

Application Number: 16/10560 Full Planning Permission

Site: 5 WESTERN ROAD, LYMINGTON SO41 9HJ

Development: Replacement roof & cladding; additional windows

Applicant: Moortown Developments Ltd

Target Date: 20/06/2016

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

No relevant policies

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

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Alterations and provision of pitched roof (LYB/00750) - granted 5/9/50
- 6.2 2 pairs of semi-detached houses; parking; demolition of existing (14/11694) - refused 11/2/15

- 6.3 2 pairs of semi-detached houses; sheds; cycle stores; parking; landscaping; demolition of existing (15/10504) - refused 3/6/15 - appeal dismissed
- 6.4 Demolition of building (Prior Notification) (15/11230) - details not required to be approved - 11/9/15
- 6.5 Use as 6 flats (Prior Approval) (15/11294) - prior approval approved - 29/10/15
- 6.6 Use as 8 flats (Prior Approval) (16/10035) - prior approval approved 4/3/16

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council:- Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage:- No comment
- 9.2 Conservation Officer:- Considers the alteration to the roof would have a visually damaging impact on this simple historic warehouse building

10 REPRESENTATIONS RECEIVED

- 10.1 8 letters of objection from local residents / neighbouring properties:- new windows would result in overlooking of neighbouring dwellings to the detriment of their privacy; number of dwellings will give rise to unacceptable parking pressures; adverse impact on highway safety; roof design would be totally out of keeping with the architecture of the building and surrounding buildings; detrimental impact on local neighbourhood; flats would have poor levels of amenity; concerns about bats

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

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, there were no pre-application discussions. There have been discussions with the applicant since the application was submitted, which has resulted in the submission of amended plans, but it is not felt these amendments go far enough in addressing the design concerns that have been raised. As such, the application can only be recommended for refusal.

14 ASSESSMENT

14.1 5 Western Road is the site of a Furniture Repository / Store. The front part of the site is covered by a metal clad storage building. The rear part of the site is covered by a much larger (and older) brick structure, which has a significant scale, height and mass. Together these 2 buildings have a significant footprint, that occupies the vast majority of a relatively deep plot that is bounded by residential properties on all sides. To the east side there are a number of residential properties that bound the site. These consist of 3 Western Road, which is a 2-storey semi-detached dwelling; 11a Eastern Road, which is a 2-storey detached dwelling; and 9-11 Eastern Road, which are a pair of 2-storey semi-detached properties. All of these adjoining properties are set within fairly modest garden plots. On its western side, the site is bounded by a 2-storey dwelling at 7 Western Road, which is set within a fairly long garden plot that is typical of other residential plots to the west of the site. On its south side, the site is bounded by the fairly long rear gardens of properties in Middle Road.

14.2 The application site has been the subject of a number of planning applications over the past couple years. Proposals for the complete redevelopment of the site have been refused for various reasons. However, under subsequent prior approval applications it would now be possible to demolish the metal building on the front part of the site and convert the older brick building to the rear to either 6 flats or 8 flats.

These prior approval applications, none of which have yet been implemented, do not allow for any external alterations to the brick building to be converted.

- 14.3 The application that has now been submitted seeks to carry out a number of external alterations to the building to facilitate the approved residential conversion to 8 flats. The application proposes to install one new first floor window into the building's west elevation, and 3 new ground floor windows and one first floor window into the building's east elevation. Replacement windows with mullions are proposed in the building's south elevation, and additional ground floor windows are proposed in the building's north elevation. The application also proposes a new aluminium roof with aluminium cladding to the gables.
- 14.4 The new window on the west elevation of the building could only be seen from adjacent rear gardens, and primarily from the rear garden of 7 Western Road. The window is intended to serve a bedroom in one of the new flats. Given that it would be a high level window (1.8 metre above floor levels) it would not result in material overlooking of the neighbouring property at 7 Western Road, noting also that there is currently mature vegetation in the neighbour's garden at this point.
- 14.5 The new windows on the east elevation of the building would also be high level windows (including the ground floor windows). Therefore, it is not considered these windows would result in material overlooking of adjacent properties in Eastern Road. One of the new windows in this elevation would serve a staircase, and this window should be required to be glazed with obscure glass to maintain neighbours' privacy.
- 14.6 The windows on the south elevation would overlook adjacent rear gardens. However, given there are windows in this position already, the proposal would not result in new overlooking that would unacceptably compromise neighbours' privacy.
- 14.7 Overall, it is felt the various fenestration changes would be reasonable changes that would not adversely affect the privacy and amenities of neighbouring dwellings.
- 14.8 The applicant's agent advises that the existing roof is in need of replacement. Due to access difficulties arising from the building extending up to the site's boundaries on 3 sides, the applicant's agent advises that a solution is needed that will ensure that the roof and gutters can be maintained in future without requiring access onto neighbouring owners' land. Initially they proposed a replacement roof where almost all of the new roof line would have been set back from the edges of the building, thereby creating a roof gutter for light wells and to light the floors below. The plans have subsequently been amended so that a full gable would be retained to both ends of the building.
- 14.9 The existing roof, which was added in 1950, is one which would be reasonable to replace. However, there are concerns with the new roof profile which would be unconventional and awkward in appearance (even as amended). Whereas the existing simple roof form is traditional and conventional, the new roof form would appear contrived, lacking the proportion of the building on which it would sit. The existing building, while much larger than adjacent residential buildings, is traditional of its type. The new roof form would not respect this traditional character, the

cut back roof appearing somewhat incongruous. While the western elevation of the building is not apparent in the streetscene, the eastern side of the building is clearly appreciated from viewpoints in Eastern Road, and it is from these viewpoints where the new roof would appear particularly discordant. It is felt that there are other possible design solutions in which a more conventional roof form could be provided while still providing light to the first floor flats below. Furthermore, while future maintenance may be made easier by the applicant's chosen design solution, it should still be possible to maintain the building adequately with a more conventional roof form. Overall, it is felt that the new roof profile would appear sufficiently discordant as to cause unacceptable harm to the character and appearance of the area, taking into account the building's size, age and prominence. The development would not respect local distinctiveness.

14.10 Local residents have raised a number of other concerns. However, these concerns go beyond what can reasonably be considered as part of this application given the use / demolition of the front building has already been accepted through the prior approval process.

14.11 In summary, the proposed development is not felt to be consistent with the Council's Local Plan policies and objectives. The new roof profile would have a poor design on this particular building, that would fail to respect local distinctiveness to the detriment of the character and appearance of the area. As such, the application is recommended for refusal.

14.12 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. The proposed alteration to the roof of the existing simple and traditional warehouse building would result in an awkward and unconventional roof form / roof profile that would appear visually discordant and out of proportion with the host building, to the detriment of local distinctiveness, taking into account the building's size, age and prominence. As such, the proposal would be detrimental to the character and appearance of the area, contrary to Policy CS2 of the Local Plan Part 2: Sites and Development Management and the Lymington Local Distinctiveness Supplementary Planning Document.

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, there were no pre-application discussions. There have been discussions with the applicant since the application was submitted, which has resulted in the submission of amended plans, but it was not felt these amendments went far enough in addressing the design concerns that have been raised.

Further Information:

Major Team

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Planning Development
Control Committee
July 2016

Item No: 3m

5 Western Road
Lymington
16/10560
SZ3195

Scale 1:1250

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

