

**Application Number:** 16/10379 Full Planning Permission

**Site:** 41 AVON MEADE, FORDINGBRIDGE SP6 1QR

**Development:** First-floor rear extension

**Applicant:** Mr & Mrs Sparkhall

**Target Date:** 13/05/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Explosives Safeguarding Zone  
Built up area  
Planning Agreement

**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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Fordingbridge Town Design Statement

**6 RELEVANT PLANNING HISTORY**

07/90445 Use garage as ancillary living accommodation 29/08/2007  
Granted with conditions

92/NFDC/49739 First floor addition 28/05/1992 Granted with conditions

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

Fordingbridge Town Council - Recommends permission as the proposal will have no adverse effect on residential amenity.

## **8 COUNCILLOR COMMENTS**

None relevant

## **9 CONSULTEE COMMENTS**

Ministry of Defence – No safeguarding objections

Land Drainage - No comment

## **10 REPRESENTATIONS RECEIVED**

Two letters of objection received from residents at No.40 raising concerns summarised as:

- Loss of light to rooms fronting the rear of the property, rear garden and patio area
- Visual impact on views from these rooms, imposing and overbearing.
- Shadowing of garden and patio area

A letter in response to these comments has been received from the applicant. These comments can be summarised as:

- Affected rooms at No.40 already have limited light due to relative position of the two properties.
- Ground and first floor windows of No.40 already overshadowed by No.41 and proposals would make no material difference to light into or views from these windows.
- Charges to conservatory roof at No.40 restricted light in the room. Windows inside of conservatory already affected by proximity to fence.
- Due to south east elevation orientation, proposal would have minimal impact on direct sunlight to rear windows of No.40
- Patio area of No.40 is already imposed on by part of gable wall on No.41.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **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 no pre-application advice was sought from the Council. Concerns raised in representations and the Officers initial briefing have been made available online and the application has not been withdrawn it is being determined on the basis of the plans originally submitted.

## 14 ASSESSMENT

- 14.1 The site is within the built up area of Fordingbridge. Located in a cul-de-sac, which is part of a later C20 residential development. The property, which is detached, has been previously extended with a first floor extension on the front elevation (PA 98/NFDC/49739) and ground floor projection at the rear.
- 14.2 This application proposes the addition of a first floor above the existing ground floor rear extension. This would match the eaves height of the existing property, with a recessed main ridge height and be of a full gable design in materials to match.
- 14.3 Although this property has been previously extended this addition would not appear disproportionate and, given its positioning, would have limited direct impacts on the appearance of the street scene. However, consideration also needs to be given to the impacts on the living conditions of neighbouring occupiers.

- 14.4 The proposed extension would have a close relationship with the neighbouring premises to the north No.40. The relationship is staggered between these two properties, such that No.41 already, in part, overshadows the adjacent side and rear of No.40. Given the relative proximity and orientation of the proposals to the south west of No.40, this proposal would result in an increase in overshadowing to the rear of neighbouring property. Furthermore it would also bring about an increased sense of enclosure that would be oppressive on the outlook. In combination, this loss of light and impact on outlook would be harmful to the neighbour's reasonable enjoyment of their living environment.
- 14.5 New first floor windows would enable views towards neighbouring premises and their garden areas. Given the density of development in the vicinity and depth of the first floor addition back into the plot, this would enable increased views from the south-east elevation window into neighbouring garden areas in this direction. This said, given the existing degree of mutual overlooking this would not amount to an overriding objection. The new window on the south west side would however enable direct views across to the rear of the adjacent property No.42. Considering the increased extent of views possible this would see a significant change from the current relationships and would be intrusive on the privacy of these neighbouring occupiers. This concern could however be mitigated by the imposition of a condition restricting the glazing of this window and as such is not cited as a further reason for refusal in this instance.
- 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 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.

## 15. RECOMMENDATION

### Refuse

#### Proposed Conditions:

1. The proposed first floor extension as a result of its position, scale, proximity and orientation relative to the neighbouring premises No.40 would result in an increased sense of enclosure and additional overshadowing of the rear windows and garden area of this neighbouring property. As such, this would result in additional impact on amenity and cause reasonable harm to the neighbour's enjoyment of their living environment contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012).

