

Application Number: 18/10386 Full Planning Permission

Site: DELL COTTAGE, BUCKLAND DENE, LYMINGTON SO41 9DT

Development: Outbuilding

Applicant: Mr Downes

Target Date: 18/05/2018

Extension Date: 22/06/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Tree Preservation Order: NFDC/TPO 0013/16

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 |
|--|---------------|----------------------|---------|
| 95/NFDC/56023 Construct dormer windows to form rooms in roof | 20/02/1995 | Granted | Decided |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal: out of context with the street scene.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

1 objection received form Ashford House:

- the garage dominates the entrance to Buckland Dene,
- wish for planting along the boundary due to the neighbour property overlooking the proposed site.

One comment regarding inaccuracies in sections of the application form in sections 7 and 8 (trees and parking)

The agent has commented as follows:

- do not consider the garage to be out of character
- other garages in the locality making them a common feature
- proposed landscaping will screen garage

The Lymington Society: object due to the garage being intrusive in the street scene and that any garage should be moved away from the boundary and screened by planting.

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 an amended plan was accepted that addressed concerns raised by the case officer that the proposed garage would be prominent on the corner of the site. Following this the above apply and as the application was considered acceptable no specific further actions were required. However as there is a contrary Town Council view the decision needs to be made by the Planning Committee.

12 ASSESSMENT

- 12.1 The property is a two storey property on a large plot in the built up area of Lymington. The property is set back off from Lower Buckland Road of a private road known as Buckland Dene. It is located within a mixed street scene with characteristic green boundaries and in the Lymington Local Distinctiveness Area Character Area 2 Lower Buckland. It is within an area of planned cul de sac development with important green space opposite. Key defining features of this area are green edges, trees, verges and generous front gardens. Lower Buckland Road is the spinal core of the area. Its varying width, sporadic verges and inconsistent pavements, combined with occasional oak trees or hedgerows make a distinctive setting for older cottages that lie along it. In general guidance the SPD it states that where a distinct building line is evident new development should respect it.
- 12.2 The proposal is for a double garage in the north east corner of the site close to its front and side boundaries. The amended location sets the garage back from the junction of Lower Buckland Road and the private road of Buckland Dene. The garage will be a single storey with a pitched roof and timber clad. The main considerations are neighbour amenity and impact within the street scene.
- 12.3 There is a dense established green landscaped area which includes mature trees to the side of the plot fronting Lower Buckland Road which is between 4 m and 8 m wide . This is adjacent to the 1.8m fence that makes up the east boundary of the application site. The remainder of the site has a mixture of low hedges and a boundary fence and wall to the north/north east frontage to Buckland Dene following recent tree clearance.
- 12.4 In general, detached buildings in a forward location are not encouraged and for this reason there were initial concerns that the garage would appear dominant in its setting on the corner of Lower Buckland Road and Buckland Dene.
- 12.5 The established tree screen between the boundary of Dell Cottage and Lower Buckland Road - which provides adequate screening of the proposed garage from the south. The garage would however be visible when approaching the site from the north but this would be limited to where you are almost adjacent to it.

- 12.6 An amended plan has however been submitted that re-locates the garage so that it would be a minimum of 4 m from the northern boundary. The garage would be timber clad and of a limited height - with eaves of 2.1 m and a ridge height of 3.3 metres - both factors which assist to make it less dominant and a more proportionate building within its setting.
- 12.7 It is proposed to plant additional landscaping along the front (north) boundary to provide a screen and soften the appearance of the garage within the street scene. The details of this landscaping can be required to be submitted and then controlled and retained by condition. The impact of the garage is thereby considered to be ameliorated by its set back and the proposed landscaping that can be retained in the future to reach maturity.
- 12.8 Furthermore, there are a number of other examples of prominent garages within the immediate street scene of Lower Buckland Road near Buckland Dene, including directly opposite the proposal site (The Rampart, No. 11) that form part of its existing character.
- 12.9 There are no concerns of neighbour amenity due to the location and single storey nature of the proposals, the large plot size and neighbour separation. Neighbour overlooking is not of concern due to neighbour separation from the garage being 30m.
- 12.10 The comments made by the Town Council and objections have been taken into consideration in the planning assessment made. Other matters raise concern about the removal of trees and affect on existing parking arrangements. The trees in question were not protected, were in poor health and so could be removed without consent and the existing parking provision on site would be maintained.
- 12.11 Therefore, on the balance of these issues the impact of the proposed garage on the street scene and character of the area is not considered to be overdominant or otherwise detrimental to its local distinctiveness. Any dominating impact on the entrance to Buckland Dene has been addressed by the proposed landscaping, together with the relocation of the garage. As such the application is recommended for approval.
- 12.12 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: Amended plan 100 (received on 17/04/18), and 102.

Reason: To ensure satisfactory provision of the development.

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

- (a) the existing trees and shrubs which will to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) 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. 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 ensure the garage is appropriate to the setting and character of the area and to comply with Policy CS2 of the Local Plan for 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.

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2. This decision relates to amended / additional plans received by the Local Planning Authority on 17/05/18

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

June 2018

Item No: 3n
Dell Cottage
Buckland Dene
Lyminster
18/10386

Scale 1:1250

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

