

Application Number: 15/11630 Full Planning Permission

Site: MISTY REACH, QUEEN KATHERINE ROAD, LYMINGTON
SO41 3RZ

Development: Two-storey side and rear extensions; rear dormer in association with new second floor; fenestration alterations; roof lights

Applicant: Ms Wright

Target Date: 14/01/2016

1 REASON FOR COMMITTEE CONSIDERATION

Requested by Councillor

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
- CS24: Transport considerations

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 Guidance

6 RELEVANT PLANNING HISTORY

76/06260 Attached double garage and alterations and addition of a utility room and toilet accommodation. 23/11/1976 Granted

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council recommend permission. Agree in principle to agreement between applicant and neighbour at Inchmery on the installation of cladding to soften the appearance of the wall facing that property.

Following amended plans, Lymington and Pennington Town Council recommended permission.

8 COUNCILLOR COMMENTS

Councillor Rostand has requested that this application is decided by the Planning Committee

9 CONSULTEE COMMENTS

Land Drainage - No comment

Arboricultural Officer - No protected trees within the boundary of Misty Reach. A single protected Oak tree is situated to the south of the site within the rear garden of 6 Brook Road. The proposed development is approximately 18 metres from the stem of this protected tree and therefore should not have any impact. No objections to this development.

Hampshire County Council Highways - No objection subject to conditions requiring the parking and turning on the site to be provided prior to the use of the development.

10 REPRESENTATIONS RECEIVED

Six letters of objection from neighbouring properties for the following reasons:-

Inchmery:-

- Excessive height and mass in close proximity would cause a loss of amenity.
- Dominant and overbearing impact and a sense of enclosure
- Loss of light
- Overlooking
- Inconsistent form of development
- Boundary treatments should be retained
- An application has been submitted for a small dwelling between the properties and consideration should be given to determining the two applications concurrently.

Number 2 Brook Road:-

- The extension would be huge, oversized and overbearing
- Too close to neighbouring properties and sense of enclosure
- Drainage concerns
- Parking concerns
- Overlooking
- Light pollution

Number 6 Brook Road:-

- Visual impact
- Would diminish the street scene
- Parking concerns
- Overlooking
- Light pollution

Number 4 Brook Road:-

- Too large for the plot
- Overlooking
- Loss of light
- Drainage
- Parking concerns

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.

Following the comments of the Town Council amended plans were received to show the tile hanging on the side elevation. In this case all the above apply and no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a two storey detached dwelling in a row of similar properties with some having been altered with extensions. The properties are mostly detached and are primarily well spaced within the plots. One property in the row has been altered with a two storey side extension and this has been done sympathetically. Located within the established built up area of Lymington the property benefits from an attached garage. The rear garden is enclosed with high fences.
- 14.2 The main considerations when assessing this proposal is the impact on the neighbouring properties, scale, design and the resulting impact on the street scene. Following Lymington Town Council's initial comments, amended plans were received to show tile hanging on the side elevation facing the neighbouring property, Inchmery. These plans also corrected the distance of the proposed side elevation to the boundary and showed the parking on the site.
- 14.3 The neighbour to the north west, Patmar, has a detached garage within the rear garden which is built up to the shared boundary. There are windows and doors on the side elevation facing the application site but there is a fairly significant spatial gap between the properties and while there is likely to be some impact on this neighbour's outlook from the proposed two storey rear extension, it would be acceptable. The additional window and rooflight proposed facing this neighbour would serve the staircase and therefore would not cause additional loss of privacy.
- 14.4 The neighbour to the south, Inchmery, has ground and first floor windows and a door on the side elevation facing the site. A high fence and wall form the shared boundary and this neighbour has an outbuilding within the rear garden close to this boundary. This neighbour has objected to the proposed extensions in that they would have a dominant, overbearing, impact which would cause a sense of enclosure, loss of amenity, loss of light and overlooking. The proposed two storey side and rear extensions would be positioned slightly away from the shared boundary and it is accepted that this would have some impact on this neighbour from the increased built form, but given the separation of the properties and the orientation of the site there would not be a loss of light or an unacceptable level of visual intrusion. The first floor window facing this neighbour is shown as obscure glazed and could be conditioned for this to be retained and for the opening to be not less than 1.7 metres above floor level to ensure there is no loss of privacy. The proposed rooflight is shown on the plans to be 1.8 metres above floor level and therefore would not cause an issue in terms of overlooking. The neighbour at Inchmery has questioned the position of the boundary and has commissioned a land survey to establish the correct boundary. The proposed development is shown on the plans as being within land under the ownership of the applicant and therefore any

boundary dispute would be a civil matter and not a planning consideration. At the first meeting at Lymington and Pennington Town Council the Councillors requested that the side wall of the proposed extension facing Inchmery be tile hung and an amended plan has been received to this effect.

- 14.5 The homeowners of Inchmery have appointed an agent who has submitted an application for a small dwelling attached to their property and positioned between Inchmery and Misty Reach. This application has not been decided and therefore as a dwelling has not been granted the impact on this potential new development is not a material consideration in this application.
- 14.6 With regard to the boundary treatments between the application site and Inchmery, the proposed extension to the side would be set within the site and there would still be sufficient space for boundary treatments. However it is not a requirement for these details to be provided in order to decide this application.
- 14.7 Further objections have been received from the neighbours at numbers 2, 4 & 6 Brook Road. These are mostly concerned with the visual impact the proposal would have on their amenity, along with overlooking and the impact on the street scene. These properties are to the south of the application site and are positioned at a sufficient distance so that there would not be a loss of light or visual intrusion from the proposed additions. There are already first floor window on the rear elevation and whilst it is accepted there would be an additional first floor window and dormer window within the proposed development, because of the angle of the view from these windows along with the distance between the properties, it would not result in an unacceptable loss of privacy.
- 14.8 The other concerns raised by the neighbours are drainage issues, light pollution and loss of parking. The Council's Drainage Engineer has not raised an objection and the drainage on site would be covered under Building Regulations. In respect of light pollution from the additional windows, the property is located within a built up area and the overall impact from any additional light is not unacceptable in this location. Further plans showing the parking on the site have been received which demonstrate that there is sufficient parking to ensure there are no highway safety issues, providing this parking and turning is provided prior to the use of the development and retained thereafter by way of a planning condition.
- 14.9 The proposed side extension is set slightly back from the front of the property and with a lower roof form is subservient to the main dwelling. The resulting property would be significantly larger but would be in keeping with other large properties in the area. There would be a reduction in the gap between the side of the existing dwelling on the site and Inchmery but not to such a degree to adversely impact upon the spatial characteristics of the street scene.
- 14.10 Overall, the proposed development would be consistent with Core Strategy policies and objectives and, as such, the application is recommended for permission.
- 14.11 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: received 22nd December 2015

Reason: To ensure satisfactory provision of the development.

3. The first floor window on the south east side 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).

4. Before use of the development is commenced provision for parking and turning to enable vehicles to enter and leave in a forward gear shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 22nd December 2015
2. 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.

Following the initial comments of the Town Council, amended plans were received to show the tile hanging on the side elevation and the parking provision. In this case all the above apply and 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
February 2016**

Item No: 3h
Misty Reach
Queen Katherine Road
Lymington
15/11630

Scale 1:1250

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