

Application Number: 17/11072 Full Planning Permission

Site: 41 KINGFISHER WAY, MARCHWOOD SO40 4XS

Development: Two-storey side and front extension

Applicant: Mr & Mrs Newnham

Target Date: 21/09/2017

Extension Date: 16/10/2017

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view (in part)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

None relevant

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
78/NFDC/09206 80 houses and garages with construction of roads and access, foul water drainage, landscaping, maintenance and adoption plans.	30/03/1978	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Clr Alison Hoare: In response to the last agent's email dated 30th August 2017 in which he states that "the side extension will be replacing part of the side boundary wall" I wish to object to this application, I believe that the extension will be too close to the road, only 1.20m. The curve of the road will make this very dominant in the street scene and totally out of character with the layout of the street, where the houses are all set back from the road.

I must as the District Councillor declare an interest as I live at number 45.

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: recommend refusal.

Refuse, the proposed extension will be out of keeping and will have a detrimental effect on the street scene. The rendering effect is not in keeping with the surrounding properties and the proposed side wall will be very over bearing. There is also concern about reduced sight lines when exiting from the cul-de-sac. The application is therefore not in accordance with policy CS2 of the New Forest District Council Local Development Framework Core Strategy adopted October 2009.

7 CONSULTEE COMMENTS

7.1 Natural England: no Comment

7.2 NPA Trees, New Forest National Park Authority: no objections

7.3 Hampshire County Council Highway Engineer: no objection and no conditions. The proposed side extension would not have a significant adverse affect on the visibility currently available at the shared access to the south which serves 27 - 41 Kingfisher Way.

8 REPRESENTATIONS RECEIVED

Two objections:

- New driveway access has potential to be a road safety hazard
- use of render to the front of the extension is out of keeping with the dwellings in the surrounding area

One comment:

- concern expressed about parking of existing boat which is kept on site
- no harm should be done to ash tree to rear of site, in front of No. 43
- if any of the walls to be moved or damaged during building works to be replaced together with any planting to the outside of wall
- any noise/disruption to be confined to working days

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 pre application advice was sought prior to the application being submitted. As there is identified justifiable harm to both the street scene and the general character of the area, and the application falls to be determined, a refusal is justifiable in this instance.

12 ASSESSMENT

12.1 Kingfisher Way forms part of an established residential road accessed off Tavells Lane. The development pattern of Kingfisher Way consists of dwellings fronting the road, as well as small groups of dwellings situated in cul-de-sacs off the main section of the road.

12.2 The application site is located on the entrance to one of the cul-de-sacs, and consists of a brick built detached house, with detached garage to the rear. There are a variety of house types within the immediate vicinity including gable fronted dwellings. As such the introduction of a gable feature to the front elevation would not detract from the street scene, and its small forward projection would provide some articulation to the front elevation, which would complement the appearance of the existing dwelling.

- 12.3 The existing dwelling is side on to the main section of Kingfisher Way, and its boundary wall encloses the rear garden and extends along the side of the dwelling. A narrow verge separates the road from the boundary and has a couple of trees planted along it. The agent has advised that the verge is not within the ownership of the applicant and furthermore that the side wall would in part be replaced by the extension. To the front of the site are two conifer trees which are sited at the entrance to the cul-de-sac.
- 12.4 The current pattern of built form is set away from the road, and the established hedging and planting contributes to the existing pleasant character of the road. The side extension would extend out to the existing verge, and as such would be highly visible within the main section of Kingfisher Way. The position of the extension at a 2 storey height (5m to its eaves and 7.3m to its ridge), would be a conspicuous, intrusive and overbearing form of development in this location that would adversely impact upon the street scene and detract from the spatial characteristics of the area, and a refusal on this ground would be justified in this instance.
- 12.5 Marchwood Parish Council have recommended refusal on the grounds of the development being overbearing, and this view is supported as identified in 12.4. They also though refer to the proposed rendering of part of the front elevation being out of keeping with the surrounding properties, and this has also been raised by third parties. Currently the property is brick throughout, as are other dwellings within the cul-de-sac and the wider area.
- 12.6 Nevertheless, the proposed render would only be applied to the front elevation of the extension, so the dwelling would remain predominately brick. There are no constraints on this area restricting the application of render and therefore the appearance of the dwelling could be changed without the requirement of planning permission. The introduction of a render finish to part of the dwelling would draw attention to this feature, but as the remainder of the property would remain as brick, a reason for refusal on this basis is not justified.
- 12.7 Further concerns have been raised by the Parish about sight lines, but the dwelling is set back from the entrance and views at the exit are already obscured by the presence of two large conifer trees close to the entrance of the cul-de-sac. The Highways authority have been consulted and they raise no objection as the proposed side extension would not have a significant adverse affect on the visibility currently available at the shared access to the south which serves 27 - 41 Kingfisher Way. As such refusal on this ground is not justified.
- 12.8 Reference has been made to a new access to the site. This was shown on the original block plan, but did not form part of the application. This has been subsequently removed from the plans, and therefore does not fall to be considered under this application.
- 12.9 By reason of the siting of the extension, there would be no impact on neighbour amenity.
- 12.10 There is an Ash tree to the rear of the property, sited just outside the rear boundary wall and to the front of No. 43 but this is far enough away not to be impacted upon by the proposed development. The small trees

and shrubs along the south east boundary are likely to be lost through this development, but on consulting the NPA tree team these trees are not significant enough to form a constraint to the proposed development.

- 12.11 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.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of the siting and height of the two storey side extension it would introduce built form closer to Kingfisher Way, which would result in an intrusive and overbearing form of development that would adversely impact upon the street scene, would disrupt the existing pattern of development and as such would detract from the spatial characteristics of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 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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Further Information:

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**Planning Development
Control Committee**
October 2017

Item No: 3i
41
Kingfisher Way
Marchwood
17/11072
SU3810

Scale 1:1250

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

