

Application Number: 15/11619 Full Planning Permission

Site: MONKS POOL, 22 WATERFORD LANE, LYMINGTON
SO41 3PS

Development: First-floor front extension; single-storey side extension; use of garage as living accommodation; balcony; roof alterations; fenestration alterations

Applicant: Mr & Mrs Kalis

Target Date: 08/01/2016

15/11619

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

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
6. Towns, villages and built environment quality

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

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

Lymington Local Distinctiveness Supplementary Planning Document

6 RELEVANT PLANNING HISTORY

03/80259 Retention of 1.78m fence to front boundary; raise existing gate posts and lights by 20cm granted 23rd February 2004

88/39711 Add bedroom, dressing room and bathroom on 1st floor and dormers granted 31st October 1988

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council recommend refusal for the following reasons:-

- Impact on the neighbours whose privacy may be impacted by the balcony
- Height, mass and scale of the front extension not acceptable
- Roof not to be higher than existing roof.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - Recommend informative on surface water drainage.

Arboricultural Officer - No objection

Natural England - No objection

Environmental Health - Recommend informative due to areas of unknown filled ground in close proximity.

Ecologist - No objection subject to securing works to be carried out in accordance with the method statement and details contained in the ecology report.

10 REPRESENTATIONS RECEIVED

Letters of objection have been received from 3 neighbours at 1, 3 and 4 Abbots Brook.

- The neighbour at number 1 Abbots Brook has objected to the proposed front extension in that it would be prominent and bulky and would dominate and overshadow their house and garden.
- The neighbours at numbers 3 and 4 Abbots Brook have objected because the proposed balcony would overlook their house and gardens.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

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.

An amended block plan was received to show the position and height of the hedges to the rear of the property. In this case all the above apply and no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a detached bungalow with dormers to the front and rear on a large plot within the built up area of Lymington. Within the street there is a variety of sizes and designs of dwellings including large two storey dwellings and a block of flats. The property currently includes integral garages accessed from the front. The front garden, which includes a large parking area, is enclosed with high fences and a row of pine trees. The large rear garden which includes an extensive pond, is mostly enclosed with high hedges.

- 14.2 The main considerations when assessing this application are the impact on the neighbouring properties and on the street scene.
- 14.3 The proposed two storey front extension would create a fairly prominent gable and the Town Council and the neighbour at number 1 Abbots Brook have objected to this part of the development in that it would be prominent, bulky, would dominate and overshadow the house and garden at No.1 Abbots Brook. This neighbour is to the north of the application site and has a detached garage positioned close to the shared boundary between their property and the application site. The proposed front extension would have an eaves height of 4.4 metres and, with the roof pitched away from the shared boundary, the ridge would be positioned in excess of 7 metres from the shared boundary. While this front addition would be visible from this neighbouring property there is sufficient distance so that it would not have an unacceptable impact on their amenity in terms of loss of light or visual intrusion.
- 14.4 There is a variety of dwelling sizes and designs within the street scene, including large gables to the front of some of the properties, including the adjacent Monks Court. The proposed front extension would be set back from the road and partly screened by the row of trees on the front boundary, therefore it would be in keeping with other properties and would not have an adverse impact on the street scene.
- 14.5 The proposal also includes a small first floor balcony to the rear and consideration has been given to the views from this balcony and any resulting overlooking of the neighbours to the north west, number 2, 3 & 4 Abbots Brook. The neighbour at numbers 3 and 4 and the Town Council have objected to the addition of a balcony as it would overlook those houses and garden. Currently there are high hedges on the shared boundary which are within the ownership of the applicant and an amended plan has been received to show the position and height of these hedges. There is already a first floor window on the rear elevation where the balcony would be installed and given the small size of the proposed balcony and its relatively low height there would not be a significant increase in overlooking of the neighbouring properties and gardens.
- 14.6 The Town Council have also objected to the proposal as the height of the proposed extension to the front would be higher than the existing roof. However the plans show that the height would be the same as the main roof.
- 14.7 The proposed single storey side extension towards the rear would be modest in scale and height and therefore would not have a detrimental impact on the neighbours. Being to the rear, it would not impact on the street scene.
- 14.8 The proposal would include the loss of the integral garages but given the size of the front garden there is no reason to believe that there would be any parking issues resulting from the proposals.
- 14.9 The applicant has provided an ecology report and this was sent to the Council's Ecologist who has raised no objection, provided a condition is applied to ensure the works are carried out in accordance with the method statement and details contained in the ecology report. As the protected species survey found evidence of bat activity on site mitigation

measures have been included within the report. It is therefore necessary to consider the other tests under the Habitats Directive, along with consideration of the need and alternatives to the development. The bats were found around the chimney and the weather boarding on the east roofslope. The work to the balcony would be carried out in a considerate way under ecological supervision. The existing bat access would be retained and further accesses would be created at a variety of locations elsewhere on the roof. Furthermore, the works would be carried out at appropriate times of year under ecological supervision, to avoid disruption to bats or their roosts. The Ecologist has confirmed that these mitigation measures would ensure that the conservation status of the protected bat species would be maintained. Therefore, it is not considered that permitting this proposal would conflict with the Habitats Directive.

- 14.10 The large trees within the front garden do provide a good level of public amenity and also provide some screening to the front of the property. The Arboricultural Officer was consulted and has no objection to the proposal.
- 14.11 Overall the proposed alterations would be sympathetic to the property and would not have a detrimental impact on the local area or neighbour amenity. Therefore the application is recommended for approval.
- 14.12 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: 01, 02, 100A & 103

Reason: To ensure satisfactory provision of the development.

3. The works hereby approved shall be undertaken in strict accordance with the Ecological Assessment and Mitigation Plan, report number 0047 dated 4th November 2015, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 7th December 2015
2. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
3. There are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
4. 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.

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Further Information:

Householder Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee
February 2016**

Item No: 39
Monks Pool
22 Waterford Lane
Lymington
15/11619

Scale 1:1250

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

