Eastleigh Borough Council

Town and Country Planning Act 1990 (as amended)

APPEAL by:

Southcott Homes against Eastleigh Borough Council on the refusal to grant planning permission for the construction of 4no. detached four bed dwellings with detached triple & double garages, bin and cycle storage and new access from Pylands Lane.

Appeal Reference: APP/W1715/A/14/2219572
Local Planning Authority Reference: F/14/73880
Appeal Site Address: Naomi House, Pylands Lane, Bursledon, SO31 1BH

Statement of Case of Local Planning Authority (Written Representation)

Reasons for Refusal

(1) The proposed development by reason of its layout, design, scale, dominance of built form and taking account of the visible and prominent elements of the application site's rear section would constitute an overdevelopment, which would be out of keeping and visually harmful to the prevailing pattern of development and the rural character and appearance of the locality. As such the proposed development is contrary to Saved Policies 18.CO & 59.BE of the Eastleigh Borough Local Plan Review [2001-2011], Policy DM1 of the Pre-Submission Eastleigh Borough Local Plan [2011-2029] and the National Planning Policy Framework.

(2) The proposal fails to make contributions towards the provision of essential off-site open space works, community infrastructure and sustainable transport, the need for which will increase as a direct result of the development proposed. The proposals are therefore contrary to Saved Policies 101.T, 147.OS & 191.IN of Eastleigh Borough Local Plan Review (2001-2011) and Polices DM32 & DM37 of the Pre-Submission Eastleigh Borough Local Plan and Planning Obligations: Supplementary Planning Guidance.

1. This statement will demonstrate good planning grounds for refusing the application and show how the decision was reached in accordance with the development plan and local and national planning policy. The first reason for refusal will be addressed within this section of the appeal statement. The second reason for refusal will be addressed within Appendix B - supplementary statement the council's approach to developers' contributions.

Planning Policy

<u>National Planning Policy Framework (NPPF)</u>

2. The National Planning Policy Framework set outs national governments aspirations for the planning system. At the core of the document is the presumption in favour of sustainable development, which has three dimensions: economic, social and environmental (para 7 and 14). As part of the

environmental considerations the framework places great emphasis on promoting good quality design that responds to local character and adds to the overall quality of the area (section 7 – requiring good design).

The Eastleigh Borough Local Plan Review 2001-2011

3. The application is within an area of designated countryside, where the development plan has a presumption against new housing developments that are not required for agricultural, forestry or horticultural workers (as set down within Saved Policies 1.CO & 6.CO). Within countryside locations Saved Policy 18.CO is also applicable, which looks to refuse development that fails to respect, or has an adverse impact, on the intrinsic character of the landscape.

4. Saved Policy 59.BE is the general development policy and is also relevant when assessing the proposal. Policy 59.BE states that development proposals which are in accordance with the other policies of the plan will be permitted provided they meet all of the following criteria (applicable section):

    (i) Take full and proper account of the of the context of the site, including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views natural features and trees worthy of retention.

5. The Eastleigh Borough Local Plan Review 2001-2011 is the development plan for Eastleigh Borough and is the primary document when determining planning applications. It is acknowledged that the local plan is now aging and the council is in the process of adopting its new local plan. However, it is considered that significant weight can still be afforded to Policy 59.BE as the thrust of this policy closely accords with guidance contained within the National Planning Policy Framework (as specified by para 215 of the NPPF).

The Revised Pre-Submission Eastleigh Borough Local Plan (2011-2029)

6. The urban edge has been extended within the emerging plan to include the appeal site. Within the urban edge there is a presumption in favour of development, subject to the relevant planning policies.

7. Policy DM1 is the general development policy and requires all development to (applicable elements):
    i. not have an unacceptable impact on, and where possible should enhance ... the character and appearance of urban areas, the countryside and the coast.
    ii. take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views;

8. The Revised Pre-Submission Eastleigh Borough Local Plan Review (2011-2029) is intended to replace the current development plan. The document has

been through a number of consultation periods and has been revised accordingly. As such some weight can be afforded to Policies DM1 in accordance with para 216 of the NPPF.

Planning History

9. The applicant has submitted a revised proposal for 1no. five bed and 2no. four bed two storey detached dwellings with associated double garages and car parking. The scheme utilises the existing access off Pylands Lane (application F/14/74789). The revised submission is the result of post application discussions with the Council and seeks to address the previous reasons for refusal. The application is in the process of being determined.

