

**Application Number:** 17/11206 Full Planning Permission

**Site:** OAKBRIDGE HOUSE, LYMORE VALLEY, MILFORD-ON-SEA  
SO41 0TW

**Development:** Two-storey rear extension; Conservatory

**Applicant:** Mr & Mrs Chamberlain

**Target Date:** 09/11/2017

<b>RECOMMENDATION:</b> Refuse
<b>Case Officer:</b> Julie Parry

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Aerodrome Safeguarding Zone

Tree Preservation Order: 15/03

**Plan Policy Designations**

Green Belt

Countryside

CS10(o): The spatial strategy

**National Planning Policy Framework**

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 - Protecting Green Belt land

NPPF Ch. 11 - Conserving and enhancing the natural environment

**Core Strategy**

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM20: Residential development in the countryside

## **Supplementary Planning Guidance And Documents**

SPG - Residential Design Guide for Rural Areas  
SPG - Conservatory Design Guide

### **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
17/10316 Two-storey side extension	09/05/2017	Withdrawn by Applicant	Withdrawn	
94/NFDC/54523 Two-storey addition (demolish existing conservatory)	28/06/1994	Granted Subject to Conditions	Decided	
XX/LYB/09599 Double garage.	02/11/1964	Granted Subject to Conditions	Decided	

### **5 COUNCILLOR COMMENTS**

No comments received

### **6 PARISH / TOWN COUNCIL COMMENTS**

**Milford On Sea Parish Council:** recommend permission.

The Parish Council recognises this application is well-within the 30% development limit. It does not feel the development is on an inappropriate scale for its setting in a large, screened plot well set back from the lane. As a result it considers it will not adversely impact the countryside, greenbelt or streetscene. It will remove unsightly outbuildings and will enhance the existing building.

The Parish Council will not accept the decision reached by DC officers under their delegated powers.

### **7 CONSULTEE COMMENTS**

**Ecologist:** the Ecologist initially advised that there was insufficient information but following receipt of the further bat report has confirmed that should planning permission be granted, it should be subject to a condition requiring works to proceed in accordance with the method statement outlined in section 4 of the September 2017 bat report, unless otherwise agreed in writing by the local planning authority. It is also recommended that the Council is provided with the result of a completion check to ensure the mitigation has been successfully implemented

**Trees Officer:** no objection subject to a condition in respect of the storage of materials and substances.

Comments in full are available on website.

## **8 REPRESENTATIONS RECEIVED**

- 8.1 One letter of support: would enhance the house positively and not intrude upon or negatively impact the lane or its surroundings.

## **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.

The applicant did use the pre-application advice service available from the Council but this was for a two storey side extension and therefore did not gain advice on a two storey rear extension. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

## **12 ASSESSMENT**

12.1 The site is located in the Countryside and Green Belt. Positioned within a valley and surrounded with high vegetation the property is fairly well screened in its location. The property has a traditional cottage style frontage and has been extended to the rear with several ground floor additions. There are a number of outbuildings to the rear.

12.2 Given the position of the proposed extensions and the size of the plot there are no residential properties affected by the proposal. As such the main policy considerations relate to the proposed floor space under Policy DM20 and whether the proposals are acceptable in terms of design and their impact on the openness of the Green Belt. This application follows a previous proposal for a two storey side extension which was withdrawn.

12.3 The floorspace of the proposals has been calculated. It appears from the planning history that the conservatory and single storey addition to the rear existed on 1st July 1982. These buildings would be demolished as

part of this scheme. When taking this into account the current proposal for the two storey element would comply with Policy DM20 as the additional floorspace would equate to 25.5% of the original. When adding the conservatory to the proposed floorspace the overall increase would be approximately 38%. Policy DM20 does allow for a conservatory over and above the 30% limit provided it is appropriate and does not impact on the countryside. However for the reasons given below the conservatory is not considered to be appropriate in this case. The proposed floorspace therefore exceeds that permitted by policy DM20.

- 12.4 In 1994 planning permission was granted for a two storey rear extension, which was never implemented, but this was for a much smaller depth than what is currently proposed and with a simple design. The proposed two storey extension would be excessive in depth and disproportionate in size to the existing property. Furthermore, the proposed extension, with its over complicated two storey design and central position, would not relate well with the simple traditional design and form of the existing property. The principle of extending to the rear is acceptable but it would need to be of a design more sympathetic to the rural situation and the character of the existing dwelling. The current proposal would be of an inappropriate form and scale in relation to the existing property and have a dominant impact on the character and appearance of the existing dwelling. The proposed conservatory would be to the side of the proposed extension and would be overly large and of a poor unsympathetic design. Consequently, it would not relate well to the resulting building and further detract from the simple rural character of the original building. It is appreciated that the property is not fully visible from outside of the site but it is a well established planning principle that screening does not negate adopted planning policy.

Overall the design would appear contrived and out of scale with the existing property to the detriment of the character and appearance of the countryside.

- 12.5 Furthermore, national policy guidance requires the openness of the Green Belt to be protected. Extension or alterations to a building are acceptable provided they do not result in disproportionate additions. However, for the reasons given above, the proposals are considered to be disproportionate and therefore harmful to the openness of the Green Belt
- 12.6 A bat survey has been submitted in support of the proposals which has been considered by the Authority's Ecologist. It has been confirmed in the survey report that bats are present in the existing building. However, the rationale given to address the Habitats and Species Regulations test is considered acceptable at officer level and the method statement and mitigation measures to properly cater for the resident bats has been approved by the Authority's Ecologist. Accordingly, if planning permission were to be granted, it should be subject to appropriate conditions requiring works to proceed in accordance with the submitted method statement and to ensure that the proposed mitigation has been implemented.
- 12.7 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.

### **13. RECOMMENDATION**

#### **Refuse**

#### **Reason(s) for Refusal:**

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the adopted Local Plan Part 2: Sites and Development Management Development Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 of the Local Plan Part 2 and policy CS10 of the Core Strategy for the New Forest District outside the National Park.
2. By reason of its excessive two storey depth and unsympathetic design the proposed development would result in a disproportionately large and inappropriate addition which would appear overly complicated and out of keeping with the simple traditional cottage style and scale of the existing dwelling. Furthermore, by reason of its excessive size, unsympathetic design and form and awkward siting, the proposed conservatory would further detract from the simple rural character of the original building. For this reason, the proposals would be harmful to the rural character and appearance of the countryside, contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park, policy DM20 of the Local Plan Part 2, Supplementary Planning Guidance, Residential Design Guide for Rural Areas of the New Forest and chapter 7, Requiring good design, of the National Planning Policy Framework.
3. For the reasons given in reasons for refusal 1 and 2 above, the proposed additions are considered to be disproportionate in size to the original dwelling and therefore inappropriate development harmful to the openness of the Green Belt, contrary to policy CS10 of the Core Strategy for the New Forest District outside the National Park and chapter 9 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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**New Forest**  
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**Planning Development  
Control Committee**  
November 2017

Item No: 3f  
Oakbridge House  
Lymore Valley  
Milford on Sea  
17/11206  
SZ 2993

Scale 1:3000  
N.B. If printing this plan from  
the internet, it will not be to  
scale.

