

Application Number: 16/10327 Full Planning Permission

Site: 22 ELM AVENUE, PENNINGTON, LYMINGTON SO41 8BL

Development: Detached garage; flue

Applicant: Mr Roberts

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

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 NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/10439 Detached garage/workshop refused 04/06/15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal.
The revised proposals do not mitigate the concerns outlined in L& PTC's response to the previous application.

Comments on previous application: refuse: in support of objections from neighbour at number 20

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: no comment

Environmental Health: comment only request an informative relating to the design of the flue.

10 REPRESENTATIONS RECEIVED

One comment from neighbour on amended scheme raising no objection

Correspondence from agent to confirm that all of the proposed garage would be within the boundary of the application site.

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. Notwithstanding this, clarification was sought in relation to the position of the guttering, which was duly supplied.

14 ASSESSMENT

- 14.1 A previous application - 15/10439 - for a detached garage and workshop was refused in June 2015 on the grounds of impact on neighbour amenity, most specifically that its height and excessive length, coupled with its position would create a visually intrusive and overbearing form of development that would adversely impact upon the amenities of the occupiers of 20 Elm Avenue
- 14.2 The current proposal has reduced the overall ridge height and eaves height by 400mm compared to the previously refused scheme. The length of the proposed outbuilding remains the same, although the forward section of the garage adjacent to the neighbouring dwelling would now be set in off the boundary by approximately 300mm. Furthermore, a flue is now proposed to the rear of the building.
- 14.3 The eaves height of the proposed building would be 2.1m - 250mm higher than the eaves of the existing garage and 400mm lower than the previous proposed. This together with the reduction in the overall roof height, when compared to the previous scheme, would reduce the impact of the outbuilding on the amenities of no 20 Elm Avenue. With regard to the length of the outbuilding, the properties have reasonable sized rear gardens so it would not result in an overbearing form of development.
- 14.4 The Town Council objected to the previous application in support of neighbour concerns, but it should be noted that no objections have been raised to the current application from the occupiers/owners of no 20 Elm Avenue.
- 14.5 By reason of the siting of the proposed building, no other neighbouring properties would be affected. The agent has clarified that even though the outbuilding is in close proximity to the boundary, the guttering would not overhang any part of the side boundary.
- 14.6 Detached garages set to the back of dwellings are a feature of some properties within the area, and as it would be replicating the existing relationship, the proposals would not detract from the character of the area or be detrimental to the street scene.
- 14.7 The proposed flue would be sited on the roof slope adjacent to the boundary with no 20, but no concerns have been raised by Environmental Health with regard to the flue adversely impacting upon

the neighbours' amenities. There would be no visual impact of the flue given its set back position relative to the street scene and the neighbouring property.

- 14.8 The amendments made address the concerns raised to the previous scheme.
- 14.9 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: PO6, SO6, 22EA/PO4_01, 22EA/PO3_01, 22EA/PO2_01, 22EA/PO1_01, 22EA/SO4_01, 22EA/SO3_01, 22EA/SO2_01, 22EA/SO1_01

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. The flue should be designed to facilitate the upward vertical flow and increase dispersion of emissions. It should be designed to prevent potential down-draught that would cause smoke/odour issues to neighbouring properties

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. Notwithstanding this, clarification was sought in relation to the position of the guttering, which was duly supplied.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
July 2016**

Item No: 3e

22
Elm Avenue
Pennington
16/10327
SZ3194

Scale 1:1250

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

