

**Application Number:** 16/10476 Full Planning Permission

**Site:** 1 FARM LANE SOUTH, BARTON-ON-SEA, NEW MILTON  
BH25 7BW

**Development:** Single-storey side extension; front porch; fenestration alteration

**Applicant:** Mr & Mrs Halliday

**Target Date:** 01/06/2016

**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

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk

**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 - New Milton Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

None relevant

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

New Milton Town Council: recommend permission: acceptable, but require the application to be determined by Committee if officers have a contrary view.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage: Informative  
Natural England: No comment

## **10 REPRESENTATIONS RECEIVED**

Four letters of support

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **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.

No pre application advice was sought prior to this application being formally submitted. Furthermore, this is an identical resubmission of the previously refused planning application 16/10162 which was determined as a delegated decision given the Town Council's previous representations finding the proposals "acceptable" but with no request to remove officer's powers of delegation. The re submitted application has not taken into consideration the reasons for refusal given in respect of application 16/10162 and as there are no changes in circumstances there is no justification to change the recommendation from that of refusal. A flood risk assessment was provided during the course of this process and no specific further actions were required.

## 14 ASSESSMENT

- 14.1 This application has been brought to the Committee for consideration because New Milton Town Council now requires the decision to be made by Members should officers have a contrary view. This differs to its representations in respect of the previously refused application in that no request to remove officer's powers of delegation was made at that time. However, as stated above, this current application is an identical resubmission of the previously refused application. As no amendments have been made and the circumstances remain the same, officers maintain their assessment and recommendation that planning permission should be refused.
- 14.2 The existing bungalow is sited on a prominent corner location forward of the adjacent dwelling, no. 3 Farm Lane South. The proposed side extension would extend 10.5m from the side wall of the existing bungalow thus creating a total width of just a little over 20m, which would create an excessively wide building occupying almost the full width of the side garden. As such, the full width and depth of the extension would be clearly visible from Farm Lane South. Furthermore, by reason of its excessive size and awkward roof form the proposal would detract from the modest scale and character of the existing bungalow. For these reasons, the proposed extension would result in a visually intrusive form of development, harmful to the character of the street scene and local distinctiveness of the surrounding area
- 14.3 The neighbouring property to the north no 47 Dilly Lane is a detached hipped roof bungalow. The proposed form of development would stretch substantially along the boundary with this neighbour although it would be set back from the boundary by about 2m.
- 14.4 Due to the roof form there should be no loss of light or over shadowing. However, the substantial width of the proposal would create a sense of enclosure to the rear garden of this neighbouring property

- 14.5 Following refusal of planning application 16/10162 and resubmission of this application, the agent and applicant sought a clarification meeting. The meeting sought to address the concerns raised above and provide solutions that would alleviate these concerns and could be supported by officers. Plans of a scaled down proposal were provided and discussed in detail and with a few alterations resulted in a scheme that could be supported by officers. However, no application based on these plans were formally submitted.
- 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**

#### **Reason(s) for Refusal:**

1. By reason of its prominent siting, excessive length and awkward and inappropriate roof design the proposed extension would create an unsympathetic and visually intrusive form of development that would detract from the appearance of the existing dwelling and appear out of keeping in the street scene to the detriment of the character and appearance of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.

#### **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.

No pre application advice was sought prior to the scheme being formally submitted. However, this is a resubmission of the refused planning application 16/10162 concerns were raised with the proposal hence the refusal. The re submitted application has not taken into consideration the concerns as such due to the level of harm that would result from the proposed development a refusal is considered justifiable in this instance. Notwithstanding this a flood risk assessment and amended plans were provided during the course of this process no specific further actions were required.

2. 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.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
June 2016**

**Item No: 3i**

**1**

**Farm Lane South  
Barton on Sea  
15/10476  
SZ2493**

**Scale 1:1250**

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