10. The Council has also received the following housing applications for nearby sites along Pylands Lane.

Reference	Description	Decision
F/14/74507 (submitted May 2014)	Construction of 3no. 4 bed dwellings & enlargement of existing bungalow into a two storey dwelling with associated double garage, landscaping & hard surfacing, following demolition of existing buildings. *(at Fair View – adjacent to the site)*	Awaiting determination
F/13/73737 (submitted Dec 2013)	Construction of 4no. detached dwellings with associated driveway, parking and landscaping *(at Beech Cottage)*	Appeal lodged for non-determination. Awaiting Inspectors decision.
F/14/74087 (submitted Feb 2014)	Erection of a three bedroom dwelling *(at land adjacent to Naomi Farm)*	Approved
F/09/65842 (submitted Sep 2009)	Construction of 3 bed chalet dwelling with associated driveway *(at land adjacent to Naomi Farm)*	Refused and dismissed on appeal APP/W1715/A/09/2118408
Z/14261/001 (submitted Sep 1999)	Construction of dwelling and double garage following demolition of existing dwelling *(at land adjacent to Naomi Farm)*	Refused and dismissed on appeal APP/W1715/A/03/1116369

11. In addition, the land to the north of Pylands Lane has been granted outline planning permission for 250 houses (reference O/12/71522). The development includes new footpaths that will link Pylands Lane and the new housing to Hedge End. However, the housing development is at an early stage with the reserved matters applications not yet submitted.

Representations

12. The application the subject of this appeal was publicised in accordance with the councils adopted publicity procedures and central government instruments for

planning applications. In response five letters of support and three letters of objection were received. Their comments are summarised as follows:

- Attractive houses which are in keeping with Pylands Lane
- There is a need for housing
- Reduce heavily goods vehicles using the lane
- The gardens will be good for wildlife
- Against policy as the area is designated countryside
- Overdevelopment which will spoil Pylands Lane
- Housing will increase traffic movement along the narrow lane
- Lack of services to support the dwellings

Planning Considerations

13. The appeal application is for the construction of 4no. detached four bed dwellings positioned in two rows (one behind the other) with gardens to their rear. Each dwelling has a double (plots 2 & 4) or triple (plots 1 & 3) garage that are detached and sit in front of their respective properties. The front two properties (plots 1 & 2) are served by a new access and the rear properties (plots 2& 4) utilise the existing access along the sites north eastern boundary. Both access lead to a large parking and turning area.

14. In assessing the application the Local Planning Authority has considered national and local planning policy and understands the need to provide housing within the borough. An outline application has been granted for 250 houses to the rear and it is the council's intention to move the urban edge within the merging local plan to include Pylands Lane. As such the Local Planning Authority considers that the principle of housing on the site is acceptable. However, the Council is concern that the appeal development would be at the expense of the character and quality of the area and so the application was refused. The National Planning Policy Framework states "*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..." (para 64).*

<u>Reason 1 – Character of the Locality and Amount of Development</u>

15. The appeal site is located within an area of countryside with the outer edge of Hedge End around 350m to the north and the M27 around 400m to the South and West. The appeal site is on the northern side of Pylands Lane about 1km from the Dodwell Lane junction.

16. Pylands Lane is a narrow single track road, which character becomes increasingly rural as it moves eastwards towards the appeal site. The southern side of the lane is covered by a dense woodland strip that provides an attractive green backdrop to the lane. The dwellings are all located along the northern side and vary in both size and style.

17. Pylands Lane has a feeling of space between the buildings and is interspersed with less developed parcels of land. The closest dwellings are

set back in large verdant plots, which are uncluttered and mainly laid to lawn. To the front of the dwellings are either low simple boundaries with views through or more establish hedgerows. It is considered that this pattern of development and spaces between buildings gives the locality its attractive rural appearance.

18. The appeal site may have originally been part of Pylands House, but is now separated from the dwelling by low fencing and hedging and forms its own section of land. The appellant has referenced the rear section being used as a scaffold yard, but this is not supported by the planning records and there is no longer any evidence of this former use. The site appears to have been left for some time and has the appearance of an overgrown field.

19. The appeal site sits between a large two storey house (Pylands) and a small bungalow (Fairview). Pylands House is set well back in its plot and its frontage has a low three bar fence that allows views through from the lane to the appeal site. The appeal site rises towards the middle of the plot and its undeveloped nature gives a natural break between the surrounding buildings. As such the appeal site contributes to the rural setting of the lane.

20. The appeal proposal is for for the construction of 4no. two storey houses on the undeveloped field. These houses are large four bedroom properties and although their general size and style is acceptable, the number of houses and the associated structures is considered to be an over development and out of keeping with the rural character and pattern of development along the lane.

