Eastleigh Borough Council

Town and Country Planning Act 1990 – Section 78

Statement of Local Planning Authority

Planning Inspectorate Reference No: APP/W1715/A/11/2163352/NWF

Application Reference Number: F/11/68952

Name and Address of Appellant:

Mr J Quinn
Hamble Cliff Lodge
Westfield Common
Hamble-le-Rice
Hants
SO31 4LB

Appellant's Interest in the Land:

Freehold Owner

Particulars of the Application/Appeal:

This appeal relates to planning application F/11/68952 which was submitted on 30 June 2011, seeking detailed permission for the construction of a new dwelling with integral garage and provision of passing point on highway following demolition of existing dwelling.

Reason for Refusal:

The application was refused by the Local Planning Authority (LPA) on 21 September 2011 for the following reasons:

1. The proposed development, by reason of its excessive size and scale, is considered to have a greater physical and visual impact on the character and appearance of the surrounding countryside location, to the detriment of the rural character of the existing area, and setting a dangerous precedent for future development, and as such is contrary to Policies 59.BE and 8.CO of the Eastleigh Borough Local Plan Review 2001-2011

The Appeal Site and Surroundings:

The appeal site comprises of a single two storey dwelling that is constructed in the Victorian Gothic style. It has stone elevations, with stone detailing, ornate barge boards all set under a steeped pitched roof. The original dwelling has been extended to the rear in the past creating a wing of accommodation that overlooks the swimming pool. To the south is a detached garage set behind a high solid gate and boundary wall. The dwelling is set within a large plot that is predominantly level in nature. The boundaries to the plot are afforded substantial screening except from directly to the front, where the dwelling sits very close to the narrow lane.

The dwelling is the former lodge house to the much larger Hamble Cliff House located to the north, and is one of a small cluster of buildings, including the former stable complex which has been converted to dwellings, all once associated with Hamble Cliff House. Although Hamble House Lodge is not listed, both Hamble Cliff House and Hamble House Stables are Grade II Listed Buildings.

To the east behind a tree screen is Aerostructures, an industrial complex the history for which extends back to WWII, whilst to the west is Southampton Waters along which are footpaths and cyclepaths linking Weston Shore with Hamble-le-Rice.

Trees to the north and west of the existing dwelling are protected by tree preservation order 715, a copy of which was provided with the LPA's questionnaire.

Relevant Planning Policies:

These have been provided with the questionnaire. However in summary the saved policies from the Eastleigh Borough Local Plan Review are;

8.CO which is a criteria based policy relating to replacement dwellings in the countryside. The relevant criterion is (ii) as it is accepted the existing dwelling is lawful and would be demolished, whilst no additional units of accommodation would be created.

59.BE, also a criteria based policy, that offers generic advice and promotes good design. The relevant criterion are (i) requiring development to take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting. Criterion (iv) requires development to provide a high standard of landscape design and appropriate planting where required.

The South East Regional Plan is the appropriate regional guidance but, in this instance, is not considered to offer policy advice relevant to this appeal.

Representations Received:

An objection was raised by the Head of Regeneration and Planning Policy to the principle of the scale and massing of the new dwelling and its potential to set a precedent for further development in the countryside. The design concept was generally supported although concerns were raised about a number of elements including the less than ancillary nature of the "garage wing", the massing compared to the original footprint and the dwelling's proximity to trees and the lane.

No objection was received from the Head of Transportation and Engineering, Head of Countryside and Trees (trees and biodiversity officers), Head of Environmental Health or Hamble-le-Rice Parish Council.

Two letters of representation were received objecting on grounds of damage to the lane and general disturbance during the construction, highway congestion along the lane, loss of privacy,

Amended plans were received prior to refusing the scheme that addressed the original concerns of the Head of Transportation and Engineering and design officer in respect of the dwellings proximity to highway and impact on highway visibility along the lane.

History

Planning permission was granted in October 2010 for extensions to the dwelling, and these extensions sat principally over the existing extension to the rear (north) of the property permitted in 1996.

