

**Application Number:** 25/10021 Full Planning Permission  
**Site:** 2 KINGS RIDE, LANGLEY, FAWLEY SO45 1ZN  
**Development:** Single-storey side extension to form porch & garage conversion; rear detached garage  
**Applicant:** Mr Lowe  
**Agent:** Mr Downton  
**Target Date:** 17/03/2025  
**Case Officer:** Hannah McDougall  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Parish Council contrary view relating to conditions

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of the area
- 3) Residential amenity
- 4) Drains
- 5) Trees

## 2 SITE DESCRIPTION

The application site consists of a red-brick bungalow situated within the built-up area of Blackfield and Langley. The property has an existing attached garage to the side which is recessed and set back from the principal elevation of the property. There is a garden to the rear enclosed by fencing and an existing driveway access to the rear of the property.

Beyond the rear of the application site there is an open field with some buildings associated with a small fenced-off area for animals. The application site has one neighbour to the south-west and three to the north-east located on Chapel Lane whose rear gardens face the application site. There is a large Mimosa tree adjacent to the fence of the application site located in the rear garden of Maria, on Chapel Lane.

## 3 PROPOSED DEVELOPMENT

Permission is sought for a single-storey extension to form a porch and the conversion of the existing garage to a dining room. Permission is also sought to construct a detached garage with a hipped roof in the rear garden.

The proposed garage measures 7.3m x 6.2 m, with a height to eaves of 2.4m and a

height to the ridge of 4m.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
77/NFDC/07811 Substitution of house and bungalow types and amendments to layout plans with pedestrian/vehicular access.	02/09/1977	Granted Subject to Conditions	Decided	
76/NFDC/05731 Residential development of 67 units with construction of roads and drainage.	18/05/1977	Granted Subject to Conditions	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

##### **National Planning Policy Framework**

NPPF 2024

NPPG

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### **Fawley Parish Council**

PAR 3 We recommend permission however propose that the following conditions are included

- i) Siting of the garage is moved to one meter from the fence line.
- ii) Any drain line under the garage should be protected.
- iii) Flat roof design is preferred (not pitched roof) to limit the visual impact on the neighbouring property.

#### 7 COUNCILLOR COMMENTS

*No comments received*

## 8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **NFDC Tree Team - No objection**

The off site trees that could be impacted by this proposal are no of a significant size to be considered worthy of protection by a Tree Preservation Order and are not considered a constraint to development.

## 9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 2

No objections, other properties in the area have had similar works done.

Against: 1

Concerns relating to the height of the proposed garage and its proximity to the boundary with Maria, Chapel Lane. Additional concerns relating to possible impacts of the proposed garage on the mimosa tree as well as potential damage to drains which may run under the application site were also raised.

## 10 **PLANNING ASSESSMENT**

### Principle of Development

The proposal is located within the built-up area of Blackfield and Langley as set out in the adopted New Forest Local Plan 2020 where there is a presumption in favour of sustainable development, subject to material considerations. The principle of such householder type development is therefore acceptable and relevant material considerations are set out below.

### Design, site layout and impact on local character and appearance of area

Policy ENV3 of the Local Plan Part 1 requires that development be of high-quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality.

Despite coming forward of the existing garage, the proposed extension would not be intrusive in the street scene due to the recessed nature of the existing garage. The extension would be obscured by the bungalow walls to the left and the brick wall of the neighbour's rear garden to the right. From the front, the extension would result in a change to the existing doors and fenestration of the garage and a moderate shortening of the existing driveway. The proposed extension would have no detrimental impact upon the street scene and is, therefore, compliant with Policy ENV3.

The proposed garage, by virtue of being in the rear garden directly behind the existing property, would be largely obscured from the street scene. Whilst the proposed garage is fairly large in size, it can still be comfortably accommodated

within the rear garden and will not detract from the dominant form of the dwellinghouse.

Additionally, the proposed footprint of the garage does not exceed 50% of the curtilage of the dwellinghouse meaning that, were the height of the proposal to be reduced (the highest part of the roof should be no more than 3 metres high – proposed is 4m high) , it would be compliant with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Many of the properties in the surrounding area have flat-roofed outbuildings in their rear gardens. While this proposal has a hipped roof and a larger footprint than many of these outbuildings, it is not incongruous with the surrounding area and it is considered that it will not cause a detrimental impact on the character and identity of the locality, therefore making it compliant with Policy ENV3.

### Residential amenity

Local Plan Part 1 Policy ENV3 requires new development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

The proposal has been carefully assessed on site with due consideration given to the spatial characteristics of the application site and adjacent properties, the design of the proposed development, and its location and positioning in relation to the common boundaries and neighbouring properties.

