

Application Number: 18/10423 Full Planning Permission

Site: NORTH END COTTAGE, NORTH END, DAMERHAM SP6 3HA

Development: Single-storey rear extensions; rear porch

Applicant: Mr & Mrs Simmons

Target Date: 22/05/2018

Extension Date: 13/06/2018

RECOMMENDATION: Refuse

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Area of Outstanding Natural Beauty
Plan Area
Meteorological Safeguarding
Groundwater Protection Zone
Flood Zone
Conservation Area: Damerham Conservation Area

Plan Policy Designations

Countryside outside the New Forest
Area of Outstanding Natural Beauty
Conservation Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

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
17/11520 Single storey rear extension; porch	10/01/2018	Refused	Decided
16/11664 Single-storey rear extension; use of first floor as bedroom, breach of Condition 2 of Planning Permission 73027 (Lawful Use Certificate for retaining an existing use or operation)	31/01/2017	Was Lawful	Decided
16/10642 Single-storey rear extension; use of first floor as bedroom, breach of Condition 2 of Planning Permission 73027 (Lawful Use Certificate for retaining an existing use or operation)	12/08/2016	Was Not Lawful	Decided
01/73027 Single storey additions	16/04/2002	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council

Damerham Parish Council propose to recommend permission under option 3 to NFDC with the following comments:-

Given there are other comparable houses extended in such a way in Damerham and, taking on board comments from the previous NFDC Development Control Committee meeting for 17/11520, the NFDC committee members stated DM20 was not relevant in this case and the Parish Council agree with their opinion.

The applicants have worked hard with their architect to meet the Planning Officer's concerns regarding the design, height and length of the single storey rear extension.

7 CONSULTEE COMMENTS

7.1 Conservation Officer : not able to support this scheme as the amount of flat roof forming the proposed extension would be an inappropriate design on this prominent elevation (original plans)

Following the submission of amended plans reducing the height of the eaves the Conservation Officer states that the revision does not overcome the concerns raised regarding the form and bulk of the proposed extensions.

7.2 Tree Officer: no objection subject to a condition in respect of the submission and approval of a tree protection plan, method statement and foundation drawings

7.3 Natural England: no comment but refer to their Standing Advice on protected species.

7.4 Environment Agency : were consulted during the previous application but no response was received.

8 REPRESENTATIONS RECEIVED

8.1 One letter of support from Meadow Cottage in Hangersley who has commented that the proposed extension and rear porch represent sympathetic replacements/additions to the building.

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.

The applicant did not use the Pre-application advice service available from the Council following the previous refusal. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. The agent has provided amended plans reducing the height of the eaves of the proposed development to overcome some of the concerns raised. However, despite this as concerns remain about the scene, as such refusal is recommended

12 ASSESSMENT

- 12.1 The property is a detached, predominantly thatched cottage located in a rural area which is designated as Countryside outside the New Forest, Area of Outstanding Natural Beauty and is within the Damerham Conservation Area
- 12.2 The main considerations in this case are whether the proposals are in accordance with Policy DM20 which restricts the incremental increase in floorspace of properties within the countryside, the impact on the existing property, street scene, conservation area and countryside as well as implications for trees and protected species.
- 12.3 This proposal follows a recent application for a similar scheme which was refused in January 2018 (Ref 17/11520). This previous application was refused for two reasons, one being the scale and design and the second reason being the impact on the Countryside because the proposal would result in a floor space area which would be in excess of the 30% which is allowed under Policy DM-20.

The main changes from the previous proposal are a significant reduction in size and height of the extension with an altered design of the proposed extensions.

- 12.4 As the property is located within an area designated as Countryside outside the New Forest and to safeguard the long term future of the Countryside the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Policy DM20 of the Local Plan Part 2, Sites and Development Management Plan, seeks to limit the increase of floorspace allowed to 30% from the floorspace in July 1982.
- 12.5 There have been a number of previous additions to the cottage since 1st July 1982. The original floorspace of the cottage pre 1982 was 89.25 sq.m and therefore a 30% increase would be 26.77 sq. m.

Following planning permission in 2001 (01/73027) the dwelling was extended to the side and rear at ground floor (shown as the sitting room and kitchen on the existing plans). A detached garage permitted at that time was never built. This increased the floorspace by 25.15 sq. m (28.18%).

The 2001 planning permission restricted the use of the first floor as living accommodation however this was altered over the years and further additions made to the rear (shower and passage). The elements to the rear were constructed in 2003 without the benefit of planning consent and they added a further 19.3 sq. m to the floorspace. While these elements did not gain planning permission at the time they were deemed lawful via a Lawful Development Certificate in 2016 as the extensions had been in place for more than 4 years and the use of the first floor (in breach of condition) had taken place more than 10 years before.

The current proposals would result in the loss of the small rear addition constructed in 2003 (19.3 sq m) and would entail an additional floorspace of 13.3 sq m and so there would be a net decrease in the floorspace of 6 sq. m. over and above that currently on site.

