

Application Number: 15/11548 Full Planning Permission

Site: 4 MAYFLOWER CLOSE, LYMINGTON SO41 3SN

Development: Raise, extend and alter roof in association with first floor extension; two-storey rear extension; dormers; fenestration alterations; cladding

Applicant: Mr Young

Target Date: 15/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
Plan 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
- CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None Relevant

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

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

13/10480 House; detached garage; demolition of existing (AMENDED PLANS) granted subject to conditions 4/09/2013

06/88514 Two storey extension Granted with conditions 28/09/2006

97/9028 Alterations, extensions and addition of a living room Granted with conditions 20/12/1997

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal
Overbearing roof height in relation to neighbours;
Support the Case Officer recommendation that south elevation window should be constructed with obscured glass and fixed shut

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: no comment

Environment Agency: the application site falls within the scope of our Flood Risk Standing Advice zone

Natural England: no comment

10 REPRESENTATIONS RECEIVED

3 objections:

- overbearing
- encroaches on neighbour's privacy and light
- too high out of keeping with other dwellings within the Close
- previous approval based on unreliable data
- overlooking of 4 Mayflower Close from window in south elevation

1 comment:

- plans are conflicting with regard to proposed heights

Applicant correspondence:

- street scene information based on topographical survey by Wessex Land Surveyors in 2008 in preparation for previous application for new dwelling on site
- floor levels will be no lower than existing levels and flood proofing has been considered and incorporated where possible

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

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 the application was acceptable as submitted. As an illustrative street scene plan formed part of the application, confirmation was sought as to the basis this was produced on. Information was also supplied relating to flood measures.

14 ASSESSMENT

- 14.1 The application site consists of a detached house, situated in a small cul-de-sac in the built up area of Lymington. Mayflower Close is predominantly a small development of individual, traditional, houses set in their own plots, dating from the 1960s.
- 14.2 The existing dwelling is situated at the end of the cul-de-sac and, by reason of its position within the road, is not overly dominant within the street scene. It is situated in a reasonable sized plot enclosed by fencing and hedging, and all the boundaries abut other residential properties. The dwelling has a single storey garage to the side, views of which are achievable via the gate which provides vehicular access to the site. The majority of the dwelling is screened by the side boundary with no 3 Mayflower Close, due to the positioning of the dwelling within the plot. There is also an existing single storey element on the north-eastern end of the dwelling.

- 14.3 There is an extant consent for a replacement dwelling on site. The current proposal represents a more modest development when compared to this 2013 approval. It is proposed to extend over the existing single storey element and increase the overall ridge height of the dwelling by approximately 90cms, which is lower than that proposed under the previous consent. It also proposes to raise the eaves height, and introduce timber cladding at first floor level. The proposed first floor extension on the side of the dwelling would have a front gable replicating the existing front gable. Both gables would be clad at first floor level which would emphasise these features. A two storey rear extension is proposed off part of the rear elevation, but this would only increase the footprint of the dwelling by approximately 7.7m² and project out 1.8m from the existing rear wall.
- 14.4 The first floor side extension would increase the mass of the building and coupled with the overall increase in height, could result in the extended dwelling being more visible in comparison to the existing house. Nevertheless, the current application has reduced the scale and height of the building compared to the extant 2013 consent. The introduction of weatherboarding does not appear to be a common feature in the cul-de-sac, but as this would only be on part of the dwelling and there are no controls in relation to cladding relating to the area and the material has been approved on the replacement dwelling no objection is raised. The footprint of the building would only be modestly increased to the rear and the addition of the first floor side extension would not encroach on the existing amenity space to the side of the building, and as such the spaciousness of the dwelling within the site would be retained.
- 14.5 No 3 Mayflower Close is sited to the north of the site, and the addition of the first floor side extension would result in the mass of the building coming closer to their side boundary, but notwithstanding this, the development would be parallel to the side of no 3, and there would still be a distance of approximately 10m between these two properties. As such it would not result in an overbearing form of development to this neighbour. Due to the relationship of the building on the application site with this neighbour, the proposed extensions would not result in an unacceptable level of overshadowing.
- 14.6 The existing dwelling on the application site is orientated at an angle to the side boundary with no 3 Mayflower Close and additional windows are proposed on the front elevation which would serve a landing and hallway. The view from the two new dormer windows would be primarily over the front area of no 3 Mayflower Close and given that there is already a first floor dormer window on this elevation which achieves views over this area, no additional harmful overlooking could be demonstrated. However, the additional first floor bedroom window, due to its position, would have a more direct relationship with the side garden of No 3 so it is considered reasonable to require this to be obscurely glazed and fixed shut unless the parts that can be opened are more than 1.7m above the floor. Although this is a bedroom there are other windows to the side and rear serving this room which would remain unrestricted and so the proposed limitations to the front window are appropriate in this instance.

- 14.7 A side window is proposed on the end elevation, but by reason of its angle within the plot it should only achieve oblique views over the rear garden area of no 3 Mayflower Close. On balance the additional first floor side window would not create an unacceptable level of overlooking to the private garden area of no 3 Mayflower Close, and as such there is no justification to restrict this window to be obscure glazed and fixed shut. There are already windows on the rear elevation, and although the proposal would introduce additional windows and enlarge the existing, they would not be any higher than existing and there are reasonable separation distances with the dwellings to the rear, as such they would not adversely impact upon the amenities of these adjacent properties.
- 14.8 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 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: Drg PO1, Drg PO2, Drg PO6, Drg PO4, Drg PO5, Drg PO5, Drg PO3, Drg EO2, Drg EO3, Drg E01

Reason: To ensure satisfactory provision of the development.

3. The first floor bedroom window on the front [north west] elevation of the approved building (extension) shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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).

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 the application was acceptable as submitted. As an illustrative street scene plan formed part of the application, confirmation was sought as to the basis this was produced on. Also information relating to flood measures was supplied.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee**
January 2016

Item No: 3q
4 Mayflower Close
Lymington

15/11548
SZ3395

Scale 1:1250

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

