

Application Number: 15/11598 Variation / Removal of Condition

Site: BRIDGE COTTAGE, BRIDGE ROAD, LYMINGTON SO41 9BZ

Development: Variation of Condition 2 of Planning Permission 13/11062 and
Removal of Condition 4 of Planning Permission 13/11062 to allow
removal of brick pier to front elevation of garage

Applicant: Mrs A Wyatt-Budd

Target Date: 25/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view and Councillor request

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Conservation 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
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

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

SPD - Lymington Local Distinctiveness
SPG - Lymington Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

Enforcement:

EN/09/0270 Enforcement Notice: without planning permission the erection of a pitched roof garage with accommodation within its roof space; the erection of a single-storey side extension and the erection of a rear conservatory; and the erection of a front boundary wall.

On the 30 October 2012 the Enforcement Appeal Allowed in Part, otherwise the appeal failed and the Enforcement Notice upheld and varied. Compliance: 12 months

Planning:

13/11063	Retention of single-storey side extension with alterations to reduce length	Granted: 18 Dec 2013
13/11062	Retention of garage including accommodation in roof space with alterations to lower the eaves and ridge height and remove front projecting gable	Granted: 21 Nov 2013
13/10211	Garage; boundary wall; remove single-storey side extension	Refused: 18 April 2013
12/99087	Retention of single-storey extension with alterations to form hipped roof; retention of 1.8m high boundary wall	Refused: 6 Nov 2012
12/99088	Retention of rear conservatory with alterations to lower lean-to roof	Granted: 6 Nov 2012
12/99089	Retention of garage including accommodation in roof space with alterations to remove front projecting gable feature and create cropped gable roof form	Refused: 6 Nov 2012
10/96521	Retention of garage with room over; retention of single-storey side extension	Refused: 15 March 2012
09/95005	Retention of garage with room over	Refused: 7 April 2010
07/89380	Single-storey side extension	Refused: 9 March 2007
05/84395	Single-storey side extension; double garage; roof alterations; rear conservatory; access alterations and boundary wall	Granted: 10 June 2005
04/83610	Roof alterations, single-storey extension, detached garage; access alterations; boundary wall.	Withdrawn: 18 Feb 2005

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend PERMISSION

8 COUNCILLOR COMMENTS

Cllr Rostand: Requests that this planning application is referred to Committee unless approved in accordance with the comments of Lymington & Pennington Town Council.

9 CONSULTEE COMMENTS

9.1 Conservation Officer: Recommend Refusal

9.2 Hampshire County Council (Highways): No highway objection

9.3 Environmental Health: no comments

9.4 Natural England: no comment

9.5 Environment Agency: no response made

9.6 Land Drainage: no comment

10 REPRESENTATIONS RECEIVED

No comments received

11 CRIME & DISORDER IMPLICATIONS

Not relevant

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

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, the applicant has previously been advised of the likely objection to the proposal through pre-application advice and the agent has been advised of the recommendation for refusal.

14 ASSESSMENT

Introduction

- 14.1 The application relates to Bridge Cottage located on the edge of the Lymington Conservation Area close to the railway crossing. The main dwelling stands alongside the listed Vienna Cottage. The site is located within Flood Zone 3.
- 14.2 This application seeks variation and removal of conditions 2 and 4 of planning permission 13/11602 to allow the retention of the double garage in its present form with a double width garage door and no central brick pier. Condition 2 and 4 were imposed to secure alterations to the garage as built to achieve a satisfactory standard of design. Of particular relevance is the requirement to replace the existing double width garage door with two single width doors and central brick pier. Condition 4 is the mechanism to secure that the details for the alterations required by condition 2 are implemented. It requires the central brick pillar to be built in accordance with approved details within five months of the approval of planning permission 13/11602.
- 14.3 Bridge Cottage has been the subject of a succession of planning applications with planning permission initially granted for a single-storey side extension, double garage, conservatory, access alterations and boundary wall in 2005 (05/84394). Development thereafter failed to accord with these approved plans.
- 14.4 Subsequent to this, various retrospective planning applications were submitted seeking to address these discrepancies; which were refused. A planning enforcement notice was served by the Council on 23 April 2012 which in part required the demolition of this garage. This requirement was upheld at appeal at which time the Inspector observed *'The use of a single, apparently lower, garage door and the depth of horizontal timber boarding above it alter the proportions and emphasis, giving a non-traditional appearance...'*
- 14.5 Further to this, approval was eventually given for the retention of the double garage in a rebuilt form, inclusive of a central pier to the front of the garage. (Ref 13/11062).

