

Application Number: 17/10839 Full Planning Permission

Site: 2 SYCAMORE ROAD, HORDLE SO41 0YF

Development: First floor side extension

Applicant: Mr & Mrs Johnston

Target Date: 03/08/2017

Extension Date: 18/09/2017

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Councillor request

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Planning Agreement

Tree Preservation Order: TPO/0026/08 / T15

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 - Hordle Village Design Statement

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Section 197 Trees
Town and Country Planning Act 1990

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
10/96335 House; access	04/01/2011	Refused	Decided	
08/93351 Detached house; access	16/01/2009	Refused	Appeal Decided	Appeal Dismissed
05/85855 House; new access	20/10/2005	Refused	Decided	
NFDC/81/20407 Erection of 100 dwellings and garages and construction of pedestrian/vehicular accesses.	23/12/1981	Granted Subject to Conditions	Decided	
NFDC/80/16498/OUT 93 dwellings and garages with the construction of pedestrian/vehicular access and estate roads	22/12/1981	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Cllr Carpenter: should the application be proposed for approval, I would want this to come to the District Council Committee

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: recommend refusal but would accept the decision reached by the DC Officers under their delegated powers.

Councillors concerns are the proposed size of the development causing overshadowing and loss of light to neighbour's house and garden. The Hordle Village Design Statement GBE04 states future developments should be encouraged to be sympathetic to adjoining development, taking into account the size, scale density and design of the surrounding buildings, including storey heights and spacing. The overshadowing of neighbouring properties should be avoided.

7 CONSULTEE COMMENTS

Tree Officer: no objection subject to condition

8 REPRESENTATIONS RECEIVED

8.1 2 objections:

- overlooking, loss of privacy
- loss of light
- overshadowing
- cramped appearance
- will not respect local context and street pattern

- 8.2 4 support
- In keeping with the local area
 - no real impact on surroundings or nearby properties

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. An extension of time for its determination was agreed as the application was required to be considered by the Committee

12 ASSESSMENT

- 12.1 Pre application advice was sought prior to the application being submitted, and was generally positive subject to the proposals being acceptable to the NPA tree team, and consideration of neighbour comments.
- 12.2 The proposed extension is not characteristic of the area in that it creates a cantilevered first floor extension. Nevertheless it would result in a well proportioned building and presents a cohesive attractive solution which would improve the character and appearance of the house. Although the proposal could have been further improved by developing the area underneath the proposed first floor extension, the retention of the existing conservatory would not be significantly harmful to the overall appearance of the scheme. As such, the proposal would not be imposing in the street scene or detract from the character of the area.
- 12.3 The properties to the rear of the site would be to the north east of the proposed development and objections have been received from neighbours in Myrtle Close to the rear of the site. Even though there would be some overshadowing to the end of the rear garden of 1 Myrtle Close from the proposed extension, this would only be for a limited time in the early afternoon, and would not be significantly

harmful to the amenities of the occupiers. Due to the relationship of the existing dwelling this already creates a degree of overshadowing, and this would not be unduly exacerbated by the proposed extension.

- 12.4 Furthermore, there are existing leylandii trees along part of the rear boundary of 1 and 2 Myrtle Close which are outside the application site. It is considered that these trees have a greater impact on these rear gardens than the proposed extension. Even if these trees were later removed, there are no additional windows proposed on the rear elevation, and the first floor windows on the side elevation would only potentially achieve oblique views across part of the rear garden of 1 and 2 Myrtle Close. As such, the position of proposed first floor windows would not lead to overlooking issues.
- 12.5 The proposed extension would be visible from the properties to the rear particularly given that both 1 and 2 Myrtle Close have modest rear gardens of just over 9m in length. However, by virtue of the siting of the existing dwelling on the application site, the built form does not intrude on these neighbours by way of overdominance. The proposed first floor extension would, when compared to the existing situation, be more visible to these properties especially 1 Myrtle Close. Nevertheless, by reason of the design and depth of the addition, coupled with the separation distance of a minimum of 15 metres from these dwellings, it would not result in an overbearing form of development that would significantly harm the neighbour's amenities. Furthermore, it would not be an untypical relationship within the built up area.
- 12.6 The protected tree would not be adversely impacted upon by the proposed development, but a condition is required to ensure that building works would not detrimentally affect the tree.
- 12.7 Overall, although the concerns expressed by neighbours are acknowledged there are no significant amenity objections, so as to justify refusal of the application, which accords with Core Strategy objectives.
- 12.8 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: 16007-100, 16007-101, 16007-106, 16007-105, 16007-102, 16007-103, 16007-104, 16007-107, 16007-050, 16007-051, 16007-056, 16007-055, 16007-052, 16007-053., 16007-054

Reason: To ensure satisfactory provision of the development.

3. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the calculated Root Protection Area as illustrated for the Oak tree marked as T1 within drawing (16007-100), nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy CS2 of the Local Plan for the New Forest District outside of 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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**Planning Development
Control Committee
September 2017**

Item No: 3e
2 Sycamore Road
Hordle

17/10839

Scale 1:1250

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

