

**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

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

**1 REASON FOR COMMITTEE CONSIDERATION**

Previous Committee Consideration (Item 3h January 2017); 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6.1 Two-storey extension (12/98306) - withdrawn - 25/4/12

6.2 Single-storey extension (16/11284) - withdrawn - 18/10/16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

### Introduction

14.1 This application was considered at the January 2017 meeting of the Planning Development Control Committee. That report is set out in the following paragraphs 14.1.1 to 14.1.6.

### January Committee Report

- 14.1.1 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.
- 14.1.2 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.
- 14.1.3 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 should be obscure glazed.
- 14.1.4 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.

- 14.1.5 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.
- 14.1.6 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.

#### Post January Committee Update

- 14.2 In considering the application in January. Members decided to defer the application to enable officers to go back to the applicant so that some specific questions could be answered. Specifically, members wanted more information about wheelchair access into and out of the building, as well as details about fire exits. In addition, members wanted to know what vegetation would need to be removed to accommodate the proposed extension, and they also wanted greater clarity on the purpose of the proposed extension.
- 14.3 The applicant's agent has now confirmed that wheelchair access to and from the building will not be affected by the proposed development. The applicant's agent advises that the main front entrance into the building also forms the primary wheelchair access into the building. Wheelchair access from the building into the rear garden courtyard is achieved via the main front doors and a level pathway around the perimeter of the building. The applicant's agent advises that the existing double doors affected by this application are always bolted for security purposes, and therefore it is reasonable to assume they are not available to access the rear garden amenity space. Furthermore, as the doors are bolted, they do not constitute a fire exit. There are actually 3 existing ground floor fire exits at other points in the building, one of which the main front door. Of the 2 other fire doors, one has a level threshold and the other has a stepped threshold. Both doors are apparently available for general use.
- 14.4 The applicant's agent advises that the extension is intended mainly for office use by the resident manager for the administration of the building and the storage of documents, noting that the manager currently has to use her first floor flat for these purposes, which is not felt to be a satisfactory arrangement. The secondary purpose of the extension is to provide additional seating to the communal room during social events, which would be achieved by simply opening the proposed double doors.
- 14.5 The applicant's agent has submitted a revised drawing showing that a 1.2 metre section of hedge would need to be removed to accommodate the proposed development.

- 14.6 In summary, the proposed extension would not affect a fire exit and nor would it adversely affect wheelchair access into the building or into the rear courtyard garden area. The loss of vegetation would be minimal and would not be visually harmful or detrimental to the amenities of the adjacent flat. The need for the extension is entirely legitimate. In the light of the additional information that has been submitted, there is considered no need to amend the original officer recommendation.

## 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 C, 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)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
February 2017

**Item No: 3i**

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.