The proposed extension would be only a modest increase in size to the existing dwellinghouse and be completely obscured from the neighbouring property at Paravista, Chapel Lane by virtue of their brick wall as well as tall foliage located within Paravista's rear garden. The extension will, therefore, have no impact on the privacy, light, and outlook to the adjacent neighbours.

The initial application proposed a 4m high garage with a pitched roof and gable end which fronted directly onto the rear garden of Maria, Chapel Lane. This was considered to be potentially overbearing and overshadowing given that Maria does not have a particularly deep rear garden.

Discussions with the applicant resulted in an amendment of the plans to propose a 4m high garage with a hipped roof which pitches away from Maria, Chapel Lane. However, the height of the garage and its proximity to the boundary are still a cause for concern to both the occupants of Maria, Chapel Lane and the Fawley Parish Council. However, it is considered that the adapted roof form is sufficient to address concerns relating to overbearing impact and a potential loss of light to the garden. The new roof form will pitch away from Maria, Chapel Lane meaning there will not be a harsh frontage onto the rear garden. Additionally, the presence of the 8m Mimosa tree at the end of Maria's garden will partially obscure the proposed garage and soften its aspect in the garden.

The Parish Council has no objection subject to the imposition of conditions; one of which is that the garage be moved one metre from the neighbouring fence line. The decision maker needs to consider the proposal on its merits. It is not possible to require the garage part of the proposal to change location by a planning condition. Similarly, the Parish Council have sought, by condition, that the garage be finished

with a flat roof. This, for the same reasons, cannot be secured by a planning condition. Such conditions would fail the tests of reasonableness and necessity and cannot be secured as requested.

Regarding light, the proposed garage will not constitute a significant increase in the shadows experienced within the rear garden of Maria, Chapel Lane and will not result in light being lost from the habitable rooms of the property. When only accounting for the existing boundary fence and disregarding the Mimosa tree, it is anticipated that the proposed garage would constitute only ~1m of additional shadowing in the rear garden of Maria, Chapel Lane at a time when the shadows are longest. This is not considered to be of significant harm to residential amenity as half of the garden will still be unaffected by the proposed development.

Having viewed the application site from the neighbouring property at Maria, Chapel Lane, it is deemed that the pitch of the roof and height of the eaves are sufficient to prevent an overbearing aspect despite close proximity to the boundary.

Furthermore, the Mimosa tree in the rear garden of Maria, Chapel Lane provides an additional level of screening to the proposed development.

It is therefore considered that the proposed development would not cause unacceptable effects on residential amenity relating to overbearing impact, overlooking, shading, noise and light pollution and the proposal is, therefore, compliant with Policy ENV3.

#### Drainage

Concerns were raised by both the neighbour representees and Fawley Parish Council regarding the protection of any drain lines which may run underneath the proposed garage site. Officers have looked at the line of the local sewer which does not run through the garden of the property according to the Council's mapping system. The agent has also commented that drainage will need to be investigated, and this matter can be dealt with either under the Building Regulations or through a sewer build over agreement with Southern Water. Officers are therefore satisfied that there are other adequate legislative safeguards to deal with this matter.

#### Trees

In early representations, concerns were raised regarding potential damage to the roots and branches of the Mimosa tree on the boundary. The NFDC Trees team were consulted and, as no off-site trees are considered worthy of protection by a Tree Preservation Order, assessed that no trees in the proximity of the site are a constraint on development. Thus, trees do not constitute a material planning consideration in this case and any impact on the tree is a civil matter.

## **11 OTHER MATTERS**

None.

## **12 CONCLUSION / PLANNING BALANCE**

The proposed development would comply with Policy ENV3 of the Local Plan Part 1 as the proposed extension and garage would be appropriate to the character of the area and would not be of significant adverse impact upon the amenities of neighbouring properties.

Thus, the proposed development would result in an acceptable form of development that would be in accordance with national and local planning policy and the application is therefore recommended for approval subject to conditions.

## **13 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:

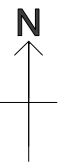
- Block Plan as deposited with the Local Planning Authority on 20 January 2025.
- Site Location Plan as deposited with the Local Planning Authority on 20 January 2025.
- 001A: Existing Layouts as deposited with the Local Planning Authority on 13 January 2025.
- 003A: Proposed Layouts as deposited with the Local Planning Authority on 13 January 2025.
- 004B: Proposed Garage PD as deposited with the Local Planning Authority on 7 March 2025

Reason: To ensure satisfactory provision of the development.

#### **Further Information:**

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NFDC

Pollensa



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**PLANNING COMMITTEE**

**April 2025**

2 Kings Riad  
Langley  
Fawley  
25/10021

Baros Queen

The

Scale 1:500

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scale.