

Application Number: 17/10382 Full Planning Permission

Site: 29 DANES CLOSE, BARTON-ON-SEA, NEW MILTON BH25 7BU
Development: Single-storey side extensions; rear dormer in association with new first floor; juliet balcony; porch alterations; fenestration alterations
Applicant: Mr Tyler
Target Date: 10/05/2017

RECOMMENDATION: REFUSE PERMISSION**Case Officer: Kate Cattermole****1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View (in part)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**Constraints**

Plan Area
Aerodrome Safeguarding Zone
Historic Land Use

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

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

4 RELEVANT SITE HISTORY

| Proposal | Decision Date | Decision Description | Status | Appeal Description |
|---|---------------|-------------------------------|---------|--------------------|
| 05/83923 Side and rear extensions | 04/04/2005 | Granted Subject to Conditions | Decided | |
| 84/NFDC/26038 Erection of a front porch. | 22/03/1984 | Granted | Decided | |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal

1. the garage extension widens the front, south elevation and the proposal to enlarge the side lean-to closes the spatial gap, to the detriment of the street scene given the currently matching neighbouring bungalow.
2. the large flat-roofed dormer on the west elevation is excessive in scale compared to the existing building and is out of character with the existing pitch-roofed bungalow.
3. the large flat-roofed dormer on the west elevation would cause the impression of over-looking, and be oppressive to properties on Farm Lane South because these properties are on lower ground.
4. an enlarged side extension and change to a full gable would be oppressive to the bungalow at 30 Danes close.

7 CONSULTEE COMMENTS

Environmental Health Contaminated Land: no concerns

Trees Officer: no Objection.

8 REPRESENTATIONS RECEIVED

One comment against proposals from 4 Farm Lane South:

- ongoing boundary dispute
- proximity of established oak tree and concern about impact on roots
- overlooking from 1st floor balcony and french doors

Comments have been received from the agent

- Planning permission granted in 2006 for a larger extension at side and rear with more impact on neighbours
- Decided to extend in the roofspace to retain garden
- Dormer is only way to achieve required head room
- Other similar dormers in terms of size and appearance in the area
- No issues regarding overlooking or overshadowing
- Proposals (dormer and gable) are not visible.
- Single storey element is not an addition as it replaces an existing lean-to

and will reduce the number of windows.

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.

No pre application advice was sought prior to this scheme being submitted. Concerns have been identified at both officer and local level. Their objections to the scheme do not fully concur and therefore it is necessary to refer this application to the Planning and Development Control Committee for determination.

12 ASSESSMENT

- 12.1 The application site consists of a detached bungalow, situated at the end of a residential cul-de-sac in the built up area of Barton on Sea. The immediate area is characterised by predominantly hipped roof bungalows.
- 12.2 The proposed development consists of distinct elements, which are dealt with separately in this report.
- 12.3 Single Storey extension: The proposed single storey side extension would extend the dwelling out by a further 2.8m but would respect the existing ridge line and hipped roof form of the dwelling. The Town Council consider that this would have a detrimental impact on the street scene. However, even though this extension would lengthen the front elevation, the impact of this would be mitigated to a degree by the hipped roof. It would only be a modest extension which would not significantly alter the overall appearance of the dwelling. Furthermore, the existing hipped roof form would be in keeping with the street scene, and would not differ in appearance from the neighbouring property, nor detract from the general character of the area. It should also be noted that a previous planning permission in 2005 (which has not been implemented) included a similar extension in this location on the building. However this 2005 permission has now lapsed.

