

**Application Number:** 17/11576 Full Planning Permission

**Site:** 24 BARTON COMMON LANE, BARTON-ON-SEA, NEW MILTON  
BH25 5PS

**Development:** Outbuilding

**Applicant:** Mr Salter

**Target Date:** 05/01/2018

**Extension Date:** 17/01/2018

<b>RECOMMENDATION:</b> Service Manager Planning & Building Control Grant
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<b>Case Officer:</b> Rosie Rigby
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to statutory Consultee comments.

**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 - New Milton 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
14/10015 Single-storey side extension with lantern light	27/02/2014	Granted Subject to Conditions	Decided	
13/11027 Two-storey rear extension with pitched roof dormers; single-storey front extension; single-storey side extension; pitched roof extension to side and rear & pitched roof to existing rear dormer	21/10/2013	Granted Subject to Conditions	Decided	
13/10633 Detached garage	15/08/2013	Granted Subject to Conditions	Decided	

#### **5 COUNCILLOR COMMENTS**

No comments received

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

New Milton Town Council: acceptable (delegated)

#### **7 CONSULTEE COMMENTS**

Conservation Officer: objection due to impact on Smugglers Cottage (a Grade II listed building) and the character of the area with its size and visibility. The thin band of foliage at the boundary would only screen the lower half of the proposal leaving the roofline visible to Smugglers Cottage through the trees.

#### **8 REPRESENTATIONS RECEIVED**

No comments received

#### **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.

Discussions were held with the applicants agent regarding reducing the size of the outbuilding to overcome the conservation officer's objections, amended plans were submitted and accepted that reduced the width and height of the summerhouse, however this reduction does not overcome the objection of the Conservation Team. The application now falls to be decided on the basis of the amended plans. For the reasons set out while a Conservation objection remains the application is recommended for approval.

## 12 ASSESSMENT

- 12.1 The application site consists of a detached house in the built up area of New Milton, the house has benefited from several previous extensions. Barton Common Lane has been in existence since the 1870's. It is narrow and has no pavements and is characterised by hedgerows and trees, with a great variety of architectural styles, including a thatched cottage, Smugglers Cottage, opposite which is a Listed Building.
- 12.2 Barton Common Lane is recognised in the New Milton Local Distinctiveness Supplementary Planning Document adopted June 2010 as one of the original roads in the area with the informal road edges, verges and remnant hedgerows, banks and trees which still characterise the lane giving the experience of a more rural past.
- 12.3 The proposed outbuilding would be set within a walled garden forward of the principle elevation of the property, hence the requirement for this application. The level of the land rises up from the road to the property. The plot is large and the front garden is well enclosed by high walls. There is tall vegetation in existence which would largely screen views of the proposed wooden structure, furthermore it would not be closer to the road than No 26. As such the impact on the street scene would be acceptable.
- 12.4 Smugglers Cottage is a thatched cottage opposite the application site, the dense boundary treatment of trees and hedging would provide some shielding of the summer house, however the Conservation Officer has objected to the proposal on the grounds of its size and the steep pitch of its roof being visible to Smugglers Cottage through the trees which it is considered would impact on the setting of this listed building. Despite amended plans that indicate a reduction in the height and width of the building this was not sufficient to address the Conservation Officer's concerns.
- 12.5 The importance of the area is set out in the Local Distinctiveness document and the setting of the listed building is an important material consideration. However, the proposal would not be inconsistent with the form of development in the area and would not be considered to be detrimental to local distinctiveness.

- 12.6 Notwithstanding the Conservation Officer's objection, the site is not within a conservation area and the objection relates solely to the potential impact on the setting of the listed building. While the protection of heritage assets is an important issue, in this case that impact would be limited by reason of the small scale nature of the building and mature screening provided by the boundary vegetation. Furthermore, a condition is proposed to retain and maintain these trees and shrubs along this sensitive boundary in order to ensure that the current mature screening is protected in the future.
- 12.7 A path linking a neighbouring residential development, The Willows, with Barton Common Lane runs along the eastern boundary close to where the proposed outbuilding would be sited. This path also separates the site from No 26 Barton Common Lane. The high brick wall to the boundary and tall vegetation provides screening of the outbuilding so its visual impact would be acceptable .
- 12.8 The proposal has a separation of 11 metres from the front of Smugglers Cottage and 13 metres from the side of No 26 Barton Common Lane. With the proposed roof height of 3.6 metres and eaves at 2.1 metres the outbuilding would not impact on neighbouring amenity.
- 12.9 The materials proposed for the construction would include natural materials, timber boarding and a slate roof, which would add to the local character of the New Forest and fit with the varied character of the lane.
- 12.10 Overall the proposed development would be consistent with Core Strategy policies and objectives and despite the objections made by the Conservation Officer the application is recommended for permission.
- 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 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

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of no new material objections following expiry of the press notice on 23rd February 2018 (affecting setting of a Listed Building).
- ii) the imposition of the conditions set out below.

### **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: 1117.01/01 Rev A & 11170.01/02 Rev A.

Reason: To ensure satisfactory provision of the development.

3. The existing trees and plants on the north boundary of the site with Barton Common Lane as indicated on the approved plan shall be retained and maintained. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the character and setting of the development in relation to the adjacent listed building and the street scene and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

### **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.

Discussions were held with the agent regarding reducing the size of the outbuilding to overcome the conservation officer's objections, amended plans were submitted and accepted that reduced the width and height of the summerhouse, however this reduction does not overcome the objection of the Conservation Team. The application was decided on the basis of the amended plans. For the reasons set out, while a Conservation objection remained the application was recommended for approval.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 5 January 2018.

### **Further Information:**

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
February 2018

**Item No: 3e**  
24 Barton Common Lane  
Barton on Sea  
New Milton  
17/11576  
SZ2493

Scale 1:1250

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