Council's Statement of Case:

The starting point for considering and determining planning applications is the development plan, which in this instance, comprises of the South East Plan adopted May 2009 and the saved policies of the Eastleigh Borough Local Plan Review (2001-2011) adopted May 2006.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "…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." Therefore, this application must be assessed against the policy guidance contained within the development plan.

Reason 1 – excessive size and scale, is considered to have a greater and detrimental physical and visual impact on the character and appearance of the surrounding countryside location

Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011 requires development to take full and proper account of the context of the site including

the character and appearance of the locality and neighbourhood and be appropriate in mass, scale, materials, layout, density, design and siting.

Policy 8.CO although supportive of replacement dwellings in the countryside requires them to be appropriate in design to reflect its countryside location; not to be disproportionate in size to its neighbours or in relation to its plot; and not to have a greater impact physically or visually on the character and appearance of its immediate surroundings, or on the general countryside, than the existing dwelling.

Central Government guidance is clearly set out in PPS 3. It advises that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (para 13). It continues by advising that assessing design quality should include the extent to which the new development is well integrated with, and compliments the neighbouring buildings and the local area more generally, in terms of scale, density, layout and access…and enhances a distinctive character that relates well to the surroundings (para 16).

The existing dwelling is nestled within the existing tree lined lane, which despite its more recent extensions to the rear, offers a dwelling with a modest twinned gabled frontage to the lane. The proportions and scale of the dwelling respect its original lodge function in comparison to the much larger and grander Hamble Cliff House. The former stables, which have been converted into three dwellings, retain their ancillary appearance, respecting the relationship and setting to the main House also. Views other than of the front of the existing dwelling are very limited to that obtained through trees or from the Hamble Cliff House. The compact appearance of the dwellings footprint when viewed from the lane (8.5m x 10.5m) belies its larger scale when the 1996 extension is included.

The proposed replacement dwelling is of a mass and scale that both visually and physically is significantly greater than the existing dwelling. At 30m in width (maximum) and 26m in depth (maximum), the scale of the dwelling no longer respects the “lodge” appearance of the existing dwelling but rivals Hamble Cliff House as the principal dwelling within this historic complex of residences. It is the view of the LPA that the proposed dwelling would be disproportionate in size to the neighbouring properties when assessing the original relationship between the various buildings.

The full massing of the building is emphasised by setting the dwelling further into the site, thereby opening up views of the dwelling from the lane. The enclosed nature of the lane is weakened, and the sense of rural countryside is lost to a large frontage and dominant building. Details of the proposed treatment of the existing driveway and the land beneath the existing dwelling, nor the landscaping along this front boundary, have not been provided. The LPA would be extremely concerned if this area were to remain open, which in itself would cause further detriment to the rural character of this aspect of the lane.

The impact of the proposed dwelling is heightened through the loss of a large part of the existing vegetation to the frontage of the site. The LPA acknowledge the leylandii trees are not worthy of protection, whilst the felling of the Eucalyptus can be justified on sound arboricultural grounds. This adds weight to the concerns of the Head of Regeneration and Planning Policy in that the existing vegetation which softens the setting of the dwelling could be removed in the future, thereby further increasing the impact of the new property on its host environment.

Ultimately, the increase in footprint will have an unavoidably greater physical impact on the surrounding countryside compared to the existing dwelling. The footprint of the current property is circa 136sqm whereas the footprint of the proposed, including the attached garage complex, is circa 373sqm. This represents a significant 270% increase and one that will cause detriment to this countryside site.

The LPA do not suggest the dwelling would be disproportionate in relation to its plot nor are the materials and design concept, when viewed in isolation, considered inappropriate.

The LPA have had regard to the extensions granted in 2010 but do not believe this extant scheme is sufficient to justify a development of the scale now proposed. The 2010 scheme is significantly smaller than that at appeal, whilst it not only retained the existing dwelling but built largely over the footprint of the 1996 rear extension. The total footprint of the extended dwelling would measure circa 260sqm, some 30% smaller than that currently at appeal.

