

Application Number: 15/11533 Full Planning Permission

Site: AUTUMN TINTS, SPRING ROAD, LYMINGTON SO41 3SP

Development: House; access; parking; extension to garage; boundary wall; fence; demolition of existing

Applicant: Mrs Richards

Target Date: 07/01/2016

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

CS2: Design quality

CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

Other considerations

NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

6.1 15/10909 - Raise roof height in association with new first and second floors, rooflights, fenestration alterations, porch and garage extension - 27/08/2015 Granted subject to conditions

6.2 88/NFDC/37675 Addition of 2 bedrooms and en-suite shower room. - 07/05/1988 Granted Subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - Recommend refusal as the height, mass and scale of the proposed dwelling is not in keeping with the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Land Drainage Section - no objections subject to a surface water drainage condition and informatives.

Southern Gas Networks - no objections, but give informatives.

10 REPRESENTATIONS RECEIVED

One letter has been received from the occupier of no. 1 Springfield Close, who objects to the proposal on grounds of:

- Visual intrusion and loss of privacy to the back garden, conservatory, sitting room and bedrooms, which would be overlooked by first and second floor windows.
- Loss of light.
- The building is too big for the plot and of an inappropriate design, which would be out of character with the area

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.

Based on the information provided at the time of this report this development has a CIL liability of £11,296.00, although it is understood that the applicant is likely to seek relief from CIL via the self build exemption for a new home.

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.

In this case appropriately amended plans and additional information were submitted by the applicant at the planning authority's request in order to clarify boundary treatment arrangements and to demonstrate the scale and massing of the proposal in relation the adjoining properties and no specific further actions were required.

14 ASSESSMENT

- 14.1 The site is currently occupied by a single bungalow known as Autumn Tints. The bungalow is adjoined by another bungalow (Marina Villa) to the west and by a two storey, detached dwelling to the east (Glenmore). The property is located within the defined built up area, which is characterised by detached and semi-detached residential properties. This side of Spring Road is generally characterised by two storey dwellings set back from the pavement edge, with front gardens bounded by low fences, walls and hedges or a mix of the three.
- 14.2 The proposal is to demolish the existing bungalow and erect a two storey dwelling in its place. The form of the replacement dwelling would be similar to the previously approved extension proposal under ref.15/10909, with minor changes proposed to the footprint, fenestration and materials. The application is necessary as the previous approval related to a household extension and it is now proposed to replace the dwelling entirely, albeit with some minor modifications to the approved scheme. The materials proposed are render, weatherboarding and low profile grey tiles. The detached garage to the side/rear would be retained and extended.
- 14.3 The main considerations when assessing this application are the scale and design of the resulting property and the impact this would have on the street scene. Neighbour amenity is also a material consideration.
- 14.4 Within the street scene there is a variety of styles of properties, but predominantly two storey dwellings. While the neighbouring property to the north west, Marina Villa, is a bungalow the adjoining dwelling to the

south east is two storey and the overall character is defined by two storey properties. In light of the concerns raised by the Town Council a street scene elevation has been requested, to show the scale of the proposal in comparison with adjoining dwellings. However, it must be acknowledged that the principle of a two storey dwelling on the site of the scale and mass proposed was accepted in August 2015 under ref. 15/10909, so a refusal on these grounds would be difficult to substantiate. With regard to materials, the area is characterised by dwellings of render, brick and painted brick construction and the use of render and weatherboarding is considered to be acceptable. The addition of weatherboarding would be justified to break-up the form of the development. The applicant has submitted an amended plan to remove the 1.8m high close boarded timber fencing from the frontage of their plans, to be replaced with 1.5m high hit and miss fencing, behind the existing wall, as this side of Spring Road is characterised by front gardens with low walls and hedges. They have also been requested to submit details of the proposed new gate and piers for the new point of access.

- 14.5 In terms of neighbouring amenity, Marina Villa does have windows along the elevation facing the application site, but as the proposed development includes a single storey element closest to this neighbour there would not be a significant intrusion on their outlook. With regard to the installation of windows at first floor level, consideration needs to be given to any overlooking issues. The first floor windows closest to the boundary with Marina Villa are shown as obscure glazed, which could be ensured by condition. A lower window and two rooflights would face this neighbour but as they would serve a staircase they would not appear to cause a significant loss of privacy. The other first floor windows are a sufficient distance from the neighbours so that they would not cause a significant impact in terms of loss of privacy. The neighbour to the south east, Glenmore, is a traditional semi-detached dwelling with a small garage to the rear. This property does not have any windows on the side elevation facing the application site. With regard to the proposed increase in size of the garage, given the height is not being altered, it would not appear to have a significant impact on this neighbour's amenity. There are two large rooflights proposed for the front roof slope and it is noted that other properties in the area have rooflights and dormers in the front roofslopes. An objection has been received from the occupiers of no. 1 Springfield Close on grounds of privacy loss. It is noted that no. 1 is in excess of 24m away from the proposed rooflights and first floor windows, where the accepted rule of thumb for window to window distances is 21m. While there would be some intervisibility, it would be across a public thoroughfare, over a 2m high fence and in excess of the accepted 21m distance. Furthermore, the position of the first floor windows and rooflights has previously been accepted in August 2015. With regard to neighbour amenity, it is concluded that the spatial gaps between the proposal and its immediate neighbours would mean that there would not be a significant adverse impact on neighbour amenity in terms of loss of light, of visual intrusion or loss of privacy.
- 14.6 Overall, the proposed development is very similar to a recently approved scheme on the site and is considered to be consistent with Core Strategy policies and objectives. The proposed dwelling would be of an acceptable design that could be built without detriment to either the character and appearance of the area or the amenities of neighbouring dwellings. As such, the application is recommended for permission.

- 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	272	130.8	141.2	£11,296.00

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: P1510:02, P1510:04 rev A, P1508:03 rev? and

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. The first floor windows on the south west (rear) elevation of the approved building, serving the bathrooms and wardrobe, shall at all times be glazed with obscure glass and only opening if the part to be opened is at least 1.7 metres above the floor level of the room in which it is installed.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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.

In this case appropriately amended plans and additional information were submitted by the applicant at the planning authority's request in order to clarify boundary treatment arrangements and to demonstrate the scale and massing of the proposal in relation the adjoining properties and no specific further actions were required.

2. In relation to condition no. 5, under the National Planning Policy Framework all developments should be undertaken in a sustainable manner and under the National Standards for Sustainable Drainage Systems (December 2011) the following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground
2. Discharge to a surface water body
3. Discharge to a surface water sewer
4. Discharge to a combined sewer

Connection to a foul sewer is not usually permitted as foul sewers are not designed to take surface water and the Water Company's permission would be required. If surface water is to be disposed of in this way it will still need to be disposed of in a sustainable manner. The applicant will need to supply confirmation of the Water Company's approval to discharge surface water to their system along with the agreed rate of disposal.

Reason: Foul sewers are not designed to take surface water and peak surface water flows would cause flooding of the foul water system.

3. As this is a new property any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable drainage system is to be constructed and located so as not to affect adjacent property or the highway for events up to a 1 in 100 year storm event and climate change.

Reason: To prevent properties and gardens flooding and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park.

4. Southern Gas Networks advise that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed are available to view on the Council's website, under this planning application reference and should be passed to the senior person on site in order to prevent damage to our plant. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. If you require any further information please contact Lynne McDonald on 0800 912 1722.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee**
January 2016

Item No: 3n
Autumn Tints
Spring Road
Lymington
15/11533
SZ3295

Scale 1:1250

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

