**HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/15/75847**

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| DESCRIPTION | Erection of detached garage, following removal of boundary wall |
| ADDRESS | 11 Dolphin Close, Bishopstoke, Eastleigh, SO50 8NG |

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| SITE VISIT DATE | 26th February 2015 – Another site visit was not deemed necessary as there are no changes in site circumstances |
| ARE PLANS ACCURATE? | There is concern with the accuracy with the plans. The previously refused application (F/15/75847) raised concerns with regards to the accuracy. Having assessed the land registry plan which was submitted as part of the refused application and comparing it to the location and block plan, there is still concerns as to whether the red line has been accurately drawn |
| HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? | Yes |

**THE SITE AND ITS SURROUNDINGS**

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| DETAILED DESCRIPTION OF APPLICATION | Detached garage measuring 5.5m(d) by 3.1m(w) by 2.2m(h) with a mono pitched roof. |
| TOPOGRAPHY | Flat level site. |
| TREES | None |
| BOUNDARY TREATMENT | The rear is enclosed by a combination of brick wall and fencing to a total height of 1.8m. |
| SITE CHARACTERISTICS | Small plot containing a mid terraced two storey house set immediately onto a public foot path. To the rear is a small and enclosed garden area containing a modest shed in one corner. |
| CHARACTER OF LOCALITY | Residential area made up of rows of terraced and semi-detached properties all of a similar style/theme. This particular row are very similar with one space provided per property. |

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| APP/W1715/D/15/3018511<br>F/15/75847 | Appeal – Detached garage | Appeal dismissed 16/7/15 |
| F/15/75847 | Detached garage | Refused 1/4/2015 |
| Z/37682/000/00 | Retention of conservatory at rear | Permitted 22/5/2001 |
| Z/13579/015/00 | Erection of six terraced 3 bedroom houses in substitution for previously approved block of twelve flats | Permitted 23/08/78 |
| | Historic applications relating to the redevelopment of the estate. | |

**REPRESENTATIONS RECEIVED**

| SOURCE | SUMMARY OF CONTENT |
|---|---|
| None | |

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| Bishpstoke Parish Council | Detached garage |
| Head of Transportation and Engineering | Holding objection.<br>As outlined in the previous application - F/15/75847, there is limited parking to the rear of the units, and as such if a garage is to be provided, it must be to sufficient dimensions to ensure that no parking reduction results. As outlined in the EBC Parking Standards, this means the garage must be a minimum of 3.0 x 6.0m internally to allow for both the parking of a vehicle and the inevitable storage of items. Unfortunately, the proposed garage falls short of this standard. |

**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE |
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| Within Built-up Area Boundary<br>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 and 104.T

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising of the 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 and DM24

Supplementary Planning Guidance : Quality Places (2011)
Supplementary Planning Guidance: Residential Parking Standards (2009)

**CHARACTER APPRAISAL AREA**

Bishopstoke, Fair Oak and Horton Heath Character Area – BiFOHH 42

**SPECIAL POLICY AREA**

Not within a Special Policy Area

**NATIONAL PLANNING POLICY GUIDANCE**

One of the main planning principles that underpin the National Plannning Policy Framework (NPPF) is that planning should "always seek to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings".

In addition the NPPF 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).

**NATIONAL PLANNING POLICY GUIDANCE**

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**POLICY COMMENTARY**

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| 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, street scene and character of the area |

**COMMENT ON CONSULTATION RESPONSES**

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| None received | | See below | x | |
| Noted and addressed below. | | | | |

**COMMENT ON REPRESENTATIONS RECEIVED**

| | | | | |
|---|---|---|---|---|
| None received | x | See below | | |
| N/A | | | | |

**PLANNING OBLIGATION/CONSIDERATIONS**

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|---|
| 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**

**Principle:** The application site lies within the urban edge and within an established residential area where the principle of development is acceptable, with any formal approval being dependant on the details and impacts of the proposal being considered acceptable, as set out below.

Permitted development rights have been removed from this property and therefore the proposed development requires permission. Had permitted development rights not been removed consent would still be required as the proposal would result in more than 50% of the curtilage being developed.

