

Application Number: 15/11386 Full Planning Permission

Site: SALTERNS, KINGS SALTERN ROAD, LYMINGTON SO41 3QG

Development: Car port

Applicant: Mrs P A Thomson

Target Date: 18/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
Plan Area
Kings Saltern Conservation Area
Listed Building

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
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

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
NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

06/88628 Two-storey extension; conservatory (Application for Listed Building Consent) Granted subject to conditions - 24/10/06

06/88627 Two – storey extension; conservatory. Granted, subject to conditions 24/10/06

14/11471 Detached Carport withdrawn by applicant

14/11472 Detached Carport (listed building application) withdrawn by applicant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer: recommend refusal
Environment Agency: no comment
Natural England: no objection
Land Drainage Engineer: no comment

10 REPRESENTATIONS RECEIVED

None received

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.

The siting of a carport in this location was discouraged prior to the resubmission of this application, due to its harmful impact on the character, appearance and setting of the listed building. In spite of this advice applications have been submitted which have been identified as being harmful to the setting of the Listed Building and Conservation Area, which justifies a refusal in this instance.

14 ASSESSMENT

14.1 Salterns with attached property Crookham Cottage, is a Grade II Listed Building, within the King's Saltern Conservation Area. It occupies a corner plot between King's Saltern Road and Stanley Road in this residential part of Lymington which has an attractive rural feel with the road bounded by hedgerows and trees. This site is no exception, with existing hedgerows generally concealing the site from street scene views. However, a lower hedgerow along the southern boundary onto King's Saltern Road enables key views of the building's frontage. Adjacent neighbouring residential premises include the attached Crookham Cottage and No.44 Stanley Road to the northwest. The building dates from the C18 and is of modest proportions, clad in brick and hanging tiles on its front and side elevations under a plain tile roof. Fenestration is predominantly sash windows. It has been previously

extended on its rear north-west side by a linked flat roofed extension to a new pitched roofed building adjacent to the western boundary, providing additional accommodation.

- 14.2 The current application is a resubmission, and still proposes a carport adjacent to the existing dwelling over an area currently used for car parking with direct access to Stanley Road. The current scheme differs from the previous one as it has been re-orientated with the gable end facing the side boundary, and the overall height is marginally lower (by 50cms). Also, an oak framed structure is now proposed, with lower eaves than previous. The footprint of the proposed car port is the same as the previous scheme.
- 14.3 In its positioning the car port would project forward of the existing building and it is noted that it would come forward of the generally established building line along Stanley Road. The plans show that the car port would be close to the side boundary such that some of the existing hedgerow screening with the neighbouring property would be lost. Notwithstanding this, the proposal would not result in any harm to the living conditions of neighbouring occupiers.
- 14.4 The application site has already been the subject of extensions, and this further proposal would have a cumulative impact on the existing building. Even though the car port would not be attached to the Listed Building, by reason of its close proximity it would give the appearance of being linked, impacting upon the setting of the Listed Building.
- 14.5 Currently the building presents a traditional cottage feel within this street scene, which is unassuming and does not detract from the character of the Edwardian properties opposite. The proposed car port would almost entirely obscure this elevation of the building, which would result in a negative effect upon the character of the Conservation Area at this point. The roof design of the car port is incongruous with the main dwelling. It creates an awkward valley between the two structures which is neither practical nor aesthetically pleasing. As the eaves of the existing building are so low at this point it would be difficult to create a car port in this location that did not obscure the building from view in the Conservation Area or create an awkward junction between the two differing roof heights. As such by reason of its height, design and siting, the proposed car port would appear imposing and insensitive to the form and design of the existing building, to the detriment of the character, appearance and setting of the Listed Building and Conservation Area.
- 14.6 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. By reason of its excessive height, design, form and siting the proposed car port would result in an imposing and incongruous building which would have an insensitive and awkward relationship with the existing building and obscure views of it from the Conservation Area. For this reason the proposal would be harmful to the character, appearance and setting of the Listed Building, and the character and appearance of the Conservation Area. As such it would be contrary to Policies CS2 & CS3 of the Core Strategy for the New Forest District outside the National Park, and Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan.

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 siting of a carport in this location was discouraged prior to the submission of this application, due to its harmful impact on the character, appearance and setting of the listed building. In spite of this advice applications were submitted that were identified as being harmful to the setting of the Listed Building and Conservation Area which justified refusal in this instance.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
December 2015**

Item No: 3h

Salterns
Kings Saltern Road
Lymington
15/11386
SZ33394

Scale 1:1250

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