- 12.6 From the information provided and looking at our records of previous additions the proposed extension would still result in the overall net increase in floorspace from 1982 of 38.45 sq m - which is a 43% increase on the original floorspace and as such would be contrary to Policy DM20. The floorspace within the first floor has been disregarded in this calculation as it falls within the original envelope of the building. It is acknowledged that by removing the small additions to the rear the proposed extension would not result in a net increase in current floorspace, however these small additions were originally built without planning permission and the cumulative increase in floorspace from previous additions would still result in an unacceptable increase compared to how the property was originally built and more specifically how it stood in July 1982.
- 12.7 Positioned with the side of the property facing the highway, the rear of the property is visible from the road behind the high fences on the boundary. The neighbouring properties are varied in size and design, with some being listed buildings. The neighbouring property to the north, Westfield, has a large outbuilding built close to the front boundary. The position of the proposed extension in relation to this neighbour would mean that there is no amenity impact.
- 12.8 There are a number of trees in the curtilage of the property with a good level of public amenity value. The trees are protected by virtue of being located within a Conservation area. The most prominent of these trees is a Scots Pine growing on the north westerly boundary next to the entrance to the property.
- 12.9 The proposed demolition and construction have the potential to cause undue harm to this tree and other smaller trees and currently no arboricultural information has been submitted with the application. However, the arboricultural officer has no objection subject to a condition in respect of the submission and approval of a tree protection plan, method statement and foundation drawings prior to development commencing.
- 12.10 The Council's Ecologist was consulted on the previous application due to the nature of the property and the location of the site in an AONB. The ecological information submitted is suitable and confirms that there is minimal opportunity for the presence of bat species. Given the limited scale of the proposed development other biodiversity considerations are not significant in policy terms. Furthermore, Natural England make no comment but refer to their Standing Advice on protected species.
- 12.11 The site backs onto the River Allen. It is located within a River Consultation Zone and a Flood Risk Zone (2 and 3). The Environment Agency was consulted during the previous application and no comments were received. However, given that the floor levels of the extension would be retained as existing it is not anticipated that an objection would be raised by the proposals.
- 12.12 The Conservation Officer is unable to support this application. The proposal is creating a wrap around effect to the existing extension and this area of flat roof would jar with the existing pitched roof and would appear to sit higher than the eaves of the existing extension. This would have an effect upon the character of the building and the way it responds to the Conservation Area.

Amended plans were received to lower the height of the eaves and the Conservation Officer was reconsulted. They have noted the reduction in height of the eaves but this does not overcome their concerns regarding the form and bulk of the proposed extensions. The proposed development is therefore considered to be out of keeping with the character of the dwelling and therefore the Conservation Officer still cannot support the application.

12.13 Furthermore, the Conservation Officer has some reservations in that the proposed porch would alter the character of the building. However the proposed rear porch was found to be acceptable under the previous application. They have advised that should the Planning Committee be minded to approve the application that conditions should be added.

12.14 The Conservation Officer's comments are noted however a balanced view needs to be taken. The proposed extension would have a low height and be of a limited size and set back position on the site. The overall impact on the existing building is not significantly harmful but given its location within the Conservation Area as a whole the views of the Conservation Officer are accepted and as such the proposed development is considered to be unacceptable in terms of scale, design and impact on the local area. Although a modest extension given its sensitive location refusal on this basis is therefore, on balance, considered to be appropriate in this instance.

12.15 This current scheme would result in a net decrease in floorspace but given that the previous additions have already taken the floorspace over the permitted 30% this proposal would still be contrary to this policy and as such cannot be seen to have overcome this previous reason for refusal. However, as discussed at the previous planning committee, given that there is no net increase in floorspace, as there are existing elements being removed, there would not be an adverse impact on the future of the Countryside. Whilst Officers are required to recommend refusal as the proposal is contrary to policy the Committee may reach a different view on this given the net reduction in floorspace that would result and therefore find the proposal acceptable in terms of floorspace and the resulting impact on the Countryside.

12.16 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. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the adopted Local Plan Part 2: Sites and Development Management Development Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 of the Local Plan Part 2 and policy CS10 of the Core Strategy for the New Forest District outside the National Park.
2. By reason of its flat roof design, inappropriate form and bulk the proposed development would be out of keeping with the character of the dwelling. For these reasons, the proposals would be harmful to the rural character and appearance of the countryside, Conservation Area and Area of Outstanding Natural Beauty contrary to policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, policies DM1 and DM20 of the Local Plan Part 2, Supplementary Planning Guidance, Residential Design Guide for Rural Areas of the New Forest and chapters 7 and 12 of the National Planning Policy Framework.

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 plans received by the Local Planning Authority on 21st May 2018.

Further Information:

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**Planning Development
Control Committee**
June 2018

Item No: 3p
North End Cottage
North End
Damerham
18/10423

Scale 1:3000
N.B. If printing this plan from
the internet, it will not be to
scale.

