

Application Number: 15/11451 Full Planning Permission

Site: 28 FLUSHARDS, LYMINGTON SO41 3SB

Development: Single-storey front and rear extension; front balcony; two-storey side extension; roof lights; new access

Applicant: Mr Stone

Target Date: 04/12/2015

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

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Environment Agency: no comment

9.2 Natural England: no comment

9.3 Land Drainage Engineer: informative requested

9.4 Hampshire County Council Highway Engineer: no objection subject to condition requiring provision and retention of parking and turning of vehicles as indicated on the submitted plans.

10 REPRESENTATIONS RECEIVED

None received

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.

The submission is contrary to the advice given in respect to a pre application enquiry. The proposed side and front extension would create an unacceptable level of harm, which would justify a refusal in this instance.

14 ASSESSMENT

- 14.1 The application site consists of a semi-detached house situated in the built up area of Lymington, and is within close proximity of the boundary of the Lymington Conservation Area. It is also flagged up as being within a designated flood zone, but this only clips the front boundary of the site.
- 14.2 This property forms part of a residential development which is accessed from Queen Katherine Road, but by reason of their position nos 27 and 28 Flushards front Bath Road, though there is a footpath link running down the side boundary of no 28 which connects to the remainder of this development. This pair of semis is consistent in style and materials with the remainder of the dwellings within Flushards, being of red brick with brick coursing and slate roof, which reinforces the connection with the remainder of this development to the rear of the property.
- 14.3 The dwelling is sited on an incline, the land levels rising from Bath Road to the rear of the property, levelling out within Flushards. There is currently no vehicular access to the dwelling, and the pedestrian access is sited adjacent to the paved drive of the other half of the semi (no 27). There is garden area to both the front and rear of the dwelling and the property is set off the side boundary adjacent to the footpath. The front and side boundaries are mainly established hedging with a short run of picket fencing on part of the front boundary and a green bank fronting the site along Bath Road. To the rear of the site is picket fencing separating the dwelling from 10 Flushards which is a similar style semi, positioned at an angle to the rear boundary. There is a single storey hipped roof element positioned centrally on that pair of semis which appears an original part of the dwelling, being constructed of matching materials.
- 14.4 The other half of the semi (no 27) is as original and replicates the form and proportions of the application site. The front garden has however been replaced by hard standing to provide vehicular parking for this property. To the other side of the link footpath are further semi-detached dwellings which form part of Flushards. Due to the land levels these properties are set further back and have a more pronounced bank fronting Bath Road, but provide consistency in overall form and materials to the application site.

14.5 The Lymington Local Distinctiveness Supplementary Planning Document adopted February 2011, has a section specifically relating to Flushards. This identifies key defining elements that can positively inform new development proposals, and these include:

- *consistent forms, set-back, scale and mass, regular plot divisions and gaps*
- *consistency of materials within each housing group*
- *garden settings in front and behind dwellings*
- *occasional views of marina masts, estuary and Walhampton trees and dwellings.*

Furthermore, the green bank alongside Bath Road is identified as an important feature of the green infrastructure.

14.6 This existing pair of semis provides a contrast to the historic buildings to the north of the site, which are significant to the prevailing character of Bath Road and this part of the Lymington Conservation Area. Nevertheless, this pair of semis offers a quality in their proportions and simple details which should not be disregarded. Furthermore, by reason of its position both the front and rear elevations of the dwelling are visible from public vantage points and contribute to the character of the area.

14.7 Due to the siting of the extensions within the site, and their relationship with neighbouring properties, they would not impact on the neighbour amenity. Furthermore, the introduction of a vehicular access to the front of the dwelling should not interfere with the access arrangements of the other half of the semi. Therefore, the considerations when assessing the proposals are whether they are appropriate or would adversely affect the appearance of the existing dwelling and its attached semi, the character of the street scene and highway safety.

14.8 The proposed single storey rear extension links in with the existing single storey element and would only span the rear elevation of the existing house. This element would not be unsympathetic to the proportions of the existing house or the pair of semis. Furthermore it would not adversely impact upon the character of the area.

