

Application Number: 16/11091 Listed Building Alteration**Site:** 43 SOUTHAMPTON ROAD, LYMINGTON SO41 9GH**Development:** Repainting of exterior; boundary railing, shed (demolition of existing); replacement timber windows at front
(Application for Listed Building Consent)**Applicant:** Mrs Kaye**Target Date:** 26/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council in part

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**Constraints**

Plan Area

Conservation Area: Lymington Conservation Area
Listed Building Grade: Grade II 552.20.238**Plan Policy Designations**Built-up Area
Town Centre Boundary**National Planning Policy Framework**NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment**Core Strategy**CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

Supplementary Planning Guidance And DocumentsSPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness

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
NPPF Ch. 12 - Conserving and enhancing the historic environment

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
16/11090 Repainting of exterior; boundary railing; shed (demolition of existing); replacement timber windows at front			Application registered
92/NFDC/50077/LBC Int alts, 2-storey rear addn, dormer & dem extg rear extn	08/07/1992	Granted Subject to Conditions	Decided
92/NFDC/49273 First floor rear addition & replacement rear dormer	13/04/1992	Granted Subject to Conditions	Decided
92/NFDC/49306/LBC Internal alts/rear addn/replace dormer/dem extg lean-to roof	13/04/1992	Refused	Decided
XX/LYB/12752 Addition of kitchen and bathroom.	09/12/1970	Refused	Decided

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission.
No objection to replacement sash windows provided the design and glazing is to standard approved by the Conservation Office.
No objection to the replacement of shed which is, after all, not a fixed structure.

7 CONSULTEE COMMENTS

Conservation Officer objects for the reasons given in the Assessment below.
Comments in full are available on website.

8 REPRESENTATIONS RECEIVED

Letter of support from No.45 Southampton Road.

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.

The applicant did not use the Pre-application advice service available from the Council. 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 Grade II Listed and located within Lymington Conservation Area. It is primarily included in the list along with its neighbour, for group value however, the description does mention the former shop window and the two doors either side under the cornice. It is the uniformity of scale and form that gives this row of buildings its character. To the rear of the property is a old wooden shed whilst the neighbouring property has a larger more traditional outbuilding constructed of brick with a higher pitched tiled roof.

12.2 This application is for listed building consent and therefore the main considerations are the impact on the historic fabric of the building and it's setting.

12.3 The Conservation Officer was consulted and their comments on each element are as follows:

Repainting of Exterior

In principle the repainting is acceptable. However no indication of the colour to be used has been given.

Boundary railing

Old photographs show that railings were present along most of the frontages in Southampton Road. The railing details provided are simple and appropriate and are similar in design to that on the old photograph. No objection to this part of the proposal.

Shed

The proposed shed is not of a suitable design to be placed within the curtilage of a Listed building. While it is traditional for buildings of this type to have an outbuilding these would usually be of brick construction with steep pitched roofs and lower eaves. Although it is not visible from a public vantage point, the character of the Listed Building is able to be compromised by development that is within the curtilage and this does so by being of non-traditional scale. The shed needs to be in line with the traditional proportions of the main dwelling in order to not detract from its setting.

Replacement timber windows at front

Apart from broken panes of glass in the sash windows, no evidence has been provided in this application as to why the windows need to be replaced. They do not appear to be in poor condition and panes of glass are able to be replaced. No evidence has also been provided as to why any of the windows are not original but particularly the sash window. No section have been provided to see how big the cavity is between the glass panes on the proposed windows. Despite the missing information there has to be an enhancement to the character and significance of the Listed Building in order to consider double glazing and there is not one in this case.

Consideration should instead be given to repair of the existing windows and replacement of the broken panes of glass.

The plan to replace the fan light is agreeable. The List description dates this building to the nineteenth century which coincides with the ready availability of sheet glass. The majority of the fan lights within the terrace are plain glass of larger patterns so the fanlight design chosen matches others within the terrace. This would therefore be an improvement over the current blocked fanlight but consideration should be given to leaving the other fanlight as plain glass.

The Conservation Officer is unable to support the application as a whole for the reasons listed above.

- 12.4 The repainting of the property, railings and replacement fanlight are acceptable and any further detailing required could be controlled by condition. However the replacement windows to the front of the property with double glazed units would not enhance the listed building. The front of the property is prominent within the street scene and the introduction of double glazed units would appear evident in their appearance and the reflection of the glass. Limited information has been provided in respect of the replacement windows but given the principle objection to the use of this type of glazing it is not an element which could be controlled by condition. The use of double glazing would therefore have a detrimental impact on the architectural significance of the Listed Building and is not an element which can be supported.

The agent has provided details of other replacement windows in the road however every proposal for introducing double glazing into listed buildings is considered on a case by case basis and judged on its own merits and context. It is not the Councils policy to accept double glazing in listed buildings, and this case should not be treated as a precedent in allowing double glazing in listed buildings in Lymington or the wider district. The introduction of double glazing into the Southampton Road

listed terrace buildings in particular, is something that would be resisted except in exceptional circumstances where a strong justified case is put forward. The previous approvals involved the replacement of unauthorised upvc windows.

The principle of removing the existing shed and replacing with a single outbuilding serving this property is not unacceptable, but by virtue of it being in the curtilage of a Listed Building it must respect the character of the host dwelling. As such what is sought in this location is a structure of traditional form and materials, and good quality design, which the proposed standard outbuilding does not achieve. Therefore, the proposed shed would be significantly harmful to the setting and context of the Listed Building.

For these reasons the application is recommended for refusal.

- 12.5 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 LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. By reason of the use of double glazing and insufficient details being provided, the proposed replacement windows to the front of the building would be harmful to the historic fabric and significance of the listed building and detrimental to Lymington Conservation Area contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District Outside the National Park and Policy DM1 of the Local Plan Part 2, and the National Planning Policy contained within Chapters 7 and 12 of the NPPF.
2. The proposed outbuilding by reason of its design, materials and siting would be harmful to the character and setting of the Listed Building. As such it would be contrary to policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, policy DM1 of the Sites and Development Management Development Plan and Chap 12 of the National Planning Policy Framework.

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.

The applicant did not use the Pre-application advice service available from the Council. 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.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
October 2016**

Item No: 3t & 3u

43

**Southampton Road
Lymington**

**16/11090 & 11091
SZ3195**

Scale 1:1250

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

