REF. NO. F/15/77127

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Construction of 1no. four bedroom dwelling & associated double garage. 1 Swaythling Road, West End, Southampton, SO30 3AE

SITE VISIT DATE – 13/05/2015

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	It is proposed to construct the two storey detached dwelling in the rear garden of No.1 Swaythling Road and utilise the existing access to the site. This is a revised scheme to one previously considered and refused in June this year.
SITE AREA	The whole site equates to 927 square metres, with the proposed development plot equating to approximately 370 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 27 dwellings per hectare.
TOPOGRAPHY	The site itself is relatively flat and level but the gardens along the southern boundary of the site are set slightly higher by between 0.5 and 1.0 metre.
TREES	There are a number of modest trees within and along some parts of the site boundary. It is not entirely clear whether any would need to be removed to make way for the development but none are subject to any preservation orders and could easily be retained.
BOUNDARY TREATMENT	Internally the site boundaries are made up of hedging and planting. Externally there are close board timber fences along the boundaries with the adjoining residential development and car park to the neighbouring flats.
SITE CHARACTERISTICS	No.1 forms one half of a pair of Victorian/Edwardian two storey red brick semi-detached dwellings fronting Swaythling Road and set just west of the busy junction of Swaythling Road, West End High Street, Church Hill and Chalk Hill. The frontage is quite narrow but the site widens to the rear where there is a good size garden behind a gravelled parking area and timber car port. Immediately to the north-west are neighbouring properties of a similar age to No.1 with gardens of the same depth. To the south is a much more recent development of three storey terraced houses with very shallow gardens, and to the east is a block of three and four storey flats and their associated car park.

REF. NO. F/15/77127

THE SITE AND ITS SURROUNDINGS

CHARACTER OF LOCALITY	The immediate surrounding area is residential in nature and made up of a variety of dwelling types of a range of ages and architectural styles. Not far to the east of the site is West End High Street where there is a range of shops and other community facilities.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/14/75707	Construction of four bedroom dwelling.	Refused Jun 2015

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Lewis – 24 Rostron Close	Object. The proposed building is too close to the boundary and would cause overshadowing, loss/damage to trees and the area is already dense enough in terms of development. Disturbance during construction is also a concern.
Shephard – 26 Rostron Close	Object. Loss or privacy, light and disturbance during building works would case distress to young child.
Boterhoek - 28 Rostron Close	Object. Loss of light, overlooking, visually intrusive and disturbance. Also devaluation of property.
Read – 27 Rostron Close	Object. Loss of light, proximity of dwelling, loss of outlook and disturbance during construction.
McDermott – 29 Rostron Close	Object. Proximity to rear boundary, loss of light and privacy.
Soffe – 8 Rostron Close	Object. Disturbance and noise, visual impact, overlooking, loss of privacy and light. Does not fit in with surrounding development, loss of outlook.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation & Engineering	Holding objection. “In regard to the proposed dwelling, as a 4-bed property, it requires a minimum of 3 on-site parking spaces in order to accord to the EBC Parking Standards. These standards are in place to ensure that off-site parking as an effect of development is minimal, and in locations such as this reduces the potential for obstruction and onwards highway safety concerns. Additionally, it is noted that the driveway is shared, but no parking is indicated for the dwelling with which it will share. This dwelling is a 3-bed and as such requires a minimum of 2 parking spaces. Revised plans clearly showing appropriate parking locations for both dwellings should be supplied, which retain the turning area to enable forward gear access and egress. It should onwards be noted that if garage parking is utilised, a minimum

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	size for a single garage is 3.0m x 6.0m internally (6.0 x 6.0m for a double garage). In regard to transport developer contributions, these will be required as the development will generate additional multimodal trips on the local highway that need mitigating and improving as a result of (accumulative) development such as this."
Head of Environmental Health	Given the proximity to the former builders yard there is the potential for land contamination. Conditions recommended requiring information to be provided, as well as amenity protection conditions recommended.
Sustainability Officer	"No reference to sustainability requirements made at all in DAS. A commitment to carry out the relevant requirements (ESD 3, 4, 5, 6, 8) of the SPD and the Code 4 standards for energy and water should be made at this stage."
West End 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 Policies 25.NC, 28.ES, 34.ES & 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, DM2, DM24, DM25 & DM29

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Character Area Appraisal – Hedge End, West End and Botley (HEWEB 2)
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Planning Obligations

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."

REF. NO. F/15/77127

NATIONAL PLANNING POLICY GUIDANCE

Paragraph 14 of the NPPF sets out the "presumption in favour of sustainable development" in both plan-making and decision-taking.

Paragraph 17 sets out twelve core principles that underpin the planning system, one of which is that planning should "always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings".

