

**Application Number:** 17/10198 Full Planning Permission

**Site:** LANGSTONE, LIME WALK, DIBDEN PURLIEU,  
HYTHE SO45 4RA

**Development:** Raise ridge height; two-storey rear extension; front porch;  
chimney; fenestration alterations

**Applicant:** Mr & Mrs O'Reilly

**Target Date:** 06/04/2017

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary view to Parish Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

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
88/NFDC/38193 Extend kitchen and add garage and playroom with 2 bedrooms over.	01/07/1988	Granted	Decided	

#### 5 COUNCILLOR COMMENTS

No Comments Received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Hythe & Dibden Parish Council:** recommend refusal. The Committee objects to the application because the proposed building, by its bulk and position, has an adverse affect on the quiet enjoyment of the adjacent property (Shalimar) and would also take away a significant amount of light from their windows.

#### 7 CONSULTEE COMMENTS

No comments received

#### 8 REPRESENTATIONS RECEIVED

**Total Number of Representations Received: 1**

Comment(s): In Favour: 0 Against: 1

One letter of objection from neighbour at Shalimar concerned with loss of light and that the resulting development would be overbearing because of it's position on the plot.

The agent has written a letter in support of the application explaining the reasoning behind the proposed development and how the roof has been altered to respect the adjacent property.

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 in an area which has a variety of styles and sizes of detached dwellings positioned in fairly large plots. The neighbouring properties have both been altered and extended previously. Langstone sits further forward on the plot in comparison to these neighbouring property and therefore is fairly prominent in the street scene.
- 12.2 The main consideration when assessing this proposal was the impact on the neighbouring properties and on the street scene.
- 12.3 The neighbour to the north east, Shalimar, is set back on the plot and has an attached garage built close to the shared boundary. This neighbour has objected to the proposed development in that there would be a loss of light to their side lounge window, porch and kitchen window along with shadowing to their front garden. They have also raised concern that because the property sits further forward than the houses on either side it may seem overbearing. The neighbour's window towards the front of the property is a secondary window to the lounge and with the position of this neighbour's attached garage there would still be a significant distance separating the properties. The shadow from the property would continue to fall on the neighbour's garage and driveway. The proposed extensions would create additional built form extending back on the plot but with the hipped roof form along with the distance between the properties the impact on this neighbours amenity in terms of loss of light would be acceptable.
- 12.4 The neighbour to the east, Rogie, has been altered to include a large gable close to the shared boundary. There is only one window on this side elevation facing the application site which is at ground floor and would be a secondary window to the room in which it serves. Therefore the overall visual impact on this neighbour would be acceptable.
- 12.5 The proposed first floor windows on the side elevations would serve en suites and a bathroom. Given the position of these windows in relation to the neighbouring properties and the type of rooms they serve is unlikely to be an adverse impact in terms of overlooking. However, to ensure that the privacy of adjacent properties is protected, an appropriate planning condition requiring obscure glazing and control of openings can be applied should planning permission be granted.
- 12.6 The proposed alterations would create a fairly large property which would extend the first floor and roof to the rear. This would be visible from the street but with the change in roof form to a hipped design and because the proposed built form would be extending into the plot it would not be detrimental to the spatial characteristics of the site. The increase in roof height would be comparable with neighbouring properties. There are other large properties in the local area and the resulting property would be in keeping both in scale and design and therefore there would be limited impact on the street scene.
- 12.7 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.

12.8 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: TBD/16/1046/01, TBD/16/1044/02 rev 1, TBD/16/1044/03  
  
Reason: To ensure satisfactory provision of the development.
  
3. The proposed first floor windows on the side elevations of the approved building shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.  
  
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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
**April 2017**

**Item No: 31**  
Langstone  
Lime Walk  
Dibden Purlieu  
17/10198  
SU4/106

Scale 1:1250

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

