

**Application Number:** 15/11353 Full Planning Permission

**Site:** STOCKS COTTAGE, HIGH STREET, DAMERHAM SP6 3EU

**Development:** Use of garage as ancillary living accommodation; dormers and fenestration alterations to garage/outbuilding; relocation of fence and gates

**Applicant:** Mr & Mrs Shearman

**Target Date:** 12/11/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Explosives Safeguarding Zone  
Countryside  
Area of Outstanding Natural Beauty  
Groundwater Protection Zone  
Flood Zone

**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
7. The countryside

Policies

CS1: Sustainable development principles  
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**

DM1: Heritage and Conservation  
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 2012 Section 7 and 12.

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Residential Design Guide for Rural Areas 1999

## **6 RELEVANT PLANNING HISTORY**

15/10769 Use of garage as ancillary living accommodation; dormers and fenestration alterations to garage/outbuilding; relocation of fence and gates. 01/09/2015 Withdrawn by applicant.

05/86368 Rear conservatory 23/12/2005 Granted subject to conditions

05/86145 Detached garage 18/04/2006 Granted subject to condition

99/66151 Detached garage/outbuilding with room in roof over (demolish existing garage) 17/08/1999 Granted

99/66115 Detached garage/outbuilding with room in roof over (demolish existing garage) 20/08/1999 Granted subject to Conditions

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

Damerham Parish Council: Recommend permission with the condition that sufficient screening is provided in front of the downstairs window on the elevation facing the High Street.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Environment Agency – No bespoke comments to make. Offer advice on pollution prevention as the site lies in a source protection zone for drinking water supplies and on a principal aquifer.

Natural England – No comments to make

Ministry of Defence – No safeguarding objections

Conservation Officer – Does not support this application and recommends refusal. Concerns remain over the scale and proportions of the dormer windows and principle of the tiled infill section.

Hampshire County Council Highways Officer – No objection subject to conditions regarding parking and the gates set back.

Land Drainage Engineer – No comment

## **10 REPRESENTATIONS RECEIVED**

One letter of representation has been received from residents opposite at Rhodes Cottage. This raises objection noting the following concerns;

- Change of use a material consideration and could lead to future use as a separate holiday accommodation or residential property. Ongoing concerns that proposals would facilitate future proposals for a separate

dwelling or holiday accommodation; in effect a "slow creep" of development which would further transform the building from its original purpose.

- Impact on privacy from new ground floor window and first floor window
- Highway safety implications from changes to position of gates at the narrowest point along the High Street.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **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 the proposal was subject to pre-application advice from the Council. This raised concerns over the principle and detailed design of the roof alterations. Although the applicants have responded to these within this submission, it is not considered that sufficient changes have been made to make the proposal acceptable. The applicants have been informed of the officer recommendation and as the application has not been withdrawn it is being determined on the basis of the plans submitted.

## 14 ASSESSMENT

- 14.1 The site is in the village of Damerham, within the Conservation Area and AONB (Area of Outstanding Natural Beauty). Development in this vicinity is predominantly residential with a mix of vernacular and more recent C20 development.
- 14.2 Stocks Cottage is a characterful thatched cottage which sits at the front of the site with the garden area to the rear leading down to the river, its far end being within Flood Risk Zones 2 and 3. There is an existing driveway on the southern side of the property with parking to the rear. Neighbouring residential properties are to the north and south of the site with that to the immediate south set back in relation to this building with an open front parking area.
- 14.3 This application seeks to make alterations to a detached garage/ outbuilding which is located to the south-east of the main property, adjacent the side boundary. The building was approved under App 99/66115 in 1999, replacing a former corrugated iron building and is of a very simple form with brick walls under a cropped plain tile roof. It currently provides ancillary accommodation to the main dwelling. The building is readily visible from the road and prominent on the street scene, of note given its forward position relative to neighbouring buildings to the south.
- 14.4 The proposal details alteration to the roof of the property, providing new dormer windows and roof lights. At ground floor level the current garage doors would be replaced with a window, in conjunction with the use of the garage space as additional accommodation. Other window and door alterations would be made on the side and rear of the building at ground floor level and the driveway gates and associated fence would be repositioned.
- 14.5 The building is currently used ancillary to the main house and the current garage space would continue to be used as such and would not see the creation of any new or separate planning unit to the main house. Any future use of the building separately to the main dwelling would be subject to a separate application for change of use and therefore concerns in this respect are not relevant to this application.
- 14.6 The Highways Officer has raised no concerns over the loss of the garage space and it is noted that the site benefits from ample parking availability to the rear of the site and another garage which post-dates this building. They have recommended a condition on the provision of parking, however it is noted that the existing parking and garaging would be retained. In terms of the repositioning of the access gates these would retain an acceptable set back from the edge of the carriageway, however the County Highways Officer has recommended a condition to ensure that this is retained. Subject to conditions it is considered that the proposal would not result in harm to highway safety.