Paragraph 53 of the NPPF states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

Paragraph 56 of the National Planning Policy Framework states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

It goes on to say in paragraph 64 that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

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 and design, impact upon the residential amenity of neighbouring and future occupiers of the development, parking, the street scene and character of the area, as well as nature conservation.

COMMENT ON CONSULTATION RESPONSES

Comments noted.

COMMENT ON REPRESENTATIONS RECEIVED

All comments are noted ad responded to where appropriate below.

With regards to the potential devaluation of property, while this is a valid concern it cannot be taken into consideration was part of this or any other planning application.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of the following;

- National Planning Policy Guidance
- Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)
- Saved policies 101.T, 147.OS and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011
- Emerging policies DM23, DM32, DM35 and DM37 of the Revised Draft Eastleigh Borough Local Plan Review 2011-2029
- Supplementary Planning Document – Planning Obligations

Planning obligation contributions are sought to offset the impact of the development on local infrastructure. For this development contributions are sought towards Community Infrastructure, Sustainable Transport, Public Open Space and the Solent Disturbance Mitigation Partnership. These contributions have not been secured and will therefore form a reason for refusal.

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 – This is a revised scheme following refusal for a dwelling to the rear of No.1 earlier this year. Following this refusal a meeting was held with the applicant's, their agent and the case officer to discuss the issues and concerns previously raised and which resulted in the application being refused. A number of suggestions were put forward with regards to the position of the proposed dwelling, its form and scale. Unfortunately the scheme submitted has not adequately taken on board this advice, in particular with regards to height and scale (see residential amenity below).

In terms of the appearance of that proposed, while rather basic and not of the highest design quality, it would be hard to justify a refusal on the grounds of its appearance. As for other layout issues, the garden would be of a sufficient size and leave a useable plot for the existing dwelling.

Residential Amenity – While the main reasons for refusal of the previous application related to the impact of existing surrounding development upon the amenity of occupiers of the proposed development, which this application generally overcomes, the concerns are now for the amenity of neighbouring properties. By pushing the proposed dwelling so far back on its plot – in order to provide some privacy for its garden by using the dwelling as a screen – it has resulted in it being within very close proximity to the rear boundaries of its neighbours in Rostron Close.

The rear gardens of these Rostron Close properties are very shallow, being as little as 4.5 – 5.0 metres deep and are north facing, which means they receive very little sunlight, although do receive a reasonable degree of daylight given the open nature of the large neighbouring garden of No.1 Swaythling Road. While the height and proximity of that proposed may well not actually result in noticeable loss of light, it would result in the gardens of these dwellings being very enclosed and hemmed in, particularly for No.26.

The construction of such a large and imposing structure so close to the boundary would also

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

result in a severe loss of outlook from the rear of No.26 and to a reasonable extent No.27. While no actual loss of privacy would occur due to obscure glazed windows being proposed for the first floor rear of the dwelling, the perception of being overlooked would nonetheless have a negative impact upon the amenity of occupiers of Nos.26 & 27 by being only 6.6 metres away from the rear windows of these properties.

While the original reasons for refusal may well have been address, the proposed solution would result in further amenity issues for neighbouring properties and would result in an unacceptable quality of environment for occupiers of these existing dwellings. It is for this reason that the application proposal is considered to be contrary to saved Policy 59.BE of the adopted Local Plan, Policy DM1 of the Submitted Local Plan and the Council's 'Quality Places' SPD and will form the main reason for refusal.

Parking – While it may be possible for sufficient off-road parking to be provided for both the existing and proposed dwellings to meet the requirements of the Council's 'Residential Parking Standards' SPD, as well as providing on-site turning space which would assist in exiting onto the busy main road, this has not been shown on the submitted drawings. The application is therefore not considered to comply with this element of saved Policy 59.BE of the current Local Plan and Policy DM24 of the Submitted Local Plan.

Street Scene & Area Character – The back land location of the site means that it would have little impact upon the street scene or any main public vantage points. Equally it would be hard to argue that the development would have a detrimental impact upon the general character of the area, despite appearing a little out of context in comparison to existing neighbouring development. Notwithstanding this, it is not the form of development which the Local Planning Authority would wish to promote, particularly when it would result in such an adverse impact upon the amenity of existing neighbouring properties.

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 despite falling inside the designated zone of impact due to the river at this point being culverted for some distance in either direction from the site.

The site falls inside the 5.6km buffer zone for the Solent SPA. A contribution of £174 per dwelling is therefore required to mitigate the increased recreational pressure resulting from the development.

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.

CONCLUSIONS

For the reasons given above, the application is recommended for refusal.

REF. NO. F/15/77127