

Application Number: 16/10989 Full Planning Permission

Site: 4 FULLERTON ROAD, PENNINGTON, LYMINGTON SO41 9JN

Development: Rear extension; raise roof height, 3 rear dormers, 2 front dormers and rooflight in association with new first floor; fenestration alterations; porch; detached garage; raised steps on rear elevation (Retrospective)

Applicant: Mr Miller

Target Date: 20/09/2016

Extension Date: 11/11/2016

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

NPPF Ch. 7 - Requiring good design

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	Appeal Description
15/10223 Raise ridge height; front and rear dormers in association with new first floor; single-storey rear extension; front porch; raised steps on rear elevation; fenestration alterations; single detached garage	22/04/2015	Refused	Appeal Decided	Appeal Allowed with Conditions
14/11110 Roof alterations and front and rear dormers in association with new first floor; two-storey rear extension; front porch; raised steps on rear elevation; detached garage	01/10/2014	Refused	Decided	
14/10636 Roof alterations in association with new first floor; rear extension; front porch; raised steps on rear elevation; detached garage	15/07/2014	Refused	Decided	
12/98966 2 front dormers; rear dormer; roof alterations in association with new first floor; two-storey rear extension; solar panels; decking; front porch; pedestrian access; detached garage	17/09/2012	Withdrawn by Applicant	Withdrawn	
84/NFDC/26516 Addition of 2 bedrooms, boxroom and linen room in roof space.	21/06/1984	Granted	Decided	
XX/LYB/06161 Erection of 136 bungalows and garages with construction of accesses.	05/04/1960	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal. The works completed are not in keeping with the Planning Inspectorate's specifications.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

3 FULLERTON ROAD : objection:

- conditions imposed by appeal inspector ignored
- not built in accordance with approved plans 15/10223 as it differs in design and materials
- plans submitted with current application did not show built development correctly, incorrect sizes of built dormers and glazing details incorrect
- allowing the breaking of rules and flouting of conditions would create precedent and put planning in jeopardy
- overdevelopment
- loss of privacy to main living areas
- if previous plans had been adhered to this would have been acceptable

50 HIGHFIELD ROAD: objection:

- appeal decision ref 15/10223 included condition that the works be carried out in accordance with the approved plans, works proceeded in spite of enforcement involvement
- rear dormers as built have bulky profile facing directly towards objector's property, flat topped dormer profiles dominate the top of Fullerton Road, as well as parts of Highfield Road
- the rear dormers as approved should be enforced.
- loss of privacy, due to increase of windows
- NFDC should enforce directives and conditions of the appeal decision.
- Increase to floor area over previously approved plans
- materials used not what was approved
- need to avoid precedent being set for future development

Petition arranged by 40 Highfield Road on behalf of 21 Local Residents, and resubmitted by 50 Highfield Road

Petition Against, on grounds of overdevelopment

- adverse visual impact on the local area

Revised drawings were received and an additional re-consultation is underway. Any further comments will be reported to Committee.

Comments in full are available on the Council's 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.

A previously refused application was allowed on appeal. At the time of building the approved plans were not adhered to, leading to an enforcement investigation. The applicants were given the opportunity to submit a further application, so the identified changes could be assessed against the relevant planning considerations, which is standard practice in such circumstances.

The initial plans submitted with this application did not correctly identify the development as built, so accurate plans were required and these were requested from the applicant. Due to the delay, and to ensure that all interested parties were aware of exactly what was being applied for, the further plans were readvertised.

The principle of an extension to this dwelling was accepted under the previous appeal, and therefore only the changes to the development can be considered. It is regrettable that the development was not built as approved at appeal and the correct procedures were not followed to seek alterations to the scheme before commencing the build, but this cannot be a factor in the assessment of the current proposal, nor can a punitive approach be adopted.

Consideration has been given to all comments received, but the changes to the scheme as compared to what was allowed at appeal, would not justify a refusal in this case.

12 ASSESSMENT

12.1 An extension was allowed at appeal in September 2015. This previous consent approved an increase to the overall ridge height of the dwelling, front and rear dormers, single storey rear extension, front porch, raised steps on rear elevation, fenestration alterations, and a single detached garage.

12.2 Discrepancies between the approved plans and what was actually being built on site was brought to the attention of the Enforcement team in June 2016. In an attempt to regularize these revisions, the applicant has subsequently submitted a new planning application. The plans initially submitted with this current application though did not reflect what was being built. To ensure that the plans for the current development reflected correctly what was being built amended plans were requested.

12.3 The principle of extending the overall height of the dwelling and the introduction of dormers has already been accepted, at appeal. The assessment of the current application can only focus on those elements that differ from the previously approved plans, and the Planning Inspector's report is a major consideration in this assessment.

12.4 The changes on the built extension from the previously approved plans are:

- the change of the dormers from pitched roofs to flat roofs;
- reduction in depth and height of the dormers on both the front and rear elevations;

- increase in size of glazing within the dormer windows, changing from 2 casements to 3 casements;
- additional dormer on rear elevation
- rooflight on front elevation
- omission of windows on side elevations
- change to ground floor fenestration on rear elevation
- increase in width and centralisation of porch, and change from pitched roof to flat roof
- reduction in overall height of resulting building by 140mm
- change in materials of roof from tile to slate
- change in materials of dormers from tile hanging to horizontal cladding.

