and therefore 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

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
September 2015**

Item No: 3h

24
Daniells Walk
Lymington
15/10954
SZ3295

Scale 1:1250

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

