HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. C/12/70627

DESCRIPTION	Erection of rear decking, glass balustrade & pergola, soft & hard landscaping with steps & retaining walls between various levels
ADDRESS	Parsons Plot Lands End Road Bursledon Southampton SO31 8DN

SITE VISIT DATE	29/5/2012
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application is for the extension of an existing wooden decking area to the side (adjacent to Myrtle Cottage) and to the rear. The side extension will project the decking an additional 1.5m above that existing so that the extended decking area is located between 30 and 80cm from the side boundary to Myrtle Cottage. The decking will also project a further 2m from the rear elevation however this relates to 4.4m of the decking area, the remainder retaining the existing depth from the house. Essentially the extended decking area is located at its north west corner. The application proposes a wooden pergola with perspex roof above. The pergola will have a height of 2.3m above the decking area. A glass balustrade is proposed around the decking area and timber and glass enclosure of 2.45m in height around the enlarged part of the decking area (north west corner). A trellis with horizontal slits is proposed on the side of the decking adjacent to Myrtle Cottage to a height of 2.45m above the decking area. The scheme also shows the landscaping of the garden however this does not form part of the application.
TOPOGRAPHY	The site drops sharply from Lands End Road to the rear boundary. The land levels of the neighbouring property, Myrtle Cottage, are lower than that of the application site. No details of land level changes between neighbouring sites have been provided however the change is land levels at the point where the decking is proposed to be extended is estimated at around 50cm.
TREES	n/a
BOUNDARY TREATMENT	Hedging and mature vegetation is located along the mutual side boundary to Myrtle Cottage at the point where the extending decking area is.
SITE CHARACTERISTICS	The site comprises a detached chalet bungalow with en existing decking area that is 1.35m above the existing ground level at that point. Hamble River is located to the rear of the site.

THE SITE AND ITS SURROUNDINGS

CHARACTER OF LOCALITY	The area comprises a number of detached residential properties. Adjacent Myrtle Cottage is a Grade II Listed Building. The site is located within the Old Bursledon Conservation Area, Old Bursledon Special Policy Area and the countryside.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/07/60827	Extension of rear decking to include balustrade	REFUSE PLANNING PERMISSION 17/10/2007

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Myrtle Cottage, Lands End Road	Harmful overlooking, location of fire pit
Old Bursledon Action Group	Loss of privacy arising from enlarged decking area onto Myrtle Cottage. No objection to remainder of application.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
BUR	Object
HPP	No objection subject to materials

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within Established Residential Area Within Designated Conservation Area Affects Setting of Listed Building

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) : 1.CO, 9.CO, 59.BE, 169.LB & 179.LB
Supplementary Planning Guidance : Quality Places
Supplementary Planning Guidance: Residential Parking Standards

CHARACTER APPRAISAL AREA

n/a

SPECIAL POLICY AREA

Old Bursledon Special Policy Area

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

None received		See below	x	
No comments				

COMMENT ON REPRESENTATIONS RECEIVED

	None received		See below	x	
No comments					

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

MATERIAL CONSIDERATIONS

Section 74(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that Section 66(1) of the Act applies. This indicates that in considering whether to grant Conservation Area consent:

> *"The Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

In addition, Section 72(1) of the Act states:

> *"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

1: CO - limits development in the countryside unless it meets the criteria in other policies of the plan.

9.CO - allows extensions to dwellings in the countryside subject to a number of criteria. The most relevant of these to this proposal are:

(iii) the extension does not result in the dwelling becoming disproportionate in size to neighbouring properties or its plot.

(iv) The design of the extension should not materially worsen the impact on its immediate surroundings.

59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

169.LB requires any development within a designated conservation area to preserve or enhance the character or appearance of the conservation area or its setting, to not detract from the character of the area or street, be appropriate in terms of its mass, scale, design and materials, and to be sympathetic to existing buildings and the particular character of the area.

179.LB seeks to protect the special loose knit character of Old Bursledon and ensure the retention of existing open areas. It states that further development within the special policy area will be refused with the exception of replacement dwellings, appropriate extensions and changes of use that respect and enhance the character of the Special Policy Area. The policy's preamble states that as a guide the council is unlikely to support extensions to existing dwellings that exceed a 15% in their original external floor space. The Special Policy area is described in further detail in BHH 23 Bursledon, Hamble-le Rice & Hound Character Area Appraisal.

Assessment

The decking area as proposed represents an increase of 12m^2 which will not exceed the 15% limit noted within the preamble to Policy 179.BE of the Local Plan. In this case policy issues for consideration include:

Principle

Policy 179.LB of the Eastleigh Borough Local Plan Review (2001-2011) specifically relates to the Old Bursledon Special Policy Area which is intended to "protect the special loose-knit character of

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Old Bursledon" and ensure the retention of current open spaces. Further development within the Special Policy Area will not be permitted except for the replacement or extension of existing dwellings, or appropriate extensions or changes of use provided they respect and enhance the character of the Special Policy Area.

The principle of extending or replacement of the current decking is acceptable, provided it is appropriate in terms of its mass, scale, design and materials and the Old Bursledon Conservation and Special Policy Areas.

Layout & Design

The existing decking is a simple rectangular area on one level with very simple steps at one end. The majority of the decking area will remain the same size as existing and enlarged part of the decking is focussed in the north west corner of the site. The fire pit is located to the other side of the site and is sunken into the ground. The decking is proposed to be covered by a pergola with a perspex roof, frosted panels for the balustrade and horizontal slatted trellis on the side elevation facing Myrtle Cottage. The proposed decking area is much smaller than that proposed as part of the previously refused application for an enlarged decking area in 2007. The appearance of the proposed development is not considered to be excessive and will merge in well with the existing house that it relates to.
The proposed enlargement to the decking area would not result in the structure becoming disproportionate in size to neighbouring properties or its plot. Furthermore the design of the extension would not materially worsen the impact on its immediate surroundings. For these reasons the proposed development will have no significant impact on the character and appearance of the Old Bursledon Special Policy Area or the countryside. The house to which the decking area relates is not identified as one which has a positive contribution to the character and appearance of the Conservation Area and the proposed decking will preserve the character and appearance of the Conservation Area at this point. The development is relatively small and will not harmfully impact upon the setting of Myrtle Cottage, a Grade II Listed Building. The Conservation officer raises no objection and the proposed development is therefore considered to be in accordance with policies 1.CO, 9.CO, 59.BE, 169.LB & 179.LB in this respect.

Residential Amenity

Unlike the previously refused application, the proposed decking area, as enlarged, moves closer to the side boundary of Myrtle Cottage. The decking will be located immediately adjacent to the side boundary and there are a number of factors which will result in the proposed decking creating a harmful level of overlooking and perceived overlooking onto that Myrtle Cottage. Firstly the ground level of the application site is higher than that of Myrtle Cottage by approximately 50cm. The decking area is and will be 1.35m above the ground level of the application site. As such although there is hedging along the mutual side boundary within the garden of Myrtle Cottage, it does not and will not screen the decking area and there are already clear views from the decking area as existing into the garden area of Myrtle Cottage. The encroachment of the decking area to the side boundary will only serve to worsen this situation. The application proposes a trellis along the side of the decking area however this will have horizontal gaps of approximately 10cm each which allow views through and will also create a perception of additional overlooking above and beyond that existing. The proposed decking area is therefore considered to create and worsen a harmful level of overlooking onto the garden of Myrtle Cottage harmful to the residential amenities of that property contrary to policy 59.BE of Eastleigh Borough Council.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSION

The recommendation is to refuse.