

**Application Number:** 17/11552 Full Planning Permission

**Site:** CHILFROME, LOWER PENNINGTON LANE, PENNINGTON,  
LYMINGTON SO41 8AN

**Development:** Two-storey rear extension; single-storey front extension; roof alterations to existing single storey front elevation

**Applicant:** c/o Simpson Hilder

**Target Date:** 02/01/2018

**Extension Date:** 15/01/2018

<b>RECOMMENDATION:</b> Refuse
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<b>Case Officer:</b> Kate Cattermole
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**REASON FOR COMMITTEE CONSIDERATION**

1

Contrary to Town Council view (in part)

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Plan Area  
Planning Agreement  
Aerodrome Safeguarding Zone

**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**

None relevant

### **5 COUNCILLOR COMMENTS**

No comments received

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

**Lymington & Pennington Town Council:** recommend refusal. We share concerns of the neighbour living at Hainault.

### **7 CONSULTEE COMMENTS**

No comments received

### **8 REPRESENTATIONS RECEIVED**

Objection from Hainault :

- two storey rear extension and proposed roof over front extension would result in loss of light.
- front extension and alterations to roof would create an overbearing form of development, and out of character with the semi.
- works already commenced on site.

Comment from 19 Newbridge Way:

- Plans would not impact on them, but support concerns raised by occupants of Hainault.
- works appear to have already commenced.
- extension should be sited to side then would not impact on neighbour amenity.

Comment from 21 Newbridge Way:

- unlikely to impact on their amenities.

The Lymington Society: object as the proposal would be intrusive on the street scene and neighbour amenity. They suggest amendments to the rear extension. The front extension would take light and create shadow to the neighbouring dwelling.

### **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 this application being submitted. Revised plans to show a previously omitted elevation were accepted, but this did not amend the proposed scheme in any way. Even though there are elements of the scheme which could be supported, identified harm from the front extension would justify a refusal in this instance.

## 12 ASSESSMENT

- 12.1 The application site consists of a semi detached house situated off the main section of Lower Pennington Lane, and backing onto properties within Newbridge Way. It is set in a reasonable sized plot and has a deep frontage.
- 12.2 There is an existing flat roofed element projecting out from the front elevation, and this built form is mirrored on the neighbouring semi-detached property, Hainault. This pair of semis does not present as a symmetrical form, as Hainault has previously had a two storey side extension.
- 12.3 The proposed front extension would consist of a shallow roof over the existing flat roofed element, with a flat roofed extension alongside and a roof lantern infilling the current recessed element of the front elevation. This extension would be stepped in from the common boundary with the other half of the semi by approximately 30cms. To the rear a subservient two storey rear extension would be set off the common boundary with the other half of the semi-detached property by 3.1m.
- 12.4 Rear extension: The proposed rear extension would be appropriate in form and design to the existing dwelling. It would introduce a first floor window on the rear elevation, that would be closer to the rear boundary with properties on Newbridge Way, but a back to back distance of a minimum of 28 metres would be retained which is acceptable in an urban area. As there are already windows on this rear elevation, this should not significantly increase levels of overlooking so as to exacerbate the existing relationship between these properties.
- 12.5 The other half of the semi, Hainault, is to the east of the application site, and has a conservatory on the rear elevation sited adjacent to the common boundary. As the proposed two storey extension is set a distance of 3.1 metres away from the boundary, it would not result in an overbearing form of development. Although located to the west, given its separation, its reduced ridge height and hipped design, it would not create a significant or harmful level of overshadowing that would detrimentally impact on this neighbours amenity.

- 12.6 Front extension: The roof over the existing flat roofed front element would not detract from the character and appearance of the dwelling. This part of the building is set away from the boundary with the neighbour and as such would not significantly affect the amenities of the neighbours.
- 12.7 The single storey infill extension would be set off the boundary with the other half of the semi, Hainault and there is a fence to the front of the dwelling dividing these properties. Currently both these properties have French doors on their front elevations. Due to the internal arrangement of Hainault these French doors serve a dining area that is separated from their main lounge and as such these doors are the only light source to this area. Although single storey, by reason of its height and length, in such close proximity to the neighbour the proposed front extension would reduce the light into this room to an unacceptable degree. Furthermore, due to the presence of the existing forward projecting element on the neighbour, when combined with the proposed infill, the neighbour's dining room window would become located within a recessed area and as such there would be an increasing sense of enclosure. Overall it would result in an oppressive and enclosing form of development adversely affecting their reasonable amenity.
- 12.8 The harm to the amenities of the neighbouring property (Hainault) arising from the proposed single storey front extension would be significant enough to justify a refusal in this instance. Nevertheless the objections raised in relation to the rear extension and new roof on the front, received from the neighbour and the Town Council are not supported at officer level. A refusal for these elements of the scheme is not recommended, hence the need for this application to be put to Committee for a final decision. There is no mechanism in place to allow for a split decision, but the reason for refusal will only relate to the single storey front extension.
- 12.9 Concerns have been raised from neighbours that works have commenced on site. During the site visit building works were being undertaken on site, but these relate to the removal of an existing structure on the rear elevation and garden works, as well as preparation work for the extension. If building has started on site this would be at the risk of the applicant and would not prejudice the outcome of the application.
- 12.10 Amended plans have been submitted, but these were to show a side elevation that had been omitted from the originally submitted plans. No changes to the proposal have arisen from these amended plans so it was not necessary to readvertise the application.
- 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. The proposed single storey front extension, by reason of its length, height and close proximity to the neighbouring property, Hainault, would result in an unacceptable level of loss of light to the main living area of an adjacent property. Furthermore, it would create an oppressive and enclosing form of development to this neighbour to the detriment of their reasonable amenity. 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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2. This decision relates to amended / additional plans received by the Local Planning Authority on 12 December 2017

#### **Further Information:**

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# New Forest DISTRICT COUNCIL

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Planning Development  
Control Committee  
January 2018

Item No: 3f  
Chilfrome  
Lower Pennington Lane  
Pennington Lymington  
1711552  
SZ3194

Scale 1:1250

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

