

Application Number: 17/10590 Full Planning Permission

Site: 47 BARTON DRIVE, BARTON-ON-SEA, NEW MILTON BH25
7JH

Development: Two-storey and single-storey rear extension

Applicant: Mr Gill

Target Date: 29/06/2017

Extension Date: 19/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

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
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10261 Single-storey front extension	27/04/2017	Granted Subject to Conditions	Decided	
17/10260 Two-storey rear extension (Lawful Development Certificate that permission is not required for proposal)	04/04/2017	Was Lawful	Decided	
16/11499 Single-storey front extension; single-storey and two-storey rear extension; fenestration alterations	23/12/2016	Refused	Decided	
07/89454 New pitched roof over existing garage & porch	21/03/2007	Granted Subject to Conditions	Decided	
02/74139 Single storey addition	28/03/2002	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object (Non-Delegated)
The addition of the single storey extension exacerbates the overbearing nature for the primary window in side elevation of number 49.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received Against: 1

- 3rd planning application to extend to the rear;
- The largest yet extending 6.5 metres with two-storey and sloping roof single-storey parts;
- visual intrusion and overbearing impact to primary living space; and
- impact on the only direct source of light to living room

The applicant responded to the representation as follows:

- flank wall has a separation of 5.3 metres;
- meets requirements of 25 degree rule;
- to build on the south side of the property would not work for applicant;

- and
- these revised proposals would not have a significant impact on the light and outlook to the neighbour's window
-

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The application site consists of a two-storey house in the built up area of Barton on Sea. The immediate vicinity is characterised by similar properties. This application follows an earlier refusal for a single and two-storey rear extension (ref: 16/11499). This was refused for the following reason:

"By virtue of the siting, height and depth of the proposed two storey rear extension in close proximity to the lounge window of the neighbouring property, 49 Barton Way, it would detrimentally impact on the amenities of the occupiers of that property by reason of visual intrusion, overbearing impact and an unacceptable loss of light. 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."

- 12.2 A single-storey front extension was granted under planning permission 17/10261 and a Lawful Development Certificate was issued for a two-storey rear extension under application 17/10260.
- 12.3 It is relevant to note that the two-storey element of this application could be built under permitted development rights as established with the Lawful Development Certificate granted under application 17/10260. However, as it forms part of the submitted application it needs to be

assessed accordingly with reference to this.

- 12.4 As the extension is located to the rear the main considerations of the application is the impact on neighbour amenity, in particular to no 49 to the north. Consideration has also been given as to whether these proposals address the reasons for refusal on the previous application.
- 12.5 The walls of the proposed extension would be stepped in from the existing house by 1.2 metres with the two-storey element reduced in length by 2.45 metres, compared to the previously refused application. However there would be a single-storey addition giving the overall extension a length of 6.5 metres compared to 5.43 metres previously proposed albeit this whole extension in the refusal would have been at a two-storey height.
- 12.6 The reduced roof height of the proposed extension gives a subservient appearance and as such the design would appear appropriate to the form and scale of the host dwelling and would not have an adverse impact on the character of the area.
- 12.7 The gaps between the application dwelling and its neighbours mean that although this proposal is to the rear of the property and is stepped away from the side the proposed two-storey element could be visible from the street. However it is not considered that the impact would be to such an extent that harm would be caused to the street scene. The open gaps between buildings are a strong part of the character of the Barton Gardens area as recognised in the New Milton Local Distinctiveness.
- 12.8 Due to the orientation of the application property to the south of no 49 Barton Drive there is already be a degree of overshadowing to this neighbour for part of the day. Consideration being given to the additional impact of the proposed extension. No 49 has a single storey rear extension on part of the back of the dwelling with a conservatory on the end. There is a ground floor side window facing the application site, which serves the neighbour's lounge.
- 12.9 Although there is a degree of separation, the proposal would impact on the amenities of no 49 by reason of loss of light and a degree of over dominance to a main living area. However in making a determination of this, the fallback position has to be considered. The two-storey element could be built under permitted development rights as established by the Lawful Development Certificate 17/10260. On balance therefore a refusal of the current proposal on this basis could not be justified in this instance.
- 12.10 The additional single-storey extension elongates the extension and would result in built form 1.07 metres in excess of that previously refused, albeit that 3.5 metres of this extension would now be single-storey. New Milton Town Council consider this single-storey extension exacerbates the overbearing impact on the window of no. 49. Despite this and given the fallback position already identified, the additional single-storey extension with its limited height and separation from the side boundary would not lead to unacceptable additional dominance or loss of light that would be harmful to the adjoining neighbour when assessed against what could be built under permitted development.

- 12.11 To the rear of the application site is a bungalow, no 2 Barton Way. This property has a small rear garden, but the proposed extension is still a reasonable distance away from the rear boundary. There are already first floor windows on the rear elevation, and due to the separation between the back wall of the proposed two storey extension and rear boundary, the existing relationship between these properties would not be unduly compromised.
- 12.12 The proposal includes windows at first floor level on both side elevations of the existing property to facilitate internal layout changes. However these windows are small and as they both serve bathrooms they are likely to be obscurely glazed. A condition can be added to prevent any windows being inserted on the side elevations of the extension at first floor level to prevent overlooking and protect the privacy of the neighbours.
- 12.13 The property is sited on a reasonable sized plot which would comfortably accommodate the proposal and leave adequate space for the amenities of these and future occupiers.
- 12.14 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.
- 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 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.

15. 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: DWG 7 Rev B.

Reason: To ensure satisfactory provision of the development.

3. 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.

4. No first floor windows shall be inserted into the extension hereby approved unless express planning permission has first been granted.

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).

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:

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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
July 2017**

Item No: 3i

47 Barton Drive
Barton on Sea
New Milton
17/10590
SZ2393

Scale 1:1250

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



