

**Application Number:** 15/11450 Full Planning Permission

**Site:** 1 CUMBERLAND WAY, DIBDEN, HYTHE SO45 5TX

**Development:** Two-storey side extension; access alterations

**Applicant:** Mr Grimes

**Target Date:** 24/12/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Applicant is a member of staff

**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**

No relevant documents

**6 RELEVANT PLANNING HISTORY**

91/47916	Single storey side addition with attached garage 1 Cumberland Way, Dibden	21/08/1991	Granted
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91/47568	Single-storey side addition with attached garage 1 Cumberland Way, Dibden	20/06/1991	Refused
07/89630	Attached house  1 Cumberland Way, Dibden	20/04/2007	Refused Appeal dismissed
06/88956	Attached house  1 Cumberland Way, Dibden	10/01/2007	Refused
86/33599	Erection of a garage. 1 Cumberland Way, Dibden	03/02/1987	Granted
84/26129	Double garage with alterations to existing vehicular access. 1 Cumberland Way, Dibden	04/04/1984	Granted Subject to Conditions

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe and Dibden Parish Council recommend permission but would accept the decision reached by the District Council's Officers under their delegated powers, subject to the 2 windows on the western and northern sides fitted as top opening and obscure glazed.

Further comment: recommend permission, however the Parish Council would like to see a Tree Preservation Order placed on the 2 newly planted oak trees at the rear of the property.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage - Recommended informative in respect of how surface water will be discharged.
- 9.2 Hampshire County Council Highways - Initially recommended refusal as there was insufficient space to the front of the proposed garage to park a car. Following amended plans still had concerns regarding the position of the proposed parking and how these positions would be accessed, however following the receipt of a further plan showing the track path of the cars and a widening of the access the Highway Officer no longer had an objection subject to a condition for the access to be constructed prior to development on the site.
- 9.3 Arboricultural Officer - A moderately sized beech and smaller oak are growing on land 3 metres away from the rear boundary of this site. There is only very minor encroachment of branches over the garden and the trees being to the north of the site will cause significant shade. The proposed extension is at the side of the existing dwelling, it is far enough from the trees on adjacent land not to have an adverse impact on these trees. Therefore they have no objections on tree grounds.

Further comments from the Arboricultural Officer were received to confirm that 2 oaks beyond the rear boundary had previously been damaged and subsequently removed and 2 replacement oak trees would be replanted in the forthcoming season. These replacement trees would be protected by the original TPO.

## **10 REPRESENTATIONS RECEIVED**

Three letters of objection: raising concerns in respect of the impact on the protected trees beyond the rear boundary, there would be additional shading from the size of the dwelling, concern regarding drainage issues and that the proposal would be too close to the boundary and would impact on their amenity.

## **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.

Amended plans were received to remove the proposed garage and show two parking spaces on the site with an associated widening of the existing drop kerb. Therefore all the above apply and no specific further actions were required.

## 14 ASSESSMENT

- 14.1 The property is a two storey semi detached dwelling at the end of a row of similar properties. A conservatory has been added to the rear. The front garden is enclosed with a low fence with high fences to the rear. Beyond the rear boundary are trees which are protected with Tree Preservation Orders.
- 14.2 The main considerations when assessing this application are the impact on the protected trees and the street scene along with highway safety. Planning consent was granted for a single storey side extension in 1991 which has not been implemented.
- 14.3 There is relevant planning history on this site. Both these applications were made by a previous owner. A new dwelling (06/88956) was refused as its bulk and close proximity, would have an adverse impact on the neighbouring properties and also impact on the protected trees. A revised application, (07/89630), reduced the width of the proposed property, it did not address the impact on the trees. This later application went to appeal and the Inspector confirmed that the proposed addition would threaten the retention of the protected trees. Subsequently it would appear that two of the trees were damaged and therefore had to be removed and a replanting scheme has been proposed. Tree works application 14/1094 approved removal of these trees subject to new planting being undertaken. The Arboricultural Officer has confirmed that the proposed extension would not have an adverse impact on the retention of the trees and has no objection to the proposed extension.
- 14.4 The proposed addition is the same width (4.2m) as the proposed dwelling, the subject of the 2007 appeal. However, this appeal was only dismissed on tree grounds. There are a number of properties in the street with two storey side extensions. While the proposed addition would cause an unbalance to the pair of semis, being at the end of the row there would not be a detrimental impact on the street scene. To ensure an acceptable appearance of the building a condition could be placed on any approval for the external facing materials to match those used on the existing building.
- 14.5 The neighbours on Cheviot Drive are concerned about the impact the proposed development would have on their amenity in terms of loss of light. These neighbouring properties are located at a sufficient distance from the proposed extension so that there would not be an adverse impact in terms of loss of light or visual intrusion. It is also noted that during the a previous appeal for a similar proposal, albeit a new dwelling, the Inspector considered that the separation distance between these neighbours on Cheviot Drive and the proposed addition would not cause unacceptably detrimental loss of sunlight or outlook to those properties. This situation has not materially changed since that decision was reached.

