HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/15/77447

DESCRIPTION	Construction of rear canopy
ADDRESS	13 Spring Close Fair Oak Eastleigh SO50 7BB

SITE VISIT DATE	12.11.2015
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks retrospective planning permission for the construction of the rear canopy. The canopy has a matching height and eaves to the previously approved single storey rear extension. The rear canopy spans the remaining width between this extension and the boundary.
TOPOGRAPHY	The application site slopes up relatively steeply from the road; it levels out somewhat in the vicinity of the property's existing single storey rear extension before beginning to rise again towards the rear boundary of the site.
TREES	There are trees situated along the rear boundary of the plot as well as planting and hedging along sections of both rear side boundaries.
BOUNDARY TREATMENT	The property is open to the front. There are trees of a relatively substantial height along the rear boundary of the plot with a mixture of timber fencing, planting and hedging along the side boundaries of the property's rear garden.
SITE CHARACTERISTICS	The application dwelling is a semi-detached two-storey property finished in a mixture of brick and white render. The property has off-road parking provided by way of a single garage as well as a driveway to its front and south-western sides. A single storey rear extension and two storey side extension were granted planning permission in 2013 of which the works are virtually completed.
CHARACTER OF LOCALITY	The site is situated within an established residential area at the end of the cul-de-sac, Spring Close.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/13/73513	Two storey side and single storey rear extensions with new entrance canopy	Permit 2013

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
15 Spring Close	The rear canopy as constructed there is no longer the gap that the case

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	officer of the previous application felt ensured would not be overbearing and, given the height of the roof, there is a resulting loss of light. The roof at first storey level along the rear of no.13 also consists of a flat element and then a pitched roof which differs from the original plans (pitched roof only). The rear canopy as constructed continues to the boundary with my property. Although there is a minimal 'lip' at the end of the flat part of the roof where it abuts my house, I am concerned about the potential for water to gather which may run over and off onto my property.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Fairoak Parish Council	No objection.

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 policy 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' Policy DM1

Supplementary Planning Guidance : Quality Places

CHARACTER APPRAISAL AREA

Bishopstoke, Fair Oak and Horton Heath Character Area – BIFOHH 46

SPECIAL POLICY AREA

Not within a Special Policy Area

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

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

COMMENT ON CONSULTATION RESPONSES

COMMENT ON CONSULTATION RESPONSES

None received	X	See below		

COMMENT ON REPRESENTATIONS RECEIVED

None received		See below	X	
In respect of the comments of the occupiers of No. 15 Spring Close: The matter of surface water drainage is in this case covered separately by Building Regulations, however, planning permission does not give the right to encroach onto, under or over land that is not within the ownership of the applicant.				

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."

MATERIAL CONSIDERATIONS

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. 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.

Retrospective Application – The National Planning Policy Framework says that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Furthermore, an application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

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.

Layout/Design: The rear canopy occupies the gap between the recently approved single storey rear extension and the boundary with no.15. The rear canopy has a sloped roof which continues to the ridge with a flat roof element behind. The proposal continues the roof of adjacent extension to form a canopy. Thus, the rear canopy has a matching eaves and ridge height and projects to the same depth. This roof form differs from that which covered the approved rear extension. The approved rear extension had a mono pitched roof with the ridge abutting the rear wall just beneath the first floor windows. The now built rear extension and rear canopy have a roof that slopes up to

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

a ridge with a flat roof behind rather than the slope continuing up to a ridge which meets the rear wall. Thus, the ridge is slightly lower than that of the previously approved extension.

An additional roof light is situated within the roof slope to provide light into the covered area. It is noted that there was a rear single storey extension that was demolished to allow for the erection of the recently approved rear extension. Thus, the rear canopy and extension together are of a similar scale. Whilst the extension and canopy are slightly higher than the previous rear extension, they remain of single storey height. It is considered that the rear canopy is a subservient addition to the property and will not be visible from the road.

Residential Amenity: Whilst it is acknowledged that the rear canopy abuts the shared boundary with no.15, the rear canopy is of a single storey height and as such is not of an overbearing scale nor will it result in loss of light to the adjacent property at no.15.

An extension can be built up to the boundary subject to the height of the eaves not exceeding 3 metres and does not exceed 3 metres in height overall. In this instance, the rear canopy has an eaves height of 2.5 metres and a ridge height of 3.2 metres. Therefore, the heights of the rear canopy fall within the permitted development limits and the only reason planning permission was required is because it projects to a depth at 3.7 metres. This exceeds the permitted development limit of 3 metres for an attached dwelling house. However, an extension that is 0.7 metres shallower could be erected to the same height under permitted development. It is considered that the increased depth of 0.7 metres over the permitted limit is not significant and as such does not have an unacceptable impact on no.15 by way of a loss of light or overbearing impact.

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

In view of the above this application is considered to comply with the requirements of saved Policy 59.BE and emerging Policy DM1 and is therefore recommended for approval.