

Application Number: 18/10628 Full Planning Permission

Site: 31 LONG LANE, HOLBURY, FAWLEY SO45 2LF

Development: Single-storey extension to existing outbuilding for use as residential annex

Applicant: Mrs West

Target Date: 16/07/2018

Extension Date: 08/08/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
HSE Consultation Zone
Plan Area

Tree Preservation Order: 40/97

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 12 - Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant documents

Supplementary Planning Guidance And Documents

No relevant documents

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
15/10405 Extension to outbuilding and use as ancillary accommodation	13/10/2015	Granted Subject to Conditions	Decided
07/91487 Smoking shelter	13/02/2008	Granted Subject to Conditions	Decided
93/NFDC/51419 Ground floor rear extension and form rooms on first floor	19/02/1993	Granted Subject to Conditions	Decided
92/NFDC/49765 Erect detached garage/workshop & 1.9m high fence & access	19/06/1992	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: we recommend refusal due to concern relating to over development, access and parking.

7 CONSULTEE COMMENTS

Tree Officer: no objections as the proposed extension would be far enough from the protected tree and the existing site features provide suitable tree protection measures.

8 REPRESENTATIONS RECEIVED

One letter of comment from the neighbour at number 33 requesting that a condition is applied to any consent for the use of the outbuilding to remain ancillary to the host property so that a new dwelling is not created at the site.

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 paragraph 38 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

12.1 The property is a detached bungalow on a fairly large plot within the built up area of Holbury. The rear of the property has been extended with a "smoking shelter" which was granted planning permission in 2007. Beyond the smoking shelter is an outbuilding (6.3 m x 5m) which is the subject of this application. The rear of the site is fairly well screened with high fences. A large Oak tree to the side of the property is protected with a tree preservation order. There are also a number of containers located to the rear of the site.

12.2 The main consideration when assessing this application is the impact on the neighbouring property. The proposal includes extending the existing outbuilding (by a further 3 metres) to the rear and to use this extended outbuilding as ancillary living accommodation.

12.3 It is of relevance that a previous application in 2015 (15/10405) was approved for an extension to the outbuilding and use of the outbuilding as living accommodation. This consent was never implemented but remains extant. The current proposals differs from this extant consent in that it would extend directly from the rear elevation of the outbuilding whereas the previous approval was to extend beyond the rear of the lean-to (adjacent to the shared boundary with number 33).

Furthermore, it should be noted that using the existing outbuilding as ancillary living accommodation, without any external changes, would not be development and consequently would not require planning consent.

12.4 The neighbour to the north, 33 Long Lane is set away from the proposed extension to the outbuilding and there is a high wall on the shared boundary. The proposed extension to the outbuilding due to its relative position and low height would mean that the impact on this neighbour's amenity would be acceptable.

12.5 The proposal also includes the use of the existing outbuilding and the proposed extension as residential living accommodation. The applicant has confirmed that the outbuilding will be used by the family as part and parcel to the residential property. The neighbour at number 33 Long Lane has commented on the application and stated that the use of the outbuilding should be retained as ancillary to the main dwelling and a condition should be applied to any planning consent to ensure that a separate dwelling is not created on the site. Whilst there is no indication that this element would be used as a separate dwelling it would not be unreasonable to apply a condition to any approval for this element to be used in conjunction with the main dwelling and not to form a separate unit of accommodation.

- 12.6 There are protected trees on the site frontage. However there are no objections raised by the Tree Officer as the proposed extension would be far enough from the protected tree and the existing site features provide suitable tree protection measures.
- 12.7 Fawley Parish Council have recommended refusal due to concern relating to over development, access and parking. The built form to the rear of the property has already been extended with the smoking shelter which almost joins onto the existing outbuilding. The proposal would increase this built form but not to such a degree to be considered an overdevelopment of this site given the large plot size and position of the extension to the rear.
- 12.8 There is already access to the site at the front and rear and no change to this access is proposed. The applicant has provided an additional plan showing that there is sufficient parking available on the site as well as parking within the slip-road outside the property where there are no parking restrictions. Consequently there would not be any highway safety concerns in respect of any additional parking required from the proposed alterations.
- 12.9 The proposed extension to the existing outbuilding would extend the built form into the plot but the garden is extensive and given that it would be to the rear of the property there would not be an adverse impact on the street scene or local area. Furthermore, the use of timber cladding on the extension is acceptable in its context.
- 12.10 In conclusion the proposed extension, being to the rear of the property, would not have a detrimental impact on local or neighbour amenity. The use of the existing outbuilding and extension as living accommodation would not result in a new dwelling being created on the site and its use would be conditioned to be used in conjunction with the main dwelling. As such the proposal would comply with local and Government policies and the application is recommended for approval.
- 12.11 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: LP02; BP 03; FP 01; FP 02; SP 1; SP 2; PE 1; PE 2; PE 3; PE 4; PE 5; PD 01; OB 1; OB 2; OB 3 & OB 4

Reason: To ensure satisfactory provision of the development.

3. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless a further grant of planning permission has been given by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area, contrary to 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 paragraph 38 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. This decision relates to additional plans received by the Local Planning Authority on 6 July 2018

Further Information:

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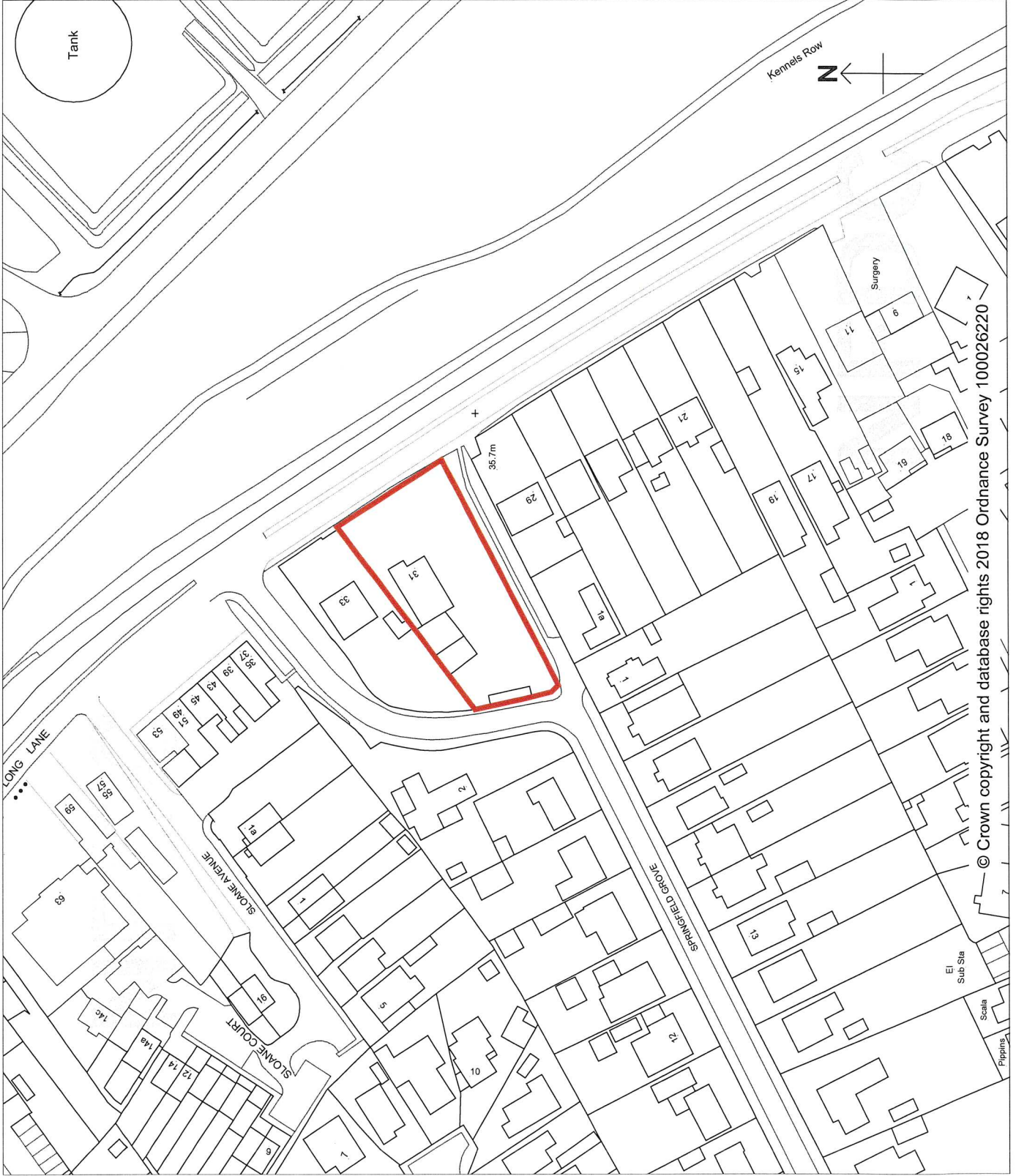
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**Planning Development
Control Committee**
August 2018

Item No: 3f
31
Long Lane
Holbury Fawley
18/10628

Scale 1:1250

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