

**Application Number:** 15/11495 Full Planning Permission

**Site:** 9 WOODPECKER DRIVE, MARCHWOOD SO40 4XQ

**Development:** First floor front and side extension; porch extension; fenestration alterations

**Applicant:** Mr & Mrs Kemp

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

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view (in part)

**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**

No relevant policies

**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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

No relevant documents

**6 RELEVANT PLANNING HISTORY**

13/10831	Single-storey side extension to detached garage 9 WOODPECKER DRIVE, MARCHWOOD SO40 4XQ	20/08/2013	Granted Subject to Conditions
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13/10520	Single-storey side extension to garage (Lawful Development Certificate that permission is not required for proposal) 9 WOODPECKER DRIVE, MARCHWOOD SO40 4XQ	10/06/2013	Was Not Lawful
91/47582	Erection of a swimming pool cover (retrospective) 9 Woodpecker Drive, Marchwood	11/07/1991	Refused
88/40097	Extension to form dining area 9 Woodpecker Drive, Marchwood	23/12/1988	Granted
86/31815	Erection of a garage and boundary wall. 9 Woodpecker Drive, Marchwood	29/05/1986	Granted

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

Marchwood Parish Council recommend refusal.

This application is over development of the site, will have an adverse impact on the street scene and will cause unacceptable loss of light to the neighbouring property. The application is therefore not in accordance with policy CS2 of the New Forest District Council Local Development Framework Core Strategy adopted October 2009

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

## **10 REPRESENTATIONS RECEIVED**

One letter of objection from neighbour at 1 Sandpiper Close as the proposed extension would result in a reduction of light to the lounge and loss of view from the rear of the property. The close proximity of the new large wall would have an overwhelming and oppressive effect when in the lounge or in the garden.

The agent and applicant have written in support of the application highlighting that other properties in the area have similar extensions. They have also indicated that the rear of the neighbouring property already has a loss of light from the high vegetation.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

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 applicant did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

## 14 ASSESSMENT

- 14.1 The property is a two storey detached dwelling with an integral garage. The properties in the estate are similar in design and while there are some gaps between the properties, which contribute to the spatial characteristics of the area, the properties are staggered. A detached garage is positioned to the side to the property and runs alongside the boundary with the road. The front garden is open plan with high hedges and walls defining the boundaries to the rear. There is a large tree within the rear garden.
- 14.2 The main issue to take into consideration when assessing this application is the impact on the neighbouring property.

- 14.3 The neighbour at number 1 Sandpiper Close is positioned significantly further forward on the plot than number 9 and high fences form the shared boundary. There are large patio doors on the rear of this neighbouring property which serve a lounge. The attached garage on the application site was extended following consent in 1988 and this element is clearly visible from the neighbour's window and garden. The addition of a first floor over this element would introduce a high wall close to the shared boundary which would be visually intrusive on this neighbour and cause an unacceptable loss of light. The agent has indicated that there is high vegetation on the shared boundary which already restricts the available light. However the introduction of a high flank wall in such close proximity to the rear of the adjoining property would have a significant and harmfully adverse impact on this neighbour's amenity.
- 14.4 There is a tree in the garden which is protected with a tree preservation order but this is sited at a sufficient distance from the proposed development so that it would not be adversely affected.
- 14.5 The proposed porch would be in keeping with the host property. The Parish Council have provided several reasons for refusal and other than the impact on the neighbour they have also advised that they consider that the proposed extension would be an overdevelopment of the site and also have an adverse impact on the street scene. The proposed garage extension and first floor over the garage would come further forward than the existing front elevation and fill the spatial gap between the properties. However, as the application site is in a corner location and the neighbouring property is further forward. With the staggered building line and the variety of spatial gaps in the area the impact on the street scene and overall character of the area is acceptable. Furthermore, while the property has been extended previously the site is fairly large and the proposed first floor would not be considered as an overdevelopment of the site.
- 14.6 In conclusion the proposed extension would be acceptable in terms of design and impact on the street scene but would have an unacceptable effect on the neighbour at 1 Sandpiper Close in terms of visual intrusion and loss of light. Therefore the application is recommended for refusal.
- 14.7 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 first floor side extension due to its overall height, depth and solid built form in close proximity to the neighbouring property, 1 Sandpiper Close, would result in a detrimental impact on their amenity by reason of visual intrusion, an overbearing impact and also cause an unacceptable loss of light contrary to the requirements of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

1. 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 did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
January 2016

**Item No: 3m**  
9 Woodpecker Drive  
Marchwood

15/11495  
SU3810

Scale 1:1250

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

