

Application Number: 16/10594 Full Planning Permission

Site: MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR

Development: Extend outbuilding & alterations to windows & doors including Juliet balcony

Applicant: Mr Liddiard

Target Date: 07/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council View

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Tree Preservation Order: NFDC/TPO 0041/14

Plan Policy Designations

Countryside outside the New Forest

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 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

4 RELEVANT SITE HISTORY

Application Number	Proposal / Site	Decision Date	Decision Description	Status
15/11490	Variation of Condition 2 of Planning Permission 81/19706 to read "the building shall only be used for purposes either incidental to or otherwise still as ancillary to the dwelling house. At no time shall it be occupied independently" MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR	08/12/2015	Granted Subject to Conditions	Decided
15/11323	Single-storey extension MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR	03/11/2015	Granted Subject to Conditions	Decided
14/11352	Front fence; walls; gates MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR	03/12/2014	Granted Subject to Conditions	Decided
14/11353	Outbuildings (Lawful Development Certificate that permission is not required for proposal) MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR	20/11/2014	Was Not Lawful	Decided
07/91425	Rear conservatory; extend dormer; raise roof on single-storey extension; porch MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR	29/01/2008	Granted Subject to Conditions	Decided
99/67103	Ground and first floor additions Marl Cottage, Marl Lane, FORDINGBRIDGE	13/10/1999	Granted Subject to Conditions	Decided
81/NFDC/ 19706	Double garage and attached workshop. Marl Cottage, Marl Lane, FORDINGBRIDGE	20/05/1981	Granted Subject to Conditions	Decided
76/NFDC/ 04751	Alterations and additions. Marl Cottage, Marl Lane, FORDINGBRIDGE	28/05/1976	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend permission as the proposal makes good use of the existing outbuilding and the design will enhance the character of the building.

7 CONSULTEE COMMENTS

NPA Tree Officer:

No objection subject to condition reflecting tree protection.

Ministry of Defence:

No safeguarding objections

Land Drainage:

No comment

8 REPRESENTATIONS RECEIVED

One letter received from agent in support of the application

- The use of large areas of glass does not make the proposal 'urban' as it is a known way of ensuring historic rural buildings do not lose their simple form and character. The Juliet balcony will appear insignificant.
- Proposal is an established domestic building which would be appropriate in its location
- It complies with the Council's Residential Rural Design Guide
- The visibility of the rear of the building is from private fields and it would not be out of place
- The new garage is not different from what you can find in the countryside and could almost be permitted development if built on its own. Both new and existing buildings are appropriate, serving different functions. It makes sense to group the buildings
- The garage element of the extended outbuilding would be subservient. It is not excessively large.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 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.

11 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 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, the Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

- 12.1 The property is located within an area designated as Countryside outside the New Forest. It has been established by a previous application (ref: 15/11490), that the detached garage, which is the subject of this application, could be used as part of the extended family unit, part and parcel to the use of the site as a single dwelling house but not as a separate dwelling. The principle of the use proposed is therefore acceptable.

- 12.2 The main considerations when assessing this application are the scale and design of the proposed building and the resulting impact on the Countryside.
- 12.3 To the front of the garage the boundary treatments consist of high wire fencing and therefore the existing garage is highly visible from Marl Lane. With open views to the rear the garage is also visible from the countryside beyond the curtilage.
- 12.4 The proposed double garage would extend from the side of the existing outbuilding to replace a small carport. With a ridge length of just over 8 metres and a height of 4.6 metres the proposed extension would create an outbuilding excessive in size in a relatively exposed and open location, appearing as an inappropriate development which would be harmful to the rural character of the area.
- 12.5 Furthermore, the introduction of additional fenestration and a Juliet balcony to the existing outbuilding would change its character and appearance and result in a design which would not relate well to its location. It would also give the appearance of a separate dwelling rather than a subservient outbuilding to the main dwelling. This change of character and resultant appearance would be compounded by the proposed excessively large extension to the side for the double garage.
- 12.6 There are two oak trees to the front (eastern) boundary site which are protected by a Tree Preservation Order and therefore the Council's Arboricultural Officer was consulted. The proposed development falls in the root protection area of one of the protected oak trees. Given the specified level of the protection and supervision detailed in the submitted Arboricultural Impact Assessment and Draft method statement the trees would be adequately protected during the development process. No objection is therefore raised, subject to a tree protection condition. This would be imposed if the proposals were otherwise acceptable.
- 12.7 In conclusion the proposed extended outbuilding by reason of its excessive size and height, would result in a building that would appear visually intrusive in the street scene within this rural countryside setting. This increase in size along with the additional fenestration to the south west (rear) of the existing outbuilding would result in a building which would not appear subordinate to the main dwelling and result in a detrimental impact on the rural character of the locality. Therefore the application is recommended for refusal
- 12.8 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.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed extended outbuilding by reason of its excessive scale, size and height, would result in a building that would appear visually intrusive on the street scene within this wider countryside setting. Furthermore, this proposed increase in size along with the additional fenestration to the south west (rear) elevation of the existing building, would result in a building which would not appear subordinate to the main dwelling and result in a detrimental impact on the rural character of the countryside locality. The proposal is therefore contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park, policy DM20 of the New Forest District Local Plan First Alteration and Supplementary Planning Guidance Residential Design Guide for Rural Areas of the New Forest District.

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.

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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: 30
Marl Cottage
Marl Lane
Fordingbridge
16/10594
SU1314

Scale 1:1250

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

