

**Application Number:** 18/10416 Full Planning Permission

**Site:** 39 MARLEY AVENUE, NEW MILTON BH25 5LH

**Development:** Pool/therapy building; single-storey side extension

**Applicant:** Mrs Haddock

**Target Date:** 24/05/2018

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Rosie Rigby
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Councillor view

**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
06/87475 Two-storey side extension; single-storey rear extension	27/04/2006	Granted Subject to Conditions	Decided

#### 5 COUNCILLOR COMMENTS

Cllr Tungate :no objection to garage part of application.  
Pool plant room too close to 2 Cabot Way operating 24/7 with risk of disturbance throughout day and night. Suggest moving plant room.  
Further comments on amended plans:  
Building overly large, roof too high, prefer pool next to house.

#### 6 PARISH / TOWN COUNCIL COMMENTS

**New Milton Town Council:** object(Delegated) The scale, bulk and siting of the outbuilding will cause a detrimental impact to neighbours.

#### 7 CONSULTEE COMMENTS

**Environmental Health (Pollution):** recommend a condition requiring the doors to the plant room to be kept closed except for access and egress and details of the sound attenuation be submitted to and approved in writing by the Local Planning Authority. As the proposed system is a slat water system there is no treatment with chlorine containing chemicals. It is therefore not expected that significant adverse impact will be caused to neighboring residential from the proposed development.

#### 8 REPRESENTATIONS RECEIVED

3 objections have been received from 3 & 5 Marley Close & 2 Cabot Way

Objections have been made on the following grounds: (summary)

- effect on light to garden
- size of building; height and bulk; imposing; dominance on neighbours and skyline.
- enclosure of garden on north side
- patio/sitting area right next to pump room
- potential commercial use of pool
- negative environmental impact in terms of noise, smells; chemical pollution and potential fire risk in the plant room
- plant room would be operating 24/7
- no access to rear garden for emergency services
- should be nearer applicant's house

1 comment from 41 Marley Avenue with concerns regarding noise, chemical odours and private use only.

No comment on garage.

Agent comments as follows (summary)

- plant room relocated following representations

- change of roof form following comments
- all efforts made to be transparent, factual and correct
- not an unusual development in the locality

## **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.

Revised plans have been submitted and accepted during the application process which have repositioned the plant room to the south west corner of the garden and changed the original pitched roof of the outbuilding to a flat sedum topped green roof.

## **12 ASSESSMENT**

- 12.1 The application site consists of an enlarged detached house on an established residential road in the built up area of New Milton. The area is characterised by a variety of architectural styles and sizes of detached properties in a suburban setting.
- 12.2 This application has two elements, a single-storey side extension to the dwelling, and a detached outbuilding to be used as a pool/therapy room located close to the rear boundary of the site.
- 12.3 Single storey side extension: The single-storey side extension would be used as a garage with double doors to the front and rear permitting access through to the rear garden.
- 12.4 The single-storey side extension would take the built form closer to the boundary with No 37 Marley Avenue, although this would impact on the spatial relationship with the adjoining property it would not result in unacceptable harm. No harmful impact would result on the street scene.
- 12.5 The materials proposed for the single-storey side extension would match those existing and therefore will be in keeping with the host dwelling and its surroundings in the built up area.

