

Application Number: 16/10052 Full Planning Permission

Site: Land of INCHMERY, QUEEN KATHERINE ROAD, LYMINGTON
SO41 3RZ

Development: Attached house

Applicant: Mr & Mrs G Clarke

Target Date: 22/03/2016

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
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness
Housing Design, Density and Character
Parking Standards
Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 Various permissions for extensions to the property

6.2 Misty Reach

15/11630 Two-storey side and rear extensions; rear dormer in association with new second floor; fenestration alterations; roof lights.
10/02/16 Granted with conditions

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council – Recommend approval

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage – Recommend approval, subject to condition requiring the submission of details of the means of surface water disposal.

9.2 Hampshire County Council Highways Engineer – Parking space provision meets with the adopted SPD. Recommends refusal due to inadequate access width

9.3 Tree Officer – No objection

10 REPRESENTATIONS RECEIVED

One letter of objection on the grounds of over development, loss of garden space, insufficient turning and loss of privacy.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1,152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £7,120.80.

Tables setting out all contributions are at the end of this report.

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 no pre-application advice has been sought from the Council. Concerns raised by the case officer and consultees have been made available publically and also discussed with the applicant. As this application has not been withdrawn it is being determined on the basis of the plans submitted.

14 ASSESSMENT

- 14.1 The application site is located within a residential part of the built up area of Lymington, to the south of the town centre. The site comprises the garden of a semi-detached property 'Inchmery' which is located at the southern end of Queen Katherine Road. This area is currently garden with parking and a car port at the front and contains some existing garden outbuildings. The neighbouring property 'Misty Reach' is to the north of the site with its garage close to the site's side boundary, and it is noted that an extant consent exists for the addition of extensions to this property under 15/11630. To the rear of the site fencing separates the end of the gardens serving premises along Brook Road with a large outbuilding in this neighbouring garden area. There are some ornamental trees in the garden area.
- 14.2 This proposal would see the sub-division of the side garden area serving Inchmery and the construction of a new attached two bedroom dwelling. In its design it would see the continuation of the existing two storey side extension with a flat roofed central element and front and rear bay window projections. It would be clad in brick and tile to match Inchmery, to which it would attach. Parking would be provided at the front of the site, sharing a common access point with the existing property, with garden areas to the rear and side.

- 14.3 Queen Katherine Road is characterised by suburban development, dating from the inter-war to post-war period with later C20 phases of development on the east side of its southern end. The application site is on the west side of the road which at this southern end is characterised by detached well-proportioned properties which sit in long plots and benefit from generous garden areas. This relatively high proportion of space to built form provides a spacious suburban character which, supplemented by avenue tree planting, affords a softer appearance to the street scene as recognised within the Lymington Local Distinctiveness SPD. This spacious character is also reflected in the layout of development opposite the site. Although Inchmery is one of a semi-detached pair of properties, with a smaller rear garden area by virtue of adjacent development along Brook Road, in its form and layout it remains well related to the surrounding character of development.
- 14.4 This proposal would see the creation of a new plot and dwelling notably smaller from that of surrounding development. This, in combination with the limited garden area afforded to the property, a frontage dominated by parking and the creation of a terraced row would result in a cramped form of development. This would be out of keeping with the more spacious character and form of development and as such would result in harm to the appearance of the street scene. This would be irrespective of the completion of the extant consent for the adjacent property Misty Reach. The garden area serving Inchmery would also see a significant reduction in size with, again, its frontage dominated by parking areas. Although it is noted that the rear garden area would be comparable in size to that serving the attached property, the reduction in the front garden area and its domination by parking would, overall, exacerbate the cramped appearance of the development.
- 14.5 It is recognised that the side garden area serving the attached property in this pair has been subsequently developed. However the resulting plot size was larger than that now proposed, providing a more comfortable setting and benefiting from a dual aspect onto Brook Road. Furthermore, the new dwelling was of a detached two storey design which responds well to the prevailing form of development and remains visually distinct from the existing property. In the case of more recent development along Westfield Road, this differs contextually and responds to the higher density and less spacious style of surrounding development.
- 14.6 Given the relationship with neighbouring premises this should not lead to any harmful impacts through loss of light or privacy. This said, the reduction in the size of the garden area serving Inchmery would notably compromise the outlook and amenity space serving this dwelling and would also see a poor outlook for future residents of the host dwelling. However, it is not considered that this would be of such extent to warrant refusal of this application on these grounds.
- 14.7 The proposal would share an access with the existing property with parking provided at the front of the site comprising two parking spaces for the new dwelling and three, including the garage, for the existing. This would meet with the Council's adopted Parking Standards SPD. However, the Highways Officer notes that it is not clear how these spaces can be accessed conveniently without the need for multiple shunting movements. Such inconvenience may result in on-site parking arrangements being under used in favour of on street parking.

