

Application Number: 15/10222 Full Planning Permission

Site: 16 LINDEN WAY, PENNINGTON, LYMINGTON SO41 9JU

Development: Raise ridge height; two-storey front & rear extension; front and rear dormers; rooflights; single-storey side extension

Applicant: Mr Williamson

Target Date: 16/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework 2012

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

14/10371 Single-storey rear extension; garage extension. 06/05/2014 Granted, subject to conditions

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - Recommend permission, subject to conditions stated by the case officer

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

55 representations have been received, 36 in support and 19 raising objection.

Those in support raise the following material planning considerations;

- Design would be in keeping and acceptable in the Highfield Estate
- Wider area subject to recent change and new development
- Would provide improved accommodation to meet current standards
- Personal circumstances of the applicants

Those objecting raise the following material planning considerations;

- Design harmful to the street scene, disproportionate and incongruous addition out of keeping with established character of development
- Planning history, refusal of similar alterations at No. 4 Linden Way
- Reduce housing stock availability of this type of dwelling
- Loss of privacy
- Highway safety
- Protection of existing trees

11 CRIME & DISORDER IMPLICATIONS

None

12 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. Based on the information provided at the time of this report this development has a CIL liability of £9,599.20. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case the applicants did not submit a pre-application enquiry. The case officer's initial concerns were made available in the briefing note published on the Council's website, together with concerns received by representation. The changes required to address these concerns could not be dealt with as an amendment to the current scheme and as the application has not been withdrawn this application it is being determined on the basis of the plans submitted.

14 ASSESSMENT

- 14.1 This is a detached property located in an established residential area which is characterised by bungalow style development. The property sits among a row of modest proportioned bungalows on this side of the road, all of which have a related low-profile design. There are neighbouring properties on either side of the site, opposite and to the rear. It is noted that the dwelling to the south has windows on the opposing side elevation. Separation is provided from the neighbouring sites by a driveway to the north and neighbour's driveway to the south, and by virtue of mixed fencing along the side and rear boundaries. To the rear there are some trees which provide additional screening from properties along Fullerton Road.
- 14.2 This application follows a more recently approved application for single storey additions to the property under planning application 14/10371. It proposes extensions and alterations to provide increased ground floor accommodation and new first floor accommodation. This would be achieved by increasing and rationalising the ground floor footprint, projecting at the rear by approximately 5.75m, the same distance as the formerly approved single storey extension, and infilling the recess at the front of the property. This would provide a rectangular footprint over which a new roof of pitched design, 1.9m higher than that existing, with front and

rear pitched dormer window projections and roof lights, would be added. A new attached garage is proposed on the north side of the property.

- 14.3 Linden Way is characterised by bungalows of low profile design with modest proportions, which creates a strong rhythm to the appearance of the street scene. This proposal, with the increase in roof height, depth and alteration to the roof form would result in a much bulkier roof form, which would stand out within this group. The resulting visual discordance would go against the established rhythm of the street scene and as such create an unduly prominent development, further exacerbated by the inclusion of proportionately large dormer windows on the front roof slope. This would be detrimental to visual amenity and the appearance of the street scene
- 14.4 In coming to this recommendation full regard is had to the previous planning history for Linden Way and the wider development, as referred to in comments received from the applicants and third parties. In respect of No. 4 Linden Way, to which this case is directly comparable being on the same side of the road and for a similar proposals, it is noted that the two applications under Apps. 09/93553 and 09/94103 were refused. The latter was also dismissed on appeal. In this appeal decision the Inspector made specific reference to the established low profile character of bungalows in Linden Way. They also referred to the different contextual circumstances in the case of other alterations made to properties in Highfield Road, Cowley Road, Fullerton Road, Beresford Road and those to No. 1 Linden Way, such that those other developments did not appear visually intrusive on the street scene. As previously noted, this would not be the case in this instance.
- 14.5 The increase in the size of the property would impact on the outlook of adjacent neighbouring premises, however given the relative orientation, separation and relationship between window openings, this would not result in any significant adverse impacts as a result of loss of light. It is noted that new first floor windows would enable views into the rear garden areas of properties along Fullerton Road which are not currently overlooked from properties in Linden Way. However, given the distance of separation is in excess of 21m and the limited window openings that are proposed in the rear roof slope, which could be obscure glazed, on balance this would not result in sufficient harm to substantiate refusal on these grounds. In respect of side facing windows, again, these could be obscure glazed to maintain the privacy of neighbouring occupiers.
- 14.6 In respect of parking, the proposal would provide space within the curtilage, including a garage and the applicant's further letter notes the provision of an additional parking space at the front of the property.
- 14.7 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.

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	212.66	92.67	119.99	£9,599.20

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its increased roof height and span this proposal would result in an overly bulky roof design, at odds with the established modest and low profile character and form of surrounding development. The resulting visual discordance, exacerbated by proportionately large front dormer projections would be harmful to visual amenity on the street scene and as such contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Section 7 of the National Planning Policy Framework (2012) and guidance within the Lymington Local Distinctiveness Supplementary Planning Document (2013).

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.

In this case the applicants did not submit a pre-application enquiry. Initial concerns from the case officer have been made available in the briefing note and also concerns received by representation. Changes required to address concerns could not be dealt with as an amendment to the current scheme and as the applicant has not withdrawn this application it is being determined on the basis of the plans submitted.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)