Design/Conservation Area Considerations

- 14.6 Waterloo Road is characterised by buildings of traditional size and scale with other garage buildings being of a low key form and accommodating one vehicle. This double garage is significantly larger in size and scale and features prominently within the street scene, as well as being visible from Bridge Street. The double garage door forms a prominent part of the garage, providing the front elevation with a strong horizontal emphasis which is at odds with the more traditional character of Waterloo Road and furthermore is larger than would typically be considered acceptable within a Conservation Area.
- 14.7 Planning and Conservation Officers have been consistent in their view that a central brick pier should be provided and its reintroduction was a key element in the approval of planning permission 13/11062. The accompanying Design and Access Statement to this Planning application advised '*The introduction of the central brick pier to the garage opening removes the discordant appearance of the existing wide double garage door opening*'. It is very unlikely that this application would have been approved without the reintroduction of this central brick pier.
- 14.8 By way of conclusion, this garage building is prominent within the street scene and the existing large, double width, garage door adds a horizontal emphasis to this already wide elevation. A central pier, which would facilitate the appearance of two separate garage doors, would better reflect the more traditional character of buildings along Waterloo Road. In the absence of this pier, this building remains incongruous and prominent within the street to the detriment of the character and appearance of the Lymington Conservation Area. As such, there is an objection to the planning application.

Highway Safety

- 14.9 This application has a focus on highway safety and seeks to demonstrate that highway safety considerations outweigh any objection to the proposal on design/ Conservation Area grounds. As such, the application is supported by a vehicle tracking diagram which seeks to show the difficulties of accessing the garage with the brick pier in situ. The applicant's highways consultant also writes:

'As you will see from the various drawings the swept paths have been drawn to within very close tolerances of the parked vehicles and, generally, these are much closer than a driver would choose to manoeuvre because of the likely risk of scraping the side of the parked car. In a number of cases the BMW door mirrors would also clash with those of a parked car. Notwithstanding the ultra-fine margins indicated on these drawings, it is still impossible for this vehicle to turn into and out of the garage without over running the location required for the central pillar.'

- 14.10 The applicant has also written in support of the proposal citing parking problems in the area and their attempts to help reduce these problems by always parking within the curtilage of their property (i.e. on the drive or in the garage). They also draw attention to the existing garage door which was custom made, electronic, remote and expensive. The previous planning consent recognised these factors by allowing the retention of this door but with the brick pier to be built in front to provide the appearance of two separate doors, the details of which were required by condition 2.

- 14.11 Comments from the Hampshire County Council Highways Engineer in response to this application advise that should the pier be re-introduced, this is likely to result in cars making more protracted shunting movements to gain access and egress from the garage which, given the proximity of the junction with Bridge Road and the possibility of parked cars further restricting the flow of traffic, would not be in the interest of highway safety in Waterloo Road. As such, no highway objection has been raised to this current proposal.
- 14.12 These highway safety benefits add weight to the proposal and should be carefully balanced with the harm identified. However, given that the provision of this brick pier has not previously generated any highway objection or reason for refusal, it is not considered in this instance, given the extensive planning history of the site, that these benefits outweigh the harm to the appearance of the building and the character and appearance of the Conservation Area.

Residential Amenity

- 14.13 It is not considered that the introduction of the brick pier would cause any significant adverse impact in residential amenity.
- 14.14 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 the VARIATION and REMOVAL of CONDITION

Reason(s) for Refusal:

1. The garage building, because of its scale and position comprises a prominent building within the Lymington Conservation Area on a road which is characterised by buildings of a traditional scale and appearance. The omission of the central brick pier allows a double width garage door which provides a strong horizontal emphasis and non-traditional appearance that draws undue attention towards the scale and mass of this building when compared to others in the same street. The omission of this pier would therefore be detrimental to the appearance of this building and be harmful to the character and appearance of the Lymington Conservation Area contrary to the requirements of Policies CS2 and DM1 of the New Forest District Local Plan (Core Strategy and Local Plan Part 2) and the Lymington Local Distinctiveness Supplementary Planning Document.

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, the applicant has previously been advised of the likely objection to the proposal through the submission of an application for pre-application advice and the agent was advised of the recommendation for refusal.

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
Applefree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
January 2016**

Item No: 3s
Bridge Cottage
Bridge Road
Lymington
15/11598
SZ3296

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.

