

Application Number: 16/10076 Full Planning Permission

Site: 33 ROOKES LANE, LYMINGTON SO41 8FP

Development: Single-storey side extension; rooflights; alterations to side entrance

Applicant: Mr Young

Target Date: 15/03/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

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

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

Lymington and Pennington Local Distinctiveness Supplementary Planning Document.

6 RELEVANT PLANNING HISTORY

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|----------|---|------------|-------------------------------------|
| 04/83022 | Two-single storey extensions Woodbury, 33 Rookes Lane, LYMINGTON SO41 8FP | 15/12/2004 | Granted Subject to Conditions |
|----------|---|------------|-------------------------------------|

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| 96/59797 | Ground floor extension and addition 33 Rookes Lane, Pennington, Lymington | 07/10/1996 | Granted Subject to Conditions |
| 94/53733 | Single-storey addition Woodbury, 33 Rookes Lane, Pennington, Lymington | 02/03/1994 | Granted Subject to Conditions |
| 86/32576 | Erection of a garage. Woodbury, 33 Rookes Lane, Lymington | 03/09/1986 | Granted Subject to Conditions |

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council originally recommended permission, supporting the Case Officers comments.

A further consultation was undertaken following the receipt of an amended block plan and their recommendation was refusal. The reason being that issues might arise regarding maintenance of the wall bordering the neighbour in future; Impact on neighbours and local area; support the concerns of neighbour.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

One letter of objection from neighbour at 33a Rookes Lane for the following reasons:-

- The proposed extension is unreasonably high and wide which would cause overshadowing and be visually overbearing
- Make it difficult to maintain the boundary fence
- Will be difficult to build without damaging the fence

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.

A revised block plan was received and therefore in this case all the above apply and no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a two storey detached dwelling which has been extended at ground floor following two previous planning approvals. The dwelling is located within the built-up area of Lymington and within the immediate vicinity there is a mixture of styles and sizes of dwellings. The access to the property is via an un-made drive shared by several other properties. A double garage is positioned to the rear of the plot with a single detached garage to the side. The rear garden is enclosed with high hedges and is well screened from all sides.
- 14.2 The main considerations when assessing this proposal are the impact on the neighbouring properties, general design and impact on the local area. An amended block plan was provided as the original block plan omitted the small wood store to the rear of the proposed garage. Therefore it was necessary to request a further consultation.
- 14.3 The neighbouring property to the north west, 33A, has an attached garage built close to the shared boundary which consists of high fences and shrubs. There are no windows on the side elevation of this neighbour's property which face the application site. This neighbour has objected to the application in that the increased size and height of the proposed extension would cause a loss of light and be visually

overbearing. This neighbour has a pedestrian access leading to the rear garden which runs between the fence and their garage. The proposed extension would be closer to the boundary than the existing garage building but any impact from the increase in built form would be limited to this access route and a small corner of a fairly large garden. Therefore the overall impact on this neighbour's amenity is considered to be acceptable.

- 14.4 The neighbour has also raised concern regarding the impact during the build and the future maintenance of the fence, however these are party wall considerations and not a planning concern.
- 14.5 The property has been previously extended but as it is sited on a fairly large plot the additional extensions proposed would not be considered as an overdevelopment of the plot. The dwelling is not clearly visible in the street scene as it is sited behind other dwellings and well screened. While the proposed alterations would create a fairly long roof form it would only be single storey, set back from the front of the property, and therefore would not impact on the local area. To ensure an acceptable appearance of the building the external facing materials can be requested to match those used on the existing building and a condition applied to any approval to this effect. Therefore the application is recommended for approval.
- 14.6 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: PL01 & PL/02 Revision A

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.

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 3rd March 2016
2. 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.

A revised block plan was received and therefore in this case all the above apply and no specific further actions were required.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
May 2016**

Item No: 3d
33
Rookes Lane
Lymington
16/10076
SZ3294

Scale 1:1250

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

