

**Application Number:** 15/11465 Full Planning Permission

**Site:** 80 LOWER BUCKLAND ROAD, LYMINGTON SO41 9DW

**Development:** Shed

**Applicant:** Mr Hutchings

**Target Date:** 02/12/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**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

**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**

13/10334 Outbuilding 05/06/2013 Refused (Appeal Dismissed)

11/96631 Rear two storey extension and two single storey side extensions.  
05/07/2011 Enforcement Appeal Allowed with Conditions.

09/93896 Roof alterations; dormer; first floor extension; single-storey side  
extension 11/06/2009 Granted Subject to Conditions

02/75829 Ground floor addition, dormers to form additional rooms in roof (demolish existing conservatory) 18/10/2002 Granted Subject to Conditions

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

Lymington & Pennington Town Council: Recommend Refusal

- In view of the impact upon the planting scheme which was a condition of previous approval.
- Impact the proposed shed would have on neighbours

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Land Drainage: No comment

9.2 Landscape Team: the revised landscape submission shows a suitable level of mitigation for this application. The landscaping should be implemented within 1 month of the installation of the shed and then inspected after installation.

9.3 Trees Officer: No objection. The beech tree is not worthy of protection by a TPO or considered as a constraint to the development of the site.

## **10 REPRESENTATIONS RECEIVED**

One observation, regarding the requirement for planning permission for a shed when not in a conservation area

Two objections, the shed seems overly large and further overdevelopment of the site, this would be intrusive to all the neighbours, concerned that any further landscaping would not be implemented; that the applications on this site have gone on too long and this should not be passed.

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **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 all the above apply. A revised landscaping scheme was submitted to address the issues identified by the planning history about potential overlooking of the adjoining property.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached dwelling in the built up area of Lymington. The site is set within an established residential area and the surrounding properties are of a variety of architectural styles and sizes. The dwelling has been substantially extended in the recent past.
- 14.2 The last extension was permitted following an enforcement appeal in July 2011 (Ref 11/96631) Condition 1 of this consent removed permitted development rights for outbuildings. This is why planning permission is required for the current proposal.
- 14.3 There are two further relevant conditions attached to 11/96631. Condition 4 (a) required the submission of landscaping to screen the boundary with 5 Jonathan Close (to the rear) and condition 5 required the approved planting to be carried out in the first planting season following their approval. Details of the landscaping were submitted and approved in February 2013 but are yet to be implemented.
- 14.4 The original landscaping condition was required in order to provide adequate screening to the neighbour at the rear. An application for an outbuilding to be located in the north east corner of the rear garden which measures 3.6 x 2.4 metres in the footprint, was refused and a subsequent appeal dismissed in 2013. (Ref 13//10334). It was determined that this scheme would have prevented the implementation of the planting to this boundary and the loss of the screening planting in this location would afford uninterrupted views of 5 Jonathan Close resulting in material harm to the living conditions of the occupiers.

- 14.5 The proposed shed would limit the ability to implement the originally approved landscaping scheme. The existing beech hedge and mature tree would be retained along with a holly tree within the site. .  
Furthermore since the appeal decision the occupiers of 5 Jonathan Close have removed planting on their own boundary and constructed a shed which is sited almost opposite the proposed shed. The proposed shed would act as a partial screen to 5 Jonathan Close and additional hedge and tree planting elsewhere would mitigate the limited impact. Overall, given these factors and due to the small size of the proposal it is considered acceptable. It is not considered that the proposed shed would harmfully impact on the effective screening of the adjoining property or the wider street scene
- 14.6 A revised landscaping plan was provided by the applicant which is considered acceptable and would provide adequate screening to protect amenity. This can be controlled by a condition.
- 14.7 With regards to the objection received, the shed is of limited size and its impact would remain screened from other adjoining properties so as not to have an adverse amenity impact. In order to ensure that the landscaping plan is implemented and retained thereafter, it is proposed that an appropriate condition is attached to this consent.
- 14.8 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: 12.185.01 rev C, 15.185.02 rev D and 15.185.02 rev F.  
  
Reason: To ensure satisfactory provision of the development.

3. All planting shown on approved landscaping plan 15.185.02 rev F, comprised in the approved details of landscaping shall be carried out in the first planting season following installation of the shed. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

**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 all the above apply. A revised landscaping scheme has been submitted to address the issues identified by the Planning history of the site with respect to potential overlooking of the adjoining property.

2. This decision relates to amended plan number 15.185.02 rev F, received on 17th February 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: 3d**

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Lower Buckland Road  
Lymington  
15/11465  
SZ3196

Scale 1:1250

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

