

Application Number: 15/11015 Full Planning Permission

Site: 51 ADDISON SQUARE, RINGWOOD BH24 1NY

Development: Retention of window alterations

Applicant: Mr Lavender

Target Date: 14/09/2015

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

CS2 Design Criteria

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Ringwood Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

15/10556 - Removal of Condition 4 of Planning Permission 15/10058 code for sustainable homes - 25/06/2015 Granted

15/10058 - House; demolition of existing - 04/03/2015 Granted

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommend refusal and require the bathroom window to be obscure glazed, fixed shut, and the cill height raised to 1.7m to protect the privacy of residents of neighbouring properties

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

Three letters have been received objecting to the windows in their new position, as they are considerably larger than those approved, set lower and substantially repositioned further to the rear of the main roof. The easternmost window gives a clear line of sight through a lounge side window, resulting in loss of privacy.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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 the applicant agreed to obscure glaze the bathroom window and to fit a restrictor to it to prevent full opening and inadvertent overlooking, following receipt of comments from adjoining occupiers. Whilst the offer to fit a restrictor to this window is acknowledged, it would be difficult to enforce this by way of a planning condition so it is not recommended as a condition in this instance.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Ringwood in a residential area characterised by detached dwellings, within generous curtilages. The existing dwelling is a detached bungalow, which was recently erected in place of a detached bungalow.
- 14.2 It is proposed to alter the approved bungalow through the deletion of one rooflight and the relocation of a further two rooflights in the northern roofslope. Otherwise the dwelling is exactly the same as approved under ref. 15/10058 and subsequently by 15/10556. The neighbouring properties (nos.49 and 53) are detached bungalows. The property is accessed directly from Addison Square. A condition was imposed on the previous permission requiring the easternmost rooflight on the north facing roofslope to have a cill height no lower than 1.7m above floor level. This rooflight has now been omitted from the scheme.
- 14.3 The proposal needs to be assessed only in terms of its impact upon residential and visual amenity. This assessment is under the provisions of Policy CS2 and the Local Distinctiveness Document.
- 14.4 In terms of visual impact, no adverse affect would accrue and the proposal complies with the design provisions of Policy CS2 and the Local Distinctiveness Document.
- 14.5 In terms of neighbouring privacy, the deletion of the easternmost rooflight improves the situation for no. 49 Addison Square, which has a high level window on the boundary with the application site. As far as the retained rooflights are concerned, their positions have been moved marginally, although not significantly and officers do not consider they would have any materially greater impact upon adjoining privacy than the rooflights in the previously approved scheme. However, having taken note of the representations of neighbouring parties, the applicant has agreed to obscure glaze and install an opening restrictor on the bathroom rooflight to ensure that privacy is maintained. Obscured glazing could be secured by condition.
- 14.6 Notwithstanding the applicant's agreement to fit a restrictor and to obscure glaze the rooflight, the Town Council maintain their objection as they consider the cill height should be raised to 1.7m to preserve the privacy of adjoining properties. While the cill levels of the remaining two rooflights are lower than 1.7m and their position moved marginally, compared with the previously approved scheme, they would not have any materially greater impact upon adjoining privacy. The use of obscure glazing will further improve the situation and as such the proposal complies with the amenity related provisions of Policy CS2.
- 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: 1:1250 Location Plan, 1:500 Site Plan, DBR-PL51AS-06D and DBR-51AS-03D.

Reason: To ensure satisfactory provision of the development.

3. Within one month of the date of this permission, the first floor, family bathroom rooflight in the northern roofslope of the dwelling shall at all times be fitted with obscure glass, which shall be maintained in perpetuity unless the prior written approval of the Local Planning Authority is forthcoming.

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:

1. 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 the applicant agreed to obscure glaze the bathroom window and to fit a restrictor to it to prevent full opening and inadvertent overlooking, following receipt of comments from adjoining occupiers. Whilst the fitting of a restrictor to this window is acknowledged it would be difficult to enforce this by way of a planning condition, and so it was not recommended as a condition in this instance.

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
November 2015**

Item No: 3e

51
Addison Square
Ringwood
15/11015
SU1505

Scale 1:1250

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



Playing Field

L. Twr

Narrabeen

Bubadee

Guy's Close

ADDISON SQUARE

El Sub Sta

1 to 26

Rosewood

Allotment
Gardens

© Crown copyright and database rights 2015 Ordnance Survey 100026220 95

