

**Application Number:** 17/10593 Full Planning Permission

**Site:** 47 STANLEY ROAD, LYMINGTON SO41 3SL

**Development:** Roof alterations in association with new second floor; rooflights; two-storey side extension; single-storey side and rear extension; porch; front bay window alterations; fenestration alterations, dropped kerb extension

**Applicant:** Mr & Mrs Pinkney

**Target Date:** 19/06/2017

**RECOMMENDATION: REFUSE**

**Case Officer: Kate Cattermole**

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view (in part)

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Aerodrome Safeguarding Zone  
Plan Area  
Flood Zone

Conservation Area: Kings Saltern Conservation Area

**Plan Policy Designations**

Built-up Area

**National Planning Policy Framework**

NPPF Ch. 7 - Requiring good design  
NPPF Ch. 12 - Conserving and enhancing the historic environment

**Core Strategy**

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS6: Flood risk

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

### **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
17/10609 Access , parking, drop kerb	21/06/2017	Granted subject to conditions		
17/10574 Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal)	19/06/2017	Part Lawful		
17/10037 Two-storey and single-storey rear extension; single-storey side extension; fenestration alterations;	12/04/2017	Refused	Decided	
08/92611 Single-storey side extension	22/08/2008	Granted Subject to Conditions	Decided	Appeal Lodged
07/90473 Single-storey side & rear extensions	30/08/2007	Granted Subject to Conditions	Decided	

## **5 COUNCILLOR COMMENTS**

No comments received

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

**Lymington & Pennington Town Council:** recommend refusal. In support of the issues raised by neighbours, Conservation Officer and Case Officer.

## **7 CONSULTEE COMMENTS**

**Natural England:** no comment

**Conservation:** objection

## **8 REPRESENTATIONS RECEIVED**

### **Total Number of Representations Against: 4**

- Increase in height of building would be out of proportion with neighbouring properties, and dominate them
- Even though 41, 43 and 45 are all three storey buildings, this is achieved without increasing roof height
- Windows and rooflights intrude on privacy of neighbours
- Single storey extension will be visible from neighbouring properties
- Contrary to policy
- Raising of roof is overdevelopment and overbearing
- Excessive size and unsightly detail out of character with Conservation Area
- Development would result in a totally different building

## **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 advice was sought prior to this application being submitted. The initial briefing identified concerns with the proposal, and these have been reinforced by objections from the Conservation Officer, Town Council and third parties which have been available to view on the Council's website. As the application now falls to be determined a refusal is justified in this instance. Even though the application has been recommended for refusal by the Town Council, the Planning Officer cannot support all their concerns and therefore it is necessary to refer this application to the Planning and Development Control Committee, which will mean the determination date is outside of the 8 week target date.

## **12 ASSESSMENT**

- 12.1 This is a revised scheme following a recent refusal for extensions to the dwelling. This was refused at Planning Development Control Committee in April 2017 (item 3g). This application (Ref 17/10037) proposed a two-storey and single-storey rear extension; single-storey side extension; and fenestration alterations. The scheme was refused for the following reason:

*"The proposed first floor extension, together with the subservient two storey rear element of the existing building would result in an excessively long two storey projection which would adversely compete for dominance with the main front part of the existing dwelling, thereby detracting from the proportions of the building. This would be further exacerbated by the additional single storey rear extension which would extend the linear footprint of the building. Together, the proposed extensions would be unsympathetic to the existing dwelling and be harmful to its appearance, and the street scene and as such would be harmful to the character and appearance of the Kings Saltern Conservation Area. For this reason, the proposed development is contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan and Chap 12 of the National Planning Policy Framework "*

No clarification advice was sought prior to this new scheme being submitted.

