

**Application Number:** 18/10571 Full Planning Permission

**Site:** 7 VINEY ROAD, LYMINGTON SO41 8FF

**Development:** House; detached garage/store; demolition of existing

**Applicant:** Mr & Mrs Merry

**Target Date:** 20/06/2018

**Extension Date:** 13/07/2018

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

Request of Member of this Committee.

**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**

**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  
Section 197 Trees  
Town and Country Planning Act 1990

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Lymington Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

The property was built in the 1960s and extended in 1975, 1995 and 2005.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council - recommend permission but would accept a delegated decision subject to opaque windows and retention of vegetation.

## **8 COUNCILLOR COMMENTS**

Cllr Penson - please put to Committee if approval is recommended

## **9 CONSULTEE COMMENTS**

9.1 Tree Officer - no objection subject to conditions.

9.2 Southern Gas Networks - offer advice.

## **10 REPRESENTATIONS RECEIVED**

10.1 Objections have been received from 3 local residents including on behalf of the Lymington Society. Their concerns are:

- rear gable is very dominant
- reduced distance between dwellings and loss of obscure glazing would result in overlooking
- it would be preferable to have a bathroom in the rear gable
- provision of obscure glazing to bedrooms might not be permanent
- rear windows intrude upon adjacent amenity spaces
- proposed dwelling has a greater mass than existing and is out of character
- harm to outlook from adjacent property
- ridge inappropriately increased to allow split floor levels
- existing extensions should be taken into account
- existing 'overlooking' is less of a problem than proposed bulk

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Based on the information provided at the time of this report this development has a CIL liability of £10,786.46.

Tables setting out all contributions are at the end of this report.

## **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.

The application has been amended since submission in order to try and address concerns raised by local residents. This has resulted in an amended roof form and window restrictions to the rear which has enabled a positive recommendation to be made.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Lymington albeit opposite land which falls within the National Park. It is at the end of a row of mainly chalet style properties, most of which have been previously extended and altered. There are statutorily protected trees in a row across the front garden and the front boundary also contains much mature vegetation. The rear garden is quite restricted but is very well screened from neighbouring properties by mature hedges, other vegetation and fence/trellis work. The curtilage also includes a narrow strip of land between the adjacent property (no.6) and Coppice Lee to the rear and this contains a shed and greenhouse.
- 14.2 The proposal entails the demolition of the existing dwelling and attached garage and its replacement with a two storey dwelling comprising entrance hall, boot room, study, WC at ground floor level with 2 steps down to the north, west and south of this section leading to a snug, large open plan kitchen/diner with pantry and utility/plant room off it and large open plan dining/family room. At first floor level, 4 double bedrooms, one with two ensuites, and a family bathroom are proposed. A detached single garage and store building is proposed to the south side of the front garden, maintaining the existing access and drive.

