

**Application Number:** 15/11547 Full Planning Permission

**Site:** 32 CHILTERN DRIVE, BARTON-ON-SEA, NEW MILTON  
BH25 7LA

**Development:** Single-storey side and rear extension; fenestration alteration

**Applicant:** Mr & Mrs Wescott

**Target Date:** 23/12/2015

---

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish 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
2. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles  
CS2: Design Quality

**Local Plan Part 2 Sites and Development Management Development Plan Document**

No relevant documents

**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**

None relevant

**6 RELEVANT PLANNING HISTORY**

14/11508 - Roof alterations, dormers in association with new first floor and porch - withdrawn 2/12/14

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

New Milton Parish council: Recommend refusal

- Loss of amenity to No 30 by loss of light/overshadowing
- Blatant disregard of needing to apply for planning permission prior to erecting extension.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage: No comment

## **10 REPRESENTATIONS RECEIVED**

1 letter of objection received from 30 Chiltern Drive

- Overshadowing and loss of amenity
- Loss of light to side bedroom
- Intrusive to garden boundary due to being close to the fence and blocks skyline view
- Breeze block structure unsightly
- Impact on future sale of the property

Comment from applicant:

- Originally thought development was permitted development;
- They were not aware of Lawful Development Certificate mechanism and would have applied for this at the outset if had been;
- They have submitted the planning application to regularise this;
- They did advise neighbour prior to works commencing;
- The bulk of the extension falls under permitted development and it is only the part that wraps around the rear of the property that is too wide to be permitted development and which impacts on no one but the applicant.

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required. This is a retrospective application generated from an enforcement case.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached bungalow within a built up residential area of similar bungalows. The property fronts Chiltern Drive and the rear garden, which is of a reasonable size, backs on to the garden of a property situated on Heathwood Avenue.
- 14.2 The application seeks to retain a single-storey side and rear extension.
- 14.3 The main planning considerations when assessing this application are the impact upon the character and appearance of the dwelling and the impact on residential amenity.
- 14.4 The extension is shown on the plans to extend by 4m from the rear wall. The extension is shown to have an eaves height of 2.5m, which is in line with the eaves of the bungalow. The extension has a flat roof with the total height shown as 2.9m with a roof light to the top of the rear extension. The roof light extends an additional 10cm above the roof height.
- 14.5 No 30 to the west of the site is in closer proximity to the extensions and concerns have been raised by these neighbouring residents about the impact on their light. There are 3 windows on their side facing elevation but it is only the rear most of these windows - that serves a bedroom - that has a direct relationship with the extension. It is noted that the development would see an increase in proximity to the boundary and that some loss of light to the side of the neighbouring property and the

rear-most (bedroom) window would occur. However the extension is set back from the boundary by approximately 500mm at that point. The extension exceeds the height of the fence by about half a metre and while there is a degree of overshadowing this will not cause a demonstrable level of harm to the neighbour. It is not considered that this would result in such a significantly adverse impacts that it would justify a refusal on those grounds.

14.6 The application site is on a corner plot. The extension is not visible from this side as the boundary fence serves to screen the property from public views. The extension is also set back from the frontage behind a screen wall so as to have a negative impact and not to be dominant within the street scene. The introduction of cladding is different to the remainder of the property but as this is to the rear and set back from the side it is not highly visible from public vantage points. As such, no overriding objection is raised. The proposed extension does not have a detrimental impact on the street scene. The proposed development is considered acceptable and in keeping with the character and appearance of the area not harmfully impacting on adjoining neighbours and as such the application is recommended for approval.

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.

## **15. RECOMMENDATION**

### **Grant**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: Proposed extensions dated 24/10/15.

Reason: To ensure satisfactory provision of the development.

**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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

**Further Information:**

Householder 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  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
January 2016

**Item No: 3p**

32 Chiltern Drive  
Barton on Sea  
New Milton  
15/11547  
SZ2394

Scale 1:1250

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