**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 in representations and the Officers initial briefing have been made available online but as the application has not been withdrawn it is being determined on the basis of the plans originally submitted.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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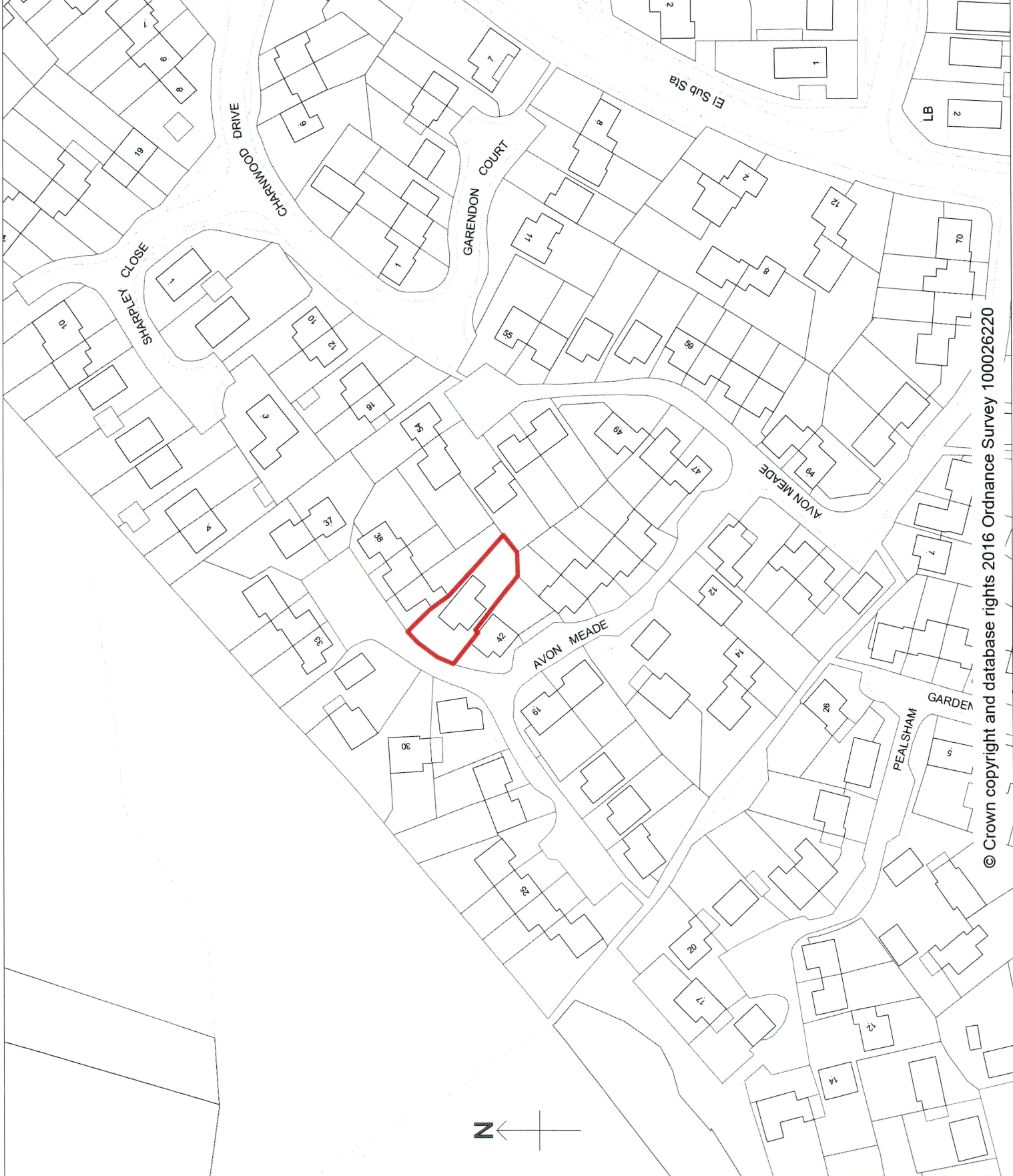
Planning Development  
Control Committee  
May 2016

Item No: 3i

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Avon Meade  
Fordingbridge  
16/10379  
SU1415

Scale 1:1250

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