

Application No: 17/00129/VAR Variation / Removal of Condition

Site: Salindine, Partridge Road, Brockenhurst, SO42 7RZ

Proposal: Application to remove Condition 4 of Planning permission 14/00965 to allow temporary use of existing outbuilding as a residential annexe

Applicant: Mr R Batten

Case Officer: Ann Braid

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP12 Outbuildings
DP11 Extensions to Dwellings
DP1 General Development Principles
CP8 Local Distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Support and would not accept the decision reached by the National Park Authority's Officers under their delegated powers.

Request that a condition be to allow temporary use for the applicant's

Mother only. When she vacates the building the condition 4 is resumed.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

- 9.1 6 letters of support have been received, offering no further comments.
- 9.2 One letter has been received supporting the proposal as the writer wishes to provide similar accommodation for an elderly relative with a terminal illness
- 9.3 One letter supports the application as the building exists, the accommodation is much needed and would reduce strain on local services, thereby providing a practical solution to the family's needs.
- 9.4 Two letters of objection have been received, on the grounds of the visual impact of the building, which is out of place in its setting. The footpath is gradually being constrained as residents' gardens are being enlarged. The issues of loss of privacy and precedent have been raised and the difficulty of monitoring a condition to ensure the building reverts to an incidental use.

10. RELEVANT HISTORY

- 10.1 Proposed porch and bay window; outbuilding (demolish existing outbuilding) (14/00965) granted on 6 February 2015.

11. ASSESSMENT

- 11.1 Salindine is a semi detached red brick and clay tile house. To the rear is a level garden, with an outbuilding at the far end, given consent in 2015. The building has been built and has a footprint of 8 metres by 6 metres and is 3.75 metres high to the ridge. At the time consent was granted, it was intended that the building should be a garden room and home office. It has been built with a bathroom, living room and bedroom already installed and a kitchen is to be fitted in the living room. The garden will be laid to lawn, but at the time of the site inspection was unplanted soil, with a concrete path leading to the outbuilding.
- 11.2 Permission for the outbuilding was granted subject to the following condition;

"The outbuilding the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms

and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)."

Consent is now sought to vary this condition to allow the applicant's mother to live in the building, and medical grounds have been put forward as justification for the temporary variation of the condition to allow this.

- 11.3 The issues to be assessed are the extent to which the justification put forward would outweigh Core Strategy Policy DP12. The Policy states;

"Domestic outbuildings will be permitted where they:

- a) are located within the domestic curtilage;
- b) are required for purposes incidental to the use of the main dwelling; and
- c) are not providing additional habitable accommodation."

- 11.4 The applicant's mother has been diagnosed with a terminal illness with additional complications, and has become dependent upon the applicant for essential care. The use of the outbuilding as an annexe would afford her a degree of independence but enable the applicant to be on hand to deal with day to day duties and future care. The applicant is content to agree that the building should revert to incidental purposes once it is no longer required, and the Parish Council supports the application on this basis.

- 11.5 The restrictions of Policy DP12 are applied for a number of reasons, including the impact of additional habitable accommodation on the character of the area and the residential amenities of neighbours. Whilst having every sympathy with the circumstances of this case, there are concerns relating to the use of the building as additional habitable accommodation. The site lies within the defined New Forest Village of Brockenhurst, where the floor area restrictions of Policy DP11 do not apply, but all extensions to residential accommodation are required by the policy to be appropriate and sympathetic to the dwelling and its curtilage, and DP1 requires development to have no adverse impacts on amenity. The proposal would result in the introduction of habitable accommodation in a building within close proximity of neighbouring properties, adjacent to their rear gardens where occupiers should expect to enjoy a degree of peace and privacy. The habitable use of the building would result in a degree of activity, light and noise with potential adverse impacts on neighbouring amenity.

