

**Application Number:** 16/11009 Full Planning Permission

**Site:** 6 BURRARD GROVE, LYMINGTON SO41 3QR

**Development:** Single-storey side & rear extension

**Applicant:** Mr & Mrs Appleby

**Target Date:** 16/09/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Historic Land Use  
Plan Area

**Plan Policy Designations**

Built-up Area

**National Planning Policy Framework**

Section 7  
NPPF Ch. 7 - Requiring good design

**Core Strategy**

CS2: Design quality

**Local Plan Part 2 Sites and Development Management Development Plan Document**

Not 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	Decision Date	Decision Description	Status
16/10334 Single-storey side and rear extension	31/05/2016	Withdrawn by Applicant	Withdrawn

#### 5 COUNCILLOR COMMENTS

No comments received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington and Pennington Town Council:** Recommend: refusal - In support of objections from neighbour.

#### 7 CONSULTEE COMMENTS

##### **Environmental Health (Contaminated Land)**

Recommend informative due to the close proximity of previous unknown filled ground.

#### 8 REPRESENTATIONS RECEIVED

##### **7 Burrard Grove**

Objection - Little change in new scheme. Loss of light; over dominant impact. Windows on the side face front door, dining room, part of conservatory and patio garden which will lose natural light and sunlight. Does not comply with BRE Daylight and Sunlight Good Practice Guidance. There is no side addition to No.5. There is a greater impact as No.7 is semi detached and the angle is greater.

##### **5 Burrard Grove (applicant)**

The applicant has written in support. Refer to pre-application consultation; No adverse impact on amenity of No.7; the proposal is single storey and set back from the boundary with low eaves height, the proposal includes the demolition of an existing detached garage which extends 9m against the boundary with No.7; Development is proportionate to No.5 (2 storey rear extension) and relatively smaller than development at No.10 (one and two storey side and rear extension) and No.11 (2 storey side and rear extension, detached garage, front porch).

#### 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 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.

Pre-application advice was sought following the withdrawal of application 16/10334. An additional plan was received to display certain angles at the front of the property in relation to the boundary. A request was also made to the agent to extend the time on the application due the need for it to be considered by the Planning Development Control Committee.

## 12 ASSESSMENT

- 12.1 This application site consists of a two-storey detached dwelling located in a quiet residential cul-de-sac in the built-up area of Lymington. Properties in the street scene are of a similar character and style.
- 12.2 This application is for single-storey side and rear extension. Planning issues are impact on neighbouring residential amenity and impact on the street scene.
- 12.3 The side element of the extension would be visible from the street scene but would not detract from the character of the area as it is single storey, set back and of limited size.
- 12.4 The footprint of the extension to the rear is quite large in scale, but there would be an associated removal of an existing garage at the rear. Therefore it is not considered to be overdevelopment and amenity impacts of the rear element on No.5 and No.7 are considered acceptable.

- 12.5 Concerns have been raised by the neighbour at no.7 Burrard Grove regarding a potential loss of light from the side extension. No.7 is set back in its plot relative to No.6 and has side facing windows. The removal of the existing garage on the north- eastern boundary of the site would assist to mitigate any impact on light. Furthermore, the proposed extension would be set away from the boundary, with a pitched roof sloping away from the boundary. Any loss of sunlight is not considered to be harmful as the height of the existing boundary fences between the two properties shields the vast majority of the proposal from no.7, which together with existing shrubs and plants act as an additional, attractive screen.
- 12.6 The extension includes no side windows other than rooflights on the pitched roof on the north-eastern elevation of the property that faces no.7. As such, although there are facing windows inside of No.7, there are no concerns regarding overlooking or a loss of privacy. Overall the proposed is considered to be acceptable and is recommended for approval.
- 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 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: 4614 PL01A, 4614 PL02D, 4614 PL03E, 4614 PL04B, 4614 PL01D-05.  
  
Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside 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, an additional plan was received (4614 PL01D-05) to display certain angles at the front of the property in correspondence with an associated boundary. This was added to the submitted documents. A request was also made to the agent to extend the time on the application due to the need for the application to be determined by the Planning Development Control Committee.

2. There are a number of sites near to this property which have had past contamination issues. It is possible that some contamination may have migrated through the ground and ground water. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part 11A of the Environmental Protection Act 1990.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
September 2016**

**Item No: 31**

**6** Burrard Grove  
Lymington  
16/11009  
SZ3294

Scale 1:1250

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

