

Application Number: 16/10358 Full Planning Permission

Site: 28 FLUSHARDS, LYMINGTON SO41 3SB

Development: Two-storey side extension with balcony; single-storey rear extension; roof lights; new driveway and access

Applicant: Mr Stone

Target Date: 10/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
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
- CS6: Flood risk
- 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

15/11451 Single-storey front and rear extension; front balcony; two-storey side extension; roof lights; new access refused 10/02/16

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal
Concerns regarding the safety of the proposed new access

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: informative
HCC Highways: no objections subject to conditions
Natural England: no objection

10 REPRESENTATIONS RECEIVED

None received

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 the application was acceptable as submitted.

14 ASSESSMENT

14.1 This application has been referred to the Committee as Lymington and Pennington Town Council have recommended the application be refused without the option to determine under delegated powers. This decision was based on concerns of highway safety, though the access details of the application have not changed since the previous application which received outright support from the Town Council. Furthermore, the previous application was not refused on the grounds of highway safety and no objection has been raised by HCC Highways. The applicant has been in correspondence with the Town Council, but to date no further revised comments have been received.

14.2 The previous application for extensions to this property was refused by this Committee on 10/2/16 for the following reason:

By reason of the excessive width, depth and height of the two storey side extension, coupled with the single storey front extension, the proposals would not respect the existing character, form and symmetry of this prominent pair of semi-detached houses. The introduction of the balcony, which would project forward of the front wall, would be an imposing feature and the addition of a front gable would further detract from the appearance of the individual dwelling and pair of semis. The harm would be further exacerbated by the introduction of cladding which would detract from the distinctiveness of this group of properties. Furthermore, due to the proposed width, height and siting of the two storey side extension it would erode the existing gap between the dwelling and the public footpath to the south side which would detract from the open spatial characteristics of the site and lead to a cramped appearance within the plot. Therefore the two storey side extension and single storey front extension with balcony would adversely impact upon the local distinctiveness of the street scene and general character of the area. As such the proposals are contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the Lymington Local Distinctiveness Supplementary Planning Document.

- 14.3 The current proposal is a significant improvement over the previous scheme, as it has reduced the bulk and mass of the proposed extension and deleted the element that projected forward. The set back of the side extension retains the definition of the existing dwelling, and even though a balcony still forms part of the proposal this does not now form a dominant feature within the resulting scheme. Furthermore, the proposed materials would match the existing dwelling. Even though the width of the side extension remains unchanged, the improvements to the scheme including the reduction in height, would compensate for any impact on the spatial characteristics of the site. As such, the revised scheme addresses the previous reason for refusal.
- 14.4 The proposed single storey rear extension links in with the existing single storey element and would only span the rear elevation of the existing house. This element would not be unsympathetic to the proportions of the existing dwelling or this pair of semis.
- 14.5 The proposed access and its required sight lines could lead to the loss of existing frontage boundary planting and the partial reduction of the bank. To ensure that this would not adversely impact upon the street scene, the landscaping and boundary treatment should be the subject of an appropriate planning condition.
- 14.6 By reason of the relationship of the proposed extensions with neighbouring properties they would not adversely affect their amenities. Furthermore, the introduction of a vehicular access to the front of the dwelling would not interfere with the access arrangements of the other half of the semi.
- 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: LP01 Rev A, SL01 Rev C, PP01 Rev C, PE01 Rev C, EP01,EE01 Rev A, S01 Rev E,SS.01 Rev A

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the area shown on plan SL.01 Rev C for the parking and turning of motor vehicles has been provided. This area shall be retained and kept available for the parking and turning of motor vehicles for the dwelling at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

4. The development hereby permitted shall not be occupied until the height of the bank along the front boundary of the site adjacent to the highway has been reduced in height to not more than 1.05 metres above the level of the carriageway for a depth of not less than 2.0 metres from the edge of the carriageway along the full width of the site.

Reason: To create adequate sight lines in the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences a scheme of landscaping for enclosure planting along the front boundary of the site to the rear of the sight line created under the requirements of condition 4, shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which are to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) the materials to be used for areas of hard surfacing
- (d) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to safeguard the visual amenities of the area, 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. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
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.

In this case all the above apply, and the application was acceptable as submitted

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee**
June 2016

Item No: 3c
28 Flushards
Lymington
16/10358
SZ3395

Scale 1:1250

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