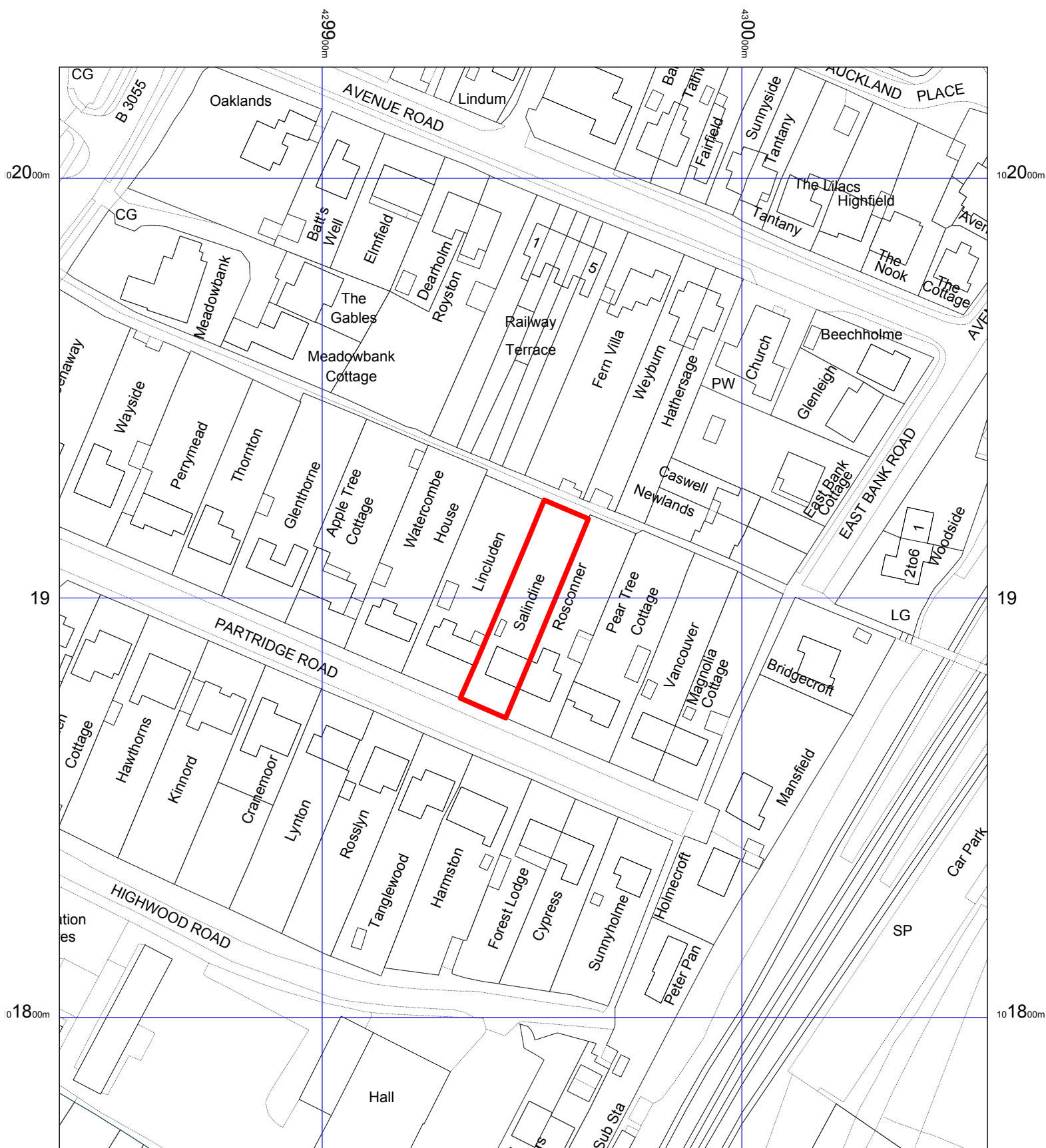
- 11.6 The building has been constructed as a fully self-contained unit and could therefore be readily used as an additional independent unit of residential accommodation. There is a foot path along the rear boundary of the property and many gardens have access gates on to this footpath. The outbuilding could therefore be served by its own independent access. In addition, the building has a visual impact viewed when from the path and rear gardens of properties in both Partridge Road and Avenue Road which back on to the footpath. The erosion of the open character of the gardens would be contrary to Policy CP8 of the Core Strategy.
- 11.7 The construction of the building with all facilities necessary for its independent use would have necessitated some considerable financial investment on the part of the applicant. Although it is stated that there is no objection to the building reverting to an incidental use, it could be held to be unreasonable for the Authority to sanction the alterations already carried out, then require their reversal after a limited period of time. The Authority could therefore be open to challenge at appeal on the grounds that the imposition of a condition requiring the removal of the kitchen facilities would be unreasonable.
- 11.8 Although all cases would be judged on their individual merits, the creation of the independent accommodation could set a precedent for other applicants to seek the same form of development. A neighbour has written in support of the proposal on these grounds.
- 11.9 The personal circumstances leading to the application are a material consideration to be weighed against the adopted policies. They are specific to the applicant's family and as such need not create a precedent, provided they are found to be exceptional. Also, the argument has been put forward by the Agent that as the location of the site is within the defined village the provision of additional habitable floor space would not contravene policy. Neighbours are predominantly in support of the proposal. The supporting statement suggests a form of words which could be used as a condition if Committee were minded to grant consent. However, on balance, it is considered that, for the reasons given above, the Officers' recommendation should be in accordance with Policy and should be one of refusal.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The proposed outbuilding, by virtue of the introduction of habitable accommodation, would not be incidental to the use of the main dwelling and therefore would not be appropriate to the existing curtilage. It would result in a self-contained additional residential unit resulting in the inappropriate overdevelopment of the site to the detriment of the character of the locality and neighbouring amenity, which would be contrary to policies DP1, DP12 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).



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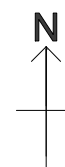
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Date: 02/05/2017

Ref: 17/00129/VAR

Scale: 1:1250



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