

Application Number: 18/10594 Full Planning Permission

Site: 61 SOUTH STREET, HYTHE SO45 6EA

Development: Single-storey and first-floor rear extensions (part Retrospective)

Applicant: Mr Wells

Target Date: 26/06/2018

Extension Date: 16/07/2018

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Councillor request

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Conservation Area: Hyde Conservation Area

Plan Policy Designations

Built-up 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

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/11515 Single-storey and first-floor rear extensions (Retrospective)	09/01/2018	Refused	Appeal Dismissed	
XX/NFR/02780 Additions.	03/02/1954	Granted	Decided	

5 COUNCILLOR COMMENTS

Cllr B Thorne: requests referral of this planning application to the Planning Committee.

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: happy to accept the decision reached by the DC Planning Officers under their delegated powers.

7 CONSULTEE COMMENTS

NFNPA Conservation Officer: not able to support this application

8 REPRESENTATIONS RECEIVED

No comments received

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 current application proposes changes to the materials to attempt to make the development more acceptable. However, this does not address the concerns with the size and design of the extensions especially in respect of the first floor extension. This development had been judged previously to be harmful and the removal of the cladding would not be sufficient to mitigate this harm. A recent appeal has been dismissed for a single-storey and first-floor rear extensions on the site (17/11515). As this application now falls to be determined, a refusal is justified in this instance.

12 ASSESSMENT

- 12.1 The application site consists of an end of terrace dwelling, situated in the Hythe Conservation Area. The property has been extended at both ground and first floor level within the last 3-5 years, and this is a retrospective application.
- 12.2 A recent application to allow the retention of the extensions as built was refused, and this decision has been upheld at appeal. It is relevant to note that these extensions would not have met the criteria of permitted development, neither would the ground floor extension have been eligible for the prior approval for larger extensions procedure, as the site is on article 2/3 land, and furthermore cannot be applied for retrospectively.
- 12.3 The previous application (17/11515) was refused for the following reason:
"By reason of their length, design and materials the retrospective ground and first floor extensions form an over dominant and unsympathetic addition that is disproportionate in scale to the original dwelling. The increase in the linear length of the building would also create a more dominant building within the context of the surrounding properties, to the detriment of the street scene harmful to the character and appearance of the original dwelling and wider Hythe Conservation Area. As such they are contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan, Chap 7 and 12 of the National Planning Policy Framework, and the Hythe Conservation Area appraisal."
- 12.4 An appeal challenging the refusal was dismissed on 15 June 2018.
- 12.5 The current application is proposing to remove the first floor cladding. The plans also show that the ground floor extension would be painted to match the existing dwelling. Despite this, with regard to the ground floor, the agent has stressed in the supporting statement that his client would prefer not to paint the brickwork, and presents an argument in support of this.
- 12.6 61 South Street contributes to the character of this area by being part of the Victorian development of the town. Part of the character of a Victorian terraced house is its scale and layout which are often small, two roomed buildings at first and second floor level. While it is recognised that to a certain degree buildings must change to meet

modern living standards, this can be achieved while conserving the character of the original dwelling. Other buildings within this small terrace of 4 houses have been extended to the rear however none have been extended as far backwards as this property and, as such, it is out of keeping with the scale of extensions usually found on properties of this type. Alterations such as this if allowed to take place upon buildings in a terrace, can create cumulative harm on the character of the Conservation Area.

