

**Application Number:** 17/10509 Full Planning Permission

**Site:** PEARTREE COTTAGE, KINGS SALTERN ROAD, LYMINGTON  
SO41 3QH

**Development:** Single-storey rear extension with roof lantern; use of garage as living accommodation; fenestration alterations; first-floor front extensions; rooflights, front dormer and balcony in association with new second floor

**Applicant:** Mr & Mrs Naylor

**Target Date:** 01/06/2017

**Extension Date:** 14/07/2017

**RECOMMENDATION: REFUSE**

**Case Officer: Kate Cattermole**

**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**

DM2: Nature conservation, biodiversity and geodiversity

## **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
XX/LYB/00432 Erection of garage.	04/10/1949	Granted	Decided	

### **5 COUNCILLOR COMMENTS**

No Comments Received

### **6 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council:** recommend permission

### **7 CONSULTEE COMMENTS**

**Natural England:** no comments

### **8 REPRESENTATIONS RECEIVED**

Two comments in favour of the proposal

- The single storey rear extension is marginally larger than on the adjoining property.
- The proposed balcony does not provide a direct line of sight into adjoining house due to location and nature of facing windows. The proposed roof lantern would be overlooked by the first floor rooms on the adjoining property.

### **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 proposal being submitted. The initial briefing identified concerns with this proposal, and these are considered significant enough to justify a refusal in this instance. Amended plans were accepted to address a discrepancy on the plans with respect to a rooflight and clarification on the proposed cladding. As there is a contrary view to the Town Council, this application needs to be referred to the Planning and Development Control Committee and therefore cannot be determined within the target date. An extension of time was agreed until 14th July 2017.

## **12 ASSESSMENT**

- 12.1 The application site is sited within a group of detached houses, which face the reed beds on the opposite side of this part of Kings Saltern Road. These dwellings vary in style, but notwithstanding this they exhibit consistent features, most notably front gables and render or painted finishes.
- 12.2 The proposed first floor flat roofed front extensions would be sited on both sides of the front gable, although they would not extend out as far as it. Nevertheless, by reason of their siting and form, they would erode the definition of the front gable, to the detriment of the appearance of the building. Furthermore, the siting of the balcony, with its glazed surrounds, over the first floor extension on the eastern side of the building, would emphasise this feature which, coupled with the proposed flat roofed dormer at second floor level would result in a visually cluttered front elevation. This would result in an intrusive feature that would be prominent in the street scene and detract from the overall appearance of the extended dwelling and thereby detract from the character of the area.
- 12.3 The agent has confirmed that the front elevation is to be clad, and this is shown on the elevations. Even though there are no restrictions in this area that allow control of cladding, this forms part of the current submission. The existing painted front elevation is in keeping with the finish on neighbouring properties and contributes positively to the character of the area. The use of cladding would alter the appearance of the dwelling, and when combined with the other proposed alterations, would result in further detrimental visual impact.
- 12.4 The proposed balcony would be in close proximity to the second floor side and front dormer windows at Southerly Cottage. The balcony would be accessing from a bedroom. It is relatively large and as such could attract associated activity and have a resultant impact on adjoining amenity. Due to its close relationship with the neighbour, the proposed balcony would result in an intrusive form of development to the detriment of this neighbour.
- 12.5 There are existing windows on the side elevation of Brook Cottage which

is to the west of the site. These are likely to be already compromised by their relationship with the existing side wall of the application property. As such there would be no adverse impact of the first floor extension on the amenities of the occupiers of Brook Cottage

- 12.6 The proposed single storey rear extension, by reason of its siting, would not impact on the street scene and would not detrimentally affect the character of the area. Although the rear extension would be relatively large, the rear garden is of a sufficient size so that it could accommodate this extension. It would be set off the boundaries with the neighbouring properties, and by reason of its single storey form it would not adversely impact upon neighbour amenity.
- 12.7 The proposal would result in an increase in the overall number of bedrooms from 3 to 4, which would necessitate the requirement of 3 parking spaces to be provided within the site. The existing garage would be converted under this scheme, but to the front of the property is hardstanding, which is likely to be able to accommodate the required number of spaces on site.
- 12.8 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.

## **15. RECOMMENDATION**

### **REFUSE**

#### **Reason(s) for Refusal:**

1. The proposed first floor flat roofed front extensions, by reason of their siting, form and depth, would erode the definition of the front gable to the detriment of the appearance of the building and the prevailing character of the area. This harm would be exacerbated by the proposed cladding to the existing front gable, which would introduce an alien and visually prominent feature within the street scene. Furthermore, the balcony and flat roofed dormer, which would create a visually cluttered front elevation, would adversely impact upon the street scene and detract from the character and appearance of the area. As such the proposed development 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. By reason of the proximity of the proposed balcony to the second floor windows of Southerly Cottage, this would result in an intrusive and inappropriate form of development in this location, and would adversely impact upon the amenities of the occupiers of this neighbouring property. 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:**

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.

No pre application advice was sought prior to this proposal being submitted. The initial briefing identified initial concerns with this proposal, and these are considered significant enough to justify a refusal in this instance.

**Further Information:**

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee  
July 2017**

**Item No: 3g**

Peartree Cottage  
Kings Saltern Road  
Lymington  
1710509  
SZ3294

Scale 1:1250

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