14.9 The proposed two storey side extension is only minimally set back from the front elevation and marginally lower than the existing ridge line. Coupled with the forward projection of the single storey element, it would detract from the proportions and unbalance the symmetry of this pair of semis. The introduction of the balcony feature over the single storey front extension would be imposing and the proposed small front gable would have no relevance to the existing design of the dwelling. Furthermore, the width of the proposed side extension would erode the openness afforded by the set back of the dwellings either side of the adjacent public footpath to the detriment of the significant open spatial characteristics of the application site. The introduction of cladding at first floor level on the extension would further emphasise the side extension exacerbating the harm. The existing facing materials are characteristic of the properties in Flushards and as such the introduction of cladding would be jarring in the street scene and incongruous with the overall appearance of this pair of semis.

14.10 Three examples have been given of similar development on other dwellings within the Flushards estate in support of this application by the

agent. The three dwellings identified are all situated on the southern side of the link footpath to Flushards. This area of the development is situated at a higher level at the top of higher banking with a foil of trees and shrubs partially screening views of the housing from Bath Road. For this reason, that group of dwellings is not as prominent in the street scene as the application site. No 33 Flushards has a projecting two storey front extension constructed of matching materials which was approved in 2008. However, by reason of its siting, at the top of a steep bank with a footpath and a large tree to the front, the dwelling, it is not overly visible within the street scene. The other two examples cited are also set back from the road. No 37 Flushards being approved in 1989 and no 40 in 2005. None of these extensions were judged under the current policies or the Lymington Local Distinctiveness Supplementary Planning Document. Furthermore, the situation of these properties is not comparable with the application site and does not create justification for the current proposal.

- 14.11 The creation of a vehicular access would disrupt the bank and green setting of the dwelling. However, a new vehicular access onto Bath Road was deemed acceptable in principle by the Highways Authority when informal advice was sought prior to the submission of the application. Accordingly, further information has been sought with regard to the implementation of the new access and drive so a proper assessment could be made of this element. Additional plans have been provided in the form of sections and levels, and these plans have also made some slight amendments in relation to the drive only. The existing footpath within the curtilage of the site along the frontage of No. 27 is to be removed, and a retaining wall is to be introduced along the sides of the proposed drive.
- 14.12 Of further concern is the impact the proposed access and its required highway sight lines would have on the character and form of the existing frontage bank, boundary treatment and existing vegetation. Although the additional details help in this assessment, they are not clear in terms of the required sight lines and the resulting reduction in the height and form of the existing bank. However, it is apparent that most of the existing frontage boundary planting would be lost and that the bank would need to be reduced in height by at least 450mm at its highest point. Without adequate measures of mitigation, the proposed access would, therefore, have a harmful impact upon the street scene at this point. Accordingly, if the application is approved, planning conditions would be required to secure appropriate replacement boundary treatment and landscaping to help mitigate the harmful aspects of this element of the proposals.
- 14.13 However, for the reasons set out above, the application is recommended for refusal.
- 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

Reason(s) for Refusal:

By reason of the excessive width, depth and height of the two storey side extension, coupled with the single storey front extension, the proposals would not respect the existing character, form and symmetry of this prominent pair of semi-detached houses. The introduction of the balcony, which would project forward of the front wall, would be an imposing feature and the addition of a front gable would further detract from the appearance of the individual dwelling and pair of semis. The harm would be further exacerbated by the introduction of cladding which would detract from the distinctiveness of this group of properties. Furthermore, due to the proposed width, height and siting of the two storey side extension it would erode the existing gap between the dwelling and the public footpath to the south side which would detract from the open spatial characteristics of the site and lead to a cramped appearance within the plot. Therefore the two storey side extension and single storey front extension with balcony would adversely impact upon the local distinctiveness of the street scene and general character of the area. As such the proposals are contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the Lyminster Local Distinctiveness Supplementary Planning Document.

Notes for inclusion on certificate:

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The submission is contrary to the advice given at pre application enquiry. The proposed side and front extension would create an unacceptable level of harm, which would justify a refusal in this instance.

Further Information:

Householder Team
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**Planning Development
Control Committee
February 2016**

Item No: 3e
28 Flushards
Lymington
15/11451

Scale 1:1250

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

