

Application Number: 16/11114 Full Planning Permission

Site: COPPER BEECH, FOX POND LANE, PENNINGTON,
LYMINGTON SO41 8FW

Development: Single-storey rear extension; first-floor rear extension

Applicant: Mr & Mrs Russell

Target Date: 03/10/2016

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

Proposal	Decision Date	Decision Description	Status
03/80126 Rear conservatory	02/02/2004	Granted Subject to Conditions	Decided
02/76854 First floor extension and pitched roof to front bay window	10/02/2003	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal.

Support the objection of neighbour regarding the impact on visual amenity.
Overbearing and intrusive, loss of light.

7 CONSULTEE COMMENTS

No Comments Received

8 REPRESENTATIONS RECEIVED

Two letters of objection have been received.

One in support of the proposal from the occupier of "Locarno" and another from the occupier of "Radley" objecting on grounds of;

- loss of light and over bearing and intrusive impact.

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 the application was acceptable as submitted and no specific further actions were required.

12 ASSESSMENT

- 12.1 The site is located within the built up area, a detached property in a group of such along this side of Fox Pond Lane with adjacent neighbouring properties on both sides and to the rear.
- 12.2 This application proposes a first floor extension, infilling the current recess to the side of a former first floor extension at the rear of the property. Beyond this a single storey extension would be added, projecting back into the rear garden.
- 12.3 Although this property has been previously extended the scale of the proposed additions would not be inconsistent with the form of development in this residential area. The proposed design of the first floor element would remain sympathetic to the character and form of the property and the single storey element would remain a subservient addition. As such, subject to the use of matching external materials this would not result in any harm to visual amenity or the appearance of the street scene.
- 12.4 The extensions would maintain an acceptable degree of separation from neighbouring premises and respect the current established spatial relationship. Given the separation from neighbouring premises and scale of the proposals these would not lead to any harmful impacts through loss of light to neighbouring premises. The new first floor window would enable only distant and restricted angle views towards neighbouring premises which would not result in harm through loss of privacy. A letter of representation has been received from a neighbouring resident to the south of the site raising concerns over loss of light and visual intrusion. However given the set back of this element from the boundary and the relative orientation being due north of this neighbour, it is considered that an acceptable relationship would be maintained.
- 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 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: 325-16-1; 325-16-2; 325-16-2; 325-16-8; 325-16-6; 325-16-7; 325-16-9; 325-16-5; 325-16-3; 325-16-4.

Reason: To ensure satisfactory provision of the development.

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.

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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: 3y
Copper Beach
Fox Pond Lane
Pennington Lymington
16/11114
SZ3194

Scale 1:1250

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

