

Application Number: 16/11107 Full Planning Permission

Site: 3 KINGSFIELD, LYMINGTON SO41 3QY

Development: Single-storey extension; two-storey extension; lantern rooflight;
fenestration alterations

Applicant: Mr & Mrs Kavanagh

Target Date: 30/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view in part

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Flood Zone
Plan Area

Tree Preservation Order: 7/02

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk

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	Decision Date	Decision Description	Status
NFDC/77/07016 Twelve houses and garages with construction of pedestrian/vehicular access.	06/04/1977	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal..

Proposed plan appears significantly different to the description in the application.

Overbearing and dominant nature of the proposed extension will have an impact on the neighbours amenities.

Out of character with Local Distinctiveness.

7 CONSULTEE COMMENTS

Natural England

No comments to make

NPA Trees, New Forest National Park Authority

No objection subject to condition.

Comments in full are available on website.

8 REPRESENTATIONS RECEIVED

Seven neighbours have provided representations, raising objection to the proposals for the following reasons;

- Visual impact - change in materials would be out of keeping with the design of this development, and go against its character and identity; excessive scale in relation to plot size.
- Impacts on living conditions of neighbouring occupiers - loss of privacy; overbearing and dominant. Absence of boundary planting between No.3 and No.4 Kingsfield
- Refer to omissions in the submitted plans.

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.

The applicants did not seek pre-application advice from the Council. All comments received have been made available on the Council's website however it is not considered that the concerns could be overcome through the submission of amended plans under the current submission.

12 ASSESSMENT

- 12.1 The site is located within the built up area. A detached two storey property, part of a C20 cul-de-sac style residential development. The property is set back from the road frontage with existing trees and hedgerows affording good screening from the street scene. Neighbouring premises are located to the east, west and north of the site with separation provided by existing soft boundary treatments. It is noted that trees at the front of the site and a Birch within the site are subject to preservation orders. The site also falls within flood risk zone 2.
- 12.2 The proposal details the addition of a two storey and single storey extension on the north-west side of the property which would provide additional accommodation. Fenestration alterations to the existing property are also proposed which would include additional and enlarged window openings.
- 12.3 The proposed extension would be located on the north side of the property which in its separation from the road frontage would have limited impact on the appearance of the street scene. In its form the extension would remain proportionate to the original dwelling and the design incorporates recessive elements to reinforce the subservience of this further addition. The extensions would see the maintenance of adequate amenity space and would not result in a scale of development which is at odds with that surrounding. With reference to the proposed external materials the applicant has confirmed that the existing roofing materials would be altered to slate and the existing brick painted, with the proposed extension constructed to match. Although it is recognised this would not be consistent with the appearance of other adjacent premises in this group, in the absence of any restrictions under the original consent such a change to the existing property could be made under permitted development. As such it would be unreasonable to

refuse the application on grounds of the change in cladding materials and subject to the extension matching the cladding of the existing property, its appearance would remain sympathetic. The proposed change in window detailing would be regrettable as the current window detailing affords character to this group. However, again such a change could be made under permitted development rights and as such it would be unreasonable to reject the application on these grounds.

- 12.4 The extensions would impact on adjacent neighbouring premises, No.4 Kingsfield and No.43 Westfield Road and objections have been received from these occupiers. In their positioning it is noted that a good degree of separation would be maintained from these neighbouring sites and particularly so in respect of the two storey element. As a result of this separation and the relative orientation it is not considered the proposals would result in any harm through overshadowing. In terms of outlook the extension would be visible in respect of the rear and side aspect of No.4 Kingsfield. This said given the separation and presence of an intervening garage, it is not considered the two storey element would appear overbearing. Views of the extensions would be possible from the rear aspect of No.43 Westfield Road however again the separation is such that it is not considered the impacts would result in harm.
- 12.5 In terms of privacy it is noted that these properties have a close relationship. The relative orientations result in the principle elevation of No 3 directly overlooking No.4. However, consideration was given to this in the original design of this development and window openings at first floor level on this side are limited and most incorporate obscured glass. The proposal would see some changes to these existing first floor openings with window enlargement, repositioning and additional windows in the existing building and the new extension. This said as a result of the proposed internal layout none of these windows would serve habitable rooms, whereas currently there is an existing bedroom window overlooking the rear of No.4. As such any privacy concerns could be appropriately mitigated through the use of restricted glazing which can be conditioned.
- 12.6 At the rear of the property existing first floor window openings are limited with two bedroom windows. In their current position these sit close to the boundary line which divides No.43 and No.45 Westfield Road and as such the views into these garden areas are of limited aspect. These proposals would see the addition of a new first floor window opening, serving an additional bedroom which would enable direct views down to the rear elevation and of note into the rear garden area of No.43. This would see a significant change from the current relationship and would result in a loss of privacy that would reduce the enjoyment of the garden area for these neighbouring occupants, resulting in harm to their living conditions. Although it is noted the existing planting along this boundary is to be retained this could not be relied upon to afford sufficient screening.
- 12.7 The applicant has provided a flood risk assessment that meets with the Environment Agency standing advice and as such, the application has appropriately addressed flood risk. The proposed siting of the extension should not result in any harm to existing trees on site however the protected Birch on site may be vulnerable from associated building activities. This could however be addressed through condition requiring details of protection works as recommended by the Tree Officer.

- 12.8 On the basis of the above although the design of the proposals would be acceptable in the impacts on visual amenity, existing natural features and flood risk the new rear elevation first floor window would result in harm through loss of privacy to the living conditions of neighbouring occupiers. As such refusal is recommended.
- 12.9 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 first floor window in the south west elevation of the extension would enable extensive and direct views into the rear garden area of the adjacent premises No.43 Westfield Road. That would see a significant change from the current relationship and would result in a loss of privacy that would reduce the enjoyment of the garden area for these neighbouring occupants. This would result in harm to their living conditions contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012).

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 applicants did not seek pre-application advice from the Council. All comments received have been made available on the Council's website however it is not considered that the concerns could be overcome through the submission of amended plans under the current submission.

2. This decision relates to amended plans received by the Local Planning Authority on 23/09/2016

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
October 2016**

Item No: 3x
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Kingsfield
Lymington
16/11107
SZ3294

Scale 1:1250

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

