

Application Number: 22/11415 Variation / Removal of Condition

Site: RIVERSIDE, BATH ROAD, LYMINGTON SO41 3SE
Development: Variation of conditions 2 & 3 of planning permission 22/10345 to allow amended window details and roof design
Applicant: Mr Clark
Agent:
Target Date: 23/02/2023
Case Officer: John Fanning
Extension Date: 16/03/2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The impact on the character of the property, with reference to the special historic significance of the conservation area and adjacent listed building
- 2) The impact on the amenity of neighbouring occupiers.

This application is to be considered by Committee because Lymington & Pennington Town Council objected to the scheme on the grounds that the development had not been implemented in accordance with the previous consent.

2 SITE DESCRIPTION

The application site is a detached two-storey dwelling located within the Kings Saltern Conservation Area and overlooking the Bath Road Recreation Ground and Lymington River. The dwelling is adjacent to Waterford Cottage, a Grade II listed building.

3 PROPOSED DEVELOPMENT

A recent extension was granted to the property in 2022 under planning application reference 22/10345. However, following construction the proposal was not built out in accordance with the approved plans. The current application seeks to amend the conditions of the previously granted consent in order to regularise the development as constructed.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10345 First floor side/ rear extension	03/05/2022	Granted Subject to Conditions	Decided
21/11463 First-floor extension over existing; first-floor terrace to rear (AMENDED REASON TO ADVERTISE)	05/01/2022	Withdrawn by Applicant	Withdrawn

16/10790 Single-storey rear extension; fenestration alteration	31/08/2016	Granted Subject to Conditions	Decided
91/NFDC/46843 Addition of store and carport	19/03/1991	Granted	Decided
87/NFDC/36138 Two storey extension and addition.	10/12/1987	Granted Subject to Conditions	Decided
87/NFDC/34802 Two-storey extension and addition	18/06/1987	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness
Kings Saltern (Lymington) Conservation Area character statement

Relevant Advice

Chap 12: Achieving well designed places
Chap 16: Conserving and enhancing the historic environment

Constraints

NFSFRA Coastal
NFSFRA Surface Water
Flood Zone
Article 4 Direction
Plan Area

Conservation Area: Kings Saltern Conservation Area

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council, Town Hall

PAR 4: Recommend Refusal.

- Councillors expressed concern about the alleged breach of conditions and request that this is investigated and a site inspection is undertaken.

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

Conservation Officer -

The previous extensions to the dwelling used a simple lean-to form. The amended design, combined with the failure to use sympathetic external finishing materials, would result in an awkward and incongruous addition to the building.

9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Proposal represents a resubmission of previously unacceptable withdrawn proposal
- Overlooking from first floor terrace

For: 0

Against: 2

10 **PLANNING ASSESSMENT**

A previous application on the site granted planning permission for the erection of a first floor flat roof extension to the side/rear of the dwelling. Three conditions were imposed on this consent. Condition 1 required the development to be implemented within 3 years. Condition 2 required the development to be implemented in accordance with the approved plans. Condition 3 required the windows serving the toilet in the new extension to be obscured and non-opening 1.7m from the floor of the room they served.

The current proposal seeks to amend conditions 2 and 3 following the development being constructed not in accordance with the approved drawings. It is noted that as the development has now commenced condition 1 is no longer relevant.

Condition 2 - Approved plans

The most obviously difference from the previously consented scheme is that a section has been removed from the roof of the existing single storey rear extension in order to facilitate the formation of a Juliet balcony.

As noted above, the Councils Conservation Officer has raised concerns that the proposal would represent an incongruous alteration in the context of the surrounding conservation area and neighbouring listed building and that the use of materials would also detract from the special character and significance of the property in its context.

It is important to stress that simply because the proposal is not visible within the street scene does not change that the proposal would be visible from within the conservation area and the wider context of the listed building and as such the wider impact on this historic context should form a backdrop for assessing the proposal.

Notwithstanding this, in this case it is considered that the general quality of implementation is considered reasonable and while the proposal does represent a departure from the previous design of development, it is not considered to weigh negatively on the overall appearance or design of the host dwelling. It is not considered that the alterations to the design or appearance of the property would result in harm to the special character or significance of the property within the wider conservation area and as such no objection is raised in this regard.

The original development and approved scheme included an existing rear facing window in this location and therefore the only additional glazing would be at a lower level and this isn't considered to substantially increase any practical overlooking. It is noted that the increase in prominence of the glazed form may result in an increase sense of overlooking, though given the set back and residential backland nature which is already overlooked by other properties, it is not considered that this would rise to the level of harm to justify refusing the application on this basis.

It is noted that a previous withdrawn application the applicant sought consent for a balcony in this location. It is considered that any use of a platform in this location as a balcony would have the potential to cause additional overlooking/disruption for neighbouring occupiers. The development as implemented has been installed with a Juliet balcony which restricts access onto the flat roof section of the property however for the avoidance of doubt a condition is recommended to clarify that this area should not be used in order to mitigate any issues in this regard.

Condition 3 - Window

The previous consent required the windows serving the bathroom to be obscurely glazed and that any opening parts of the window should be 1.7m from the floor of the room.

The internal layout of the property has been modified somewhat from the previously consented scheme, with the internal wall of the bathroom having been changed to reduce the size of the bathroom and increase the size of the hallway, meaning the bathroom wall no longer segments one of the side facing windows. It is noted that where the previous condition related to the bathroom windows, it does not appear that the condition would restrict the section of the window that does not serve the bathroom.

