

Application Number: 18/10060 Full Planning Permission

Site: THE DOME, 121 BARTON COURT AVENUE, BARTON-ON-SEA,
NEW MILTON BH25 7EY

Development: Roof alterations in association with extension to two existing flats;
creation of first-floor roof terrace; replace conservatory with
single-storey front extension; fenestration alterations

Applicant: Mr Dean

Target Date: 28/03/2018

Extension Date: 15/06/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Member view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM6: Coastal Change Management Area
- DM7: Restrictions on new soakaways

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 17/11720 - (LDCE) continued use of flats 7 & 9 as residential. Was lawful
- 6.2 17/10310 - use as hairdressing salon. Granted 26.6.17
- 6.3 99/67375 - change of use of part of premises to form 6no additional self contained flats and 2no additional sheltered flats (10 flats in total). Granted 10.5.00
- 6.4 99/66834 - part change of use to form one bed self contained sheltered flat. Granted 24.8.99
- 6.5 98/NFDC/64666 - change of use to form independent first floor flat. Granted 6.10.98
- 6.6 92/NFDC/49432 - addition of conservatory. Granted 30.3.92

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - happy to accept officer's recommendation. No comment due to concerns with validity of application

8 COUNCILLOR COMMENTS

Councillor Beck: local concerns on the impact of car parking.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to condition
- 9.2 Southern Gas Networks: offer advice

10 REPRESENTATIONS RECEIVED

- 10.1 Support has been received from a local resident advising that the forecourt could accommodate 12-14 cars if required and that the terrace would not be visible from Shoreacres.
- 10.2 Three objections have been received from local residents concerned with the following:
 - the certificate is incorrect
 - no bin store details
 - inaccuracies in the application form and plans
 - no parking provision
 - noise disturbance from roof terrace
 - much work has already occurred without consent
 - loss of light
 - loss of privacy
 - inadequate parking
 - over development of the site
 - will the foundations be strong enough?
 - proposed parking provision conflicts with recent sales and tenancies

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

Clarification of the ownership of the site and the parking provision have been requested in order that a full assessment can be made.

14 ASSESSMENT

14.1 The site lies within the built up area of Barton on Sea in a prominent location at the southern end of Barton Court Avenue. It contains a detached part 2, part single storey building which comprises 9 residential units and a hairdressing salon. There is a small garden area to the south, a courtyard to the north and parking to the west. Much of the site is presently undergoing refurbishment and few of the units are currently occupied.

- 14.2 To clarify the history of the property, it was in use as a rest home for up to 15 residents from 1985 until 1998 when planning permission was granted for an independent residential unit at first floor level. This is indicated as Flat 10 on the proposed floor plans (the approval also indicated the existence of two 1-bed units and the bedsit which are shown as Flats 8, 9 and 6). The parking layout at that time showed 10 parking spaces, one of which was indicated as being for the flat.
- 14.3 In 1999, planning permission was granted to use 'Flat 8' as a self-contained sheltered flat although there were no restrictive conditions requiring that it should remain sheltered nor any parking allocated to this unit. The following year, permission was granted for the change of use of the rest of the building to 8 self-contained flats (resulting in a total of 10 flats within the building). The parking layout indicated 11 spaces and the site continued in this use with 11 parking spaces for 18 years until last year when permission was granted for one of the flats to be converted into a hairdressing salon with two parking spaces allocated.
- 14.4 Therefore, the lawful existing use of the premises is as 9 flats, each with one parking space each and a hairdressers with two spaces.
- 14.5 The proposal entails the provision of first floor additions to extend two of the existing flats (3 and 5) and the replacement of the front conservatory with a lobby for flat 4. The works also include a small terrace area for flat 5. The front lobby element is now retrospective.
- 14.6 In visual terms, the single storey front addition has been implemented in materials matching the building and therefore has little impact on the street scene. Although the first floor additions to the rear are not readily visible from the public highway, it is considered that they offer an improvement to the appearance of the building through the removal of several levels of flat roofs and parapet walls of differing heights.
- 14.7 With regard to residential amenity, the extension does not include any windows which would directly overlook the adjacent flats to the east (Shoreacre). There is an east facing roof light proposed over the hall to flat 5 although this would be separated from the adjacent flats by flat 3 and would be around 25m away from Shoreacre. The first floor addition would marginally increase the height of the northern boundary wall although in view of the juxtaposition of this addition with the property to the north and the hipped roof form, any loss of light to the garden of this dwelling would be minimal.
- 14.8 Within the site, the proposed rooflights include three bedroom windows, two of which would be in close proximity to the proposed terrace for a different flat. Although the separation is minimal, angles are such that direct overlooking is unlikely and to a certain extent, in view of the existing layout of the building where the units are tightly packed with relatively limited amenity, the proposal is not considered to give rise to additional adverse impact.
- 14.9 Concerns have been raised to the proposal in respect of the parking provision for the site. Under usual circumstances, the extension of three existing units where two would have additional bedrooms, would not generate any requirement to consult with the Highway Authority. However, the parking issue at this site has evolved from an Enforcement complaint and details of the proposed provision have now been provided as part of the application.