- 14.6 The Town Council has raised concern regarding the impact from the proposed windows on the west and north elevations and have asked that these are obscure glazed and top opening only. There are already windows at first floor on the side elevation and the proposed first floor window to the side would serve an ensuite and therefore could be conditioned to be obscure glazed and restricted opening to ensure there is no increase in overlooking. The additional window to the rear would be closer to the shared boundary with number 44 & 45 Cheviot Drive but given the angle of view available from this window and the separation distance to these properties, there would not be a significant impact in terms of loss of privacy. Furthermore this window is shown on the plans as being obscure glazed as it would serve a bathroom. The Inspector on the previous appeal noted that while number 44 in particular would be more closely overlooked from a side angle than at present it did not justify rejection of the proposal.
- 14.7 A previous application for an attached garage was refused in 1991 (91/47568) as the proposal did not provide an adequate length of hardstanding of 5.5 metres to permit a vehicle to park in front of the garage without prejudice to the safety of pedestrians using the footway. The original plans for this application did not allow 5.5 metres for parking to the front of the garage and amended plans were requested. The second set of plans removed the garage and showed parking at angles to the road and this raised concern from the Highway Authority in that it was not demonstrated that with the existing access and the layout that highway safety would not be compromised. However following the receipt of a further plan showing the track path of the cars and a widening of the access the Highway Officer no longer has an objection subject to a condition requiring the widened access being implemented prior to development commencing on the site. Given the importance of retaining parking on the site it is considered appropriate to apply a condition for the parking, as shown on the plans, to be retained.
- 14.8 The neighbour at number 45 Cheviot Drive has raised concern regarding the drainage of the site. The Council's Drainage Engineer has advised that while the plans do not show how surface water will be discharged this would be dealt with under Building Regulations. They have asked that an informative be applied to the application to advise the applicant that there should be no increase in flow to any surface water system or watercourse.
- 14.9 Overall, the proposed development would be consistent with Core Strategy policies and objectives and, as such, the application is recommended for permission, subject to the conditions as set out.
- 14.10 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 B  
  
Reason: To ensure satisfactory provision of the development.
3. The external facing materials shall match those used on the existing building.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.
4. The first floor window on the 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).
5. No development shall start on site until the access, including the footway and verge crossing shall be constructed in accordance with the approved plan.  
  
Reason: To provide satisfactory access 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).
6. The parking spaces shown on plan 01B for the parking of motor vehicles shall be provided and thereafter retained and kept available for the parking of motor vehicles for the property hereby approved at all times.  
  
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. 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.
2. It is advised that prior to work commencing the applicants shall have secured a licence for the access alterations from the Highway Authority (Local Area Office).
3. 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.

Amended plans were received to remove the proposed garage and show the parking spaces on the site with an associated widening of an existing drop kerb. Therefore all the above apply and no specific further actions were required.

4. This decision relates to amended plans received by the Local Planning Authority on 27th January 2016.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
March 2016**

**Item No: 3c**

**1** Cumberland Way  
Dibden Hythe  
15/11450  
SU4007

Scale 1:1250

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