The previously refused application was subject to a recent appeal (APP/W1715/D/15/3018511) which was dismissed as the inspector concluded that “that arrangement would result in occupiers of this 3 bedroom dwelling being left with a very small rear garden, which would be of limited value due to its size and partly narrow and tapering configuration. Consequently, I am not satisfied that future occupiers, which could include families, would have an outdoor space of sufficient size and quality for domestic tasks, activities such as play, and sitting out. Furthermore, although the garage would be of a modest height, given its siting, the outlook from much of the conservatory’s glazing would be dominated by its blank rear elevation”.

The revised application shows very little if any amendments have been made, other than it is now proposed that the rear boundary is to be removed which causes concern as the proposed garage

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

could encroach outside of the applicants boundary.

**Layout/Design and its impacts upon residential amenity:** As stated above the NPPF encourages LPAs to "always seek to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings". Saved Policy 59.BE and emerging Policy DM1 seek to do this by requiring 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.

The proposed garage in itself is of modest design, construction, and height however the site is small with a site area of 94.5sqm (front of house to back wall by shed) of which 50.7sqm is taken up with the house and conservatory. This equates to an existing building coverage of 53.7%. The proposed garage will cover an additional 17.05sqm increasing the site coverage to 72.2% which is considerable. This will leave a garden area of only 26sqm of which is considered unacceptable and an overdevelopment of the plot.

Whilst the garage is modest, on such a small site the garage will come within approximately 2m of the conservatory and will span half the width of the garden meaning views out of the conservatory to the garden will be almost completely dominant by the proposed garage. In such close proximity the garage will appear overbearing within the back garden location.

The remaining garden, at only 26sqm, is small for a 3 bed property. A large proportion of this will be unusable due to its size and location of the garage with much of this amenity space acting more as a pathway from the house to the back gate. In addition in such close proximity to the house and boundaries the garage will cast shadowing over what is left of the garden making parts of it unusable at certain times of the day/year.

In view of the above it is considered that the proposed garage represents an overdevelopment of the plot that will have a detrimental impact upon the living conditions of the current and future occupants contrary to the objectives of the NPPF and saved/emerging policies.

**Street Scene/Character Area:** The proposed garage is isolated to the rear of the property and is separated from the highway by a communal rear access bound by 1.8 walls. The garage will be visible from the public domain but due to the modest scale it is not considered to have a detrimental impact on the street scene or the wider character of the area.

**Parking:** Saved Policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision and our Parking Standards SPD supports this. Under current standards the proposed dwelling has a requirement to provide 2 parking spaces on plot.

When originally permitted the historic plans suggest these 3 bed terraced houses were allocated only 1 space each with what appears to be some element of communal parking within the walled area abutting the properties. The site, the subject of this application has an entirely enclosed garden area (no consent granted for this) with no discernible dedicated parking so is already deficient in parking provision with parking assumable taking place on neighbouring and adjacent land and highways. The proposed garage does however make the situation worse in that the space originally intended for parking (albeit below current space standards) will be taken over by a permanent structure in the form of a garage which is below minimum recognised space standards. The garage therefore will prevent on plot parking being restored permanently displacing parking to the highway and neighbouring land.

Given the existing on site arrangements and lack of enforcement action taken by the LPA it would

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

seem unreasonable to refuse the application purely due to the inability to provide on plot parking however the proposed garage does result in the plot appearing overdeveloped with a form of structure that would appear overbearing as set out above, and therefore does form part of the refusal.

(It is noted that neighbouring properties have enclosed their garden areas and appear to have built structures within the garden area, potentially without planning permission, however this not a material planning consideration to this application).

**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**

The proposed development by reason of the size and layout of the site and scale and form of development the proposal represents an inappropriate form of development that would:

(i) appear overbearing, visually intrusive and detrimental to the outlook and amenities of existing residents

(ii) fails to provide sufficient and adequate external amenity space thus resulting in a poor quality living environment for the occupants

Taken together, these factors are considered to be symptomatic of a cramped and overdeveloped site which is out of character with the existing pattern of development in the neighbourhood. As such, the development would prove contrary to the provisions of saved policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), emerging policies DM1 and DM29 of the Submitted Eastleigh Borough Local Plan (2011-2029), and guidance contained within the adopted Quality Places Supplementary Planning Document (2011).