- 14.10 The planning history of the site is lengthy, ad-hoc and the details listed above are not definitive. However, the building contains 9 residential units and a hairdressers. On approval of the hairdressers in 2017, two parking spaces were indicated as being for the commercial use. The submitted plan indicates 9 other spaces which would be retained for use by occupants of the flats and clearly shows the site is able to accommodate these spaces and the necessary turning facilities. The proposed layout is also the same as shown in the 1999 application approved in 2000.
- 14.11 Whilst this number may not equate to the recommended number of parking spaces for the proposed size of units within the building, it is also noted that there is on street parking available in the vicinity of the site, it is not considered that a recommendation to refuse permission based on a lack of parking would be appropriate for this application to provide additional accommodation to existing units. As the impact of the proposal is also acceptable in respect of residential and visual amenity, approval is recommended.
- 14.12 The comments made by a local resident with regard to the parking are not entirely accurate as the site has been shown to accommodate 11 parking spaces since 2000. Whilst subsequent approvals may have indicated a different arrangement, the application site area includes the whole of The Dome and conditions can be applied to land within the red edged site area, thus formally amending previous schemes. The Highway Authority has suggested that all parking remains unallocated and this is included as a condition, reflecting that of the 2000 permission.
- 14.13 The application does not include any details of bin or cycle store provision as this is not normally a requirement for extending existing units. If the owner of the site requires new provision, planning permission should be sought in the usual way. It should be noted that the site has never included any cycle parking provision.
- 14.14 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.

15. 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: PL-010B, PL-012B, PL-013C, PL-112D, PL-113C, PL-014.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials 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. All parking spaces are to remain unallocated for the lifetime of the development in accordance with the approved plans.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council 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.

Although a relatively straight forward application to extend three units, clarification of the ownership of the site and the parking provision have been requested in order that a full assessment can be made.

Further Information:

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**Planning Development
Control Committee**

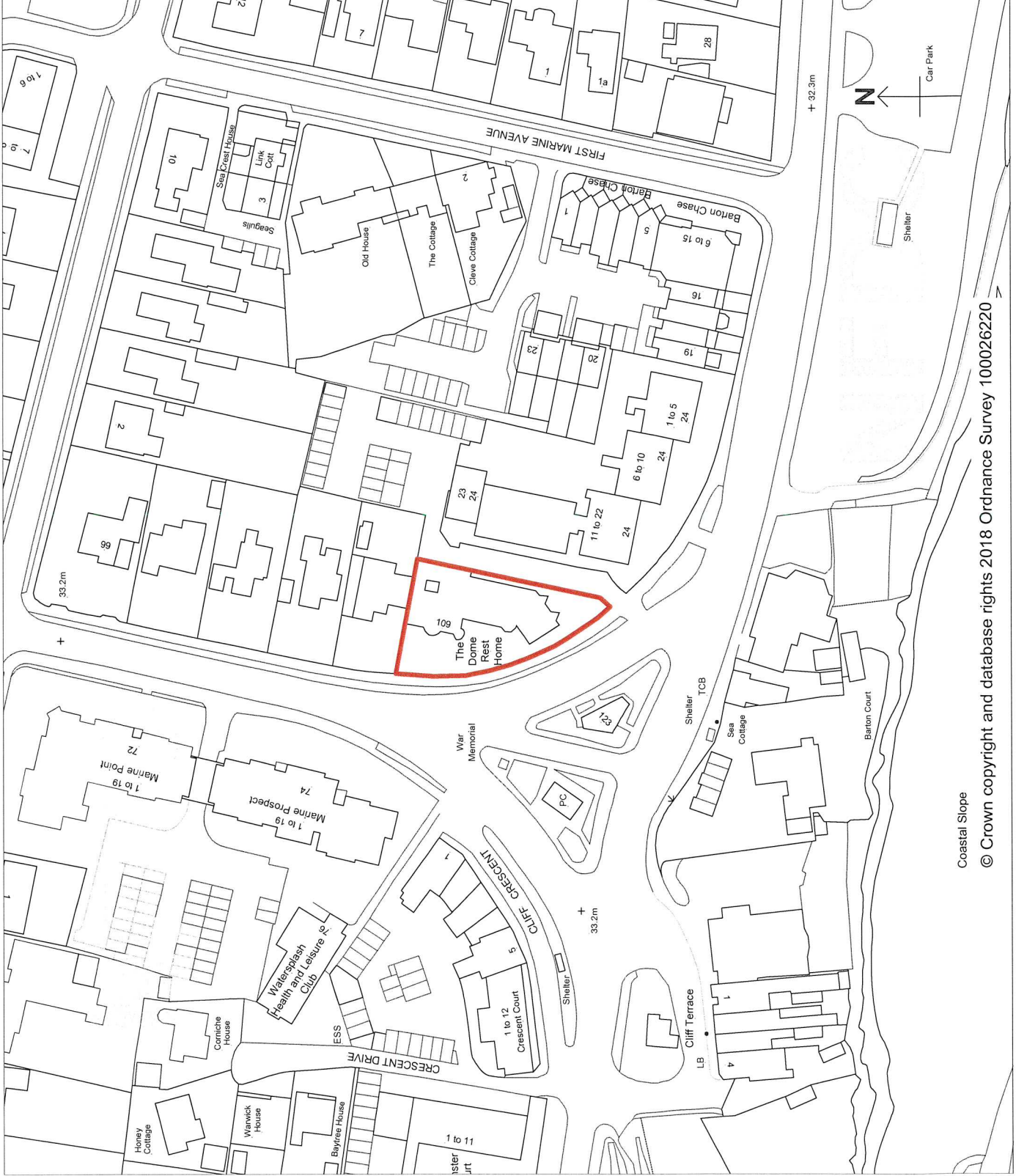
June 2018

Item No: 3c

The Dome
121 Barton Court Ave
Barton on Sea
18/10060

Scale 1:1250

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



Coastal Slope

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