As constructed, the rear facing window has been enlarged and is obscurely glazed and opening. The rearmost side facing window is an opening window with a lower rated glazing and the double set of side facing windows are unobscured, opening windows.

Prior to the grant of consent, there was a glazed corner to this part of the building with rear and side facing windows.

Whilst it is considered that there is some potential for the overlooking of neighbouring properties from the side facing windows in the proposed development, it is not considered that this would represent a substantial worsening when compared to the previous layout of the property prior to the development given the existing windows in this location. As such it is not considered necessary to impose further conditions restricting these windows.

Retrospective nature

It is noted that the amendments have been submitted retrospectively. Taking into account the circumstances of the proposal it is not considered that any special weight should be accorded to the retrospective nature of the proposal and the scheme should be assessed on its merits.

11 CONCLUSION

For the reasons outlined above it is considered that the proposed amendments to the scheme can be considered acceptable and on this basis the application is recommended for approval.

12 OTHER CONSIDERATIONS

N/A

13 RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

Drg No: 31821-FE-03 (Location plan) Received: 29.12.2022

Drg No: 31821-PL-02 (Floor plan) Received: 29.12.2022

Drg No: 31821-PL-01 (Elevations) Received: 29.12.2022

Reason: To ensure satisfactory provision of the development.

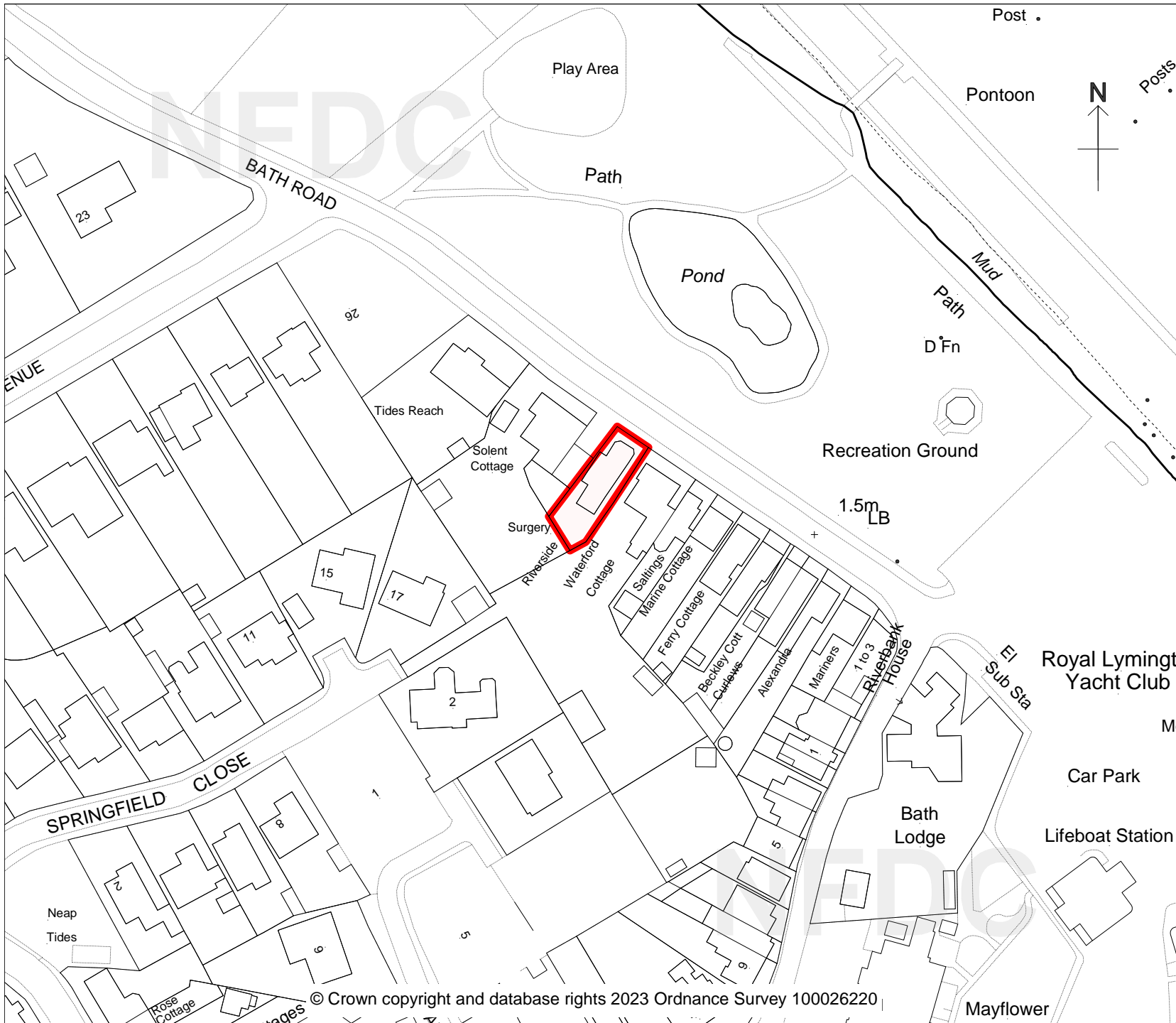
2. The Juliet balcony railing shall be maintained in accordance with the submitted details and the flat roof section of the roof shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interest of the amenity of neighbouring occupiers.

Further Information:

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PLANNING COMMITTEE

April

Riverside
Bath Road
Lymington
22/11415

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