

**Application Number:** 15/11734 Full Planning Permission

**Site:** TANATSIDE, RIDGEWAY LANE, LYMINGTON SO41 8FQ

**Development:** Roof alterations to extend first floor to include: front and side gable ends; front and rear dormers; rooflights

**Applicant:** Mr Law

**Target Date:** 28/01/2016

**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
- CS24: Transport considerations

**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 refusal  
Potential overlooking from the east and rear elevations

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Land Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

10.1 Correspondence from applicant:

- agree to conditions to mitigate impact on neighbours in relation to overlooking

10.2 Correspondence from agent

- agree to window/glazing conditions

## **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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

- 14.1 The application site consists of a detached dwelling situated in a residential area in the built up area of Lymington.
- 14.2 The existing dwelling is a hipped roof building with flat roofed dormer on the front elevation and hipped roof projecting from part of the front elevation. The proposed extensions would increase the mass of the roof with the introduction of a cropped gable to the eastern elevation, a cropped gable on the existing front element, an additional hipped roof front dormer and hipped roof over existing front dormer, a large rear dormer which would span the extended roof form, and two rooflights on the western elevation.
- 14.3 As there are a variety of styles of dwellings within the immediate area, the resulting form of the extended dwelling would not detract from the character of the area. The dwelling is set back from the road, with trees and a dense hedge on the front boundary restricting views into the site. By reason of its siting and enclosure, the proposed extensions would not impact on the street scene.
- 14.4 To the rear of the application site is a block of maisonettes, Old Forge Court - which is situated at right angles to the rear boundary and has both ground and first floor windows on the side elevation facing the site. To the east of the site is the neighbouring property, Ballater. Due to the relationship of these neighbouring properties, there are potential issues in relation to proposed first floor rear and east facing windows achieving views over neighbouring properties to the detriment of their amenities, and this has been cited as a reason for refusal by the Town Council. These concerns could be overcome by the imposition of a condition to obscure glaze and restrict opening of these windows, and as these would be serving en-suites, a landing area and secondary window to a bedroom respectively the amenities of the occupants would not be prejudiced. Furthermore, both the agent and the applicant have confirmed in writing that such conditions would be acceptable.
- 14.5 Rooflights are proposed on the west elevation facing Woodpeckers, which is a chalet style detached dwelling with cropped gables on the side elevations. There are windows on the side wall facing the application

site. These rooflights would serve the proposed master bedroom which would also have a front window. Due to their position on the roofslope views could potentially be achieved into the side window of Woodpeckers, so in this instance a condition to obscure glaze and fix shut these windows would be appropriate.

- 14.6 Due to the relationship of the application site with the neighbouring properties, apart from the overlooking issues which can be mitigated by conditions, there are no other concerns in relationship to the impact on neighbour amenity from the resulting development. As such it complies with relevant Policies and is recommended for approval.
- 14.7 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: 15/2266  
  
Reason: To ensure satisfactory provision of the development.
  
3. The first floor windows on the north and east elevations of the approved building 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. The first floor rooflights on the west elevation of the approved building shall at all times be glazed with obscure glass (and fixed shut).

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 other first floor windows other than those hereby approved shall be inserted into the rear elevation of the building unless express planning permission has first been granted.

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).

**Notes for inclusion on certificate:**

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 and as the application was acceptable as submitted no specific further actions were required.

**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: 3f**  
Tanatside  
Ridgeway Lane  
Lymington  
15/11734  
SZ3194

Scale 1:1250

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

