REF. NO. F/14/75707

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Construction of four bedroom dwelling. 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.
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.
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

THE SITE AND ITS SURROUNDINGS

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
	No record of any previous planning history on the site.	

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None received.	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation & Engineering	No objection. "The proposals provide the required minimum of 2 parking spaces for the existing dwelling, plus at least 3 spaces for the proposed 4-bed dwelling. As such the development site as a whole will conform to EBC Parking Standards. It is also noted that an on-site turning area will be available to enable forward gear access and egress." "No objection once constructed, but construction in this confined location with access off A27 would be a challenge."
Sustainability Officer	"All applications for new residential dwellings must be designed to achieve Code 4 standards for energy and water. There needs to be a written commitment to this at the planning application stage and the pre-assessment estimate shows that this has been targeted."
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

REF. NO. F/14/75707

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

(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."

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

n/a

PLANNING OBLIGATION/CONSIDERATIONS

The ministerial statement of 28th November 2014 from The Minister of State for Housing and Planning, and subsequent changes to the National Planning Practice Guidance (NPPG) has increased the threshold for when tariff based planning obligations can be required by new development. This means that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) will be exempt from the need to provide tariff based planning obligations or affordable housing. The proposed development falls within this threshold, meaning that no tariff based planning obligations are required.

However, the site does fall within the catchment area for the Solent Disturbance Mitigation Project, which requires a contribution from all new residential development towards mitigation of the increased recreational disturbance resulting from the development. This however has not been secured and will 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 – While the proposed dwelling would appear to sit quite comfortably within its proposed plot and sufficient usable garden would be retained for the existing dwelling, there are concerns that the construction of a dwelling on this site would appear rather out of place and hemmed in by the neighbouring surrounding development.

In terms of its scale and appearance, there are no issues. However, there are significant concerns with regards to the quality of environment created for future occupiers of the development.

Residential Amenity – It would appear that everything that could reasonably be done to protect the amenity and privacy of existing surrounding properties has been undertaken within the design. Given the proximity and orientation of the proposed dwelling to its neighbours there would be no issues of unacceptable loss of light or outlook. However, there is likely to be an issue of loss of privacy between the first floor rear bedroom window of No.1 and the westernmost first floor bedroom window of the proposed dwelling. While not directly in line with each other, both windows are within clear sight of the other and only 14 – 15 metres apart. This is significantly less than the 22 metres between first floor facing windows set out in the Council's 'Quality Places' SPD and is likely to result in unacceptable loss of privacy for the occupiers of each.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Further concerns of privacy relate to that of future occupiers of the development rather than existing neighbours. As has been highlighted above, the proposed plot is enclosed to the north-east, east and south by three and four storey development, with that to the south being on slightly higher ground. This results in the current rear garden, which will become the development plot, being severely overlooked on almost three sides. Although windows have been placed within the proposed dwelling to try and minimise the impact of this, inevitably there are some which would be overlooked by this surrounding development, in particular those which would serve the kitchen and dining area to the rear. In addition to this the whole of what is intended to be the private external amenity space for the dwelling would also be completely overlooked with no areas where a reasonable level of privacy could be maintained. Even if the physical overlooking of the dwelling and its garden could be overcome through clever design, the perception of being overlooked could in no way be reasonably mitigated.

The applicants have pointed out that the surrounding development was allowed and has resulted in the severe overlooking of their garden, therefore why it is not acceptable in this instance. It is acknowledged that surrounding development has had a very dramatic impact upon the amenity of and how the current garden is used. However, planning policy has changed since this development was approved and built, and there are still some areas of the garden which have a degree of privacy, such as the area immediately adjacent to the existing house and behind the small group of trees within the garden. That would not be the case for the proposed dwelling which would have no opportunity to provide or maintain any degree of privacy for their rear garden or rear windows.

The lack of suitable privacy and severe overlooking from existing neighbouring development would result in an unacceptable quality of environment for future occupiers of the proposed development, to the detriment of their residential amenity. 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 – Sufficient off-road parking can 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. The application is therefore 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 a poor quality of living environment for its future occupiers.

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.