

Application Number: 17/10037 Full Planning Permission

Site: 47 STANLEY ROAD, LYMINGTON SO41 3SL

Development: Two-storey and single-storey rear extension; single-storey side extension; fenestration alterations;

Applicant: Mr & Mrs Pinkney

Target Date: 09/03/2017

Extension Date: 21/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council views in part

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Conservation Area: Kings Saltern Conservation Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lyminster 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
08/92611 Single-storey side extension	22/08/2008	Granted Subject to Conditions	Decided	
07/90473 Single-storey side & rear extensions	30/08/2007	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal.
In support of Conservation Officer and neighbour concerns.

7 CONSULTEE COMMENTS

7.1 **Natural England:** comment only

7.2 **Conservation:** objection- proposals would dominate the rear of the building leaving the history and character of the building greatly diminished and be harmful to the character and appearance of the Kings Saltern Conservation Area.

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 8

Comment(s): In Favour: 0 Against: 7

Objections

- Rear extension visible from road, and will be overpowering and unsightly
- Not comparable to similar development outside the Conservation Area
- Substantial adverse impact on light and privacy of neighbouring properties
- Out of keeping with adjacent cottages in this section of the Conservation Area of Stanley Road
- Previous development refused on neighbouring property, 11/98082
- -Extensions at 36 Stanley Road did not have same impact on neighbour amenity

- Adversely impacts upon light, privacy, dominance and enjoyment of surrounding neighbours
- Will be overdominant in relation to no 49 Stanley Road

Representations received from agent

- disputes comments from Conservation Officer, most notably size of original dwelling with reference to various OS Maps , erosion of green backdrop due to loss of view of trees to rear, use of velux conservation rooflights
- concerns from neighbours in relation to amenity not justified
- request that item is deferred to allow for members of planning committee to visit the site personally

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.

The agent has specifically stated in correspondence that he does not credit the pre application advice offered by this Council as being worthy of pursuing. The agent has submitted amendments in response to comments made in the initial briefing and some of these were an improvement especially the removal of the proposed render finish to the building and the reversion to a sash window on the end elevation.

Nevertheless these amendments were accepted without prejudice to the outcome of the application, but are not sufficient to overcome the fundamental concerns with the proposal.

12 ASSESSMENT

- 12.1 Amended plans were received on 15 February 2017. These were not invited, but submitted in response to initial comments made on the application. Due to the nature of the amendments these did not require re advertising and therefore were accepted without prejudice to the formal outcome of the application.

The amendments were as follows:

- omitted render, existing brickwork to be painted (as per existing finish)
 - real slates rather than cement
 - window tax feature to north east elevation
 - rear casement changed to sliding sash to match existing windows
- 12.2 The replacement windows on the front would match existing in materials and appearance, and therefore this aspect of the proposal would be acceptable.
- 12.3 The existing dwelling is situated within the Kings Saltern Conservation Area and is situated at the eastern end of Stanley Road. By reason of the siting of the neighbouring property, 49 Stanley Road, views of the side elevation of the property are visible within the street scene. The property consists of a two storey dwelling with subservient 2 storey element to the rear and an unsympathetic single storey flat roofed extension on the end. The proposal is to extend at first floor level over the existing single storey element, with a single storey extension alongside this extended two storey element with a further single storey extension on the end of the extensions, spanning the width of both the two storey and single storey elements.
- 12.4 Regardless of whether the two storey dwelling was built as original or in two stages, the rear 2 storey element is subservient in both height and length to the forward part of the building, which by its form and height is the dominant part of the structure.
- 12.5 The proposed first floor extension over the existing flat roofed element, (which is an obvious modern addition), is in itself quite a modest extension. Nevertheless, it would increase the linear length of this subservient element, to a degree that would compete with the more dominant element of the dwelling, and would result in a disproportionate form of development that would be harmful to the overall appearance of this dwelling. The addition of the window tax feature, which was not requested by officers, is not sufficient to ameliorate the adverse impact of the first floor extension. Furthermore, the addition of the single storey rear extension would further extend the linear length of the dwelling which would add to the cumulative harm of these extensions. The introduction of a hipped end to the first floor extension and full gable on the single storey extension would further exacerbate the harm of these extensions resulting in a mixture of styles.
- 12.6 The single storey side extension in itself does not appear harmful, but combined with the single storey rear extension results in swamping the original plan form of the dwelling, and the fenestration detailing on the single storey elements are also unsympathetic to the main dwelling.

