

**Application Number:** 16/10861 Full Planning Permission

**Site:** 68 FOREST EDGE, FAWLEY SO45 1FN

**Development:** Single-storey extension

**Applicant:** Mr Peters

**Target Date:** 06/02/2017

**Extension Date:** 10/02/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Tree Preservation Order: 63/03

**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**

None relevant

**Supplementary Planning Guidance And Documents**

None relevant

**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
05/86280 Rear conservatory; detached double garage	09/12/2005	Granted Subject to Conditions	Decided
80/NFDC/16044 Alterations and extension to kitchen, addition of dining room and extension to bedroom with addition of 1 bedroom over.	09/04/1980	Granted	Decided

#### 5 COUNCILLOR COMMENTS

No comments received

#### 6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission

#### 7 CONSULTEE COMMENTS

Tree Officer: object on tree grounds.

Comments in full are available on website.

#### 8 REPRESENTATIONS RECEIVED

No comments received

#### 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.

No pre application advice was sought prior to the proposal being submitted. Concerns were raised at the initial briefing stage and an objection was raised by the Tree Officer in his representations. Although these concerns were published

on the Council's website, no response has been made and, due to the level of harm that would result from the proposed development, a refusal is considered justifiable in this instance.

## 12 ASSESSMENT

- 12.1 The application property is an end of terrace house in the built up area of Fawley. To the west of the property is a block of 4 detached garages. The proposal seeks to extend one of the garages to attach to the side of the dwelling
- 12.2 Due to the relationship with the neighbouring property the proposal would not to have an adverse impact on that neighbouring property's amenities.
- 12.3 With regards to the street scene, the garage would extend in line with the front wall of the property and would be attached to the host dwelling. The proposal would, by reason of its prominent siting and scale, be an incongruous and disproportionately large addition. Furthermore, it would, for this reason, detract from the character and appearance of the existing dwelling and the terrace of which it is part. It would also be visually imposing in the street scene. It would therefore be harmful to the character and local distinctiveness of the area.
- 12.4 The eaves of the proposed garage would appear to overhang the neighbouring garage. However, the applicant has served the required notice on that neighbour and provided evidence to that effect.
- 12.5 There are 2 protected birch trees in close proximity to the site. No details have provided as to how these trees would be safeguarded should the proposal get approval. As such the tree officer has raised objection. In his report the Tree Officer states that "I am doubtful that this proposal would be feasible to construct without significantly damaging the protected trees, even with specialist foundations and non-dig construction methods. These birch trees contribute to the amenity of the housing estate and their loss would be detrimental to the area."
- 12.6 Due to the significance of the trees within this location and the absence of sufficient information to properly assess the impact upon them, the Authority is not convinced that the development can be carried out without harm to public amenity. The application is therefore recommended for refusal.
- 12.7 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 its siting and scale, the proposed extension would be an incongruous and disproportionately large addition that would detract from the character and appearance of the existing dwelling and the terrace of which it forms part and be visually intrusive in the street scene to the detriment of the character and appearance of the area. The proposal is therefore contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.
2. In the absence of sufficient supporting information to demonstrate that the proposed development can be carried out without adversely impacting upon protected trees, the Authority is not convinced that the proposal would not result in the loss of trees which would be harmful to public amenity and the character and appearance of the area. For this reason the proposed development is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park 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.

No pre application advice was sought prior to the proposal being submitted. Concerns were raised at the initial briefing stage and an objection was raised by the Tree Officer in his representations. Although these concerns were published on the Council's website, no response has been made and, due to the level of harm that would result from the proposed development, a refusal was justifiable 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  
February 2017**

**Item No: 3b**  
68  
Forest Edge  
Fawley  
16/10861  
SU4503

Scale 1:1250

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

