

Application Number: 18/10403 Full Planning Permission

Site: AMBERWOOD, 91 MILFORD ROAD, PENNINGTON,
LYMINGTON SO41 8DN

Development: Detached double garage and storeroom

Applicant: Mr Surridge

Target Date: 17/05/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Conflict with Local Plan Distinctiveness Document

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

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
14/11387 Single-storey rear extension	25/11/2014	Granted Subject to Conditions	Decided
81/NFDC/21060 Alterations and addition of a bedroom over existing attached garage.	19/01/1982	Granted	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal on the basis that it is contrary to the Local Distinctiveness and should be strongly resisted in view of the several recently refused proposals (and those which we are aware are in the pipeline) which would detract from the special characteristics of this gateway to the town.

7 CONSULTEE COMMENTS

Tree Officer: comment only

- No objection subject to condition of tree report and protection plan being adhered to.

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

Comment(s): 0 In Favour: 0 Against: 1

- The Lymington Society object due to being contrary to Lymington Local Distinctiveness regarding spacious and open gardens.

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 is a large two storey detached property in the built up area of Lymington. The property is sited along the southern side of one of the main routes leading into Lymington, and this section of the road is characterised by detached dwellings in large plots.
- 12.2 The main considerations for this application are neighbour amenity, street scene and character of the area, and parking availability.
- 12.3 The proposal is for a large detached garage at the front of the property. The garage would have a hipped roof and have a storage room to the rear. The garage would be forward of the front elevation of the existing property, shielded from the front via a hedge and trees along the front boundary adjacent to the highway, along with a 1.8m fence.
- 12.4 There are hedges and trees on the boundaries with both neighbours. Due to the size of the plot and the degree of separation to both neighbours, their amenity would not be affected.
- 12.5 The garage would be mostly shielded from view in the street scene by the large conifers and high fence of the front boundary of the property. Boundaries are primarily soft and green, and this would be maintained and additional planting required via a landscaping condition.

The properties are set back from the street in their plots, with large open front gardens in the street scene where visible behind green and/or low boundaries.

Due to the position at the front and in the centre of the garden, the garage may not be in keeping with the spacious and open front gardens of the area, with retention of garden space key in the Lymington Local Distinctiveness (4.9.3) for the South Pennington Character Area.

However there are other examples of garages in forward positions in the immediate area of Amberwood, including a large double garage visible in the street scene opposite, and a garage in the front of the adjacent neighbour. Due to being shielded from view due to the landscaping and high boundary, as well as other examples within the street scene, on balance it is felt that exceptions have already been made

- 12.6 The Lymington Society comment regarding the proposals being contrary to the Lymington Local Distinctiveness agree with the initial officer assessment. However, as detailed in 12.5, there are exceptions to this in the immediate area and the proposed garage will not be visible within the street scene.
- 12.7 The Tree Officer has been consulted and raise no objections subject to the condition that the tree report and tree protection plan are adhered to.

- 12.8 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: 404-18-1, 404-18-2, 404-18-3, 404-18-4, 404-18-5, 404-18-6, 404-18-7.

Reason: To ensure satisfactory provision of the development.

3. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to further screen the proposals from view to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted John Shutler Tree Services Arboricultural Report dated 14/03/2018 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

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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DISTRICT COUNCIL

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**Planning Development
Control Committee**

June 2018

Item No: 3f

Amberwood
91 Milford Road
Pennington Lymington
18/10403

Scale 1:1250

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

