

Application Number: 16/10820 Full Planning Permission

Site: 4 FOREST GATE GARDENS, PENNINGTON, LYMINGTON
SO41 8JG

Development: Use of garage as ancillary living accommodation; fenestration alterations; extend driveway

Applicant: Mr Quincey

Target Date: 08/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view .

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Planning Agreement
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal / Site	Decision Date	Decision Description	Status
15/11678: Detached single garage; use of existing garage as ancillary living accommodation; fenestration alterations; new vehicular access	23/12/2015	Withdrawn by Applicant	Withdrawn
02/73973: Create 2 windows in west flank lounge wall	04/03/2002	Granted Subject to Conditions	Decided
98/NFDC/63319: Conservatory	03/04/1998	Granted	Decided
93/NFDC/52975: Erect 20 det houses, garages & assoc works (sub house types)	25/10/1993	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal.
In support of issues raised by several neighbours regarding the special characteristics of the estate enshrined in covenants.

7 CONSULTEE COMMENTS

7.1 Land Drainage, Appletree Court: no comments

7.2 Hampshire County Council Highway Engineer: no objection

8 REPRESENTATIONS RECEIVED

Ten letters of representation have been received from residents at Nos. 3, 5, 8, 9, 11, 14, 15,16 and 18 Forest Gate Gardens objecting to the proposals on the following grounds;

- Concerns over the proposed gate which would result in visual harm to this feature wall and could set a precedent for others;
- Issues concerning the future use of the land at the side of the property and covenants; which stipulate the use of this land for the enjoyment and general amenity of all estate, this area should remain unenclosed and be replanted;
- Loss of garage and garage door would be contrary to the original permission and out of keeping with the prevailing character of development, would set a precedent for others;

- Highway safety implications from loss of garage and parking arrangements;
- New windows would not be in keeping with the development and be contrary to the original permission.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 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.

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 applicant has sought advice from the Council following the withdrawal of the previous scheme and this proposal accords with the advice provided.

12 ASSESSMENT

- 12.1 The site is located within the built up area of Lymington, part of a late C20 residential development. The site occupies a corner plot with the road sweeping around its western side. Adjacent neighbouring properties are located to the east and south of the site.
- 12.2 This proposal details the conversion of the existing integral garage to provide additional habitable accommodation, in conjunction with other associated internal alterations. Two new windows are proposed in the south west elevation wall and the substitution of the existing bay window on this side for a conventional casement type. The existing garage door would be replaced with a window and the existing driveway widened. Planning permission is required for these alterations as the original planning consent for the development sought the retention of the garage for parking, and controlled any future windows on the side of the property.
- 12.3 This application follows a previous scheme under PA 15/11678 which was withdrawn due to concerns over the visual and highway safety impacts of a proposed new garage at the rear of the site. This element has now been removed from the proposal.
- 12.4 The original consent for this development specified that the integral garage provided shall;

'be retained and maintained for that purpose only and shall not incorporated into the house as part of the habitable domestic accommodation. To ensure that sufficient off street car parking is available as part of the development, in the interests of highway safety and the general amenity of the area'.

- 12.5 The proposal would see the loss of a parking space on site however the application has detailed a proposed increase in the parking area at the front of the property. The Highways Officer has been consulted and considers this to be acceptable, such that an adequate level of parking for 3 vehicles would be available on site. With reference to the Councils adopted Parking Standards SPD this recommends an average provision of 3 on plot parking spaces for dwellings with 4 or more bedrooms, which would be met in this instance. As such it is considered that sufficient off street parking serving the property would be maintained and this would not result in harm to highway safety or general amenity of the area. This would of course be subject to the creation and retention of this additional parking area, and as such a condition to this effect is recommended.
- 12.6 The proposed new windows would represent modest alterations to the building and it is noted that the introduction of the two additional side windows was approved under PA 02/73973 in 2002. In their design and detailing they would respond to the appearance of the existing dwelling and although a degree of regularity in the design of dwellings is noted, it is not considered that these sympathetically designed and modest alterations would result in wider visual harm. The condition of the original permission restricting the addition of new windows in the flank elevation of the building, was imposed in the interests of the amenity and privacy of adjoining properties. Considering the aspect of the proposed new windows and in the case of those on the side elevation, distance from neighbouring premises it is not considered that this would result in any harmful impacts through loss of privacy to neighbouring occupiers.
- 12.7 The proposed enlargement of the parking area would see an additional tarmac strip added to the side of that existing. This would be a limited change and in maintaining the remaining grassed area would not be harmful to the wider appearance of the development.
- 12.8 In response to matters raised through representation, the side access gate has been removed from the proposal. Prevailing covenants are a private civil matter and as such are not a material consideration in respect of this application for planning permission. It is noted that the original planning consent did not control the planting of the land to the side of the property and as such, it would be unreasonable to require re-planting through condition.
- 12.9 In conclusion it is considered that the proposal would have an acceptable impact on visual amenity and would not result in harm to the living conditions of neighbouring occupiers or highway safety. It would meet with the objectives of the original permission and accord with the policies and objectives of the Local Plan and as such, approval is recommended.
- 12.10 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.

13. 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: 8756-E-001-01; Planting Scheme; 8756-P-201-03 C; 8756-P-201-01 G; 8756-E-201-01.

Reason: To ensure satisfactory provision of the development.

3. Before works commence on the conversion of the existing garage the additional parking area shall have been provided in accordance with the details on the approved plans. Thereafter this area shall be retained and kept available for the parking of vehicles 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).

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 the applicant sought advice from the Council following the withdrawal of the previous scheme and the proposal accorded with the advice provided.

2. This decision relates to amended plans received by the Local Planning Authority on 26/07/2016

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
August 2016**

Item No: 3bb

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Forest Gate Gardens
Pennington Lymington
16/10820
SZ3194

Scale 1:1250

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

