MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/13/73273

DESCRIPTION/ ADDRESS	Erection of 1No. Attached 3-bed dwelling Land Adjacent to 39 Nightingale Avenue Eastleigh SO50 9JS

SITE VISIT DATE	24.9.13 – The site and circumstances remain unchanged from that viewed at the previous site visit in July 2013.
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Erection of 1No. Attached 3-bed dwelling with associated car parking and bike/bin store
SITE AREA	572.3sqm / 0.057ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	35dpha
TOPOGRAPHY	Nightingale Avenue slopes gently in a south easterly direction. The plot slopes upwards away from the road in a northerly direction.
TREES	There are no protected trees on or adjacent to the site however there are semi-mature trees both on the frontage and on the western boundary.
BOUNDARY TREATMENT	Low level wall along front and side boundaries with semi-mature trees and hedges of various heights (construction fencing has been erected just inside the boundary for safety). The rear and side boundary with No 37 is 1.8m fencing.
SITE CHARACTERISTICS	Two storey semi detached house, previously extended to the rear set on a large spacious plot with large side and rear garden. To the rear of the plot is a detached single garage.
CHARACTER OF LOCALITY	Residential Estate: The Aviary Estate is an inter-war council estate adjacent to Fleming Park. The estate is unique in the local area because of its layout, inclusion of public open space, and minimal modification. The properties on the estate are a mixture of terraced and semi-deatched with cat slide roofs and symmetry being a particular design feature. Corner plots are large a spacious opening up onto the adjacent public open spaces and give an open and spacious feel.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION

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REFERENCE	DESCRIPTION	DECISION
F/13/72333	Erection of 2 storey side extension to provide 2no. 1 bed flats and conversion of existing dwelling to provide 2no. 1 bed flats with associated access, parking, landscaping, cycle and bin provision.	Refused July 2013
Q/13/71850	Pre app advice	Jan 2013
F/10/66703@ No.27 Nightingale	Erection of 2No.attached 3 bedroom houses and conversion of existing house into 2No. 2 bedroom flats with associated car parking, bin/cycle store and amenity area	Refused

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
1 Raven Square	Objected to the proposal on the basis of: • Loss of symmetry and appearance • Loss of open garden space • Lack of parking • Increased overlooking into garden areas and windows • Increased noise • Affect property prices
24 Linnet Square	Objected to the proposal on the basis of: • Roof design out of character • Out of character and detrimental visual amenity within Special Policy Area
37 Nightingale Avenue	Objected to the proposal on the basis of: • Previous reasons for refusal not addressed • Inappropriate scale, form & mass • Fails to respect the character of the area • Visually obtrusive feature • Over development of the site • Lack of rear access to 39 for bin/cycle store

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Planning Policy & Design	No comments received.
Head of Transportation & Engineering	No objection in principle. The vehicular access proposed is close to the adjacent road junction but just about acceptable as it is very slightly over the minimum 10m distance from the junction with Raven Square. The proposed dwelling includes provision for bike storage and bin storage, but no such provision is made for the existing dwelling and the

CONSULTATION RESPONSES

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	scheme blocks off rear garden access to the existing dwelling. A rear access path needs to be provided to enable rear garden access for bins/bikes etc to be maintained. In regard to Developer Contributions, as a new build dwelling, in line with the HCC Transport Contributions Policy, there will be a need for transport developer contributions due to the anticipate increase in multimodal trips that the two dwellings will bring.
Aviary Residents Association	No comments received.
Head of Environmental Health	The development site is located within a residential area • The proposed development is joined to an existing semi-detached property • At the time of writing the existing property to which this development would adjoin is unoccupied however, this status can not be Guaranteed to still exist when the building work for this development is undertaken We therefore recommend hours of work, dust, and no burning conditions are imposed for amenity protection.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within a Special Policy Area

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

Eastleigh Borough Local Plan Review (2001-2011):

- 28.ES (Waste Collection/Recycling),
- 59.BE (Development Criteria)
- 72.H (Density)
- 100.T (Minimise Travelling)
- 101.T (Infrastructure Contributions)
- 104.T (Parking)
- 147.OS (Public Open Space)
- 183.LB (Aviary Estate Special Policy Area)
- 191.IN (Social Infrastructure)

Amended Draft Eastleigh Borough Local Plan 2011-2029:

- DM1 (Development Criteria)
- DM2 (Sustainable Development)
- DM23 (Transport)
- DM24 (Parking)
- DM25 (Residential Development)
- DM29 (Internal Space Standards)
- DM32 (Public Open Space)
- DM35 (Community Infrastructure)
- DM37 (CIL/S106)

Supplementary Planning Guidance: Quality Places

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

Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document Residential Parking Standards

CHARACTER APPRAISAL AREA

Eastleigh Character Area – ELAC 24 seeks to ensure the Special Policy Area is protected in accordance with Policy 183.LB and as outlined below.

SPECIAL POLICY AREA

The Aviary Estate Special Policy Area – In order to protect the Special Character of the Aviary Estate development, including extensions will not be permitted unless all of the following criteria are met:

- The size, scale, architectural style, materials, and detailing of any proposal closely reflects the character of the existing development; and
- The open spaces identified on the proposals map are retained and their settings are not adversely affected.

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework highlights 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" (para 56) and goes on to state that decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development (para 58).

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, highway matters, trees, nature conservation, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

The comments received are noted and addressed below.

COMMENT ON REPRESENTATIONS RECEIVED

The representations received (including the verbal objection which was never formally submitted) have been noted. The impact on property prices is not a material consideration to this application. All other matters are addressed within the "assessment of proposal" section of this report.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of Circular 05/05 saved policies 101.T, 147.OS and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011, Amended Draft Eastleigh Borough Local Plan 2011-2029: DM23, DM32, DM35, DM37, and supplementary planning document, 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 and Public Open Space. The applicant has agreed secure the contributions through a direct payment however this has not been invited due to the recommendation to refuse.

