

Application Number: 17/10018 Full Planning Permission

Site: 30 NEWBRIDGE WAY, PENNINGTON, LYMINGTON SO41 8BH

Development: Raising roof height and roof lights in association with new first floor; Juliet balcony; side and rear extensions; oak front porch; flue

Applicant: SIMPSON HILDER ASSOCIATES

Target Date: 21/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington 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
16/10336 Raise roof height, dormers and rooflight in association with new first floor; Juliet balcony; side and rear extensions; porch; flue	04/05/2016	Refused	Decided	
15/11805 Rooflights in association with new first floor; side and rear extensions; rear Juliet balcony; front porch canopy; flue	15/02/2016	Refused	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal.
Over dominance to neighbouring property.

7 CONSULTEE COMMENTS

Natural England: no comments

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 2

Comment(s): In Favour: 0 Against: 2

- increase built form along the boundary with no 28 Newbridge Way
- would overhang boundary
- out of keeping with the street scene and character of neighbouring bungalows
- proposed extensions excessive for plot
- overly dominant to neighbour

Correspondence from agent:

- Use of inverted gutter would result in no guttering overhanging neighbour
- current submission reflects pre application advice
- any issues over boundaries would be a civil issue.

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 applicant's have taken advantage of pre-application advice and in this case all the above apply and the application was acceptable as submitted. Notwithstanding this, an amended plan was submitted to provide details of the gutter. This was provided in support of comments from the agent in response to concerns that the extension would overhang the boundary with the neighbour.

12 ASSESSMENT

- 12.1 This current application has been submitted following two refusals in 2015 and 2016. The applicants have taken advantage of the pre application enquiry service following the second refusal and have followed the advice given.
- 12.2 The current proposal would still be increasing the overall height of the dwelling by approximately 1 metre, but this would be lower than previously refused, and would be a comparative height to the previously extended neighbouring property to the south, no 32 (which was approved in 2011). The design has also been improved, respecting the existing width of the front gable and reflecting the existing form of the dwelling. Furthermore, the ridge line would not be extended to the rear, and the existing eaves height would be retained. The porch and roof detail on the front elevation would be appropriate to the overall design .
- 12.3 Notwithstanding that the existing dwelling does form part of a group of bungalows, the wider street scene reflects a more varied character and as already referred to the immediate neighbouring property to the south, no 32 Newbridge Way has already been extended involving a significant remodelling and increase in ridge height. Taking into account that the mass of the extensions have been reduced and the more appropriate design, the proposed extensions would not detract from the street scene or adversely impact upon the character of the area.
- 12.4 The application site has a reasonable sized plot, and the proposed extensions would not result in overdevelopment of the site.
- 12.5 Even though the two previous applications were refused, adverse impact on neighbour amenity did not form part of the reasons for refusal.

As per the two previous applications, the proposed development would include single storey development adjacent to the boundary with 28 Newbridge Way, which in part would replace existing structures. This element of the proposal would be more dominant than the existing single storey garage by virtue of it projecting further forward. Nevertheless,

there would be compensations as the built form would be reduced along the boundary to the rear of no 28.

- 12.6 The block plan shows that no 28 Newbridge Way has a staggered front elevation and is angled towards the application site. The proposed attached garage would project forward approximately 1.5m from the nearest point of the neighbouring dwelling, and even though there is a large window in the front elevation on this part of the neighbouring dwelling, due to the low eaves and shallow roof of the proposal, it is not considered that it would have a significant adverse impact on this neighbour's amenities. By reason of the single storey nature of the part of the extension closest to the neighbour at no 28, and the overall form of the extensions this would not result in an overbearing form of development in relation to the neighbouring property.
- 12.7 The proposed plans indicate that the extensions would be within the boundary lines of the application site, nevertheless this has been challenged by the neighbour who states that it would overhang the boundary. The agent has stated that an inverted gutter is proposed which would ensure no overhanging. If there is an issue of the exact alignment of the boundary between the two properties, this would be a civil issue and as such outside the remit of this planning application.
- 12.8 Rooflights are proposed on both side elevations, but these are shown as being obscure glazed. By reason of the siting of the most rearmost rooflights serving the rear bedroom, views could be achievable from these rooflights over the rear amenity spaces of both 28 and 32 Newbridge Way. To ensure that the privacy of these neighbouring properties is maintained it would be justifiable to condition these two rooflights to be obscure glazed and fixed shut. As they are secondary windows to the bedroom, the application of such a condition would be reasonable in this instance.
- 12.9 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: 100 B, 102 C, 101 A

Reason: To ensure satisfactory provision of the development.

3. The rear most rooflights on the north and south elevation serving the rear bedroom shall at all times be glazed with obscure glass and fixed shut.

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).

4. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building 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. This decision also relates to an amended plan received by the Local Planning Authority on 21 March 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.

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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: 3e
30
Newbridge Way
Pennington Lymington
17/10018
SZ3194

Scale 1:1250

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