HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. C/15/76670

DESCRIPTION	First floor extension above existing garage to allow for enlargement of adjoining annexe accommodation
ADDRESS	The Shambles 45 High Street Botley Southampton SO30 2EA

SITE VISIT DATE	17 July 2015
ARE PLANS ACCURATE?	It is considered that sufficient information has been provided to allow for the assessment of the development proposed.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes. As the application property falls within a designated Conservation Area, a site notice was also displayed at the entrance to the site and the proposals were advertised within a newspaper circulating within the local area.

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the construction of a first floor extension above the property's flat roof double garage to provide for further habitable accommodation, enlarging that which is currently present within the adjoining structure. The extension will have a pitched roof with a flat section along its ridge and a barn-hip to its western side. A pitched roof dormer and single rooflight are to be provided to the front elevation with two further rooflights to the rear, each of which is to serve an additional bedroom which is to be provided as a result of the proposed development.
TOPOGRAPHY	The site is relatively flat and level with only marginal changes in gradient across its extent.
TREES	There are trees present to the immediate rear of the building which are afforded protection owing to the site falling within a designated Conservation Area. It is not, however, considered that these trees would be notably or adversely affected by the development and no works are proposed to be undertaken to them.
BOUNDARY TREATMENT	There is a brick wall to the shared boundary of the site with No. 43 High Street. The western side and rear boundaries are formed of a mixture of fencing, hedging and planting. There is gated access to the property's driveway and to the detached structure that forms the subject of this application from the High Street to the front.
SITE CHARACTERISTICS	No. 45 High Street is an attractive, semi-detached, pitched-roof dwellinghouse with gable-ends to its front and rear elevations. The dwelling is constructed of red brick with plain clay roof tiles and has three pitched roof dormers to the central section of its western elevation. The property is set in an advanced position within its plot and as a result of this as well as the recessed siting of the adjacent All Saints' Parish Church is a fairly visually prominent feature when approaching this part of the High Street from the west. The property has a gated entrance to its western side which provides access to its driveway and the detached structure to the rear of its plot which forms the subject of this application.

THE SITE AND ITS SURROUNDINGS

	This structure was originally a flat roof detached garage which was extended and enlarged to provide for ancillary accommodation (C/27474/001). This building has since been enlarged with an adjoining flat roof double garage having been constructed to its western side and the original garage having been converted to provide for further habitable accommodation at ground floor level.
CHARACTER OF LOCALITY	The site falls within the Botley Conservation Area with this particular part of the southern side of the High Street being formed of attractive character dwellinghouses set in advanced positions within their respective plots. The Grade II Listed All Saints' Parish Church neighbours the application site to its western side with part of the church yard being sited to the rear.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/27474/000	First floor rear extension	PERMIT – 18/04/1984
C/27474/001	Construction of pitched roof side extension and pitched roof to existing garage to provide habitable rooms	PERMIT – 09/05/2003
C/08/63672	Two storey side extension	REFUSED – 30/10/2008
C/09/65704	First floor side extension	PERMIT – 16/10/2009

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
All Saints' Parish Church, High Street, Botley	Raised concerns about the impact of the proposed first floor extension, given its proximity to the church building. The existing garage is already very close to the East wall of the Chancel, where there is a particularly fine, large Victorian stained glass window. The main concern is that the extension of the roof line over the existing garage may considerably reduce the light coming through this stained glass window. This would Detract greatly from its beauty and would substantially reduce the light in the Chancel itself.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Botley Parish Council	No objection.
Head of Planning Policy and Design – Conservation Officer	I have no objection to the pitched roof addition but a cut-off pitched roof in a conservation area is a no-no, more particularly next to the church. The roof should finish in a proper ridge which can be hipped at the east end too and would cost no more either, if not the same. Given the position of the dormer it would look better if glazed full length as it looks like a hay loft dormer over a stable which would be in keeping with the age of the main house. All new roof-lights should be of the conservation type and materials to match existing.
Head of Transportation and	No objection. The layout allows for parking for 2 cars as required by the