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

Principle: The application site lies within the urban edge and within an established residential area where saved policy 72.H and emerging policy DM25 accepts the principle of creating new dwellings. The density of this proposal is 70dwellings her hectare which is within the councils range of acceptable densities. The site is also within an established residential area where the principle of development is generally considered acceptable subject to the details and impacts of the proposal being considered acceptable, as set out below.

Saved Policy 59.BE of the Local Plan and emerging Policy DM1 of the Amended Draft Eastleigh Borough Local Plan both require 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, and loss of outlook, noise and fumes.

Layout/Design and resultant Impacts on Character/Appearance of the Street Scene: The application site is located on a slightly elevated large corner plot, at the end of a row of semi detached houses and in a prominent open location off Nightingale Avenue, which is a key route through the Aviary Estate. The Aviary Estate is designated as a Special Policy Area where the architectural style and pattern of buildings are recognised as a particularly good example of the post war development. The locality contains many pairs of symmetrically designed, gable ended, rendered houses which, although some have been altered, retain a reasonable degree of uniformity. It is this uniformity and set spacing between properties that give the area its distinctive character.

The existing property No.39 and its neighbor No.37 are one such pair of properties that have been altered. No.37 was granted permission in 1982 for and has subsequently constructed a two storey front extension which has compromised the symmetry of the overall building however this is not evident in the street scene because of the vast screening to the front of No.39. Once the screening is removed this pair of properties will already look slightly different and out of character to other properties in the vicinity. The poor design relationship of the proposed new property to the host property, particularly the roof form which appears to be an independent hipped roof, will further unbalance the properties and will accentuate the buildings inappropriate scale, form and incongruent appearance. The mass of building will create a visually dominant building which in this prominent open corner location will have a detrimental impact on both the character and appearance Nightingale Avenue and Raven Square street scenes.

Residential Amenity: To assist with assessing the impact of a development on neighbouring properties Supplementary Planning Guidance: Quality Places has been produced which gives guidance on over looking, loss of light, amenity space for new dwellings.

There would not be an unacceptable impact to neighbouring properties by way of a loss of light, outlook, overbearing impact or overlooking due to parallel siting of the new dwelling and its position on a corner plot away from other properties in the vicinity. It is noted that the new

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

dwelling would introduce additional rear facing windows which look towards the side elevation of 1 Raven Square. One window serves a bathroom and is to be obscured and the other window serves a bedroom where it is generally accepted are common in urban areas and do not give rise to undue loss of privacy, mainly because bedrooms and gardens are normally in use at different times of the day.

The proposal includes adequate provision of private amenity space for both the existing and proposed properties and there will not be any negative impacts to the amenities of potential occupier of either No.39 or No.39a.

Landscaping: The proposals involve converting the front garden into an area of hard standing. This will have a small negative impact on the green appearance of the road. The plans show indicative landscaping which could scene the mass of parking to the front however a landscaping scheme would need to be submitted to ensure it is appropriate and would have been conditioned to be provided had the scheme been acceptable in all other respects.

Highway matters: Policy 100.T expects development to be sited close to, or well served by, public transport, cycling and walking. Policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision.

The vehicular access proposed is close to the adjacent road junction but is just about acceptable as it is very slightly over the minimum 10m distance from the junction with Raven Square.

Saved Policy 100.T and emerging policy DM23 expects development to be sited close to, or well served by, public transport, cycling and walking. The site is within the urban edge, minutes of a regular bus service, cycle routes and is accessible by foot. The site is therefore considered to be adequately accessible.

Saved Policy 104.T and emerging policy DM24 states permission will only be granted for development that provides adequate off-highway parking provision and our Parking Standards SPD supports this. In line with the EBC Parking Standards, the proposals requires 2 spaces per property and these are provided and therefore complies with policy requirements.

Saved and emerging policies along with the parking standards SPD also requires the provsion of appropriate and sufficent cycle storage. It is proposed to provide a detached combined cycle and bin store within the rear garden area of the proposed property however no such provision is provided for the existing property No.39. It is not desirable for this to be provided on the frontage of No.39 as it has potential to impact on the street scene (depending on the exact size, siting, and design of the storage) and would therefore ideally be required to be provided within the rear garden area however the layout of the site is such that no rear access is provided. Had this been the only concern in relation to the overall development amended plans would have been sought however have now been used as a reason for refusals as the proposal fails to make the necessary provision for cycle storage.

Refuse Collection: Saved Policy 28.ES, emerging policy DM1, and the Quality Places SPD requires adequate provision of waste disposal/bins to be provided. As above, It is proposed to provide a detached combined cycle and bin store within the rear garden area of the proposed property however no such provision is provided for the existing property No.39. It is not desirable for this to be provided on the frontage of No.39 as it has potential to impact on the street scene (depending on the exact size, siting, and design of the storage) and would therefore ideally be

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

required to be provided within the rear garden area however the layout of the site is such that no rear access is provided. Had this been the only concern in relation to the overall development amended plans would have been sought however have now been used as a reason for refusals as the proposal fails to make the necessary provision for refuse collection.

Sustainability: In accordance with emerging Policy DM2 new dwellings are required to meet the requirements of our Environmentally Sustainable Development SPD. The applicant has submitted a pre-assessment estimator which demonstrates the development is capable of achieving Code Level 4, which was appropriate at the time of receipt of the application.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the pre-submission Eastleigh Borough Local Plan 2011-2029. 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

In view of the above the proposed development is considered to be contrary to saved and emerging Local Plan Policies and the appropriate guidance contained with the relevant SPD/SPG's and is therefore recommended for refusal.