

Application Number: 17/11282 Full Planning Permission

Site: 5 SHEARSBROOK CLOSE, BRANSGORE BH23 8HF

Development: Single-storey rear extension; two-storey side extension

Applicant: Mr & Mrs Mangles

Target Date: 16/11/2017

Extension Date: 15/12/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Applicant is an employee of New Forest District Council

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

None relevant

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
77/NFDC/07681 36 houses and garages with construction of roads, drainage and pedestrian/vehicular accesses.	18/07/1977	Granted Subject to Conditions	Decided	
75/NFDC/03321 37 dwellings and garages with pedestrian/vehicular access.	23/10/1975	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: recommend permission. The proposed extensions will have little impact on the nearby properties

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

8.1 One comment against from Spinney Cottage. Concerns are summarised as follows:

- impact on light particularly due to small windows on west side of cottage
- Overlooking windows
- Impact on historic and rural aspect of Spinney Cottage which is a Listed building.

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. Amended plans have been accepted that revise the first floor rear window arrangement to address concerns raised about overlooking. Subject to this the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The application site is part of a late 1970's development of related properties in the built up area of Bransgore. It is half of a pair of semi-detached houses on a corner plot which are located in a cul-de-sac.
- 12.2 The main consideration of the proposed single-storey rear extension and two-storey side extension would be the visual impact on the street scene and the impact on neighbour amenity.
- 12.3 Policy CS2 requires new development to contribute positively to local distinctiveness, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.
- 12.4 Spinney Cottage is a listed building located to the east of the application site and at a slightly lower site level. Its boundary is relatively open with limited screening. The owner has expressed concerns that the proposal would impact on his listed building, would reduce the light into the dwelling and lead to overlooking.
- 12.5 Discussions with the Conservation Officer have confirmed that they did not need to be formally consulted because the proposal is not considered to impact on the setting of the listed building. When considered the setting of the listed building there is an acceptable separation from Spinney Cottage and as such it would not adversely affect its historic curtilage.
- 12.6 There would be a separation distance of the application site with Spinney Cottage of 12 metres from the single-storey element and 15 metres from the two-storey extension. This degree of separation would be less than the 21m usually recommended in a built up urban area. Two first floor rear facing windows already exist but these serve a bathroom (which is obscurely glazed) and a landing area only. The proposal would introduce two new rear facing windows which due to the limited separation to the boundary, site levels and direct relationship with the windows and front garden of Spinney Cottage could have an adverse impact on their amenity. However, the window in the existing rear wall could be inserted under permitted development rights and as such with this fallback position

the additional impact of this window would be difficult to object to. Furthermore, the layout has been revised so that the second rear facing window is high level only so as to mitigate its overlooking impact to an acceptable level

- 12.7 Spinney Cottage has only small windows which currently do not allow much light into the property. However, the recent removal of a large tree from the rear garden of No 5 will have already improved the light entering Spinney Cottage's two first floor windows on the west elevation. Furthermore there would still remain an unbuilt and open area between the proposal and the garage which would retain a spacious feel around the property. Notwithstanding this existing situation, due to the separation between these two properties, light to Spinney Cottage would not be unduly harmed by the current proposal.
- 12.8 There is a separation in excess of 8.0 metres to the side of No 4 Shearsbrook Close and there would remain an area of open frontage between the extension and the existing retained garages. There is an existing clear glazed first floor bedroom window on this side facing elevation. The proposed new window on the side elevation facing No 4 would serve a bathroom and be obscure glazed so although these two properties would have facing windows on the side elevation there would not be an issue of overlooking. The new front and rear windows would only have oblique views of this neighbour which would be acceptable in this urban environment. There would be no adverse impacts on the other neighbour, No 6, as a result of this development.
- 12.9 It would have been preferable for the two-storey side extension to have had a recessive roof height and a setback from the front elevation in order to present a more subservient appearance. However the application property has a lower roof height than the other half of this pair of semi-detached properties with the adjoining property (No 6) having a ridge that is 0.8 metres higher, such that No 5 already presents a subservience it's other pairing. This, in addition with the separation that would be retained to No 4 would in this instance ensure that the current proposals have an acceptable impact on the street scene.
- 12.10 The proposed single-storey element would have a form that would respect the existing dwelling and is generally considered to be an acceptable development which would not adversely impact on the street scene, the character of the area or neighbour amenity.
- 12.11 The proposal would increase the number of bedrooms to 4, the requirement set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 recommends an average provision of 3 on-site car parking spaces for a four bedroomed property. Paragraph 3.4 states that if a development provides significantly less than the recommended provision consideration will need to be given as to whether there is likely to be an unsatisfied demand which could lead to severe road safety hazards or serious environmental damage. In this case, there would be adequate parking provision for three vehicles if the garage were to be used for this purpose, furthermore additional parking space could be made available within the curtilage to the front of the property to provide for future demands for on-site parking provision if required.

- 12.12 A condition would be imposed to ensure that the materials proposed for the construction would match those existing and therefore will be in keeping with the host dwelling and its surroundings in the built up area.
- 12.13 Overall the proposed development would be consistent with Core Strategy policies and objectives and as such the application is recommended for permission.
- 12.14 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: MBA/100/001, MBA/100/002, MBA/100/003, MBA/100/004, MBA/100/005, MBA/100/006, MBA/100/007 A & MBA/100/008 A.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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

4. The first floor window on the north side elevation of the approved building (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).

5. The first floor window on the east rear elevation of the approved building (extension) shall at all times be retained as a high level window so its sill height is more than 1.7m above the floor.

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).

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.

In this case all the above apply. Amended plans have been accepted that revised the first floor rear window arrangement to address concerns raised about overlooking. Subject to this the application was acceptable as submitted no specific further actions were required.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 30.11.17

Further Information:

Rosie Rigby

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

December 2017

Item No: 5e

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Shearsbrook Close
Bransgore
17/11282
SZ1898

Scale 1:1250

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