- 14.3 In principle, the replacement of existing dwellings within the built up area is acceptable. The existing property is not listed nor within a conservation area and therefore its demolition is acceptable subject to the replacement dwelling being acceptable.
- 14.4 The properties in this row have substantial front garden areas and relatively restricted rear gardens and the site is no exception to this. The present property has two bedrooms and a bathroom at first floor level with the latter having a dormer window to the rear roof slope. This window is approximately 19m away from the nearest part of Coppice Lee, a bungalow to the rear and is separated by a mature boundary hedge belonging to Coppice Lee. A supporting photograph shows that only the top of the ridge to Coppice Lee is visible from this window and it does not presently have any adverse impact on residential amenity. At garden level, the existing dwelling is not visible from this property nor is this property visible from the site.
- 14.5 The proposal includes two bedroom windows, shown as being obscure glazed, within the proposed rear projection and in view of the increase in size of the dwelling, they would be between 13m and 14.5m from the nearest part of Coppice Lee. The boundary vegetation would not be disturbed by the proposed building and as the majority of it is outside of the site area, it is out of the applicant's control. It is further noted that the proposed dwelling is very slightly angled away from this property compared to the existing. Subject to a restriction to ensure the windows are obscure glazed and fixed shut, the proposed rear bedroom windows would not adversely affect residential amenity. To the south are secondary windows to the main bedroom and these are also shown to be obscure glazed in view of their proximity to the rear garden of Sheepfold. Although the existing property has a clear glazed window in its southern elevation, the proposal would be closer to the boundary and a similarly worded condition is also considered appropriate here to minimise the potential for overlooking.
- 14.6 There is concern locally that the proposed building is too large and that this impacts on the outlook from the adjoining property. The two storey element of the proposed dwelling would be over 11m from the nearest part of the adjacent property and 19m from a side window. Whilst the proposal would affect the outlook from this window, it is considered to be sufficiently far enough away not to adversely affect residential amenity. An existing clear glazed window in the northern elevation would be removed to be replaced by an obscure glazed bathroom window.
- 14.7 Given the mature vegetation surrounding the rear garden, the outlook from Coppice Lee would not be affected. Although the proposed dwelling would be visible from Sheepfold through gaps in the boundary planting, the proposed garage, directly behind this property, would have a minimal impact due to the flat roof.
- 14.8 With regard to the visual amenities of the area, the design of the proposed dwelling reflects the chalet style of many dwellings in this area. A single storey eaves line is maintained and accommodation provided within the enlarged roof space. The flat roof over the garage/store building, albeit a detached structure would mirror the flat roof to the north side of the property. Although the property, while slightly larger in size than the existing dwelling, would be visible from Viney Road, it is not considered to be significantly intrusive such as to warrant refusal of the scheme.

- 14.9 The protected trees to the frontage are a material consideration in the determination of this application. The tree officer has assessed the information submitted with the application and has confirmed that the trees would not be adversely affected and recommended the imposition of conditions.
- 14.10 The site accommodates adequate space for the parking and turning of vehicles and there are no alterations to the access provisions to warrant consideration by the Highway Authority.
- 14.11 In conclusion, it is considered that the proposed dwelling would be appropriate to the character of this area with acceptable implications for neighbouring property and with no adverse impact on the protected trees.
- 14.12 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.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	0		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	337	225	112	112	£80/sqm	£10,786.46 *
Subtotal:	£10,786.46					
Relief:	£10,786.46					
Total Payable:	£0.00					

*\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:*

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

*Where:*

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2*

## **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: EE01; EE02; EP01; SL01; 18145-BT1; 1595-001; G 01 Rev A; PFFP.01.Rev A; PGFP.01.Rev A; PE 01 Rev B; PE 02 Rev B; SS 01 Rev B; CGI of rear elevation; Arboricultural Assessment and Method Statement; Planning, Design and Access Statement.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

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 Barrell Tree Consultancy Arboricultural Assessment and Method Statement (18145-AA-AS) dated 2nd May 2018 and Tree Protection Plan (18145-BT1) while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

5. Prior to the commencement of any works (including site clearance, demolition and construction works), 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect and confirm that all tree protection measures are in accordance with the submitted Barrell Tree Consultancy Arboricultural Assessment and Method Statement (18145-AA-AS) dated 2nd May 2018 and Tree Protection Plan (18145-BT1).

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. No development, demolition or site clearance shall take place until the following information has been provided:

Detailed cross section drawings for the foundation design of the garage and store as suggested in the Barrell Tree Consultancy Tree Protection Plan (18145-BT1)

Barrell Tree Consultancy: Manual for Managing Trees on Development Sites as stated in the Arboricultural Method Statement to be included with the submission of the planning documents

Cross section drawings and exact specifications for the construction of new surfacing within the root protection areas of protected trees illustrated in yellow within the Barrell Tree Consultancy Tree Protection Plan (18145-BT1)

and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

7. The first floor windows on the rear (NW) and side (SW) elevations of the approved dwelling shall at all times be glazed with obscure glass and fixed shut. Those to the NE side elevation shall be obscure glazed.

The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the 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.

The application was amended following submission in order to address concerns raised by local residents. This resulted in an amended roof form and window restrictions to the rear which enabled a positive recommendation to be made.

**Further Information:**

Vivienne Baxter

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# New Forest DISTRICT COUNCIL

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## Planning Development Control Committee

July 2018

Item No: 3j

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Viney Road  
Lymington  
18/10571

Scale 1:1250

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

