

Application Number: 15/10249 Full Planning Permission

Site: SOUTH LODGE, 52 CHURCH LANE, LYMINGTON SO41 3RD

Development: Single-storey rear extension; porch; detached double garage with store over

Applicant: Mrs Canning

Target Date: 21/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Historic Land Use
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
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM5: Contaminated land

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 SPD

6 RELEVANT PLANNING HISTORY

10/95050 1.83 metre high boundary fence; retaining wall; landscaping. Granted, subject to conditions 12/03/2010

LYB/15285 Double garage. Granted, subject to conditions 20/05/1974

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council – Recommend Permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

Environmental Health – No concerns with potential land contamination.

Tree Officer – No tree objections

10 REPRESENTATIONS RECEIVED

Two third party representations have been received from neighbouring residents at Grove Place. These raise concerns regarding;

- The necessity for the height of the proposed garage, and its relationship to the existing property.
- Impact on the outlook from the dining room and kitchen of No. 7 Grove Place

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. Based on the information provided at the time of this report this development is not CIL liable.

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 no pre-application enquiry was submitted. Concerns were raised in the Parish Briefing note. Amendments to address these concerns could not be dealt with under the scope of this current submission and as the applicant has not withdrawn the scheme, the application is being considered on the basis of the plans submitted.

14 ASSESSMENT

- 14.1 The site is located in an established residential road, to the south of the High Street. The Conservation Area boundary is on the opposite side of the road, delineated by a Grade II Listed wall. It is also noted that historic land uses within the vicinity of the site indicate there is the potential for contamination.
- 14.2 This is a detached property of substantial size which sits in generous grounds amongst a varied street scene of C20 residential development. It is set back and elevated from the road with a more recently modified roadside boundary of timber fencing with a hedgerow now established in front. There is a detached flat roofed garage on its eastern side, a later C20 addition and parking / driveway area at the front of the property. There are protected trees along boundaries at the front of the site.
- 14.3 Neighbouring detached residential premises are to the east and west while the development on the opposite side of the road is far less evident in the street scene. The dwelling to the east (No. 54) is constructed in the former grounds of South Lodge and has a close relationship. No. 54 is set on lower ground with separation provided from the existing garage by a wall and timber fencing. The attached garage serving this property provides separation between the dwelling and the boundary and there are no windows on the opposing side of the property facing back toward the site. The neighbouring property to the west, a detached bungalow style dwelling is detached with mature hedgerow boundary screening
- 14.4 As a result of their scale and design the proposed extensions to the house would be sympathetic additions and have limited impact. The new garage would be larger than that existing although in its design form, more sympathetic to the character of the existing property than the existing attached flat roofed garage. This being said in its positioning it would be

much closer to the front boundary of the site, forward of the existing dwelling and established set back on this side of the road. Given the established spatial characteristics of development in the vicinity this forward positioning of the new garage would be out of keeping. Furthermore in its proposed size and height this would be a relatively large building, which would, overall, result in a conspicuous and unduly prominent feature on the street scene. This would be to the detriment of the visual amenity and the appearance of the street scene, and the wider setting of the adjacent Conservation Area and heritage assets, namely the listed wall on the opposite side of Church Lane.

- 14.5 Given the design of the proposals and their relationship with neighbouring premises there would be no significant adverse impacts on the residential amenity of neighbouring occupiers.
- 14.6 The Environmental Health Officer has no concerns in respect of potential land contamination and as such the impacts in this respect are considered acceptable. The Tree Officer has no objections and as such the proposal would not cause harm to the protected trees.
- 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. As a result of its positioning and size the proposed garage would be a conspicuous and unduly prominent feature, at odds with the established pattern of development and spatial characteristics of development on this side of the road. This would be detrimental to visual amenity and the appearance of the street scene, and the wider setting of the adjacent Conservation Area and heritage assets, 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 Plan and Section 7 of the National Planning Policy Framework (2012).

Notes for inclusion on certificate:

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 no pre-application enquiry was submitted. Concerns were raised in the Parish Briefing note. Amendments to address these concerns could not be dealt with under the scope of this current submission and as the applicant did not withdraw the scheme, the application was considered on the basis of the plans submitted.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee
May 2015**

Item No: 3(j)

South Lodge
52 Church Lane
Lymington
App No 15/10249
SZ3295

Scale 1:1250

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