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Engineering	EBC parking Standards. However a condition should be applied to ensure that the garage remains.
Head of Countryside and Trees – Tree Officer	No comments received.
Head of Environmental Health	I have reviewed the information provided / that held by this Service and note the following: • The proposed development of the 1st floor is an elevated position • The nearest residential structure is within 15m of the development site • The development site is located adjacent to a church Considering the above I wish to make the following comments: The proposed development work has the potential to impact on the adjoining neighbouring residential property and the church. Therefore I recommend that the following condition(s) / advise are imposed for amenity protection reasons: *No construction or demolition work must take place except between the hours of 08:00 to 18:00 Mondays to Fridays or 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.*

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within Designated Conservation Area – Botley / Winchester Road

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

Eastleigh Borough Local Plan Review (2001-2011), saved policies 28.ES, 59.BE, 100.T (Minimise travelling), 101.T (Infrastructure contributions), 104.T. (Parking), 147.OS (Public open space), 169.LB (Conservation areas), 191.IN (Social infrastructure).
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 (General Criteria for New Development), DM23 (General Development Criteria – Transport), DM24 (Parking), DM25 (Residential Development in Urban Areas), DM29 (Internal Space Standards for Residential Development), DM32 (Provision of Recreation and Open Space Facilities with New Development), DM37 (Funding Infrastructure).
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Botley Conservation Area Appraisal

CHARACTER APPRAISAL AREA

n/a

SPECIAL POLICY AREA

The site does not fall within a designated special policy area.

NATIONAL PLANNING POLICY GUIDANCE

In respect of this application, the following sections or paragraphs of the NPPF are considered to be of particular relevance:

- Paragraph 6 states that "the purpose of the planning system is to contribute to the achievement of sustainable development".
- Paragraph 14 sets out that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking". The Framework sets out that for decision-taking this means "approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."
- Paragraph 17 details the 12 core planning principles that should underpin decision-taking, these include that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- Paragraph 32 states that decisions should take account of whether "safe and suitable access to the site can be achieved for all people" and Paragraph 35 states that developments should be located and designed where practical to "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities."
- Paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development".
- Section 7 which relates to *Requiring good design.* Paragraph 56 of which notably states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".
- Section 12 which relates to *Conserving and enhancing the historic environment.* In particular, Paragraph 131, which states that "In determining planning applications, local planning authorities should take account of … the desirability of new development making a positive contribution to local character and distinctiveness."

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 the development proposed, its layout and design, highway matters, residential amenity, and the impact of the proposals on the character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below		
Other – the comments received are noted with the matters raised being covered in the below assessment of the proposals where considered necessary and appropriate.				

COMMENT ON REPRESENTATIONS RECEIVED

	None received		See below		

COMMENT ON REPRESENTATIONS RECEIVED

Other – the comments received are noted with the matters raised being covered in the below assessment of the proposals where considered necessary and appropriate.

PLANNING OBLIGATION/CONSIDERATIONS

As set out below, it is the view of the Local Planning Authority that the structure proposed is to all intents and purposes a separate new dwelling. Whilst the Council would have previously sought planning obligations for all new residential development which creates net additional units in accordance with its adopted Local Plan policies (101.T, 147.OS and 191.IN) and adopted relevant Supplementary Planning Document (Planning Obligations), the ministerial statement of 28th November 2014 from The Minister of State for Housing and Planning, and subsequent changes to the National Planning Practice Guidance (PPG) have now increased the threshold for when tariff based planning obligations can be required. This means that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) will be exempt from the need to provide tariff based planning obligations or affordable housing. As such no contributions have been sought or are required in respect of this application towards Sustainable Transport, Community Infrastructure or Public Open Space based upon the Council's adopted tariffs.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

In the exercise with respect to any buildings or other land in a conservation area of any powers under any of the provisions of the Planning Acts … "special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area".

Development Plan Policies:

Eastleigh Borough Local Plan Review (2001-2011):

Saved Policy 28.ES requires that provision should be made in the design and layout of housing developments for the storage and collection of domestic waste and recyclable materials and that these must be sited in locations that would not give rise to disturbance to the occupiers of residential property.

