

Application Number: 17/10320 Full Planning Permission

Site: 19 DEERLEAP WAY, NEW MILTON BH25 5EU

Development: Single-storey side & rear extensions to garage

Applicant: Mr & Mrs Caputo

Target Date: 08/05/2017

Extension Date: 16/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Planning Agreement
Tree Preservation Order: 13/05

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

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness
SPD - Parking Standards

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
NFDC/78/11166 48 houses and garages with construction of pedestrian/vehicular access and layout of estate roads.	22/05/1979	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Object (Non-Delegated)

- (1) Contrary to the New Milton Local Distinctiveness Study document regarding character, specifically page 34 (Build up of Building Line) and its poor design.*
- (2) Back land development*
- (3) Sets a precedent*
- (4) Threat to nearby TPO'd trees*
- (5) This is subdivision for residential purposes and not an outbuilding extension.*

7 CONSULTEE COMMENTS

- 7.1 Tree Officer: no objection subject to planning conditions for the protection of trees during the construction period.

8 REPRESENTATIONS RECEIVED

No comments received

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 an extension of time letter was sent to the agent to extend the time required to determine this application due to the illness of the original case officer. This was agreed. In addition, a request was made for the applicant to clarify the need for this extension, as the proposed accommodation would provide the potential for a self sufficient unit. Clarification and the reasoning behind the alterations was sent by the applicant confirming that it was intended to provide accommodation for a family member who could have some reliance on the existing dwelling.

12 ASSESSMENT

- 12.1 This application site consists of a detached chalet bungalow with a detached double garage set to the side and forward of the principal elevation with off-street parking space between. Surrounding properties are varied, with some immediately adjacent dwellings matching the steep roof-pitch and dormers of 19 Deerleap Way, while other properties have a more traditional two-storey built-form.
- 12.2 The application is for single-storey side and rear extensions to the existing detached garage. The reasons outlined by the applicant for these extensions is to create a sperate annex for use by an elderly family member. The potential impacts of this application were identified to be the impact of the development upon the street scene and the impact of the application upon nearby protected trees.
- 12.3 Due to the siting of the proposed development and relationship with neighbouring properties there are no concerns in terms of detrimental impacts upon the amenity of neighbours.
- 12.4 The applicant sought pre-application advice prior to the submission of this planning application. The advice focussed upon the design of the scheme, its potential impact upon the surrounding area and the relationship of the proposals with the host dwelling. The recommendations that were made by officers were complied with in the new scheme.
- 12.5 The initial concerns regarding the height of the garage in relation to the host dwelling and the impact of this upon the street and uniform character of other detached garages in the street have been overcome and there is no proposal in this application to increase the ridge height of the garage. The extensions to the side and rear are not excessive in height, nor is their footprint disproportionate to that of the garage as existing. The side elements are also well screened from the street by way of closed-boarded fencing. As a result, no harm upon the character and appearance of street scene will arise.

- 12.6 The nearby protected trees were identified to be an area of potential concern. Accordingly, a consultation has been carried out with the National Park Tree Officer who raises no objections subject to the inclusion of two conditions to secure the protection of the tree during the construction period.
- 12.7 New Milton Town Council raised objection regarding the proposed use of the garage as a "subdivision for residential purposes". In view of this objection officers have sought clarification of the proposed use. In response, the applicant has written to confirm that, while there is a requirement for this proposal to create a reasonably self-sufficient residential annex for the mother of the applicant, the outbuilding will be part and parcel of the main residential use. The occupant will use the host dwelling for a number of shared residential uses such as some meals, laundry, garden use and childcare. Given the potential for the proposed accommodation to be used as a separate dwelling, it is considered appropriate to apply a planning condition restricting the use of the development to that of an extended family unit.
- 12.8 It is noted that this proposal will result in the loss of a garage space (which might reasonably be perceived as parking) and the creation of a fourth bedroom within this residential unit. This increases the required number of on site parking spaces 2.5 to 3.0. The hardstanding at the front of this property offers sufficient existing provision for this increase. In addition, on-street parking at this address would not create any highway safety concerns. The available parking on site therefore accords with New Forest District Councils' Parking Standards SPD.
- 12.9 Taking into account the compliance with pre-application advice and the clarification of use submitted by the applicant, the proposed development is consistent with the Core Strategy policies and objectives. As a result the application is recommended for permission
- 12.10 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: 2015/157/1, 2015/157/2, 2015/157/3, 2015/157/4, 2015/157/5, 2015/157/6, 1000.

Reason: To ensure satisfactory provision of the development.

3. No development, demolition or site clearance shall take place until a plan showing: Location of site compound and mixing areas; Tree Protection Plan in accordance with BS 5837: 2012; Arboricultural Method Statement in accordance within BS 5837: 2012 are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

4. Prior to the commencement of works (including site clearance and demolition) 3 working days' notice shall be given to the Local Planning Authority to attend a pre-commencement site meeting to inspect all tree protection measures as detailed in Tree Protection Plan that is to be submitted and approved in writing.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

5. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area, contrary to 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.

In this case an extension of time letter was sent to the agent to extend the time required to determine this application due to the illness of the original case officer. This was agreed. In addition there was a request made to clarify the requirement for this extension, as the garage is proposed to be used as an annex for a family member resulting from the alterations proposed in this application. The clarification and reasoning behind the alterations was sent by the applicant.

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
June 2017**

Item No: 3e

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Deerleap Way
New Milton
17/10320
SZ2496

Scale 1:1250

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