- 14.8 The Highways Officer also notes that the proposal would result in a multiple use of the access which would result in the possibility of cars having to pass each other in the vicinity of the site entrance. The width of the existing access point would not enable two cars to enter and leave the site at the same time, the minimum width to facilitate this being 4.5 metres for a distance of not less than 6 metres back from the adjoining footway. This would lead to the possibility of cars having to reverse back out onto the highway which would likely cause undue interference with the safety and convenience of users of the adjacent highway, posing a danger to highway safety.
- 14.9 The Council's Land Drainage team notes that surface water from impermeable areas would need to be balanced, given the larger number of watercourses in the New Forest catchment that flood out of bank during high rainfall and cause property flooding. Should approval be granted then it is considered appropriate to attach a condition requiring further details of this to be submitted. Although there are some existing trees on site these are not subject to any formal protection and as such are not considered a constraint to development. The Tree Officer has raised no objection.
- 14.10 The proposed development is one that would be expected to secure a contribution to affordable housing in line with the requirements of Core Strategy Policy CS15. In this case the required contribution of £31,925 has been secured through a Section 106 legal agreement, dated 18 March 2016.
- 14.11 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full mitigation contribution that would be required would be £3,050, part of which could potentially be met through CIL.
- 14.12 Further supporting statements have been received from the agent and applicant in response to the case officer's initial briefings, dated the 10th, 12th and 22nd March. These raise differences of opinion in terms of the assessments made on the relationship of the development to the surrounding area, matters which have been assessed and expanded upon within this report. However additional points raised refer to the development providing an affordable dwelling and that adjustments could be made to the proposed access arrangements.
- 14.13 In response to these, for the dwelling to be considered affordable this would need to be assigned to and managed by a registered social landlord, which is not proposed in this instance. Furthermore no amended plans have been received amending the access arrangements to address the Highway Officer's concerns.

14.14 In conclusion this proposal is considered to be out of character with the surrounding pattern of development and also to give rise to highway danger.

14.15 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£31,925	£31,925	
Habitats Mitigation			
Financial Contribution	£3,050	£3,050	

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	89.01	0	89.01	£7,120.80

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

- The proposed development in its layout and design, with the resulting small plot sizes, frontage dominated by parking and the attached form of the new dwelling, would relate poorly to and erode the established more spacious character and form of surrounding development. This would result in a comparatively cramped form of development which does not respond positively to local distinctiveness and would be harmful to visual amenity and the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park and Section 7 of the National Planning Policy Framework.

2. The vehicular access point would provide insufficient width to enable its multiple use, such that vehicles could enter and leave the site at the same time. This would lead to cars undertaking reversing manoeuvres onto the highway which would likely cause undue interference with the safety and convenience of users of the adjacent highway. This would result in increased risks to highway users, to the detriment of highway safety, contrary to Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

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 no pre-application advice was sought from the Council. Concerns raised by the case officer and consultees were made available publically and also discussed with the applicant. As this application was not withdrawn it was determined on the basis of the plans submitted.

Further Information:

Major Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee**
April 2016

Item No: 3h
Land of Inchmerry
Queen Katherine Road
Lymington
16/10052
SZ3295

Scale 1:1250

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

