

Application Number: 17/11503 Full Planning Permission

Site: ARRACHAR, FOX POND LANE, PENNINGTON, LYMINGTON
SO41 8FW

Development: Outbuilding

Applicant: Ms Ashworth

Target Date: 22/12/2017

Extension Date: 15/01/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jacky Dawe

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish 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
17/10532 House; detached outbuilding; 1.8m high boundary fencing and gate; demolition of existing	06/06/2017	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. Whilst we are sympathetic to the objectives, we are concerned by the level of neighbour objections, therefore we cannot recommend approval.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Six objections have been received to the current proposals. These comments are summarised as follows:

- too large
- too high
- overbearing development
- too close to boundaries
- noise
- creation of separate dwelling
- overlooking
- setting precedent
- works already started
- removal of hedgerows

Comments from the Applicant

- an outbuilding was permitted under previous planning application.
- confirming use as ancillary
- states noise would not be an issue
- plot large enough for the outbuilding
- not too high
- no overlooking issues
- local person building forever home
- slate to match house
- flat roof building could be permitted development
- other outbuildings in the area
- has consulted neighbours throughout project
- design specific to requirements
- no increase in noise
- confirming incidental use

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 The application site falls within the built up area and Lymington Local Distinctiveness area 9 (South Pennington). The lane has a rural feel with a varied mix of mainly older style cottages with front gardens. There are also modern developments of houses and Bay Tree House is a new house constructed on the adjoining plot. The properties are all set in large plots giving generous separation distances between adjoining houses.

12.2 The main considerations are neighbour amenity and character of the area. Fox Pond Lane has a spacious green character. Although this outbuilding has a relatively large footprint, it is to the rear and would not be easily seen from the street scene frontage. As such it would not detract from the street scene character of the area.

12.3 Planning permission for a new dwelling and detached outbuilding, with small shed alongside was granted in June 2017 (Ref 17/10532). The original bungalow has now been demolished and the new approved house is under construction. This approved outbuilding measured 8 m wide and 4 m deep with a height of 4.2 metres. A concrete base has been laid to the rear for the approved outbuilding.

12.4 The current proposal would increase the width of the recently approved outbuilding to 13 metres (+5 m) resulting in it virtually spanning the plot at the rear and it would increase the height to 4.3 m. The original outbuilding has a floor area of 32 sq.m and the proposed has a floor area of 52 sq.m.

- 12.5 The outbuilding would be located at the end of the garden, separated from the main house by a minimum of 10 metres. It is set at a slight angle to the boundaries with a minimum separation distance from the rear boundary of 0.1m and a maximum of 1.1m. The outbuilding would be 0.1m from the side boundary with Bay Tree House and 1.0 m from the side boundary with Greenways. Although close to the boundaries it remains a single storey structure.
- 12.6 The impact of this building on the rearmost part of adjoining gardens is acceptable, particularly given the generous gardens that exist and the extant approved outbuilding. Due to the relationship of the proposed outbuilding with the properties either side and the existing screening this would result in an acceptable relationship.
- 12.7 With respect to properties on Elm Avenue to the rear, although a high proportion of the boundary of No 17 Elm Avenue would be enclosed as a result of this development, the roof would pitch away from the rear boundary. There is an adjacent outbuilding in the curtilage of 19 Elm Avenue which would assist in mitigating the impact of the building on this property to the rear of the application site.
- 12.8 The height of the proposed outbuilding is 4.3m which would be 0.1 m higher than the outbuilding approved as part of the extant consent. Despite the fact that it would extend across the rear boundary by an additional 5 metres, given its location separated from main dwellings, this increased size and the very marginal additional height it would not lead to additional impacts on amenity by way of loss of light or over dominance.
- 12.9 With respect to potential for overlooking, a single roof light would be sited on the roof slope facing the rear of the host dwelling and would serve the ground floor accommodation. A small side ground floor window would serve a small toilet and so is likely to be obscurely glazed. As such this would not lead to overlooking of the neighbours.
- 12.10 There have been objections in the representations received raising a number of issues some of which are covered in the above assessment. Further comments on these additional matters are made as follows:
- 12.11 Noise - the use will be in an enclosed building for the sole use of the family, and as such any noise would be of a domestic nature, not unacceptable in a residential area
- 12.12 Creation of separate dwelling - the proposed use is as a classroom and garden room and as such it would be ancillary to the main accommodation. This relationship can be reinforced by a suitable condition. If this was used as a separate dwelling this would require the benefit of a further planning consent.
- 12.13 Precedent, works started and removal of hedgerows - every application is judged on its individual merits. There is already a planning consent for the dwelling and a smaller outbuilding. Works on site relate to the construction of the dwelling. Any works undertaken that do not relate to the consent are undertaken at the applicants own risk and do not prejudice the outcome of this application. Removal of the hedges is outside planning control.

12.14 Taking all of the above into consideration, together with the extant consent on the site, although the outbuilding would be relatively large there is no justifiable planning reason to withhold consent as it would not be harmful to the character of the area nor would it detract from the amenities of the neighbouring properties. The application is therefore recommended for approval.

12.15 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: PL01 (October 2017), LP01 (October 2017).

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the approved dwelling house.

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 building the subject of this permission shall only be used incidental to the dwelling on the site and not part of its main accommodation.

Reason: As a separate unit of accommodation in this location would be inappropriate and in the interests of residential amenity 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
January 2018

Item No: 3h
Arrachar
Fox Pond Lane
Pennington Lymington
17/11503
SZ3194

Scale 1:1250

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

