

**Application Number:** 18/10243 Full Planning Permission

**Site:** 14 KENSINGTON PARK, MILFORD-ON-SEA SO41 0WD

**Development:** First-floor side extension; Single-storey rear extension; dormers;  
rear raised terrace

**Applicant:** Ms Scott

**Target Date:** 26/04/2018

**RECOMMENDATION:** Refuse

**Case Officer:** Julie Parry

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary view to Parish Council, in part.

**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 applicable

**Supplementary Planning Guidance And Documents**

Parking standards

**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**

**Milford On Sea Parish Council:** recommend refusal.

- The Parish Council considers these plans to be un-neighbourly
- Over-development.

#### **7 CONSULTEE COMMENTS**

No comments received

#### **8 REPRESENTATIONS RECEIVED**

12 objections have been received from the neighbours at numbers 9, 10, 11, 12, 15, 19, 20, 21, 32 & 33 Kensington Park, 12 Park Close and the Management Committee

The main reasons for the objections are that the proposal would result in

- an overdevelopment of the site with the increase of bedrooms,
- a loss of privacy and
- loss of light on the neighbouring properties and
- a lack of parking provision.
- an increase in the wind noise from a tunnelling effect,
- damage during construction,
- possible use of flat roof as a balcony
- terracing effect changing the character of the overall development.

#### **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 issues were identified in the initial briefing note but as the application has not been withdrawn, despite pre-application advice being given, it is now required to be determined. Although refusal is recommended the reasons for refusal differ from those of the Parish Council and so the application needs to be determined by the Planning Committee

## 12 ASSESSMENT

12.1 The property is a semi detached dwelling set over four storeys in a cul de sac of similarly designed dwellings. The rear of the property has a raised position over Park Lane with views to the sea. However it should be noted that the occupants of these properties do consider the elevation facing the sea to be the front of the property, however in planning terms the principle elevation is the elevation which contains the front door and in this case faces the road called Kensington Park.

There are no front gardens to the properties allowing parking close to the front elevation. To the rear the property benefits from a raised terrace with steps down to the garden which is enclosed with high walls. The high boundary walls adjacent to the raised terrace restrict direct views to the neighbouring properties and then slope down to a lower level wall adjacent to the main garden area.

12.2 The main considerations were the impact on the neighbouring properties, overall design and neighbour amenity. During the course of the application the agent has confirmed that the boundary wall is not being extended or altered and therefore this was removed from the description and the neighbour's re consulted. In addition to this the proposed solar PV roof tiles do not require consent. Further plans were supplied to identify the exact location of the proposed terrace extension in relation to the higher boundary walls and to show that no door is proposed to the basement.

12.3 The Parish Council have objected to the application and have recommended refusal as the proposal would be un-neighbourly overdevelopment. This is different to the reason for the refusal as recommended by the Officer in their report.

12.4 The properties in this road are fairly distinctive in design and materials. The proposed side extension would result in a loss of some of the spatial gap between the properties but given that the overall roof height would be lower than the main ridge height and that it is set back 3.5 metres from the front of the property the additional built form would not have a significant impact on the spatial characteristics of the site. The property is set back from Park Lane and therefore the proposed development would not have a detrimental impact on this street scene. The proposed alterations would use similar coloured building materials and therefore would be in keeping with the existing property.

12.5 The alteration to the design of the first floor dormer to the rear of the property would result in a form of development which is in keeping with other dormers on the neighbouring properties and would be acceptable.

12.6 The neighbour to the east, number 12, has a single storey element up to the shared boundary with rooflights facing number 14. The proposed first floor built close to this neighbour would have some impact on their rooflights but as these are high level serving the ground floor this would not impact their outlook. There would be a degree of shading to the

rooflights on this neighbour's property but with a large window to the rear there would not be a significant or harmful impact. The high level rooflight also allows light to this neighbour's stair and hallway but given that these are not primary rooms the degree of impact is considered acceptable. Furthermore, the proposed single storey rear element would not have a significant impact on the neighbours given its limited depth.

The basement area of the property, where the garage is located, is to be altered to introduce an internal staircase. There is a storage area within the basement which has a limited height. There is no intention to excavate this storage area or change the rear elevation of this part of the basement.

- 12.7 The proposed increase in the depth of the terrace by 1.7m would take it to the edge of the higher boundary wall which are currently sited on both shared boundaries. The properties already have a raised terrace to the rear which allows some mutual overlooking into the neighbour's gardens. Following receipt of an amended plan it was clear that the higher boundary walls were not proposed to be extended and therefore the height of the wall at the end of the proposed raised terrace would only be 1 metre in height.
- 12.8 Due to the extension of the terrace and the lack of suitable screening this would allow direct views to the neighbour's terrace and garden either side which would be detrimental to amenity. However, whilst a higher screen could be proposed, the neighbours do not want an increase in the depth of the higher walls as this would be detrimental to their outlook
- 12.9 The proposed first floor rear window which would serve the dressing room is recessed within a shed dormer. This design would reduce the resulting views from this window. However, there have been objections due to the use of the flat roof to the front of this window but there is no indication that this would be used as a balcony and if this was to be used as such, it would require planning permission in its own right.
- 12.10 The proposed alterations would increase the number of bedrooms from 4 to 5. The Council's parking standards are for guidance only and specify that any property with 4 or more bedrooms require 2.1 shared parking bays or 3 on plot. As the property already has 4 bedrooms there is no requirement for more parking to be provided for the additional bedroom. The property already benefits from a garage and parking to the front of the property, furthermore there are no parking restrictions in the street to the front even though it is recognised it is narrow in parts.
- 12.11 The Management Committee at Kensington Park have objected to the proposal. Their main concerns are that the proposal would have a detrimental impact on the street scene and set an unfortunate precedent. They are also concerned with parking during and after construction and any damage caused. In regard to setting a precedent each application has to be considered on its own merits. Parking during construction and any damage caused during construction are not planning concerns. If the applicant needs the consent of the Management Committee this would be a civil issue and separate to planning.
- 12.12 Whilst there have been objections in respect of the increase in wind noise from the tunnelling effect introduced from the proposed alterations this is not possible to quantify and is therefore cannot be a consideration in respect of this proposal.

### 12.13 Conclusion

Given that there are no consistent spatial gaps in this row of properties the proposed development would not have a detrimental impact on the street scene. There would be some impact on the neighbouring property, number 12, in terms of loss of light but not to such a degree to be considered harmful. There is sufficient parking on site and within the street to not cause a highway safety concern and it is not considered as an overdevelopment of the site.

12.14 However the application is recommended for refusal due to concerns about overlooking. The proposed increase in the depth of the rear terrace would result in the terrace being adjacent to the boundary walls on both sides. This limited height of boundary treatments would allow direct views to the neighbour's terrace and garden area to the detriment of their reasonable amenity of their property.

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 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 terrace extension, with inadequate screening provided would, by reason of its position and proximity to the gardens of 12 and 15 Kensington Park would cause an unacceptable harmful increase in overlooking and loss of privacy for these adjoining properties, to the detriment to their residential amenities. As such the proposal is, therefore, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**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, despite pre-application advice being given, issues were identified in the initial briefing note but as the application has not been withdrawn, it is now required to be determined. Although refusal is recommended the reasons for refusal differ from those of the Parish Council and so the application needs to be determined by the Planning Committee.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 6 April 2018

**Further Information:**

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**New Forest**  
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**Planning Development  
Control Committee**

May 2018

Item No: 3c

14

Kensington Park  
Milford on Sea  
18/10243  
SZ 2891

Scale 1:1250

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

