

Application Number: 17/11038 Full Planning Permission

Site: 9 BINGHAM DRIVE, LYMINGTON SO41 3PR

Development: Single-storey and two-storey front, rear and side extensions

Applicant: Mr & Mrs Koenig

Target Date: 13/09/2017

<p>RECOMMENDATION: Grant Subject to Conditions</p>

<p>Case Officer: Kate Cattermole</p>

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

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
17/10355 Single-storey and two-storey front, rear and side extensions	05/05/2017	Granted Subject to Conditions	Decided	
78/NFDC/10262 Alterations and addition of a living room.	05/06/1978	Granted	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. The use of cladding on this property would be out of keeping within a neighbourhood of brick faced buildings and not acceptable.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Two in favour:

- No 12 already rendered
- difficult to match the 3 different bricks already on property

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 Planning permission was granted in May for a single storey and two storey front, rear and side extensions (Ref 17/10355) The only difference between the current application and this recent planning permission is change to the proposed materials with the introduction of cladding to the side and rear of the extended dwelling and render to the front. These changes in materials could not be undertaken as a minor amendment to the original consent and so this planning application was required. As such this change in materials is all that falls to be considered, as the principle of the extension has already been accepted.
- 12.2 The site is located within the Lymington Local Distinctiveness SPD Character Area 3 (Green Mansions). No specific reference is made to particular characteristic materials or the need to presume consistency within this although general guidance states that : " Where consistency is important to the local character, a replacement of materials or a new build in different materials can destroy the clarity of character".
- It does however go on to say that variety is important. Proposals should however seek out the main underlying material use in the relevant building groups and respect these in their design.
- 12.3 Notwithstanding this guidance, the road is characterised by brick built dwellings, with the exception of no 12 Bingham Drive which has been part rendered. The recent planning permission included an element of cladding at first floor level on the front and side of the extension, with the remainder of the development to be in brick to match the existing. It is now proposed to replace the proposed brick with render as well as further cladding on the side and rear elevations. The remainder of the exterior of the dwelling would be rendered.
- 12.4 Due to the variety of designs of dwelling within Bingham Drive the change from brick to render and additional cladding would not be detrimental to this group of properties or local distinctiveness of the area. Furthermore, there are no constraints relating to the area that would prohibit changes to the exteriors of neighbouring properties. These changes could have been undertaken as permitted development if they were not associated with the proposed extensions to the property and this needs to be considered as the fallback position.. As such a refusal solely on these grounds would not be justified in this instance.
- 12.5 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: KOEN008

Reason: To ensure satisfactory provision of the development.

3. The first floor window on the east elevation of the approved extension shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. Before development commences, samples or exact details including the colour finish of the render and cladding materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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: 3h
9 Bingham Drive
Lymington

17/11038
SZ3295

Scale 1:1250

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scale.



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