- 12.2 The application site consists of a two storey detached dwelling sited in the Kings Saltern Conservation Area. Its scale and form are typical of the period in which it was built and its mostly unaltered form contributes to both the character of the building and the variety within the street scene.
- 12.3 The proposal would increase the overall ridge height of the dominant two storey front element of the existing dwelling by approximately 1.7m and the eaves height by 800mm. The subservient rear two storey element would remain unchanged. The building as existing forms part of a group of pleasing, traditionally proportioned dwellings , but the increase in the roof height would disrupt this and would appear overly bulky and large within its context. The difference in height within this group would be further emphasised by the change in eaves height, which is currently consistent within this group, and is more obvious due to the close proximity of the buildings within this row of dwellings.
- 12.4 The increase in the height of the main roof would diminish the relationship with the subservient two storey rear element of 47 Stanley Road, creating an imbalance between these two parts of the dwelling. Furthermore, views are achievable of this side elevation from public vantage points over the frontage of 49 Stanley Road and the resultant impact would be detrimental to the character and appearance of the building and street scene. Notwithstanding that there are examples of 3 storey dwellings within the immediate area, this does not justify such a development in this location where demonstrable harm would be caused.
- 12.5 The appearance of the front elevation would be further altered by the introduction of a box window which would replace the canted bay window, significantly altering the appearance and character of the dwelling.

- 12.6 The proposal would result in the removal of the existing chimney, which would be a loss to the general streetscape, and no justification has been provided for this.
- 12.7 The proposed two storey side extension would be set back from the front elevation, and is not necessarily unsympathetic to the overall proposal. The Conservation Officer has raised concerns with this element stating it would result in a lopsided appearance. Notwithstanding this concern, there are examples of similar extensions within the immediate area and as this element would be set back this should mitigate this impression and its impact on the overall appearance of the dwelling.
- 12.8 The single storey side extension would be located in front of this two storey element and would wrap round the front elevation to create a porch. The proposed porch by reason of its size, height and position (in part straddling the side extension) would result in an unsympathetic addition to the dwelling, detracting from its current simple facade.
- 12.9 The previously refused application identified the harm of extending the linear footprint of the dwelling. The single storey rear extension which forms part of the current proposal would not address this previous concern as it proposed a rearward extension of 6.7 metres. Although glazing has been incorporated into the design, this does not diminish the unacceptable impact which would still elongate the dwelling to its detriment; and the proposed cupola feature just serves to emphasise this element.
- 12.10 The single storey side extension in itself does not appear harmful, but when combined with the single storey rear extension swamps the original plan form of the dwelling, and the fenestration detailing on the single storey element is also unsympathetic to the main dwelling.
- 12.11 The increased roof height, given its location primarily over the existing footprint, would not have an unacceptably dominant impact on neighbouring properties. Furthermore the single storey additions are more modest and respect the boundaries with adjoining properties so the proposals overall would not to affect amenity by dominance or overshadowing impacts.
- 12.12 Loss of privacy has been cited in neighbour objections and this has been supported by the Town Council. The proposed rooflights on the north-east elevation could potentially overlook the neighbouring property, no 49. The two rearmost rooflights on this roof slope would be serving the staircase, and taking into account the purpose of this area, it would reduce the possibility of overlooking from these rooflights. The two rooflights further forward would serve a bedroom, and as there is already a window proposed on the front elevation of this room they could be conditioned to be obscure glazed and fixed shut to mitigate potential harm.
- 12.13 With regard to the rooflights on the southwestern elevation facing No 45, overlooking is likely to only be achievable from the rearmost rooflight at second floor level which would be serving a bathroom and therefore could be conditioned to mitigate any harm. The three ground floor rooflights would serve the kitchen and utility and would be at high level

relative to the floor and so no amenity impacts would result. Therefore, having assessed these matters, an objection due to harm to the privacy of the neighbouring properties by virtue of overlooking would not be justified in this instance.

- 12.14 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 increase in the overall ridge and eaves height of the dwelling would unbalance the existing two storey elements of this building. The harm to the appearance of the dwelling would be further exacerbated by the additional single storey extension which would extend the linear footprint of the building, as well as the introduction of an overly large porch which would emphasise the increase in width by extending in part beyond the side elevation. As such the extensions would create an overly dominant and bulky building, and would detract in a harmful manner from the simple form of the existing dwelling. As a result the proposals would appear incongruous within the street scene and detract from the character and appearance of the Kings Saltern Conservation Area, contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan and Chapter 12 and Para 64 of 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.

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therefore it is necessary to refer this application to the Planning and Development Control Committee, which will mean the determination date is outside of the 8 week target date.

**Further Information:**

Kate Cattermole, Case Officer

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**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
**July 2016**

**Item No: 3j**

**47**

**Stanley Road  
Lymington  
17/10593  
SZ3395**

Scale 1:1250

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