- 12.7 As stated in the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69, it is a duty to enhance or preserve, but the proposed development would not achieve this and thereby would be detrimental to the character and appearance of the Conservation Area. Furthermore, views are achievable of the side elevation from public vantage points over the frontage of 49 Stanley Road, and the extended length of the subservient two storey element coupled with the single storey addition on the end would also adversely impact on the street scene.
- 12.8 Views of trees to the rear of the site are visible by virtue of the gap with 49 Stanley Road, and these provide an attractive green backdrop which contributes to the character of the area. By increasing the length of the dwelling to the rear this would erode to a degree views of this backdrop, but would not be to such an extent as to justify a refusal on these grounds.
- 12.9 Impact on neighbour amenity has been raised in third party comments and supported in the Town Council comments.
- 12.10 With regard to the impact on 49 Stanley Road, the main two storey element of this dwelling is to the north east of the site by approximately 7 metres at its closest point, and is set away from the boundary with the application site. Furthermore, it has the benefit of a larger than average plot. Due to the relationship of this property with the application site, the proposed first floor and rear extension would not result in an overbearing form of development to this neighbour. There are no first floor windows proposed on the side elevation, so there would not be an issue of overlooking.
- 12.11 No.43 and No.45 Stanley Road are to the south west of the application site and have comparative sized plots to the application site. The proposed first floor addition would be set away from the common boundary with no 45 by approximately 5.2 metres which is a reasonable distance away so as not to create an overbearing form of development. Furthermore, the other extensions by reason of their single storey form would also not adversely impact upon neighbour amenity. The first floor window on the rear elevation would only achieve oblique views over neighbouring properties, so would not create an unacceptable level of overlooking. The proposed rooflights in the single storey side extension, by reason of their size and siting also would not lead to an unacceptable level of overlooking to no 45.
- 12.12 The agent has compared previously approved extensions at 36 Stanley Road as presumably justification for the approval of the current application. This dwelling though of a similar design to the existing dwelling and located within the road is not sited within the Kings Saltern Conservation Area, and furthermore, as shown on the historic maps submitted by the agent was built at a later date. Every application has to be judged on its individual merits and this is not seen as creating a precedent for the current proposal.
- 12.13 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. The proposed first floor extension, together with the subservient two storey rear element of the existing building would result in an excessively long two storey projection which would adversely compete for dominance with the main front part of the existing dwelling, thereby detracting from the proportions of the building. This would be further exacerbated by the additional single storey rear extension which would extend the linear footprint of the building. Together, the proposed extensions would be unsympathetic to the existing dwelling and be harmful to its appearance, and the street scene and as such would be harmful to the character and appearance of the Kings Saltern Conservation Area. For this reason, the proposed development is contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan and Chap 12 of the National Planning Policy Framework

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 15 February 2017
2. 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.

The agent has specifically stated in correspondence that he does not credit the pre application advice offered by this Council as being worthy of pursuing. The agent has submitted amendments in response to initial comments made and some of these were an improvement especially the removal of the cladding and the reversion to a sash window on the end elevation. Nevertheless these amendments were accepted without prejudice to the outcome of the application, and are not sufficient in overcoming the fundamental concerns with the proposal.

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: 3g
47
Stanley Road
Lymington
17/10037
SZ3395

Scale 1:1250

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

