

Application Number: 18/10009 Full Planning Permission

Site: UPLANDS, PLESS ROAD, MILFORD-ON-SEA SO41 0NY

Development: Outbuilding for use as residential annex

Applicant: Mr Jardine

Target Date: 05/03/2018

Extension Date: 16/03/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area
Green Belt

CS10(o): The spatial strategy

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

SPG - Milford-on-Sea Village Design Statement.

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
11/97124 Single-storey rear extension; first floor side extension; detached double garage	28/06/2011	Granted Subject to Conditions	Decided	
84/NFDC/28272 Erection of a 1.7m high wooden front boundary fence and gates.	24/01/1985	Granted	Decided	
78/NFDC/11882 Erection of an attached double garage and storeroom.	14/12/1978	Granted Subject to Conditions	Decided	
75/NFDC/03094 Alterations and additions of an attached garage, store/workroom with alterations and additions of lounge, bedroom, kitchen and bathroom over to form a separate living unit.	04/09/1975	Granted Subject to Conditions	Decided	
75/NFDC/02132 Alterations and additions of Utility room, lobby and dining room.	12/03/1975	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council : recommend refusal.

The Parish Council is concerned that the proposed dwelling is unrelated to the main house. More importantly, the Parish Council has grave concerns about the dwelling's proximity to the SSSI of Studland Meadow and the visual impact it will have on this sensitive site. The Parish Council would not like to see a precedent set for other development this close to the boundary with the Pleasure Grounds.

7 CONSULTEE COMMENTS

Natural England - refer to standing advice.

8 REPRESENTATIONS RECEIVED

Three Representations Received:
1 Comment; 1 In Favour; 1 Against: 1

Comments are summarised as follows:-

- Concerns whether the proposals are in addition to a previous annex .
- Concerned that the building would create precedent for buildings not relating to the properties.
- Concerns that proposed annex will 'shut in' garden due to another outbuilding at the end of adjacent garden.
- Questions regarding whether use of the annex would remain incidental to the property.
- Representee would prefer a pitched roof design to proposed flat roof.

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 these proposals were the subject of pre-application advice. As the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The property is a semi-detached, two storey dwelling situated in an established residential road with a mixed street scene in Milford-on-Sea.
- 12.2 The main considerations are neighbour amenity, character of the area and the use of the proposed outbuilding.
- 12.3 The application site has a large rear garden bordered by trees and a 1.8m fence on the rear boundary. There are two adjoined outbuildings within the rear garden - one with a steep pitched roof and the other a shed - which are proposed to be retained. The area to the rear of the property is designated as open space that is also Green Belt, however it is not part of the Local Nature Reserve (LNR) or Site of Important for Nature Conservation (SINC) that encompasses Studland Meadow, Studland Common and Studland Orchard.
- 12.4 The outbuilding would have a relatively large footprint, however it would be situated toward the rear of the plot and behind existing outbuildings. Due to the size of the plot, the outbuilding could be acceptably

accommodated without resulting in an overdevelopment of the site. Furthermore, due to its set back relative to the street frontage and its location behind existing retained outbuildings it would not be visible from the front of the site. As such it would not be out of character with the street scene or garden setting where it would be located or have a negative impact on the character of the area.

- 12.5 A flat roof L-shaped design is proposed with facing brick materials and glazing. It would appear as a relatively substantial building and not one of a temporary or transient nature. There are however no overriding objections to the design, form of scale of the outbuilding within its context.
- 12.6 The roof of the proposed annex is flat with high level windows on three elevations. Larger windows and patio doors would face into the garden. An acceptable distance of separation from the neighbours will be maintained, and with existing boundary treatments and these high level windows there would be no overlooking or loss of privacy as a result. There would not be an adverse impact on their amenity.
- 12.7 Due to its low height, the outbuilding - being approximately 1.8 m high - would not be over dominant on the area of open space to the rear and although marginally visible over the fence, its impact on the openness of the Green Belt would not be adverse.
- 12.8 The annex although relatively large and self contained is intended for guests to stay in while visiting. A condition would be added to ensure that use of the annex remains incidental to the residential use of the property and this would prevent a separate dwelling being created without further approval. With this condition, while the concerns of the Parish Council are duly noted, adequate control can be retained and a refusal on this basis could not be justified.
- 12.9 Objections have been received that the outbuilding creates a degree of enclosure, however due to the location and modest height of the proposed outbuilding together with the size of the overall plot, and the remaining undeveloped boundaries, enclosing impact would not result in a sense of enclosure, so this objection cannot be substantiated.
- 12.10 The Parish Council have raised concerns about the proximity to the Studland Meadow SSSI; that the development would have a negative visual impact on the nearby pleasure ground and SINC. Due to the commend from the Parish Council, Natural England have been consulted but they have no comments regarding the application.
- 12.11 However, there are a number of existing developments bordering Studland Meadow, including a large outbuilding adjacent to the entrance to the meadow, and a number of houses on Pless Road and The Bucklers.
- 12.12 The proposed outbuilding will not negatively impact on views from Studland Meadow SINC, nor have any significant impact on the SINC. Although this site is not an SSSI, itself, due to the area of open space separating the property boundary from the SINC, and the boundary treatments of both the property and the open area.

12.13 Furthermore the open space immediately adjacent to the rear of the site is bordered by trees, hedges, and scrub, which shields it from view from most of Studland Meadow. Where the proposal would be visible through the entrance from the Meadow to this small open space, there are young trees planted, trees along the rear boundary, and existing outbuildings as well as the property itself being visible. The proposed outbuilding would not have an unacceptable impact on this open space within this context.

12.13 Overall the proposed outbuilding is considered to be acceptable within its context, can be adequately controlled in the future and as such is recommended for approval.

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: 8576.101, 8576.102

Reason: To ensure satisfactory provision of the development.

3. The outbuilding hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of independent use of the outbuilding and whether it would be harmful to the amenities of the area, contrary to 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 and these proposals were the subject of pre-application advice. As the application was acceptable as submitted no specific further actions were required.

2. This decision relates to additional information received by the Local Planning Authority on 23/02/18.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

March 2018

Item No: 3f

Uplands
Pless Road
Milford on Sea
18/10009
SZ2792

Scale 1:1250

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

