

Application Number: 15/11442 Full Planning Permission

Site: Land of OAKWOOD, 7 ROOKES LANE, LYMINGTON SO41 8FP

Development: House: access alterations; parking

Applicant: Miss Hemsley

Target Date: 26/11/2015

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

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM3: Mitigation of impacts on European nature conservation sites
- LYM10: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 6 - Delivering a wide choice of high quality homes
- NPPF Ch. 7 - Requiring good design
- Section 197 Trees
- Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/10153 single storey side extension, rear dormer in association with new second floor, detached garage/car port. Granted 22.4.15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission subject to neighbours' concerns being addressed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Drainage Engineer - recommend approval subject to condition

9.2 Building Control - Fire Authority Access should be carefully considered

9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

9.4 Tree Officer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

9 responses in support of the proposal have been received:

- would not be out of keeping given the existing variety
- would improve the area
- would benefit families looking to move to Lymington
- existing house is out of context and would be hidden by the proposal
- improvements to Rookes Lane will improve the local community spirit
- good that the proposal is for just one rather than a few
- good location near schools and buses
- fills a gap in the street scene
- can't object on light grounds due to tree across the road already affecting light

Objections have been received from or on behalf of 5 local residents concerned with:

- the dwelling would overpower the adjacent property
- overlooking to adjoining gardens
- out of context
- would have a negative impact on the character and appearance of Rookes Lane
- property is out of scale
- big house on a small plot
- foundations may impact on boundary hedge which is used by nesting birds and a replacement wouldn't flourish

- site should remain a garden area
- loss of light to property (resulting in greater need for artificial lighting) and patio area
- relocating access is not a significant improvement
- overdevelopment
- would obscure views of the Isle of Wight
- limited amenity value for future occupiers

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £15,280.00.

Tables setting out all contributions are at the end of this report.

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 applicant's agent has tried to deal with the issues being raised by both local residents and statutory consultees and as a result, some objections have been addressed. However, the principle concern relating to the size of the plot and proposed dwelling have not been addressed.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in a residential area close to the recreation ground. It is an L-shaped site with the existing dwelling to the rear on a SW/NE axis. A double garage is presently being built following an approval earlier this year. There are protected trees adjacent to the drive, to the south west, in the grounds of the adjacent property. The eastern and southern boundary consists of a mature mixed hedge. The proposal entails the provision of an additional house to the east of the drive and alterations to the position of the access point which would be for use by both the existing and proposed dwellings.
- 14.2 While new dwellings are acceptable in principle within the built up area, this is subject to other criteria. The plot size is smaller and has a narrower, yet shared frontage than those adjacent in the immediate Rookes Lane area and, coupled with a large two storey dwelling, it is considered that the proposal amounts to overdevelopment of the site and would be out of character with the typically wide plots in this part of town. Although the distance to no.9 is similar to the spacing between 9 and 11, this distance is the smallest between any other pairs of adjacent houses along this part of the lane, emphasising the high dwelling to plot ratio. A further uncharacteristic detail is the shared forecourt, which is not typical of this area.
- 14.3 The proposal includes the slight relocation of the access point away from the nearby bend in the road. A speed survey has demonstrated that the required visibility splays can be achieved either within the access opening or highway land. The proposal provides adequate parking and turning for both existing and proposed dwellings and, subject to the provision of these areas and cycle parking, the Highway Authority has not raised any objections to the proposal.
- 14.4 Adjacent to the access drive is a row of statutorily protected trees which provide a good level of public amenity as well as screening between Court Lodge and the site. An arboricultural method statement has been submitted to support the proposal and this provides reasonable measures to mitigate against damage to these off site trees, although supervision would be required during construction works. From an arboricultural point of view, subject to conditions and the updating of a tree diameter in the report, no objections are raised.
- 14.5 With regard to residential amenity, concerns have been expressed by local residents that the proposal would impact on their light and privacy and that the dwelling would be overbearing. With regard to overlooking and loss of privacy, the proposed dwelling is situated adjacent to an

existing row of houses where it is commonplace for rear windows to glimpse oblique views of adjacent gardens. The rear bedrooms would face the side elevation of the existing dwelling and any loss of privacy is minimal. The proposed side roof lights would be high level and could be obscure glazed too and on this basis, it is not considered that the proposal would give rise to any significant loss of privacy.

- 14.6 The light implications relate to both existing and future occupiers. A concern has been raised in respect of the impact of the adjacent trees on the proposed garden coupled with the fact that it would be north facing. This would result in the garden being significantly shaded for much of the day. This reflects a current concern from the adjacent property which has restricted southern light at certain times due to trees on the opposite side of Rookes Lane. Their concern is compounded with the proposed dwelling further blocking sunlight to their property from the west. However, while these issues add to the negative aspects of the proposal, they are not considered to be so significant as to warrant refusal in their own right.
- 14.7 The proposed dwelling would be sited just 0.8m from the boundary hedge. Not only might this have implications for the hedge, it is considered to be unneighbourly having regard to the proximity of the adjacent dwelling to this boundary, resulting in an uncharacteristic appearance. The applicant's offer to replant any section of hedge which may be lost as a result of the development has been noted, although given the distance to the proposed dwelling, new planting is unlikely to flourish.
- 14.8 In terms of access and parking arrangements, the Highway Engineer raises no objection subject to conditions. The proposed makes adequate provision for car parking, 1 garage and 2 parking spaces for the proposed dwelling in accordance with the Parking Guidelines.
- 14.9 The proposal generates a requirement for contributions to be made towards affordable housing. CIL payments are also relevant following a favourable decision. In order to address the affordable housing contribution, a S.106 Agreement has been completed securing the financial contribution as detailed in the table below.
- 14.10 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.11 In conclusion, it is considered that the proposed dwelling would be out of character with the spatial qualities of the area and would not contribute positively to local distinctiveness.

- 14.12 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	n/a		
Financial Contribution	£48,675	£48,675	
Habitats Mitigation			
Financial Contribution	£5,350	n/a pre-decision	

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	191	0	191	£15,280.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

- The proposed dwelling is uncharacteristically large for the size of the plot. Together with the shared forecourt and unneighbourly siting of the dwelling in proximity to the boundary hedge and property at 9 Rookes Lane, it would represent a poor form of development, out of character with the recognised spatial qualities of the area and would not contribute positively to the local distinctiveness of the area. The proposal is therefore contrary to policy CS2 of the New Forest District Council Core Strategy and Lymington Local Distinctiveness SPD.

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 applicant's agent has tried to deal with the issues being raised by both local residents and statutory consultees and as a result, some objections have been addressed. However, the principle concern relating to the size of the plot and proposed dwelling have not been addressed.

Further Information:

Major 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
Applefree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
January 2016

Item No: 3j
Land of Oakwood
7 Rookes Lane
Lymington
15/11442
SZ3194

Scale 1:1250

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

