

Application Number: 18/10707 Full Planning Permission

Site: 14 WATERFORD ROAD, ASHLEY, NEW MILTON BH25 5BH

Development: First-floor extension

Applicant: Mr Arnold

Target Date: 24/07/2018

Extension Date: 10/08/2018

RECOMMENDATION: Refuse

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Request of member of the Planning Committee

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Flood Zone

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

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

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
85/NFDC/29478 Addition of a bedroom on first floor.	26/06/1985	Granted	Decided

5 COUNCILLOR COMMENTS

Councillor Christine Ward requested the application be considered by the Planning Committee.

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object (Delegated):

- (1) Negative impact to the amenities of number 12 at ground and first floor level, which includes loss of light, privacy and would create a general feeling of enclosure.
- (2) Unneighbourly.

7 CONSULTEE COMMENTS

Natural England: no comment - refer to Standing Advice

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

Comment(s): 0 In Favour: 0 Against: 1

Objections:

- Loss of light and overshadowing
- Loss of privacy
- Sense of enclosure
- Red line incorrect
- First floor plan incorrect.

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.

The applicant did not use the pre-application advice service available from the Council prior to the application being submitted. Although the applicant submitted amended plans which addressed the overlooking issue by proposing a high level window on the north elevation, the overshadowing and loss of light concerns remained. Further plans were provided to address inaccuracies with the red line and a Certificate B submitted along with a revised first floor layout plan. Having considered the issues and comments received on the application, there is sufficient justification to refuse the current application.

12 ASSESSMENT

- 12.1 The site consists of an end of terrace property, part of a group of unsymmetrical appearance, on an established residential road in the built up area of New Milton. The manner in which these terraced properties have been sub-divided means that what exists at ground floor level, is different at first floor level. The properties have all been subject to alterations and extensions resulting in the remainder of the terrace extending further back in their plots than the application site.
- 12.2 Waterford Road is characterised by mixed architectural styles and sizes, while Oak Road, which the application site also faces onto, is predominantly made up of bungalows with a stream running across the fronts of the properties on the western side of the road.
- 12.3 The application proposes a first floor extension to the side and rear with the existing rear single-storey flat roof being altered to a mono-pitch roof and a high level window to the existing rear elevation. The main considerations are the impact on the amenity of the adjoining neighbour at No 12 Waterford Road and the impact on the street scene.
- 12.4 The neighbour, No 12 Waterford Road, has a roof lantern on the flat roof adjoining No 14. This roof lantern serves an internal room that is used as a study. Due to later additions to the dwelling this room does not have any other external light sources, just windows looking out into the conservatory style single-storey extension. Consequently this room is already dark with limited available light. The proposed extension and alteration to the single-storey roof would further reduce the limited light to this room to the detriment of reasonable amenity of the neighbour, and this impact would be exacerbated by the orientation of the properties, being north facing. The fact that the room is already dark does not justify a further harmful reduction in light as a result of the proposed extensions.
- 12.5 The applicant has offered to paint the walls white to reflect more light into the roof lantern. Notwithstanding that this would improve the situation, the degree of harm to amenity would remain unacceptable for the reasons set out above.
- 12.6 No 12 has a two-storey rearward projection with a rear bedroom having both side and a rear facing windows. The part of the proposal extending to the rear would present a blank brick wall at a separation of 3.6 metres from the side window of the rear bedroom. This would impact on this window but there is another, rear facing, window serving this room.

Furthermore, the first floor extension would only project a further 1.2 m to the rear and this limited extent, together with the separation, would reduce any enclosing impact to an acceptable level.

- 12.7 Although the addition of the proposed window on the north elevation would face towards the rear garden of No 12 Waterford Road this is a high level window and as such it would not lead to unacceptable overlooking.
- 12.8 The proposed extension would be viewed from Oak Road, however it would have a roof form that would be subservient to the existing property and would not appear out of keeping with the host dwelling. As such the impact on the street scene would be acceptable.
- 12.9 There would be two new side windows at first floor fronting onto Oak Road. However there would be a separation across the road of at least 28 metres so no unacceptable overlooking would result.
- 12.10 The cottage at No. 20 Oak Road, which adjoins the site to the north, is recognised as being a key building in the New Milton Local Distinctiveness Supplementary Planning Document. It is one of the old forest cottages or rural dwellings which make the Ashley character area distinctive. However, the proposal would have a separation of 12.5 metres from this dwelling across the rear garden of No. 12 Waterford Road and the impact would be acceptable.
- 12.11 The proposal would increase the number of bedrooms to 4, the requirement set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 recommends an average provision of 3 on-site car parking spaces for a four bedroomed property. Paragraph 3.4 states that if a development provides significantly less than the recommended provision consideration will need to be given as to whether there is likely to be an unsatisfied demand which could lead to severe road safety hazards or serious environmental damage. In this case, the proposal is not significantly below the recommended provision, there are no parking restrictions on Waterford Road and no harm is likely to be caused, furthermore additional parking space could possibly be made available within the curtilage to provide for future demands for on-site parking provision.
- 12.12 In conclusion although there would be an enclosing impact on the neighbour at No.12 this would not, on balance be sufficient to justify a refusal, however the overshadowing to the rear of No.12 Waterford Road would result in a loss of light which would, on balance be unacceptable and a refusal would be justified for this reason.
- 12.13 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. The proposed first floor extension and roof alteration by reason of its close proximity to the rooflight on No 12 Waterford Road's north facing flat roof would cause overshadowing resulting in an unacceptably harmful loss of light to the detriment of this neighbour's reasonable amenity. As such it would be contrary to the provision of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 14 June & 9 July 2018
2. 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.

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Further Information:

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New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee**
August 2018

Item No: 3h

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Waterford Road
Ashford New Milton
18/10707

Scale 1:1250

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