- 12.7 The dwelling falls within the Hythe Conservation Area, and therefore all development should either enhance or preserve the character of the Conservation Area. The Hythe Conservation Area appraisal states that: *'The cottages lining the eastern side of South Street are at its upper end very small and in short terraces.'* The extensions have increased the linear length of the building, and coupled with the earlier extension dating from the 1950s, has resulted in a dwelling that is disproportionate in scale and out of context with the surrounding properties and has detrimentally eroded the character of the original cottage.
- 12.8 The Planning Inspector at the recent appeal agreed that *'further extensions over and above those built in the 1950's would in principle have a propensity to cause harm to the previously modest proportions of the building and thereby the character of the conservation area'*. Although the extensions are to the rear of the dwelling, limited views of the extended roof line are achievable from South Street and this was also noted in the Planning Inspector's report.
- 12.9 The harm caused by the extensions is further exacerbated by the materials. In an attempt to overcome the harm of the development, this application proposes to remove the cladding and replace it with painted render, to match the colour of the existing. The first floor of the house is painted brick and therefore a wall of painted render would look incongruous and would not overcome the concerns expressed.
- 12.10 The ground floor extension is constructed of blue engineering bricks combined with red brick (which were purportedly salvaged from an original 1887 party wall boundary). The plans propose to paint the brickwork to match the existing house, although the agent has argued that this is not necessary and stated that the applicant would like to retain the existing ground floor as it is.
- 12.11 Another feature of the character of a Victorian terrace is its uniformity of style and materials. The use of the proposed differing brick, render and painted brick would appear out of keeping with the character of the building. Although not highly visible within the street scene the cumulative impact of the extensions would harm the character of the building, and would affect its ability to contribute in a positive way to the character of the Conservation Area.
- 12.12 The limited changes proposed since the earlier application was refused and dismissed at appeal are not significant and do not address the previous objections raised and supported by the appeal Inspector. As such the application is recommended for refusal.

- 12.13 With regard to neighbour amenity, 59 South Street - to the north-east of the site- would have already been affected by the previous 2 storey extension dating from the 1950s. Even though the recent ground and first floor extension would project out further into the rear garden and further enclose the rear of this neighbouring property, it would only exacerbate the existing relationship and therefore is not considered harmful.
- 12.14 With regard to the other neighbour (63 South Street), the extensions do not extend beyond the rear of the built form next door. There were first floor windows on the original rear elevation, and therefore the introduction of French doors would not unduly exacerbate the overlooking of the neighbouring properties. The French doors would be inward opening with a Juliet balcony installed, to restrict access to the flat roofed area of the ground floor extension. Adverse impact on neighbour amenity was not cited as a reason for refusal on the previous application, and the removal of the cladding at first floor level would not change this aspect. The letters of support from neighbours in respect of the first refused application have been re submitted in the supporting evidence provided by the agent as part of this application. However, no further comments have been received following the publication of the current application.
- 12.15 The application form states that the development was done in stages, with the ground floor extension completed over a year before the first floor extension was commenced. There are no building regulation records applying to either of these extensions, so this cannot be confirmed through council records, and neither has building regulations been applied for retrospectively. If a case can be made that these extensions have been in situ for longer than 4 years, a Lawful Development Certificate (Existing) should be applied for with supporting evidence and an assessment made accordingly.
- 12.16 To conclude, the first floor extension by reason of its length, design and materials would be harmful to the character and appearance of the original dwelling, creating an over dominant extension out of scale with the original property. This extension would detract also from the character of the Hythe Conservation Area. The removal of the cladding would not be sufficient to mitigate the harm arising from the development, and the retention of the brick finish on the ground floor extension is also judged harmful as it would result in a combination of finishes on the exterior that would not complement each other and would detract further from the character and appearance of the extended dwelling.
- 12.17 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. By reason of its length, design and materials the retrospective first floor extension would form an over dominant and unsympathetic addition that is disproportionate in scale to the original dwelling. The retention of a brick finish to the ground floor extension would further detract from the character and appearance of the dwelling and wider area, by introducing a contrast of finishes on the extended dwelling. The increase in the linear length of the building would also create a more dominant building within the context of the surrounding properties, to the detriment of the street scene harmful to the character and appearance of the original dwelling and wider Hythe Conservation Area. As such they are contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan, Chap 7 and 12 of the National Planning Policy Framework, and the Hythe Conservation Area appraisal.

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 current application proposes changes to the materials to attempt to make the development more acceptable. This though does not address the concerns with the size and design of the extensions especially in respect of the first floor extension. This development has been judged previously to be harmful and the removal of the cladding would not be sufficient to mitigate this harm. As this application now falls to be determined, a refusal is justified in this instance.

Further Information:

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Planning Development Control Committee

July 2018

Item No: 3k

61

South Street
Hythe

18/10594

Scale 1:1250

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

