

Application Number: 17/10244 Full Planning Permission

Site: 86 QUEEN KATHERINE ROAD, LYMINGTON SO41 3RZ

Development: Two-storey side & rear extensions; single-storey rear extension

Applicant: Mr & Mrs West

Target Date: 14/04/2017

Extension Date: 10/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Tree Preservation Order: TPO/0008/09 / T2

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

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
16/10739 Two-storey side and rear extensions; single-storey rear extension	19/07/2016	Refused	Decided	
10/96406 House (plot 2); access alterations	21/01/2011	Refused	Decided	
10/95365 House; demolition of existing	21/05/2010	Granted Subject to Conditions	Decided	
10/95113 2 houses; access alterations; demolition of existing	02/06/2010	Granted Subject to Conditions	Decided	
88/NFDC/39680 Addition garage and utility room with bedroom and bathroom over.	26/10/1988	Refused	Decided	
88/NFDC/38316 Erection of a two-storey addition.	14/07/1988	Refused	Decided	

5 COUNCILLOR COMMENTS

Cllr Anna Rostand has requested that this application is considered by the Planning Development control Committee.

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission..

7 CONSULTEE COMMENTS

No Comments Received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 12

Comment(s): 2 In Favour: 9 Against: 1

8.1 One letter of objection from neighbour in terms of an adverse impact on their amenity. The proposed extension being in close proximity to the rear of their property would cause a loss of light and be visually imposing.

8.2 Nine letters of support from neighbours commenting that the proposal would make use of the long plot and being unobtrusive would not impact on the area. Many other properties have been extended.

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 did use the Pre-application advice service available from the Council, following the previous application which was refused, but did not completely follow the recommendations made by the Officer in their response to a clarification enquiry. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal and that it did not fully overcome the previous reasons for refusal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

- 12.1 Two previous proposals for extensions have been refused on this site. Loss of gap and impact on the neighbouring property were the reasons for refusal in 1988 and a more recent application, in 2016, was refused because of the impact on the neighbouring property.
- 12.2 The main considerations when assessing this application are the impact on the neighbouring properties and the street scene. In comparison to the previous application this proposed scheme includes a reduction in the ridge height of the proposed extension, a reduction in the rear extension width and the lowering of the eaves to the rear adjacent to the neighbour at number 8. Whilst the proposed eaves height close to the neighbouring property has been reduced and moved away the overall depth of the rear extension at two storey has not been reduced.
- 12.3 The neighbour at number 85 is positioned to the south and while this neighbour has a first floor window on the rear elevation it would be set away from the proposed first floor. A first floor window serving a bathroom which would face this neighbour is shown on the plans as being obscure glazed and fixed shut and therefore would not cause a loss of privacy. This neighbour has recently obtained planning permission for alterations in the form of one and two storey extensions to the rear and a two storey extension to the side. Taking this into account, overall the proposed additions to number 86 would not significantly impact on their amenity.

- 12.4 The proposal would include the introduction of two first floor windows on the side elevation facing number 87. These are shown on the plans as being obscure glazed and opening above 1.7 metres from the floor level and consequently would not cause a loss of privacy.
- 12.5 The neighbouring property at number 87 is positioned to the north and has recently been developed following consent for a two storey side and rear extension. This neighbour has written in objection to the proposed extension in that it would be visually intrusive and overbearing along with causing a loss of light on their property and garden. The proposed two storey element would be positioned 1.8 metres away from the shared boundary which consists of a high fence and would have an eaves height of 4.4 metres. During the pre-application process it was suggested that this element was moved further away from this boundary and the overall depth of the two storey extension should be reduced to further limit the impact on the neighbour in terms of loss of light and visual intrusion.
- 12.6 The agent has submitted a shadow plan to demonstrate that removing the cat slide element would not make a significant difference to what is now proposed. However the proposed alterations to the rear would introduce a high wall in close proximity to the neighbour's rear windows and garden and with the depth of the overall rear extension the impact on this neighbour's amenity in terms of loss of light and visual intrusion would be to such a degree to be unacceptable.
- 12.7 The proposed two storey side extension would have a lower roof form than the existing roof and slightly set back from the front elevation making it appear subservient to the main dwelling. The proposal would result in a loss of some of the spatial gap between the properties but as it would be set away from the boundary the impact on the spatial characteristics would be acceptable. The resulting property would be similar to others in the row and therefore would not have a detrimental impact on the street scene.
- 12.8 In conclusion the proposed two storey extension, because of its position, excessive height and depth, would result in an adverse impact on the amenity of the neighbouring property. Therefore the application is recommended for refusal.
- 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 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 two storey rear extension, due to its relative orientation combined with its excessive height, depth and solid built form in close proximity to the neighbouring property, 87 Queen Katherine Road, would result in a detrimental impact on the amenities of the occupiers of that property by reason of visual intrusion, overbearing impact and an unacceptable loss of light, contrary to the requirements of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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.

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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
May 2017

Item No: 3f

86
Queen Katherine Road
Lymington
17/10244
SZ3295

Scale 11:1250

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

