MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/13/72333

DESCRIPTION/ ADDRESS	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 parking 39 Nightingale Avenue Eastleigh SO50 9JS

SITE VISIT DATE	23rd July 2013
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	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.
SITE AREA	572.3sqm / 0.057ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	70dpha
TOPOGRAPHY	Nightingale Avenue slopes gently in a south easterly direction. The plot slopes upwards away from the road in anortherly 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
Q/12/71850	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	Verbal objection on the basis of: • Incongruous and visually dominant • Out of character with Special Policy Area • Deficient in parking and amenity space • Overdevelopment
37 Nightingale Avenue	Objected to the proposal on the basis of: • Fails to respect the character of the area • Visually obtrusive feature • Set a precedent for development that would change the character of area • Inadequate parking • Increase pollution from increased traffic movements • Increased noise • Slow worms

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Planning Policy & Design	No comments received.
Head of Transportation & Engineering	No objection. The proposals accord to the EBC parking standards by providing one vehicle parking space per unit, but these must remain unallocated by condition. Secure cycle storage is also provided. A bin collection point should also be provided at the front of the property, as without this 4 bins may be left on the pavement which would be obstructive. A new vehicle crossover is required off Nightingale Avenue, and this will need to be provided prior to occupation in accordance to HCC standards. In regard to Transport Developer Contributions, as a newbuild

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	development, the proposals are liable to a request for DC's.
Aviary Residents Association	No comments received.
Head of Environmental Health	information provided and wish to make the following comments: • The application site consists of half of a semi-detached house • We have some concerns about the proposed layout for the conversion of the house and the impact on the existing neighbouring dwelling based on its assumed layout • The lower flat, the current lounge will become a bedroom and it will be located adjacent to the dining room of the existing dwelling • The upper flat, a current bedroom will become a living room and it will be located adjacent to the bed room of the existing dwelling • There is limited scope to amend the internal layout of the flats in respect to the layout of the existing neighbouring property The proposed new end use, although still residential, will bring noise sensitive receptors to different section of the building. Due to the proposed layout, there is the potential to impact on the amenity of both the future residents of the flats and the current / future residents of the neighbouring dwelling. It is understood that the provision of noise insulation between two flats falls under the requirements of Building Control and the building regulations (Part E), however the requirement for similar levels of insulation of the party wall between the new flats and the existing residential dwelling, is unclear. We would therefore seek the same standard of protection, as required under the building regulations (Part E) for the party wall. As the proposed development has the potential to impact on the amenity of the current and future residents, I would therefore recommend that the following condition is imposed: “The party wall between the proposed new flats and the existing residential dwelling is to have the standard of noise insulation as specified by 'Part E' of the building regulations.”

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)

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

- 147.OS (Public Open Space)
- 183.LB (Aviary Estate Special Policy Area)
- 191.IN (Social Infrastructure)

Pre submission 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
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, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

The comments received are noted and addressed below.

COMMENT ON REPRESENTATIONS RECEIVED

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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, Pre submission 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 Pre-submission 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 site is located within the Aviary Estate 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 application site is in a prominent location off Nightingale Avenue, which is a key route through the Aviary Estate. Its prominence is further heightened because it is positioned at the end of a row of semi detached houses and on a corner plot. With no buildings to the rear, there are clear views down to the site from Raven Square.

It is noted that the Nightingale Avenue elevation has tried to respect the character of the surrounding

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

by incorporating a cat slide roof and front projection however this is to the detriment of the visual appearance of the existing semi-detached pair which as a consequence lose their symmetry and appear as an unbalance terrace of houses. The extension, and particularly the north west elevation however makes no attempt and appears to have no regard to the size, scale, architectural style, materials, and detailing of the surrounding properties. The poor design relationship of the extension to the host property and the existing area is further accentuated by the roof which is raised above the ridge of the existing house. From the front of the property this reads as a small increase however when approaching the site from the north west the side elevation and 1/2m increase in the ridge height will be particularly visible and given the open nature of this corner plot will appear particularly incongruous.

The overall affect will be to introduce an unwelcome, incongruous, and visually dominant building which 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.

Due to the size, siting and design the proposed extension and conversion is not considered to have an unacceptable impact on neighboring properties by way of a loss of light, outlook, overbearing impact however the first floor windows now serve habitable rooms, that being a lounge/diner and will result in unacceptable overlooking and loss of privacy to No.1 Raven Square and 37 Nightingale Avenue.

It is noted that Environmental Health have some concerns about the internal layout, specifically living rooms next to bedrooms, and its imacts on the amenities of existing and future occupiers/neighbours.
It is understood that the provision of noise insulation between two flats falls under the requirements of Building Control and the building regulations (Part E), however the requirement for similar levels of insulation of the party wall between the new flats and the existing residential dwelling could be secured by way of a condition to protect No.37's amenity had the development been acceptable in all other respects.

The Quality Places guidance also provides advice on the level of private amenity space required for flatted development. The required communal garden space is 25sqm per unit equating to 100sqm. In addition ideally 3sqm of private amenity should be provided. The proposal provides a small area of private amenity space for a ground floor flat at approximately 17sqm and a second at approximately 27sqm. The first floor flats have no access to any amenity space. The level of amenity space provided therefore fails to meet policy requirements. In addition that space that is provided would have an unacceptably poor level of amenity for the future occupiers as it would suffer from direct overlooking and loss of privacy.

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

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

transport, cycling and walking. Policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision.

The existing vehicular access is off of Raven Square. It is proposed to close this access and open up the existing pedestrian access on Nightingale Avenue to allow vehicular access. This would need to accord with HCC standards but is generally considered acceptable.

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 1 space per flat, 4 in total. These are provided to the front with adequate manovering space and therefpre comply 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 cycle store on the Nightingale Avenue frontage which will accommodate the required 4 cycles. Insufficient detail has been provided to determine if its size, siting, and design is appropriate and that it will not have a detrimental visual appearance on the street scene and has therefore been cited as a reason for refusal.

Refuse Collection: Saved Policy 28.ES, emerging policy DM1, and the Quality Places SPD requires adequate provision of waste disposal/bins to be provided. The plans indicate that bin storage will be sited to the side of the property on the Raven Square frontage however it only identified 4 bins in total. The Quality Places SPD requires a minimum of 2 bins per property, 8 in total and therefore the bin store appears insufficient in size. I am further concerned that this prominent boundary is not the appropriate location for such a store however insufficient detail has been provided to determine if its size, siting, and design is appropriate and that it will not have a detrimental visual appearance on the street scene and has therefore been cited as a reason for refusal.

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

CONCLUSIONS

Local Plan Policies and the appropriate guidance contained with the relevant SPD/SPG's and is therefore recommended for refusal.