Saved Policy 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 both in relation to themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention. 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.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Saved Policy 100.T states *inter alia* that development which accords with other relevant policies of this Plan will be permitted provided it is, or could be well served by public transport, cycling and walking; and it includes measures that minimizes its impact on the existing transport network.

Saved Policy 101.T states that development which results in additional traffic on the local road network greater will: only be permitted if the Council is satisfied that there is a proven need for the development in the location proposed and; be the subject of the provision of contributions towards the implementation of the Local Transport Plan and/or other transport proposals set out in the Local Plan.

Saved Policy 104.T requires that adequate off-highway parking is provided to serve new development.

Saved Policies 147.OS and 191.IN respectively state that where development involves a net increase in residential units, the Council will seek agreements for a contribution towards open space provision in the locality as well as for the provision of infrastructure, services, facilities and amenities directly made necessary by the development.

Saved Policy 169.LB states that planning applications for new buildings and alterations and extensions to existing buildings within Conservation Areas will be permitted providing that they meet a number of criteria including that the proposal preserves or enhances the character or appearance of the Conservation Area or its setting; architectural details on buildings of value are retained; and the materials used are appropriate and in sympathy with the existing buildings and the particular character of the area.

MATERIAL CONSIDERATIONS

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 and guidance. In this respect and as set out below the Local Planning Authority has concerns in respect of both the use of the proposed structure as well as its layout, size, scale and resulting impact upon the character of the Botley Conservation Area and residential amenity.

Layout, design and the impact of the proposals on the character of the area:

The application seeks approval for a first floor extension to an existing detached structure to the rear of the application plot which is to provide for further habitable accommodation in the form of an additional bedroom. The resulting building will be of a significant size with a footprint of 104.3sqm and an internal floor area of approximately 180.7sqm, 143sqm of which is formed of habitable accommodation. Whilst its footprint will remain unchanged, its massing and scale, as well as the degree of its visibility from the public realm will be notably increased to the extent that it is considered that it will be physically disproportionate to the main dwelling and appear as an unduly prominent visual feature within the street scene, which would have a detrimental impact upon its existing character as well as that of this section of the Botley Conservation Area.

No. 45 is set in an advanced position within its plot and as a result of this as well as the recessed siting of the adjacent All Saints' Parish Church it is a fairly visually prominent feature when approaching this part of the High Street from the west. This setting along with the property's attractive visual character and appearance is considered to contribute positively to this part of the Botley

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Conservation Area. The proposed development owing to its height, scale, design and resulting visibility would detract from this in a manner that it is considered would be unacceptable.

In this regard, it is acknowledged that the existing first floor pitched roof element of the structure is already at present visible from the High Street. The adjoining garage section which the proposed extension will be positioned above is, however, much less visually apparent. This being a result of its single-storey flat-roof nature and the notable degree of screening that is afforded by the boundary treatments to the front and western sides of the plot. Its current form also allows for the presence of a physical and visual sense of spacing to its western boundary and the adjacent All Saints' Parish Church within the street scene. The proposed extension will significantly increase the height of this part of the structure such that the entirety of the roof and the full and significant width and disproportionate overall extent of the building will be notably visually apparent from the property frontage and surrounding public views. It would also serve to physically diminish the aforementioned spacing that exists to the adjacent Church. Whilst it is not considered that this would unduly reduce the light received to the stained glass window in the eastern elevation of this building such as to be unacceptably harmful to the character of the Listed Building in this regard, it is something that is considered to contribute to the cramped appearance of the development and its resulting undue prominence in the street scene.

For the reasons given the proposals are deemed to be in conflict with the requirements of Saved Policies 59.BE and 169.LB of the Eastleigh Borough Local Plan Review 2001-2011, Policies DM1 and DM10 of the Submitted Eastleigh Borough Local Plan 2011-2029, and Sections 7 and 12 of the National Planning Policy Framework which place great emphasis on development enhancing the character of an area and the historic environment.

