

Application Number: 16/11548 Full Planning Permission

Site: PYRFORD GARDENS, BELMORE LANE, LYMINGTON SO41 3NR

Development: Single-storey extension

Applicant: Mr & Mrs Hall

Target Date: 04/01/2017

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
6. Towns, villages and built environment quality

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

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 - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

6.1 Two-storey extension (12/98306) - withdrawn - 25/4/12

6.2 Single-storey extension (16/11284) - withdrawn - 18/10/16

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal - support the numerous objections from neighbouring properties

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Natural England:- no objection

9.2 Southern Gas Networks:- advise of site's proximity to gas main

10 REPRESENTATIONS RECEIVED

10.1 8 letters of objection from other residents of Pyrford Gardens / Mews:- adverse impact on neighbours' privacy, light and outlook; adverse visual impact; loss of vegetation; loss of a level access to rear garden; loss of seating area in communal room; adverse impact on reception room; development is not needed; concerns about access to foul drainage manholes; concerns about impact on maintenance charges.

10.2 1 letter from neighbouring property raising no objection

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 Pyrford Gardens is comprised of 22 warden assisted flats in an attractive landscaped setting. The submitted application seeks to add a single-storey extension to the rear of the building for use as an office by the warden. The proposed extension would be modest in size, being about 14 square metres in area and 3 metres in height, with most of the extension occupying an existing recess.
- 14.2 Given the extension's size and location, it would have no discernible impact on the character and appearance of the area. The extension would be of a contextually appropriate design. The loss of a small amount of garden vegetation would be entirely acceptable.
- 14.3 The extension would project 1.2 metres to the rear of the existing building. Although the extension would be relatively close to a window in flat 4, it is felt that the impact on the light and outlook of that flat and on other adjacent flats would be acceptable, having regard to the extension's limited degree of projection, and its modest height, the impact on neighbours' privacy would also be limited given that the extension would project into what is already a semi-communal space, and noting that the applicant is proposing that specific windows shall be obscure glazed.
- 14.4 Local residents have raised a variety of concerns, some of which are not legitimate planning concerns. Ultimately, it is not felt this small development would harmfully compromise the living conditions of existing residents of Pyrford Gardens. The development would still have appropriate communal areas, and while access to the external garden area would be altered, this would not be an unacceptable change.
- 14.5 Overall, the proposed development is considered to be consistent with policy. The development would be a small-scale and relatively discrete proposal that would have an acceptable impact on the character and appearance of the area, and an acceptable impact on the amenities and privacy of existing residents of Pyrford Gardens. As such, the application is recommended for permission.
- 14.6 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: 1:1250 Location Plan, 1215:05 B, 1215 04 B, 1215 03, 1215 01 C, 1215 02.

Reason: To ensure satisfactory provision of the development.

3. The windows on the approved extension that are shown as being obscure glazed shall be fitted and permanently retained as such.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee**
January 2017

Item No: 3h
Pyrford Gardens
Belmore Lane
Lymington
16/11548
SZ3294

Scale 1:1250

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

