

Application Number: 17/10621 Full Planning Permission

Site: WHEATFIELD, LOWER BUCKLAND ROAD, LYMINGTON SO41
9DU

Development: Two-storey & single-storey rear extensions; single-storey front
extension; verandah to rear

Applicant: Mr Morgan

Target Date: 27/06/2017

Extension Date: 14/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning & Building Control

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 - 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
16/11524 Two-storey and single storey rear extensions; single-storey front extension	08/06/2017		Judicial Review decision quashed	
02/74266 2 storey addition	25/04/2002	Granted Subject to Conditions	Decided	
93/NFDC/52273 Erect detached single garage	06/07/1993	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:
: recommend permission, subject to the decision of the judicial report.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

One comment against:

- footprint increase taking into account previous extension would be 126%
- would have visual impact and result in sense of enclosure to occupiers of 11 Hillditch
- overbearing.

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 current application duplicates a previously submitted application under reference 16/11524. A planning permission was issued on 29 December 2016, but this was subject to a judicial review as it was issued in error as a delegated decision, when it should have been put to the Planning and Development Control Committee. A decision on the Judicial Review was issued on the 8th June 2107 which quashed this earlier planning permission.
- 12.2 The existing dwelling is a detached house, that has been previously extended. It is accessed from Lower Buckland Road by an access road, and is bordered by a more modern estate development (Hillditch) on the northern and eastern boundaries, with a footpath separating properties within The Rampart to the south.
- 12.3 The proposed extensions consist of a single storey front extension, and two storey rear extension positioned centrally on the rear elevation and flanked on both sides by a single storey extension replacing an existing conservatory, and verandah with partially glazed canopy respectively.
- 12.4 The proposed front extension, by reason of its single storey form and relationship with the neighbouring property, 11 Hillditch would not adversely impact upon their amenities. Furthermore, there is currently screening along this boundary within the neighbour's curtilage. The proposed front extension would be a sympathetic addition to this dwelling, and would not detract from its character and appearance.
- 12.5 The two storey and single storey extensions on the rear elevation would be proportionate to the existing dwelling, and would modernise the external appearance of the property.
- 12.6 The existing dwelling is within a reasonable sized plot, and could accommodate the proposed extensions. It is appreciated that the percentage increase would result in the dwelling doubling in size, but there are no policy constraints on increases to floorspace on properties within the built up area, and the current proposal would not significantly increase the footprint of the existing dwelling. Furthermore, there are no restrictions on the permitted development rights pertaining to this dwelling, so it could be subject to further extensions without the

requirement to gain planning consent. The agent has included information to illustrate that in their view the 2 storey rear extension would meet the criteria of permitted development. Notwithstanding this, it currently forms an integral part of a larger extension and therefore does require the benefit of planning permission. The resulting development would be appropriate in scale to the plot and would reflect the character of established dwellings within Lower Buckland Road, and as such would not constitute overdevelopment.

- 12.7 There are existing first floor windows on the rear elevation, and the property has a deep rear garden. The proposed two storey rear extension would replace the existing full bay, and introduce a deep first floor window, but there would still be a reasonable separation distance with the dwellings to the rear and as such this aspect of the proposed extension would not raise issues of overlooking.
- 12.8 11 Hillditch is a detached house that is situated in a reasonable sized plot, and forms part of a 1970s/1980s residential development. The rear garden slopes down slightly to the rear boundary which abuts the application site. By virtue of the positioning of 11 Hillditch within its plot, the rear windows look towards the built form of Wheatfield, but the majority of this building is screened by a row of 9 trees planted in the curtilage of 11 Hillditch, and these are currently up to the eaves height of the two storey building. The existing conservatory at Wheatfield is beyond the tree screen and therefore visible to this neighbour. A footpath runs along the front of the application site, and continues along the western boundary of 11 Hillditch and is edged by a mature tree screen.
- 12.9 The previous extension to Wheatfield granted in 2002 introduced built form in close proximity to the rear boundary with 11 Hillditch. The conservatory was added to the end of this extension subsequently, resulting in built form occupying approximately 2/3 of the rear boundary with this property, and the conservatory extends beyond the boundary with no 11.
- 12.10 The proposed single storey extension that would replace the conservatory would be shorter than the existing structure, and the change in design would not exacerbate the existing relationship with the neighbouring property, no 11 Hillditch. The two storey element, by reason of its position on the dwelling, would be set further away from the rear boundary with no 11, being a distance of approximately 5m. Even though these rear extensions would be visible from the neighbours at 11 Hillditch, by reason of their position and relationship with this neighbour they would not create an overly dominant or overbearing form of extension to the detriment of this neighbour, nor would they exacerbate the existing relationship with this neighbour. Furthermore, the removal of the conservatory and the replacement of a brick side wall would result in the loss of glazing which appears to have existing views over the boundary fence, and also would remove any potential glare that may result from the existing materials of the conservatory.
- 12.11 Even though 11 Hillditch is to the north of the application site, by virtue of the form and positioning of the extensions, they should not overly exacerbate the existing relationship with regards to loss of light or overshadowing.
- 12.12 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: 1641.12, 1641.05B, 1641.06, 1641.13, 1641.01, 1641.02, 1641.03, 1641.04, 1641.07A, 1641.08A

Reason: To ensure satisfactory provision of the development.

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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Householder Team

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**Planning Development
Control Committee**
July 2017

Item No: 3k

Wheatfield
Lower Buckland Road
Lymington
17/10621
SZ3196

Scale 1:1250

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



