

Application Number: 16/11087 Full Planning Permission

Site: MOORLAND HOUSE REST HOME, 20 BARTON COURT AVENUE,
BARTON-ON-SEA, NEW MILTON BH25 7HF

Development: Single-storey rear extension

Applicant: Moorland House Rest Home

Target Date: 08/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Single storey rear extension (10268) Granted with conditions on the 25th April 2013
- 6.2 Single storey rear extension, single storey side extensions and create 4 gardens, extend car park (10062) Refused on the 6th April 2016 (currently at appeal)

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal

- 1) Overdevelopment of the site
- 2) Loss of amenity space for the existing residents
- 3) Loss of amenity for neighbouring properties.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

- 10.1 2 letters of objections concerned with that the building has already been heavily extended and is very dominating, unattractive. The proposal is too close to garden. The building is not in keeping with the local area.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.

- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 This planning application proposes a single storey rear extension to be used as a lounge for the nursing home and is effectively a revised design to an extension approved under planning permission 10268. The proposed extension would be a simple glazed structure, under a flat roof with roof lantern measuring around 47 square metres. It would be sited along the south elevation of the building, which would not be readily visible from the public domain. The proposed extension would use part of the existing rear garden area of the nursing home. The proposal also shows a slight re-configuration of the car parking spaces with additional soft landscaping. A revised application is required as this is a different design of building in comparison to that previously approved. The changes involve a different appearance and roof design.
- 14.2 The application property is a former detached dwelling house at the junction of Barton Court Avenue and Moorland Avenue within a predominantly residential area of New Milton. The application property appears to have begun life as a detached two storey dwelling house which, because of its corner location, occupied a larger plot than most of its neighbours. In 1982 planning permission was granted for a change of use from dwelling house to residential care home for 10 persons and the building was substantially enlarged in 1983 to provide an additional 8 bedrooms. Although a number of applications submitted between 1985 and 1992 for further extensions were refused, the property now contains a total of 20 bedrooms with appropriate ancillary and communal facilities. As it presently exists, the property dominates the street scene, being the largest building in the immediate locality and occupying a greater proportion of its plot than is characteristic of this relatively spaciouly planned residential area.
- 14.3 Development in the locality comprises mainly detached bungalows, chalet bungalows and two storey dwelling houses, generally within good sized plots and set well back from the highway. A preponderance of trees, grass verges and well stocked front gardens gives the area a

spacious and verdant appearance, creating an attractive residential environment.

- 14.4 There is a long planning history associated with this the site, most importantly, planning permission was granted for a single storey conservatory to the rear of the building under reference 10268. Although that approved extension has not been implemented, the permission is still extant. That approved extension would be the same size (floor area) and sited in exactly the same location as this current application. The only difference is the design of the fenestration and roof which would entail a shallow glazed pitched roof. Moreover, a more recent application was submitted for a single storey rear extension and extension to face Barton Court Avenue under reference 10062, which was refused. The rear extension in that application was identical to this current application and no objection was raised in the refusal notice to the that element of the proposal. The application is currently at appeal.
- 14.5 In assessing this proposal, it should be noted that there is an extant planning permission on this site for a extension, which is nearly identical to the current application. The only difference is the roof design and fenestration. It is clear that there have been concerns about extensions to the front of the building facing Moorland Avenue and Barton Court Avenue and several applications have been refused.
- 14.6 Visually, the proposed extension would be set back into the site and only glimpses of the building would be seen from Barton Court Avenue between the side of the existing two storey building and the adjoining property at No. 22. Given the extension would be a modest structure set against the large two storey building, it would not appear obtrusive in this setting or imposing in the street scene. In terms of whether the proposed extension would be an overdevelopment of the site, it is clear that the original building on the site has been extended over the years and the amount of space around the buildings is small. However, the proposed extension would have a relatively modest footprint and space would still remain around the building, with amenity space for residents, and accordingly it would not result in an overdevelopment of the site.
- 14.7 In terms of other matters, with regard to residential amenity, there are only two residential properties that would be affected by the proposal, No. 3 Moorland Avenue and 22 Barton Court Avenue. Concerning the resident at No. 3, the proposed extension would be located a considerable distance away from their side boundary and, given the modest scale of the extension, it would not affect the light, outlook or privacy of that resident.
- 14.8 Concerning No. 22, the proposed extension would be very close to the side boundary with a gap of just over 2 metres. The extension would extend by 6 metres along the boundary, with a further 3.3 metres which would be set further away from the boundary. Given its overall scale and size, its construction using glazing, and the design of the flat roof, it is not considered to result in an unacceptable loss of outlook or light to that resident. In terms of overlooking, there is a boundary wall which rises to approximately 1.6 metres high. It is accepted that the proposed extension would result in a degree of overlooking given the height of the boundary wall, however, when the residents are currently in the garden

area they would be able to overlook that neighbour. Given the conservatory would be single storey, either the applicant or neighbour could increase the height of the boundary wall, which would help mitigate any overlooking between the two existing residents.

- 14.9 In conclusion, this current application is nearly identical to an extant permission. The only difference is the design, which is considered to be an improvement. It is considered that while the proposed extension would further intensify built development on this site, it would not be readily visible from the surrounding area and is a modest structure which would still enable some amenity space to be provided around the building for residents to use and enjoy.
- 14.10 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.

15. 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: 13-T1850/009, 008, 006 Rev D, 005 Rev B, 004 Rev D, 003, 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 so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Major Team

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**Planning Development
Control Committee
November 2016**

Item No: 3j

Moorland House Rest Home
20 Barton Court Ave
Barton on Sea
16/11087
SZ2393

Scale 1:1250

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

