REF. NO.C/14/74089

CONSERVATION AREA CONSENT REPORT

DESCRIPTION/ ADDRESS	-	Erection of single garage 6 Station Road Netley Abbey Southampton SO31 5DT

SITE VISIT DATE	13/6/2014
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for the erection of a detached single garage. The garage is 2.2m to eaves and 3.15m to ridge with a gable wall on the front and rear elevation and hipped roof either side. The roof (west elevation) facing towards no. 6 Station Road has two small conservation style roof lights. Two parking spaces are also shown to the front of the garage.
SITE AREA	n.a
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	The site at this point is essentially level
TREES	None affected
BOUNDARY TREATMENT	2m fence panels running along rear boundary to no. 6, 2m fence and 1.2m wire mesh boundary treatment along side boundary of 16a Station Road
SITE CHARACTERISTICS	The site is part of a two storey terrace (no. 6) and a private access which sits behind a two storey terrace and runs from Station Road along the rear of terrace providing a private pedestrian access to each property within the terrace and also a vehicular access to no 2 Station Road which is used as flats.
CHARACTER OF LOCALITY	The terrace is a historic building, not listed, but noted as buildings of importance within the Conservation Area. The terrace is orientated at right angles to the road. The area is principally characterised by two storey semi detached and terraced residential properties. The site is located with the Netley Abbey Conservation Area.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/12/70814	Construction of 2 storey rear extension	Permitted 13/6/12

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
LOCAL GROUPS	None
OTHER	
10 Station Road	Objection: Blocking of private right of way Use of garage to support gardening business
14 Coastguard Cottages	Objection: Blocking of private right of way Garage should be appropriate in its design and bulk to the character of the conservation area and the nearby outbuildings.
16a Station Road	Support: Proposed development will improve both the side security and outlook from my garden to the rear of the property. My ground level is significantly higher than the level where this garage is to be placed and therefore will result in my not overlooking other properties and not being overlooked.
8 Station Road	Support: In no way does it have a negative impact on highway matters, as the hard-standing that has been there for many years, and used as a car port, presents no obstacle to gaining access to the communal passageway, where we also keep our wheelie-bins. There would be no loss of privacy, indeed this would be increased. There would be no impact on any tree. As the proposed garage would be built at one end of a line of outhouses it would not be visually intrusive as it would be in keeping with these existing buildings. The only change that I can see would be the addition of walls, which would of course tidy up this area.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
HND	No objection
HPP	No objection This proposal generally takes the form of the existing buildings and the garage doors are of a 'traditional' nature with the walls and roof of the right materials. Just a few minor items to get an even better fit :- (a.) The mortar and pointing should be a close match to that of the existing store buildings. (b.) The rooflights should be of the conservation variety and set to have the glass LEVEL with the slate finish surrounding them. (c.) The window should be subdivided with traditional profile glazing bars.
ENG	No Objection

POLICY CONTEXT

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

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POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
200m buffer of SAC, SPA, Ramsar Special Protection Area-recreational disturbance zone

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

Eastleigh Borough Local Plan Review (2001-2011), saved policies
59.BE (Detailed design)
104.T (parking)
169.LB (Extensions in Conservation Areas)
175LB (Development affecting buildings of local importance)
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'

DM1 (detailed design)
DM10 (heritage assets)
DM24 (parking)

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 character and appearance of conservation area, residential amenity and highway safety.

COMMENT ON CONSULTATION RESPONSES

Amended plans have been submitted which address all comments raised by conservation officer in respect of the design.

COMMENT ON REPRESENTATIONS RECEIVED

Most of the land within the red line is owned by the applicant as shown by submitted title deeds. As some of the land within the red line not in the ownership of the applicant a certificate C has been served. The objections received refer to private rights of way being blocked however advise from legal is such that private rights of way and their blocking or otherwise is not a matter on which a planning application can be refused. That is a private legal matter dealt with under civil law.

PLANNING OBLIGATION/CONSIDERATION

n/a

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 74(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states in Section 72(1) of the Act:

> *"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The proposal is considered to comply with these criteria as set out below.

Impact upon the Conservation Area

The position of the proposed garage is some 19.5m from the road. The structure sits alongside a string of outbuildings that run adjacent to the private footpath that serves the terrace as a whole and fits well with those structures in terms of its height, mass, scale and design. The garage has been amended in line with conservation officer comments and would be well designed building that complimented adjacent development. Noting the above and the distance of the garage from the road it is considered that the garage would enhance the character of the conservation and therefore be in keeping with local plan policies 59.BE, 169.LB and 175LB.

Impact upon neighbouring residential amenity

The garage would be sited immediately adjacent to the side boundary of no. 16a Station Road and opposite the rear boundaries of nos. 4 and 6 Station Road. There would be a distance of between 90cm and 1.5m from the garage to the rear boundary of no. 4. The garage is 2.2m to eaves and 3.15m to ridge and building of this height and length would normally be permitted development where located within the curtilage of a residential property however this is not the case here. Nevertheless the bulk of the building and relationship to neighbouring properties is not considered to harm neighbouring residential amenity in terms of outlook, noise, light, overlooking or overshadowing. A condition is attached to require the use of the building to be ancillary to the residential use of no. 6 Station Road noting that the building is located outside of the curtilage of no. 6 it is considered appropriate to make this clear. The two parking spaces are not new development but merely formalised so that it is clear that sufficient parking is available for the residents of no. 6 following the loss of the car port.

Highway Matters

The application replaces a car port with a garage. The garage would be 2.6m wide measured externally and therefore whilst the car port provided one parking space, its replacement with a garage of the width proposed now reduces the parking space width to a point where it can no longer meets the parking space standards and is not therefore considered to be a parking space. The proposed block plan therefore shows two parking spaces to the front of the driveway which are required to provide sufficient parking for no. 6 Station Road. On this basis the highway officers have no objection.

To the rear of the terrace is a vehicular and pedestrian access. The pedestrian access runs from Station Road along the rear of the terraces each of which appear to have a gate access to this path. The vehicular access serves no. 2 Station Road which is the building adjacent to Station Road and used as flats. There have been several concerns raised by residents of this terrace on the basis that the proposed garage will now block the pedestrian access to the rear of those properties. Having taken legal advice on this matter it is understood that private rights of ways, their retention and availability is a private legal matter dealt with under civil law and a matter therefore which planning applications are not refused upon. Nevertheless, the proposed floor plan shows a minimum gap of 90cm between the garage and rear boundary of no. 6 Station Road. This is sufficient not only to walk past by to also put a wheelie bin out. Where the two parking spaces are located, the plan notes the private road as 3.3m in width, with careful parking this would also allow bins to wheeled along side and out to the road. On this basis whilst the Council are not able to refuse planning permission on the

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

matter, it would appear that the proposal will not affect private rights of way in any event.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is 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

The recommendation is to permit