- 14.7 The nearest neighbouring residential premises are to the south of the site and on the opposite side of the road. The proposal would see the addition of a new window on the south roof slope which would enable views across the frontage of the property on this side, the building being adjacent to this boundary with no intervening screening. To maintain privacy a condition could be used to ensure that this window is obscure glazed and non-opening.
- 14.8 The new ground floor window would enable views across to the front of the property opposite, from which a letter of objection has been received. However, given the distance and nature of separation across the road and that public views are already possible of the frontage of this property from the road it would not lead to demonstrable harm. It is also noted that the applicants have now proposed landscaping in front of this window, which would, over time, provide intervening screening. In terms of the upper floor window, this is as existing and the relationship would remain unaltered as part of this proposal.
- 14.9 As previously noted the building, as a result of its positioning is prominent in the street scene and directly impacts on the character and appearance of the Conservation Area. Within Conservation Areas there is a statutory duty under s72 Planning (Listed Building and Conservation Areas) Act 1990 that '*special attention should be paid to the desirability of preserving and enhancing the character or appearance of that area*'. This is reciprocated within the National Planning Policy Framework Section 12 and the Council's adopted local plan policy CS3 of the Core Strategy and policy DM1 of the Local Plan Part 2; Sites and Development Management.
- 14.10 This building was initially designed to replace a less substantial rural outbuilding that occupied this site. The replacement building was very much designed in a simple style, as an outbuilding and as such is subdued in its overall appearance on the street scene. Integral to this is the simple design of the roof form which would be fundamentally altered as a result of this proposal with new dormer projections and additional roof lights.
- 14.11 With reference to the previously withdrawn application 15/10769, this proposal sees a reduction in the number of dormers, from eight to three now exclusively on the north-west roof slope, and also slight adjustment to their external dimensions and position. This said, despite the reductions and design changes, these would remain proportionately large roof additions and, as noted by the Conservation Officer, would need to be made narrower in order to meet traditional proportions appropriate for this building. Furthermore the pair of dormers on the western end of the roof slope would incorporate a flat roof dormer infill which is not representative of a traditional design feature. As a result of the inappropriate detailed design of these elements in size and form, it is considered that they would cumulative lead to visually conspicuous additions to the roof slope of this traditionally designed building. These would be unsympathetic to the character and appearance of this building, fail to preserve or enhance the appearance of the Conservation Area resulting in harm to visual amenity. Other ground floor alterations, including the new ground floor windows, would see limited change to the appearance of the building. This said the loss of the garage door and replacement with new window would result in a more domestic appearance to the building.

- 14.12 The repositioning of the gates and associated fencing would still retain their set back from the street frontage and would not lead to any harm to the appearance of the street scene.
- 14.13 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. The proposed dormers as a result of their size, proportions and detailed design would not be sympathetic to the character or appearance of this traditionally designed building within the Conservation Area. This would result in visually conspicuous additions to the otherwise simple roof form of the building which would fail to preserve or enhance the appearance of the Conservation Area to the detriment of visual amenity, contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policies DM1 and DM20 of the Local Plan Part 2: Sites and Development Management Plan and Sections 7 and 12 of the National Planning Policy Framework (2012).

#### **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 the proposal was subject to pre-application advice from the Council. This raised concerns over the principle and detailed design of the roof alterations. Although the applicants have responded to these within this submission, it is not considered that sufficient changes have been made to make the proposal acceptable. The applicants were informed of the officer recommendation and as the application was not withdrawn it was determined on the basis of the plans submitted.

#### **Further Information:**

Householder Team  
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**Planning Development  
Control Committee  
December 2015**

**Item No: 3g**

Stocks Cottage  
High Street  
Damerham  
15/11353  
SU1116

Scale 1:1250

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



**Damerham**



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