REF. NO. F/16/78275

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Rear conservatory. 2 Lewes Close, Eastleigh, SO50 4QJ

SITE VISIT DATE – 20/04/2016

ARE PLANS ACCURATE? – Basic but sufficient to determine the application.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension is 3.6 metres deep by 4.0 metres wide and only requires formal planning approval due to the fact that permitted development rights were removed from the property when it was originally built in order to ensure that the amenity of neighbouring properties was protected and that sufficient usable garden space was retained.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	The site slopes down gently from the front to the rear.
TREES	There are none on or adjacent to the site which would be affected.
BOUNDARY TREATMENT	1.8 metre timber boundary fence to the rear garden boundaries and open to the front.
SITE CHARACTERISTICS	Modest 1970s/80s semi-detached bungalow on a small development of similar properties. To the front there is a small parking area and a small front extension. To the rear is a modest private garden.
CHARACTER OF LOCALITY	The surrounding area is residential in nature and made up of a mixture of detached, semi-detached and terraced single and two storey dwellings of a similar age to the application property.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/25576/000/00	Erection of ground floor front extension.	Approved Sept 1981

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Sessions – 4 Lewes Close	Object. Loss of privacy from side facing window and loss of light due to higher level of No.2 by half a metre.

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Ford – 5 Lewes Close	Object. The conservatory is large and the level differences will result in overlooking and loss of privacy to garden and house.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Allbrook & North Boyatt Parish Council	No comments received.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved Policies 25.NC & 59.BE

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising:

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014' Policies DM1, DM9 & DM24

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Character Area Appraisals – Eastleigh (ELAC 31)
Supplementary Planning Document: Residential Parking Standards

NATIONAL PLANNING POLICY GUIDANCE

The National Planning Policy Framework (NPPF) supports and encourages sustainable development which is considered to have three roles, economic, social and environmental. Paragraph 8 of the NPPF states that "These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle of that proposed, its layout, design and impact upon the general character of the surrounding area, residential amenity and nature conservation.

COMMENT ON CONSULTATION RESPONSES

n/a

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COMMENT ON REPRESENTATIONS RECEIVED

See below.

PLANNING OBLIGATION/CONSIDERATIONS

n/a

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."*

In this case policy issues for consideration include:

Principle – The application site lies within the urban edge where the basic principle of development is considered to be acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and Supplementary Planning Documents. The most relevant policy in this case is saved Policy 59.BE of the Local Plan which 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, a satisfactory means of access and layout for vehicles, cyclists and pedestrians, to make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise and fumes. Also of relevance is Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, which essentially reiterates the above requirements.

Layout, Design & Area Character – The proposal is a modest conservatory which is only slightly larger than could usually be constructed under permitted development and well within the size allowed via the householder prior notification procedure. However, permitted development rights were removed from the dwelling, hence the need for planning approval.

In terms of its form, scale and design the proposed conservatory raises no concerns and is considered to be acceptable.

Residential Amenity – Due to the small scale and single storey nature of that proposed, as well as its proximity to neighbouring properties, it is not considered that there would be any adverse or unacceptable impact upon the amenity of these neighbours in terms of loss of privacy, light or outlook despite the concerns raised by neighbours at No.4. However, it is noted that a window is proposed to the side elevation facing the rear of No.4 and while privacy could be maintained by ensuring that this window is obscure glazed and only top opening, given the close proximity and level differences between No.2 and No.4 there would still be a strong perception of overlooking. As such it is recommended that a condition be imposed preventing this window from being installed and that this flank wall of the conservatory is entirely brick to match the existing dwelling. This will ensure the privacy of No.4 is maintained and will not impact upon the application dwelling given that the two other elevations of the proposed conservatory will be entirely glazed. With regards to the comments from No.5, while the concerns are noted there would be no adverse loss of privacy due to the perpendicular angle of the conservatory to No.5 even with the slightly elevated position of the application dwelling.

With regards to loss of light, the proposed conservatory which is only 2.7 metres in height and at a

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

distance of 8.0 metres from the main part of the rear elevation of No.4 which looks directly at the proposed conservatory. This distance even with the additional 0.5 metre higher ground level of No.2 will have no adverse or detrimental impact upon light to the rear of No.4 and it would be hard to argue that there would be any detrimental loss of outlook. It will also leave a reasonable and usable amount of private garden for the application property.

Nature Conservation – The proposal is not considered to result in a likely significant impact on a European Protected site (SPA, SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was not required for this development as it falls outside the designated zone of impact.

The site falls outside the 5.6km buffer zone for the Solent SPA. A contribution is not therefore required to mitigate the increased recreational pressure resulting from the development.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

For the reasons given above, the application is considered to comply with the requirements of saved Policy 59.BE of the adopted Local Plan, Policy DM1 of the Submitted Local Plan and the Council's 'Quality Places' SPD. As such the application is recommended for approval subject to conditions.