- 12.4 The single storey extension would bring the built form closer to an Oak tree. Although this tree is not protected by a TPO the tree officer has been consulted. The tree officer considers that the encroachment towards this tree would not be to an extent that would have a detrimental impact on the health or long term retention of this tree, and so raises no objection.
- 12.5 Pitched roof to porch: A pitched roof is proposed over the existing flat roofed porch. This is a modest addition which would be acceptable to the appearance of the overall dwelling and appropriate within the street scene.
- 12.6 Hip to rear gable: The existing dwelling has an L-shaped layout, with a single storey hipped roofed element projecting into the rear garden. The Town Council consider that the change to a full gable would be oppressive to the neighbour at 30 Danes Close. This neighbouring bungalow exhibits a similar footprint to the application property, although the projecting rear element on the application site is longer compared to no 30. No 29 is staggered back from the front elevation of no 30, and therefore projects further back from it. The application proposes to change the existing hip to a gable end to facilitate the use of part of the roof for first floor accommodation. It should be noted that the overall height of the dwelling would be retained. Furthermore, the change from hip to gable would not increase the overall length of the building, and by virtue of its relationship with the neighbouring property would not create an overbearing form of development to the occupiers of 30 Danes Close, or create an unacceptable level of overshadowing compared to the existing situation. It should also be noted that in 2005 a longer extension with gable end was approved although this was not implemented and this permission has now lapsed.
- 12.7 Side extension: There is an existing pitched roof lean-to situated on the eastern elevation, abutting the side boundary with no 30 Danes Close. It is proposed to replace this with a longer extension, which would extend further to the front and rear compared to the existing structure. It would be a flat roofed structure that would cut into the roof above the eaves. The Town Council has expressed concerns that this structure would encroach on the spatial gap with no 30. Even though it would be a larger structure than the existing lean-to, it would still be set back from the front elevation by 700mm and would not interfere with the overall hipped roof form, and as such it is not considered to adversely affect the spatial characteristics of the dwelling.
- 12.8 No 30 has a window on the rear elevation close to the boundary with the application site. Even though the existing lean-to on the application site extends past the rear elevation of no 30, it is a modest structure with an eaves height of approx 2.3 metres with a shallow pitched roof. The proposed replacement side extension would extend back a further metre and would introduce a flank wall of 3.4 metres in height immediately adjacent to the boundary and close to the existing rear window on no 30.
- 12.9 The larger structure would result in the removal of an existing side window serving the kitchen, which currently has views over the immediate rear of the neighbour. However, the benefit of removing this window needs to be balanced against the harm resulting from the larger extension with its longer and higher side wall. On the balance of these

issues, despite the benefits with respect to the loss of the window, it is considered that the proposed single storey extension due to its height and close proximity to the neighbour's rear window would result in an overbearing form of development to the detriment of the amenities of the occupiers of no 30 Danes Close.

- 12.10 Dormer: The final element to this proposal is a large flat roof dormer on the west elevation. This dormer would include french doors with a juliet balcony and a window at first floor level. These new windows would look towards the boundary with dwellings in Farm Lane South. The Town Council consider that the dormer would cause the impression of over-looking, and be oppressive to properties on Farm Lane South because these properties are on lower ground. By virtue of the land levels, the neighbouring bungalows are at a lower level than the application site, and furthermore these properties have shallow rear gardens which slope up to the application site boundary. There is currently existing planting within the application site, which limits views into these properties. Although planting cannot be relied on to serve as a long term screen, even if this vegetation was removed, by reason of the land levels and acute angles, it is considered that views from these windows would be over the roofs of these properties and as such would not result in unacceptable loss of privacy or a harmful level of overlooking.
- 12.11 The proposed dormer would be of an excessive size, and its design would extend through the eaves of the existing property would give the impression of a 2 storey height. Furthermore the full length glazing to the French doors and rendered finish would make it appear more prominent in its setting. By reason of the size and design of the dormer it is considered as an unsympathetic and incongruous addition that would detract from the character and appearance of the dwelling.
- 12.12 Even though it is located to the rear, by virtue of the elevated position of the dwelling, when viewed from Farm Lane South, views of the proposed dormer would be possible from within the street scene of this adjacent road. These views would be ameliorated in part by existing planting, although this planting cannot be relied on to create a permanent screen to the proposed dormer. It has a relative set back from Farm Lane South but due to its elevated position and its overall form and design it is considered to result in a dominant and overbearing visual impact when viewed from Farm Lane South. Although a smaller, more proportionate, dormer in this location would be more appropriate the current proposal is unacceptable for the reasons set out.
- 12.13 Reference has been made to a boundary dispute, but this is a civil matter and not material to the consideration of the planning merits of the proposal.
- 12.14 In conclusion, even though the proposed addition to the integral garage, alterations to the porch roof and hip to gable alteration would appear acceptable, there would be significant harm arising from the proposed single storey side extension and dormer window that would justify a refusal in this instance.
- 12.15 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 dormer, by reason of its size and design would be an overly bulky, unsympathetic and incongruous addition to the extended dwelling which by reason of the elevated position of the application site in relation to Farm Lane South would result in a dominant feature that would detract from the street scene of Farm Lane South and as such be harmful to the character of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.
2. The proposed single storey side extension, by reason of its length and height in close proximity to the rear window at no 30, would result in an oppressive and overbearing form of development to the detriment of the amenities of the occupiers of 30 Danes Close. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the National Planning Policy Framework.

Notes for inclusion on certificate:

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Further Information:

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**Planning Development
Control Committee**
July 2017

Item No: 3d
29 Danes Close
Barton on Sea
New Milton
1710382
SZ2493

Scale 1:1250

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



