

**Application Number: 16/10943** Full Planning Permission

**Site:** 3 FILTON ROAD, LYMINGTON SO41 9GU

**Development:** Two-storey side and rear extension; single-storey rear extension;  
front porch; roof lights

**Applicant:** Mr & Mrs Kelbie

**Target Date:** 07/09/2016

**Extension Date:** 13/10/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Plan Area

**Plan Policy Designations**

Built-up Area

**National Planning Policy Framework**

Section 7

**Core Strategy**

CS2: Design quality

**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**

None relevant

**5 COUNCILLOR COMMENTS**

No Comments Received

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Lymington & Pennington Town Council**

Recommend refusal: In support of concerns and objections of the neighbours.

## **7 CONSULTEE COMMENTS**

No Comments Received

## **8 REPRESENTATIONS RECEIVED**

Four letters of representation have been received. Two from residents at Nos 5 and 7 Park Avenue raise objection on grounds of;

- Visual impacts; three storey style development would be out of keeping with the character of the area
- Impact on living conditions; loss of privacy from dormer windows; loss of light; request retention of the intervening hedgerow screening.

Two letters have been received from the neighbouring occupier at No.1. The first raised concerns over the impacts of the single storey extension on their light and outlook. A subsequent second letter has been received raising no objection on the basis of the new drawings.

Comments in full are available on website.

## **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 pre-application advice was sought and the applicant has engaged with the Council during the course of the applications determination.

## 12 ASSESSMENT

- 12.1 The property is located within an established residential area of Lymington. It comprises one half of a pair, part of a small group of semi-detached properties in this cul-de-sac. Neighbouring residential premises include that attached to the north and another to the south.
- 12.2 This proposal details the addition of a two storey side and rear extension, single storey front and rear extensions and roof light openings. It is noted that the originally proposed rear dormer window has now been omitted from the scheme and the height of the rear single storey projection reduced.
- 12.3 This property forms part of a group of semi-detached dwellings in this cul-de-sac which in their related design and arrangement provide a defined appearance and rhythm to the street scene. The proposed extension of the property to the side would reduce the spatial gap with the neighbouring premises to the south which would impact on the appearance of the street scene. However its recessive height, hipped roof form and the set-back retained from the side boundary would not detract from the semi-detached form of the property. Furthermore the use of external materials to match those existing would relate sympathetically to the appearance of the existing property. The rear extensions would remain well screened from neighbouring premises and in their design would be consistent with the subservient form of development at the rear of properties in this group. As such it is considered this would respond to local distinctiveness and would not result in any harm to visual amenity or the appearance of the street scene.
- 12.4 The proposed extensions would maintain separation and a favourable orientation from the premises to the south such that would not lead to any harmful impacts through loss of light or outlook. The distance of separation from premises to the rear is also such that would not have any significant impacts on these residents light or outlook. The impacts with the attached neighbouring property would be more pronounced given the proximity of the single storey element to the boundary and the position of this neighbouring property being due north. It is however noted that the two storey element would maintain a recessive position relative to this attached neighbour such that reduces the degree of potential overshadowing. Furthermore the single storey element adjacent to the boundary as a result of its scale and roof design, would again limit the additional overshadowing impacts. Although the proposals would see impacts on the light and outlook to the rear of this neighbouring premises as a result of their scale and relative position it is not considered this would be to such extent that would result in harm to the living conditions of this neighbouring occupier. It is also noted that this neighbouring occupier has written in support of the current proposal as detailed in the amended drawings.
- 12.5 New first floor windows and attic roof light openings would enable views towards neighbouring premises. This said given the relative separation these would enable distant or restricted aspect of views towards neighbouring premises. This is with exception of the side rooflight and first floor windows which would enable direct views towards No.5. However, any potential loss of privacy could be mitigated through restricting the glazing and opening of these windows. On this basis it is

considered that the proposal would not result in any harmful impacts to the living conditions of neighbouring occupiers through loss of privacy. It is noted that representation has been received from residents at the rear of the site along Park Avenue raising concerns over loss of privacy from the new dormer. This has however now been omitted from the proposal.

- 12.6 On the basis of the above it is considered that the proposals would have an acceptable impact on visual amenity and would not result in any harmful impacts on the living conditions of neighbouring occupiers. As such approval of this application is recommended.
- 12.7 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: LOC; P06; S06A; P02E; S01C; P01C  
  
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.

4. The first floor window and attic roof light windows on the south side elevation of the approved extension shall at all times be glazed with obscure glass and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor level of their respective rooms.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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 pre-application advice was sought and the applicant has engaged with the Council during the course of the applications determination.

2. This decision relates to amended plans received by the Local Planning Authority on 16/08/2016 & 23/08/2016

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
October 2016**

**Item No: 3i**

**3  
Filton Road  
Lymington  
16/10943  
SZ3195**

**Scale 1:1250**

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