- 12.6 Outbuilding: The proposed outbuilding would extend along the rear boundary of the site and would replace an existing greenhouse and shed to the rear boundary. It would provide a pool and therapy room with an attached plant room to house the associated machinery. The roof would have a height of 2.925 metres which allows for the planting of sedum green living roof system.
- 12.7 The materials for the outbuilding would be sage green wood effect cement fibreboard with facing brickwork plinth which would match the existing dwelling, the roof would be a sedum topped green living roof appropriate within its garden setting.
- 12.8 The rear garden is fairly spacious with the proposed outbuilding being of a proportionate size to the plot. In this context it is relevant to consider the fallback position which would allow an outbuilding covering 50% of the garden and of 2.5 metres in height (within 2 m of the boundary) to be erected as permitted development. Due to the proposed use and the green sedum topped roof form the proposed height is over 2.5 m. There is an associated benefit from the use of the roofing due to its green appearance have natural plants and a habitat for wildlife.
- 12.9 The garden is enclosed by adjoining properties on Marley Close and Cabot Way which due to their orientation have rear windows facing towards the proposed outbuilding. The proposal would have a visual impact on the neighbouring premises but given its modest increase in height above existing boundary treatments there is no justifiable objection that can be raised in terms of either visual impact or overdominance.
- 12.10 The proposed outbuilding would extend along the northern boundary of the rear garden to No 2 Cabot Way as well as part of the boundaries of No 3 Marley Close and 37 Marley Avenue. There is sufficient garden boundary remaining to No 37 and No 3 has a mature conifer hedge to the rear effectively screening the proposed outbuilding. As such, enclosing impact on these properties would not be detrimental to their amenity.
- 12.11 A greater impact would however result to No 2 Cabot Way where the full extent of the side boundary of the rear garden would be enclosed by the proposal. There is currently a 2.2 metre close boarded fence to this boundary. Despite this enclosure, the building would have a modest height - 0.75 metre higher than the existing fence and as such whilst there would be some impact on their outlook and amenity, on balance it would not create a level of harm sufficient to justify refusal in this instance.
- 12.12 The plant room would be positioned close to the south west boundary, details of the potential noise and machinery have been submitted and Environmental Health consulted on these details
- 12.13 Environmental Health made comment regarding suggestions of chemical pollution and the smell of chlorine. They have commented that the proposed salt water system has no treatment with chlorine containing chemicals, which can be associated with smells from swimming pools. It is therefore not expected that significant or adverse impact will be caused to neighbouring residential uses from the proposed development.

- 12.14 The plant equipment for the pool maintenance will, by its nature, create a degree of noise, however the pump and the dehumidifier are only expected to be run for a few hours a day. However, due to potential for noise it is recommended by Environmental Health that the doors of the plant room should be kept closed except for access and egress. These doors are secondary with the purpose of accessing therapy equipment stored in the plant room. The main doors would be the bifold doors to the pool/therapy area, an internal door from the pool area to the plant room would further limit any residual noise when these main doors are open.
- 12.15 As such, to address this potential noise issue a condition to keep these doors closed is considered reasonable and enforceable in this instance. Further details are required of the sound attenuation to limit any adverse impact on residential amenity to an acceptable level which can also be controlled by condition.
- 12.16 A number of other issues have been raised in representations that are not covered above.
- No adverse effect on the light would result due to the limited roof height of under 3 metres.
  - The proposed use is incidental to the dwelling and further planning permission would be required for commercial use of the pool.
- 12.17 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such despite concerns expressed by neighbours and comments of the Councillor about the outbuilding, it is not considered that it would lead to such a detrimental impact to justify refusal. The application is therefore recommended for approval.
- 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: MAH 02 MAH 03;MAH 05; MAH 06

Reason: To ensure satisfactory provision of the development.

3. The external facing materials of the single-storey side extension shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

4. Before development commences, details for a scheme of sound attenuation shall be submitted to and approved in writing by, the Local Planning Authority. The development hereby approved shall only be implemented and thereafter retained and maintained in accordance with the approved scheme of sound attenuation.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The building the subject of this permission shall only be used incidental to the dwelling on the site and not part of its main accommodation.

Reason: To protect the garden setting and amenities of neighbouring properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) .

6. All doors to the plant room shall be fitted with self-closing devices and kept closed except for access and egress unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of adjoining residential properties and in accordance with policy CS2 of the New Forest District Council Core Strategy.

**Notes for inclusion on certificate:**

1. This decision relates to amended plans and details received by the Local Planning Authority on 17 April 2018
2. 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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# New Forest DISTRICT COUNCIL

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## Planning Development Control Committee

June 2018

Item No: 30

39 Marley Avenue  
New Milton

18/10416

Scale 1:1250

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