21. The proposal has two of the houses positioned side by side at the at the front of the site, where the neighbouring sites only have one. This means there is just a 3m gap separating house 1 & 2 and a similar gap at the side boundaries. As such the houses appear squashed in and the development lacks the feeling of space that is characteristic of this section of the lane.

22. The front two houses (plots 1 & 2) sit well forward of the neighbouring dwelling (Pylands) and thus are more prominent within the lane. In order to fit these large houses side by side, they have been designed with very deep side elevations. The side elevations being 15m, compared to Pylands which is 9m deep and Fairview that is 7m deep. Although the proposed side elevations are fairly well articulated they never the less represent a very large built form. The result being that the current open views across the frontage of Pylands to the appeal site will be dominated by the large two storey massing which forms the side of house 1 and part of house 2.

23. Behind the front properties are another two houses of a similar size. These dwellings are positioned on the higher part of the site, which means that they will project above the roofs of the front properties and will be viewed from the lane. This is at odds with the surrounding sites, which tend to have large rear gardens or lower profile buildings set behind substantial landscaping.

24. As well as the physical presence of the houses, the development is dominated by large detached triple and double garages. The size of the garages is considered excessive (the triple garages having a footprint of 62 square metres) and these structures add substantial visual clutter to the development. The garages also occupy a prominent position in front of their respective houses, with those for plots 1 & 2 siting close to the lane. Both the size and position of the garages is out of keeping with neighbouring sites, Pylands having its double garage to the side. As such the appeal proposal is contray to guidance within Quality Places Supplementary Planning Document which states *"The position of external garages should take account of their local context. Garages built on the front of sites should only be permitted in exceptional circumstances."*

25. The appeal site is also dominated by large areas of hard standings, including a new second access to serve the two front dwellings. The development also proposes large stretches of 1.8m high close boarded fencing along part of the Western side boundary and all of the Eastern Boundary. This is a hard form of boundary treatment, which is more often found in residential areas and will have an urbanising impact. Much of this fencing will be visible from the lane (particularly the 32m long stretch located along the western boundary) and is out of keeping with the more simple rural boundaries of the neighbouring dwellings. It is noted that around the sites frontage there will be new planting, but this has the effect of visually enclosing the development off from the lane rather than creating a development which will contribute to its attractive rural character.

26. Overall, it is considered that the number, layout and scale of the development along with the associated garages, hard surfacing and two accesses will seriously diminish the undeveloped nature of this section of the lane and have an urbanising effect that would be at odds with its rural character. As such the proposal is considered contrary to Policies 18.CO & 59.BE of the Eastleigh Borough Local Plan (2001-2011), Policies DM1 & S8 of the Pre-Submission Eastleigh Borough Local Plan (2011-2029).

27. Also of relevance is the 2009 appeal decision that dismissed a new dwelling on a nearby plot (at Land east of Naomi Farm - F/09/65842). In dismissing the appeal the Planning Inspector described the character ... *"Other parts of the lane are more developed, but the appeal site lies within a section of Pylands Lane that has a generally rural character, with considerable spacings between buildings*. The Inspector referenced the topography of the land noting that, like the proposed rear houses, the dwelling "*would be sited on ground higher than the lane where it would be quite visible and prominent.*" This reasoning followed an earlier appeal decision in 2003 in which the Inspector concluded that the same new dwelling would *"seriously diminish the undeveloped nature of this section of the lane, and have an urbanising effect that would be at odds with its rural character."*

28. Although the policy position has shifted, the character of the lane has not materially changed since the appeal decisions and as much of the Inspectors comments are pertinent to the current appeal application. It can also be

argued that the current appeal being for 4 houses is on a much larger scale and would have more of an impact on the appearance of the locality than the single dismissed dwelling.

Reason for Refusal 2 – Contributions

29. Please find attached appendix B which provides a supplementary proof of evidence in relation to this reason for refusal.

Conclusion

30. The Council respectfully requests that the Planning Inspectorate upholds the reason for refusal and dismisses the appeal. However, in the event that the inspector allows the appeal, the Council would ask that consideration be given to the following conditions being attached to the permission, (see appendix A).

Response to Applicants Statement of Case

31. In response the recent appeal decision which found the Council could not demonstrate a 5-year housing land supply, the Council has reviewed and updated its position, as set out in Appendix C.

32. The Council believes it can now demonstrate a 5-year housing land supply.

REFERENCE

Appendix A – Recommended Conditions
Appendix B – Developer Contributions
Appendix C – Housing Implementation Strategy Update, March 2014; Housing Implementation Strategy Addendum, June 2014