

**Application Number:** 15/11326 Full Planning Permission

**Site:** 15 BARRS AVENUE, NEW MILTON BH25 5HL

**Development:** Two-storey and single-storey front, side and rear extensions; roof alterations; fenestration alterations

**Applicant:** Mr Salter

**Target Date:** 05/11/2015

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**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  
Section 197 Trees  
Town and Country Planning Act 1990

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - New Milton Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

- 97/61237 Extension to existing detached garage granted subject to conditions 4/06/1997
- 15/10845 Two-storey front and side extensions; single-storey side extension; roof alterations; roof light; chimney; front porch; fenestration alterations refused 29/07/15

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: Recommend refusal

Object: Contrary to New Forest District Council Core Strategy Policy CS2 (Design Quality) by means of mass; perception of overlooking due number of rear windows at first floor level; its oppressive nature and detrimental to the spatial setting.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Tree Officer: no objection subject to condition  
Land Drainage Engineer: no comment

## **10 REPRESENTATIONS RECEIVED**

### **2 objections:**

- overlooking of nos 2 & 6 Ballard Close
- intrusive and overbearing
- side extension gives impression of over development of the plot

## **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 the application was acceptable as submitted. Notwithstanding this, a tree report was identified as being required during the progress of the application, which was duly provided and satisfied the New Park Authority tree officer, subject to an appropriate condition being applied to any forthcoming decision.

## 14 ASSESSMENT

- 14.1 The application site consists of a detached house, situated in an established residential road in the built up area of New Milton. The immediate area is characterised by detached dwellings of varying styles and sizes.
- 14.2 The existing dwelling is set back from the frontage, in a similar position to the houses either side. It has an established hedge to the front boundary which helps foil views into the site. The house has a hipped roof with projecting two storey element to the front. Part of the rear elevation consists of a deep cat slide roof, and by reason of its design there is only 1 small window at first floor level on the rear wall. A single storey detached garage is sited on the boundary with no 17 Barrs Avenue, which is connected to the main dwelling via the shallow pitched roof on the front of the garage, giving the appearance of continued development extending to the side boundary, though this is single storey. There is also an existing single storey swimming pool enclosure sited adjacent to the western boundary with no 11 Barrs Avenue.
- 14.3 The current application is a revised proposal following a recent refusal:

*By reason of the increased mass and scale of the resulting dwelling which would result in the development spanning the entire width of the plot, this would erode the spatial characteristics of the site to the detriment of the character of the area. Furthermore, it would create an overly dominant form of development which would be intrusive in the street scene, and would be oppressive to the dwellings to the rear to the detriment of the amenities of the occupiers of those properties. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.*

The applicant has submitted comments identifying how these issues and concerns raised as part of this application have been addressed. These points are generally accepted.

- 14.4 The current application would result in the removal of both the existing garage and swimming pool enclosure, but the proposal has been remodelled compared to the previous submission. Single storey side additions are proposed set in from the side boundaries, which would maintain the spatial characteristics of the site. The resulting development would be dominant within the street scene, but the overall design is more balanced than previous and would appear less cramped in the street scene, particularly in relation to no 17. Part of the scheme would include a two storey side extension to the western side of the existing dwelling. This would be sited towards the front of the dwelling and as such would relieve the oppressiveness of the new built form upon the dwellings to the rear. The rear elevation still proposes the loss of the catslide roof and would square off the rear elevation with a two storey extension with shallow hipped roof; but even though this would be increasing the mass of the building at first floor level the actual built form would not be coming any closer to the rear boundary than existing, nor would it be any wider. The redesigning of the rear elevation would make the dwelling more obvious to nos. 2 and 6 Ballard Close than the existing building, but there would be a distance of over 10m between the dwelling on the application site and the rear boundary. Furthermore, the back to back distance between the new first floor windows and the rear elevations of nos. 2 and 6 Ballard Close would be a minimum of 27 metres.
- 14.5 The current proposal does now include 4 windows on the rear elevation of the main building but the two closest to no 2 Ballard Close are shown as obscure glazed and would serve bathrooms. The first floor rear windows would look towards the rear garden area of no 2 Ballard Close and towards the back of no 6 Ballard Close, giving the perception of being overlooked by the neighbours, especially when compared to the existing arrangement of only one current window in this elevation, which is recessed. Nevertheless the distances involved in these windows in relation to the dwellings to the rear are not unreasonable in an urban situation, and an unacceptable level of overlooking could not be justified. Furthermore, views over neighbouring gardens is to a degree, foiled by existing trees and boundary vegetation. However, a planning condition safeguarding the retention of proposed obscure glazing on the rear elevation could be applied to permission should it be granted. There are also proposed windows on the rear wall of the two storey side extension, but these are set even further away from the rear boundary.
- 14.6 Two first floor windows are now proposed on the east elevation. However, there are existing windows on this elevation, and furthermore the new windows would not serve areas of primary living accommodation within the dwelling and as such are proposed to be obscure glazed. Therefore they would not create issues of unacceptable overlooking to no 17 Barrs Avenue. There are also existing windows on the western elevation at first floor level, and these would be replaced and repositioned (though in a slightly different arrangement to the previous scheme). However, as the side boundary with no.11 appears well screened by the neighbouring garage and there are existing windows on this elevation, the proposed alterations to the fenestration on this side elevation should not adversely impact upon the neighbours at no.11.

- 14.7 An arboricultural report has been submitted which has satisfied potential concerns of the National Park Authority tree officer in relation to the proximity of protected trees.
- 14.8 In conclusion, care has been taken to minimise impact upon the amenities of neighbours and the potential for overlooking of adjacent properties. Although there would still be a degree of overlooking of rear gardens to the rear of the site, views would generally be distant and foiled by existing trees to the extent that they would be within recognised acceptable levels for development in the built up area. In terms of impact upon the local distinctiveness of the area and street scene, the current proposals would not be out of character with the size and nature of other development in the vicinity of the site. Furthermore, the proposals would have an acceptable spatial relationship with adjoining neighbours and sit comfortably in the site and street scene.
- 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 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: 0315.01/01 rev a, 0315.01/32, 0315.01/33, 0315.01/31, 0315.01/30, 0315.01/29, 0315.01/05, 0315.01/04, 0315.01/03, 0315.01/02 rev b  
  
Reason: To ensure satisfactory provision of the development.
3. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Complete Arb Services Arboricultural Impact Appraisal and Method Statement and Plan as shown in Appendix 2 dated Oct, 2015 shall be implemented and to allow inspection at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with policy CS2 of the Core Strategy for the New Forest outside the National Park.

4. The first floor windows on the rear elevation of the approved extension that are proposed to be partly obscurely glazed, as shown on plan 0315.01/33, shall be obscure glazed (as indicated) and fixed shut at all times.

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.

In this case all the above apply and the application was acceptable as submitted. Notwithstanding this, a tree report was identified as being required during the progress of the application, which was duly provided and satisfied the National Park Authority tree officer, subject to an appropriate condition being applied to any forthcoming decision.

#### **Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
December 2015**

**Item No: 3f**  
15  
Barrs Avenue  
New Milton  
15/11326  
SZ2495

Scale 1:1250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.

