

Application Number: 16/11467 Full Planning Permission

Site: 21 THE FALLOWS, ASHLEY, NEW MILTON BH25 5RP

Development: Roof alterations and raise ridge height in association with new first floor; chimney

Applicant: Mr Curtis

Target Date: 19/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Called in by a member of the Planning Committee.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Planning Agreement

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 - New Milton 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
95/NFDC/57407 Addition of a porch	02/10/1995	Granted	Decided	
NFDC/87/35778 22 dwellings and garages.	12/04/1988	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Cllr Mrs C Ward: supports this application and calls for it to be included for consideration by the Planning Development Control Committee

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Acceptable (Delegated)

7 CONSULTEE COMMENTS

No Comments Received

8 REPRESENTATIONS RECEIVED

3 Objections received

- roof height could lead to loss of day light and overshadowing
- principle of first floor development is unacceptable
- overall size of the new building out of keeping with existing properties in the immediate area especially with other 4 properties within the small close.
- concern about potential impact on drive, especially from deliveries of building materials, though this concern could be alleviated by deliveries coming via Hollandswood Drive
- loss of privacy and overlooking
- overbearing

The applicant has written in support of their proposals and responds to the following issues:

- loss of privacy and overlooking
- overshadowing
- overbearing
- principle and out of character

Overall they suggest that their proposals are acceptable and do not result in any adverse impact.

Comments in full are available on the 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.

Pre-application advice was sought prior to this application being formally submitted. However, the formal submission did not fully reflect the advice given, and the resulting bulk of the extensions are sufficiently harmful to justify a refusal in this instance.

12 ASSESSMENT

- 12.1 When this estate was built in the 1980s the planned development was generally arranged in clusters of house types, although there are a variety of styles of dwelling within the development. The application site is a single storey dwelling with lower profile double garage at right angles, within a small group of 2 storey houses. By reason of its position within the cul-de-sac, the property is visible from Cull Lane and Hollandswood Drive. Due to its single storey form it has a larger footprint than the 3 other dwellings within this small group of properties.
- 12.2 Taking into account that this dwelling is situated within a group of 2 storey dwellings, and furthermore is read in the context of the modern 2 storey development in neighbouring Cull Lane, the principle of allowing a first floor extension is considered to be acceptable. Notwithstanding this the footprint of the existing dwelling is already larger than the neighbouring 2 storey properties within The Fallows. Therefore, the extent of the first floor extension is fundamental to ensure that the resulting building would be of a comparable scale to its neighbours and would not result in over dominant development that is out of character within its context.
- 12.3 The proposed extension would create a first floor to the existing dwelling only, but this would extend past the apex of the existing garage and by virtue of the size of the extension, would create an overlarge dwelling out of scale with the neighbouring properties. The existing dwelling, by reason of its single storey form contributes a sense of spaciousness to the end of the cul-de-sac and this would be totally eroded by the scale of the proposed extensions. Furthermore, the arrangement of the fenestration on the front elevation would further detract from the appearance of the resulting dwelling.

- 12.4 The existing dwelling occupies a sensitive location, in that it also contributes to the character of both Hollandswood Drive and Cull Lane. As the proposed extension would extend past the ridge line of the existing garage, this would result in the two storey form being closer to the boundary with Hollandswood Road than other existing two storey dwellings which back onto the road. Views of the rear elevation would also be visible within the adjoining street scenes of Cull Lane and Hollandswood Drive, emphasising the excessive bulk of the extended dwelling compared to neighbouring two storey dwellings.
- 12.5 The impact on the character of Cull Lane is especially important. This road is identified in the New Milton Local Distinctiveness Supplementary Planning Document as being distinctive from the surrounding modern development, as it has retained its rural character and consists of a variety of styles and periods of dwellings. The application site backs onto the entrance to Cull Lane, and as such it would also be read in conjunction with a modern semi-detached house. By reason of its design and scale, it would create an intrusive and overbearing form of development that would be totally out of context with this adjacent development, and would create a sense of enclosure at the entrance to this adjoining road.
- 12.6 To conclude, the harm to both the character of the area and the street scene would be significant enough to justify a refusal in this instance.
- 12.7 The existing dwelling is set off the side boundary with 26 Cull Lane, and the proposed extensions would respect this existing separation. No 26 Cull Lane is sited to the east of the application site, and by reason of the relationship of these two properties the increased height of the dwelling would not create issues of overshadowing or loss of light to this property,
- 12.8 To the north of the application site is 22 The Fallows, which is a detached two storey dwelling with a detached garage which is sited close to the front boundary of the application site. Potentially the proposed first floor front window serving bedroom 3 could achieve views across the rear garden area of this neighbour, but as it would be a secondary window serving the room, another larger window being located on the side (west) elevation, any loss of privacy could be overcome by conditioning the window to be obscure glazed with restricted opening.
- 12.9 No 22 is sited to the north of the application site, but due to its hipped roof form the majority of shadow from the increased height should fall within the boundaries of the application site, and would not significantly impact upon this neighbour.
- 12.10 A concern has been raised about the drive way to these properties, but as this is a private driveway it would be outside the remit of planning to restrict movement over this drive way.
- 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 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. By reason of the size of the proposed first floor extension, it would result in an overly large dwelling that would be out of scale with neighbouring properties. This would result in an intrusive and overbearing form of development within the street scene of Cull Lane, Hollandswood Drive and The Fallows. Furthermore, it would detract from the spaciousness that the existing single storey dwelling contributes to the area, by creating an overly bulky dwelling in this location detracting from the character and appearance of the area. As such, it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, the New Milton Local Distinctiveness Supplementary Planning Document and Chap 7 of the National Planning Policy Framework.

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.

Pre application advice was sought prior to this application being formally submitted. However, the formal submission did not however fully reflect the advice given, and the resulting bulk of the extensions would be sufficiently harmful to justify a refusal in this instance.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager,
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
January 2017**

Item No: 3f

21

**The Fallows
Ashley New Milton
16/11467
SZ2496**

Scale 1:1250

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