- 12.5 The most significant alteration from the approved scheme is the changes to the dormers. When assessing the approved scheme the Inspector stated that: *'the dormer windows, which would not be entirely alien features in the area, would be appropriately subservient and well positioned features within the roof slopes'*. (Para 6). Compared to the previously approved plans, the reduced size of the dormers would still be subservient, and even though slightly higher on the roofslope, by reason of their form and size they would be appropriate to the roof slope.
- 12.6 Examples of flat roofed dormers are evident in the immediate area, so this change to the design would not be harmful to the character of the area or detract from the street scene. Furthermore, due to the reduced dimensions of the dormers they would not be as bulky as those previously approved at appeal.
- 12.7 The increase in the number of dormers on the rear roof slope would result in a more cluttered roofscape but this is mitigated to a degree by the reduction in the dimensions of the dormers. Furthermore, only limited views in this aspect are achievable from public vantage points within Highfield Road. As such the increase in the number of dormers on the rear elevation would not adversely impact upon the overall appearance of the extended dwelling, nor would it be prominent within the streetscene of Highfield Road.
- 12.8 A rooflight has been added to the front elevation, being lower than the dormer windows either side and serving a landing area. By reason of its flush siting, it is not overly prominent within the roof slope and is not untypical development. If this had not been part of other development, it ordinarily could have been installed as permitted development. The additional roof light therefore would not detract from the appearance of the dwelling or the character of the wider area; neither would it adversely impact upon the street scene.
- 12.9 The increase in overall height was considered acceptable by the Planning Inspector. As the height is slightly reduced this can only be considered an improvement.
- 12.10 The proposed increase in width of the porch would result in it being more centralised on the front of the building, and the introduction of a flat roof would retain consistency with the dormers. The changes to the porch would result in a more sympathetic addition when compared to the previous plans.

- 12.11 The Planning Inspector attached a condition at appeal requiring matching materials.

This is a standard condition, that is used to ensure that the extension harmonises with the existing dwelling. The roof material, as part of this submission, has been changed from tile to slate, which is not in keeping with the immediately surrounding properties. Notwithstanding this, there will be examples of this roof material used elsewhere in the area, and though this contrasting roof material draws attention to the new development, this change is not so significantly harmful to the overall character of the area, or the street scene as to justify refusal on this basis.

- 12.12 The other changes to the fenestration are not significant within the overall scheme, and the omission of the side windows would improve the relationship with the neighbouring properties.
- 12.13 Objections have been received with regard to overlooking from the front dormers and rooflight to the dwelling opposite, 3 Fullerton Road. Even though it is accepted that the ratio of glazing has been increased, the overall dormers have been reduced in size. When assessing the previous proposals at the application site, it was not considered that the introduction of front dormers would exacerbate the level of overlooking already achievable from public vantage points. These changes, from the previously approved scheme would not significantly alter this situation.
- 12.14 With regard to overlooking from the rear dormers, this was assessed as part of the appeal scheme. This application (ref 15/10223) was refused, but this was not on the grounds of overlooking. The two dormers on the rear were considered a reasonable distance from the neighbour at 50 Highfield Road, having a separation distance in excess of 20m, which is an acceptable urban relationship. The Planning Inspector was silent on this matter. Although it was not stated as a reason of refusal, if the Inspector had considered it to be an issue, it could have been raised as part of the appeal determination. The additional dormer window would be serving a bathroom and is fitted with obscure glass, so the situation would not be exacerbated when compared to the previous approval. The increase in the size of glazing is also not excessive when compared to the previously approved plans, so a level of harm to the amenities of 50 Highfield Road could not be justified in this instance.
- 12.15 When compared to the plans previously approved, the overall bulk of the building has been reduced. The deviation from plans allowed at appeal is not condoned, but the current application has to be judged on its merits and, taking into account the planning history of the site where a similar scheme was allowed at appeal, there is no justification to refuse the development as built.
- 12.16 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 permitted shall be carried out in accordance with the following approved plans: 005P Rev B, 003Q Rev A, 001, 002

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.

A previously refused application was allowed on appeal. At the time of building, the approved plans were not adhered to. The applicants were given the opportunity to submit a further application, so the identified changes could be assessed against the relevant planning considerations, which is standard practice.

The initial plans submitted with this application did not correctly identify the development as built, so accurate plans were required and these were requested from the applicant. Due to the delay, and to ensure that all interested parties were aware of exactly what was being applied for, the further plans were readvertised.

The principle of an extension to this dwelling was accepted under the previous appeal, and therefore only the changes to the development can be considered. It is regrettable that the development was not built as approved at appeal and the correct procedures were not followed to seek alterations to the scheme before commencing the build, but this cannot be a factor in the assessment of the current proposal, nor can a punitive approach be adopted.

Consideration was given to all comments received, but the changes to the scheme would not justify a refusal in this case.

Further Information:

Householder Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee
November 2016**

Item No: 3g

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Fullerton Road
Pennington Lymington
16/10989
SZ3195

Scale 1:1250

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

