

**Application Number:** 16/11280 Full Planning Permission

**Site:** 6 CASTLE CLOSE, MILFORD-ON-SEA SO41 0QB

**Development:** Rear dormer; rooflights; Juliet balcony in association with new second floor

**Applicant:** Mr Swann

**Target Date:** 17/11/2016

**Extension Date:** 14/12/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council view.

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Aerodrome Safeguarding Zone  
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**

No relevant documents

**Supplementary Planning Guidance And Documents**

No relevant documents

**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  |
|---|---------------|----------------------------------|---------|---------------------|
| 04/81169 Loft conversion<br>8 Castle Close  | 11/06/2004    | Granted Subject<br>to Conditions | Decided |                     |
| 03/78795<br>Roof alterations including<br>balcony<br>8 Castle Close   | 08/09/2003    | Refused                          |         | Appeal<br>dismissed |
| 81/NFDC/20023 Alterations<br>to form observatory platform<br>in roof space with balustrade.<br>6 Castle Close | 20/08/1981    | Refused                          | Decided |                     |

#### 5 COUNCILLOR COMMENTS

*No Comments Received*

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council:** recommend refusal..

The Parish Council considered this application to be unacceptable due to the amount of overlooking which would detrimentally affect many properties to the rear of the application site. The Council also felt the dormer was too large and would be out of keeping with other properties in the area. It would also set a precedent for other developments.

#### 7 CONSULTEE COMMENTS

*No Comments Received*

#### 8 REPRESENTATIONS RECEIVED

8.1 7 letters of objection:

1. **Mr Paul Cowley, 4 CASTLE CLOSE:** objection in terms of overlooking from the proposed second floor Velux windows.
2. **Mr and Mrs Hall, 14 ISLAND VIEW CLOSE:** objection in terms of overlooking and that the proposed dormer would be out of keeping and obtrusive.
3. **Mr & Mrs Baker, 16 ISLAND VIEW CLOSE:** objection in terms of overlooking and that the proposed dormer would be overbearing and out of character with surrounding buildings.
4. **Mrs Mary Ford, 12 ISLAND VIEW CLOSE:** objection in terms of overlooking and that the proposed dormer would be extensive and out of character.
5. **Mrs Diana Spencer, 1 THE BYWATERS:** objection in terms of overlooking and that the proposal would have a massive impact on the surrounding properties being out of keeping.

6. **Mr and Mrs Newell, 18 ISLAND VIEW CLOSE:** objection as the proposed development would be intrusive and unsightly.
7. **Mr John and Frances Hand, 26 ISLAND VIEW CLOSE:** objection in that the dormer would be ugly and out of keeping along with overlooking the properties and their gardens to the rear.

8.2 1 letter in support:

1. **Ms Judith Goodacre, 8 CASTLE CLOSE:** support this development. Planning was granted for a loft conversion to number 8 Castle Close in 2004.

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

## 12 ASSESSMENT

- 12.1 The property is a first floor apartment in a block comprised of two flats. There are similar styled properties in the immediate vicinity and a mixture of sizes and designs of dwellings in the wider area. A small balcony is positioned at first floor on the rear elevation.
- 12.2 The main considerations when assessing this application are the impact on the neighbouring properties, overall design and impact upon the character of the area. The applicant used the pre-application advise service provided by The Council and took into consideration the comments given in that the dormer was reduced in size. However the plans submitted during the pre-application stage did not include the currently proposed Juliet balcony on the side south elevation.

- 12.3 A previous application for an observatory platform which took the form of a large balcony, was refused in 1981. The reason for this was because of adverse impact on the neighbours in terms of overlooking. However the inclusion of an "observatory" in this residential location was inappropriate and the design did not compliment the dwelling.
- 12.4 The neighbour at number 8 Castle Close was granted consent for a loft conversion in 2004 which included large double height rooflights on the rear roof slope. This approval followed a previous application for a loft conversion which included a balcony on the rear roof slope which was refused. The reason for this refusal was the impact on the neighbours to the rear in terms of overlooking from the proposed balcony. Within the subsequent appeal the Inspector advised that there are views from the existing first floor windows albeit on a lower level. The appeal was dismissed as the effects of a balcony at that height would be substantially more adverse than roof windows.
- 12.5 The neighbour below at number 5 is the ground floor flat and has a garden area directly behind the property. The applicant already has first floor windows and a balcony facing this amenity space and therefore there would not be any significant increase in overlooking of the garden area, from the proposed dormer.
- 12.6 Four neighbours in "Island View Close", one in the "Bywaters" and the Parish Council have all objected to the proposed alterations in that the proposed dormer windows would allow views into their properties. The properties in Island View Close are sited some distance away from the proposed dormer, the minimum back to back distance being 28 metres in the case of No.14 and a maximum of 45 metres in respect of No.18. Furthermore, as there are already first floor windows at the rear of No.6 with views into their gardens the proposed dormer window would not significantly increase the impact on these neighbours in terms of loss of privacy.
- 12.7 The neighbour at number 4 Castle Close has objected in that the proposed front rooflights would allow views into the first floor of his property. The proposed rooflights nearest to his property would be small and high level with the larger rooflights positioned some distance from this neighbour with only acute angled views into his property. With first floor windows already allowing similar views the proposed fenestration to the front would have limited impact on this neighbour in terms of overlooking, insufficient to justify refusal of planning permission.
- 12.8 The neighbours to the south, 7 & 8 Castle Close have a garden area to the rear and therefore consideration has been given for the potential for overlooking from the proposed Juliet balcony on the side south elevation at second floor. There are already first floor windows facing these neighbours and given the style of the balcony the impact on these neighbour's amenity in terms of loss of privacy would not be significantly increased. The occupier of No.8 Castle Close has written in supporting this application
- 12.9 The neighbour further south at 1 The Bywaters, 15a Hurst Road, has also objected to the application due to potential overlooking from the proposed side Juliet balcony but from a greater distance. With first floor windows already facing this neighbour and given the distance of approximately 25m between buildings, impact on this neighbour in terms of potential overlooking, is considered acceptable.

- 12.10 A number of neighbours and the Parish Council have also objected to the proposed dormer in that it would be too large, visually intrusive and out of keeping in the area. Whilst the proposed dormer is fairly large and has a flat roof design, it is to the rear of the property and therefore is not clearly viewed from public vantage points and therefore it has limited if any impact on the street scene. Within the wider area there are dormers along with balconies at second floor especially facing the sea and therefore on balance the impact from the proposed dormer in terms of visual impact would be minimal and the application is recommended for approval.
- 12.11 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: 6-CC-001 (revision 1), 6-CC-002 (revision 2) & 6-CC-003  
  
Reason: To ensure satisfactory provision of the development.
  
3. Before development commences, samples or exact details of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**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

Tel: 023 8028 5000  
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**Planning Development  
Control Committee  
December 2016**

**Item No: 3f**

**6**  
Castle Close  
Milford on Sea  
16/11280  
SZ2991

Scale 1:1250

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