Policy 8.CO is applicable to all replacement dwellings in the countryside and the LPA are concerned allowing this appeal for a significantly larger replacement dwelling would set an unwelcome precedent. The LPA do not hold with the view that the trees sufficiently screen the development nor that the principle of such an increase in size is acceptable if the development can be hidden from view. Unrestricted increases in the size of dwellings located outside of the urban edge will cumulatively undermine the character and appearance of the countryside.

Comments on the appellant's statement of case.

Nothing to add.

Conclusions:

The appeal site is within an area designated as countryside as such the requirements of saved policies 8.CO (ii) and 59.BE (i) and (iv) must be met. The LPA are of the opinion that the replacement dwelling would represent almost a threefold increase in footprint on the existing lodge, the siting and

scale of which would physically and visually cause harm to the rural character of the area. The LPA respectfully request that the appeal be dismissed.

Conditions:

However, if the Inspector concludes the scheme is in accordance with national and local policies, the LPA ask the following conditions are imposed;

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1425/01A; 1425/02; 1425/03; 1425/04A; 1425/05; 1425/06A. Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. Details and samples of all external facing and roofing materials must be submitted to and approved in writing by the Local Planning Authority before development commences. The development must then accord with these approved details. Reason: To ensure that the external appearance of any building is satisfactory.

4. Details of Contractor's site hut location and any areas designated for the storage of building materials must be submitted to and approved in writing by the Local Planning Authority before development commences. The development must then accord with these approved details. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 site huts and building materials must not be stored elsewhere on the site without the prior written permission of the Local Planning Authority. Reason: To ensure that natural features are not damaged.

5. Plans and particulars showing the proposals for all the following aspects of the development must be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development must then accord with these approved details. Reason: In order that these matters may be considered by the Local Planning Authority.

   a: The ground floor levels above ordnance datum of all buildings.

   b: Proposed ground levels and relationship to existing levels both within the site and on immediately adjoining land.

   c: The layout of foul sewers and surface water drains.

6. Before the development commences, or by such later date as the Local Planning Authority may determine, a landscape scheme comprising

planting, details of hard surfacing and means of enclosure must be submitted to, and approved in writing by the Local Planning Authority. Such a scheme must include a planting specification and schedule, and shall indicate the position, size, number, planting density and species of shrubs and trees. A seed or turf specification must be provided for areas to be grassed. The planting scheme must include details of phasing, timing and provision for management and maintenance during the first ten years from the date of planting. Reason: To ensure that the appearance of the development is satisfactory.

7. The landscape scheme must be completed within 12 months from the completion of the building shell, or by such later date as the Local Planning Authority may determine. Any trees or plants which die, are removed or become seriously damaged or diseased during the first five years must be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Reason: To ensure that the appearance of the development is satisfactory.

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (No 2) (England) Order 2008, the building must not be extended or altered and there shall be no structures erected within the curtilage without the prior written permission of the Local Planning Authority. Reason: To ensure the appearance of the site remains suited to its countryside location.

9. The development shall accord with the Arboricultural Impact and Method Statement prepared by Sheena Pain dated 11th April 2011. Protective fencing and round protection must be in place as per the Tree Protection Plan Dwg No. 001 and 002. Reason - To retain and protect the existing trees which form an important part of the amenity of the locality.

10. No development shall start until a site meeting (attended by the Arboricultural Consultant and Site Manager) has taken place where a representative from the Local Planning Authority has inspected and approved the fencing and ground protection and signed the card which accompanies this decision notice. Once approved no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the fenced area. The fencing shall be retained in its approved form for the duration of the work. Reason - To retain and protect the existing trees which form an important part of the amenity of the locality.

11. The development must proceed in accordance with the mitigation measures set out on section 4.2.3 of the Bat Survey Report (ECOSA, June 2011). A report stating how these measures have been achieved

should be submitted to the Planning Authority once development is complete. Reason: to protect and enhance bat species.

12. Prior to the commencement of the development hereby approved (or in accordance with a timetable to be agreed in writing with the Local Planning Authority), a Code for Sustainable Homes interim stage certificate and report highlighting how all of the essential requirements of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' are to be met shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.

13. Prior to the occupation of buildings within the development hereby approved, a Code for Sustainable Home/BREEAM final stage certificate and report highlighting how all of the essential requirements of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' have been met shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.