

Appeal Decision

Site visit made on 16 March 2017

by Ray Wright BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 April 2017

Appeal Ref: APP/B1740/D/16/3164529

4 Fullerton Road, Pennington, Lymington SO41 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Miller against the decision of New Forest District Council.
 - The application Ref 16/10989 was refused by notice dated 10 November 2016.
 - The development proposed is a 'single storey rear extension and flat roof. Roof conversion with 3 rear flat roof dormers, 2 front flat roof dormers and one front roof light. Flat roof porch.'
-

Application for Costs

1. An application for costs was made by Mr Neil Miller against New Forest District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for a single storey rear extension, roof conversion with 3 rear flat roof dormers, 2 front flat roof dormers, one front roof light and a flat roof porch at 4 Fullerton Road, Pennington, Lymington SO41 9JN, in accordance with the terms of the application, Ref 16/10989, dated 12 July 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 005P Rev B, and 003Q Rev A.

Procedural Matters

3. The appellant alternatively uses 'Pennington' and 'Lymington' within the address of the property on the application and appeal forms. I have used both to accord with the Council's decision letter.
4. Some works in connection with the overall development have already taken place. However, I have assessed the development on the basis of the scheme depicted upon the submitted drawings.

Main issues

5. The main issues in this case are the effect on the character and appearance of the area and the effect on the living conditions of adjoining occupiers, having particular regard to overlooking.
-

Reasons

6. The appeal relates to a detached bungalow. The property has been the subject of an earlier appeal¹ (the previous appeal) where permission was granted for raising of the ridge height, front and rear dormers, rear extension, front porch, elevational changes and garage. The works carried out to date and put forward in this scheme differ from the previous appeal in various ways.
7. The porch proposed has not been erected. The Council raise no objection to this element of the scheme and due to its limited form and design I have no reason to disagree with this assessment. Nor is any reference made to the completed rear extension. The principal matters of contention in this appeal, therefore, relate to the roof dormers and roofing material used.

Character and Appearance

8. The National Planning Policy Framework (Framework) indicates there should be a presumption in favour of sustainable development, but confirms good design is a key aspect of sustainable development. Policy CS2 of the New Forest District Council Core Strategy – 'New Forest District outside the National Park' 2009 (CS) similarly requires new development to be well designed and to respect the character of the area.
9. The site is placed in Character Area 7: Yaldhurst Purlieu within the Lymington Local Distinctiveness Supplementary Planning Document 2011 (SPD) in a location described as having 'planned connected type street layouts' comprising 'rows of similar bungalows'. However, as noted in the previous appeal, the immediate area is mixed in character, with a number of dwellings where accommodation has been provided at first floor level. There is also a significant amount of variation in terms of building style and form, including gable fronted properties, which lead the Inspector in the previous appeal to indicate that there is 'no strong sense of regimentation to the general pattern of development.'
10. As now put forward in this scheme the ridge line would be lower, and the dormers are flat roofed, less deep and set higher in the roof compared to the development approved under the previous appeal. An additional dormer is also added to the rear elevation and a roof light window to the front.
11. The dormers proposed retain a significant spacing to the eaves line, are set in from the side flank walls and below the ridge line of the roof. Therefore, they remain subservient within the overall roof space. Dormers are not an uncommon feature in the wider area and I noted flat roof dormers on properties further along this side of Fullerton Road. The dormers on the front elevation would not represent dominant or incongruous elements within the roof space and the roof light window following the plane of the roof would have minimal effect on the overall appearance of the property. There are limited public views of the rear roof of the property from Highfield Road, but the rear of the building is not a prominent feature in the street scene.
12. Whilst the predominant roofing material in the area is tile, I noted a variety of different profiles and colours of tile in the wider area. Also a property further down the slope of Fullerton Road appears to have a roofing material similar to

¹ Appeal reference APP/B1740/D/15/3035893.

slate. Therefore the slate material proposed in this development would not be a completely alien feature or unduly out of keeping in the wider area.

13. The other changes proposed to the previous appeal are minimal and would have limited effect on the wider appearance of the property.

14. I conclude that the development would not be materially harmful to the character and appearance of the property or wider area. As such there would be no conflict with the design requirements of the Framework, Policy CS2 of the CS or SPD.

Living Conditions

15. One of the principles of the Framework is to seek a good standard of amenity for all existing occupiers of land and buildings. Policy CS2 of the CS indicates developments should not cause unacceptable effects by reason of, amongst other matters, overlooking.

16. Although the dormers have been reduced in size, overall, from the previous appeal the area of actual glazing would be increased. In respect of 3 Fullerton Road, I appreciate that the windows may be sited higher up the roof slope than in the previous appeal, which could give a more elevated view, but this also marginally increases their distance from this facing property. The roof light angled with the plane of the roof would not enable direct views. I consider, due to the spacing of the properties, any impact in terms of overlooking would be limited and would not be materially greater than that in the scheme previously granted permission.

17. The rear dormers are identified as being in excess of 20 metres from the property at 50 Highfield Road which is side on to the rear garden at the appeal site. A new central dormer is proposed, however, this would serve a bathroom and is indicated as being obscure glazed, restricting potential additional views from it. At this distance, even taking account of this additional rear window and the altered position and form of the fenestration, I do not consider the development would cause undue harm at the rear of the building by reason of any overlooking.

18. To my mind, there would be no material harm to the living conditions of adjoining occupiers from overlooking or direct loss of privacy from the development now put forward. As such, I find no conflict with the Framework or Policy CS2 of the CS.

Conditions

19. The Council has put forward one condition should this appeal succeed. I agree a condition referring to the relevant plans is required for certainty.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

Ray Wright

INSPECTOR