<u>The use of the development:</u>

Although the submitted details state that the proposed accommodation is to be used in conjunction with the main dwelling, the building would be a self-contained, detached, one-and-a-half / two-storey structure with its own separate access, a kitchen, lounge, sitting area, as well as two-bedrooms and two shower rooms. Taking account of this as well as the significant physical size and scale of the structure, it is considered that to all intents and purposes the building would be perceived as a separate dwelling, albeit being of a different character and form to the existing properties within this part of the High Street, which goes notably beyond what can reasonably be considered to be ancillary accommodation.

It is acknowledged that the structure would be occupied by the daughter of the applicant and there may on occasion be some sharing of meals and household duties with the main dwelling. It is not, however, considered that this alone is sufficient for it to be deemed to be ancillary in planning terms and it is evident that the proposed internal accommodation is such that it would allow for the structure to be occupied independently of the main house. Most commonly annexe accommodation is in the form of extensions to existing properties or structures with limited facilities and a physical connection or dependency between the two elements. In such occurrences planning conditions can be imposed to control the use of the accommodation as was the case with the planning approval given for the original annexe structure (C/27474/001) which contained just a small kitchen, WC and lounge area. In this case, however, and taking account of the physical detachment, size and free-standing, self-contained nature of the development, such a condition would be very difficult to enforce in the long term and is not considered appropriate in this instance due to the notable risk of independent occupation. It is therefore the opinion of the Local Planning Authority, that the proposal is in effect and in all practical terms, considered to be a development which is tantamount to the creation of a new dwelling and of a separate planning unit.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

In this respect the development would be notably out of character with its surroundings in terms of its design, form, layout and scale, with this section of the southern side of the High Street and the Botley Conservation Area being formed of attractive, two-storey dwellings set in advanced positions on their respective plots, with their amenity areas to the rear. The proposed structure by contrast would have the appearance of a dormer bungalow set in a backland position and being both unduly cramped in layout and notably evident within the street scene, to the detriment of the visual appearance of this part of the Botley Conservation Area. The flaws in the design detail highlighted by the Council's Conservation Officer serve to only further accentuate this impact. In this regard the proposals are considered to be in conflict with the provisions of Saved Policies 59.BE and 169.LB which *inter alia* require that development takes full and proper account of the context of the site and its surroundings, which, in the case of the latter, includes serving to preserve and enhance the character or appearance of the Conservation Area. The aims of these policies are considered to be consistent with those of Sections 7 and 12 of the National Planning Policy Framework.

Further and as a separate dwelling, the proposals would also fail to provide a defined and appropriate curtilage, adequate amenity space, bin and cycle storage, as well as sufficient parking and vehicular access arrangements to serve the new as well as the existing dwellings. These being key requirements of new residential development as stipulated within Saved Polices 28.ES, 59.BE, and 104.T of the Eastleigh Borough Local Plan Review 2001-2011.

Although it is not deemed that the development would be unduly harmful to the amenity of the occupiers of No. 43 High Street by way of overbearing impact, loss of light or outlook, or overlooking, it is considered that if utilised as an independent dwelling it would impinge upon the amenity of the occupiers of the main property on the site in this regard, and vice-versa that of the occupiers of the new unit would be significantly compromised by its proximity to No. 45. In this respect the proposals are contrary to Saved Policy 59.BE (vii.) which requires that development avoids unduly interfering, disturbing or conflicting with adjoining or neighbouring uses, as well as Paragraph 17 of the NPPF which stipulates that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Conclusion:

Whilst it would have no defined curtilage as it would be within that of the existing dwelling, the resulting structure would in the opinion of the Local Planning Authority nevertheless appear as an individual and separate dwelling which, as set out above, is inappropriately laid out and poorly configured and would provide for inadequate levels of residential amenity for both its future occupiers as well as the occupiers of the existing dwelling on the site. In the context of its surroundings, the building would in this regard as well as in its own rights as a physical structure materially detract from the appearance and character of the Botley Conservation Area and the development would fail to respect the existing visual qualities of the locality. The proposals are therefore considered to be in conflict with the relevant development plan policies, associated supplementary planning documents and guidance, and national planning policy.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSION

CONCLUSION

It is recommended that planning permission be refused.