REF. NO. F/15/77411

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Construction of three bedroom detached dwelling with ancillary parking, bin storage & access from New Road, following demolition of garage. Land to rear of 76 New Road, Netley Abbey, Southampton, SO31 5BS

SITE VISIT DATE – 18/11/2015

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Total site area is approximately 630 square metres with the proposed new building plot being around 390 square metres including the access drive.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 25 dwellings per hectare.
TOPOGRAPHY	Generally flat and level.
TREES	While there are no protected trees on or immediately adjoining the site there are some sizable conifers along the rear boundary and a number of fruit trees.
BOUNDARY TREATMENT	The majority of the current garden boundaries are marked by 1.8 metre timber fences.
SITE CHARACTERISTICS	No.76 is a 1920s/30s two storey red brick semi-detached dwelling with a large double garage to the side. To the rear is a good size garden which is mainly laid to lawn.
CHARACTER OF LOCALITY	This part of Netley Abbey is predominantly residential in nature and made up of a mixture of mainly two storey detached, semi-detached and terrace dwellings ranging in age from late Victorian through to more recent developments.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
WIR2198200000	Retention of garage.	Approved Oct 1972

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Gregory – 74 New Road	Object. Overlooking of garden and loss of privacy, noise, lights, cars, visually intrusive and out of keeping with the character of the area. Also concerns with regards to boundary treatment, security and devaluation of property.
French – 72E Victoria Road	Object. Loss of privacy, light and outlook. Inadequate garden space for

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	the proposed dwelling. Potential disturbance through use of the garden, cars, lights and noise pollution. Would spoil the character of the area.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation & Engineering	"No objection subject to receipt of contributions and conditions. In regard to parking and access, both conform to standards for the existing and proposed development, with a turning head provided for the new dwelling to ensure forward gear access/egress along the elongated driveway."
Tree Services Manager	"I can confirm that I have no arboricultural concerns therefore raise no objection."
Hound Parish Council	"Members resolved to object to the application, due to backyard infill development and a totally inappropriate application, which could set a precedent."

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within HRA Screening Area

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

Eastleigh Borough Local Plan Review (2001-2011), saved Policies 25.BE, 28.ES, 34.ES, 59.BE, 101.T, 147.OS & 191.IN

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, DM9, DM23, DM24, DM25, DM29, DM32, DM35 & DM37

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Character Area Appraisals – Bursledon, Hamble-le-Rice and Hound (BHH 1)
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

NATIONAL PLANNING POLICY GUIDANCE

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 49 states that, "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

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."

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, design and impact upon the street scene and general character of the area, residential amenity of existing and future occupiers, parking and highway matters, trees, and nature conservation.

COMMENT ON CONSULTATION RESPONSES

All comments are noted.

COMMENT ON REPRESENTATIONS RECEIVED

A response to the main planning related concerns raised is given below. With regards to the devaluation of property, while this is acknowledged as a reasonable concern, it is not a material planning consideration and cannot be taken into account when determining any planning application.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of the following;

- National Planning Policy Guidance
- Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)
- Saved policies 101.T, 147.OS and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011
- Emerging policies DM23, DM32, DM35 and DM37 of the Revised Draft Eastleigh Borough

Local Plan Review 2011-2029
- Supplementary Planning Document – Planning Obligations

If recommended for approval planning obligation contributions would be sought to offset the impact of the development on local infrastructure. For this development contributions would be sought towards Community Infrastructure, Sustainable Transport, Public Open Space and The Solent Disturbance Mitigation Partnership.

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, Street Scene & Area Character – No.76 is a reasonably wide plot at around twelve metres and a rear garden around 35 metres in length. It is intended to use the bottom end of the garden as a building plot for a single detached dwelling, accessed via 3.7 metre wide driveway running along the north-western boundary of the site. The dwelling itself would be of a fairly simple chalet form, i.e. the first floor contained within the roof space, and would include a number of dormer projections. It would be finished in facing brick, tile hanging under a slate roof, all of which are already present in the immediate area. There are a few slightly awkward features such as the ridgeline of one of the dormer projections sticking up above the main ridgeline of the dwelling, and an asymmetrical projection in an otherwise symmetrical elevation. However, these minor design details would not be sufficient to warrant a refusal of the application.

Due to the rather constrained nature of the site, the frontage to the proposed dwelling would be almost entirely hardstanding with little meaningful space to provide any planting to soften an otherwise rather harsh outlook. Equally, while the private amenity space does meet the Council's minimum requirement of 60% of the total floor area of the dwelling, it is of a rather awkward shape, very shallow in depth and significantly under the average garden sizes in the immediate area.

While development of this back land site is unlikely to have any real noticeable impact upon the street scene of New Road, the introduction of a single building plot within an area of clearly defined back gardens would appear rather out of context and noticeably go against the prevailing pattern of development in the area. This on its own is considered sufficient reason to refuse the application and those other design points raised only serve to back up this recommendation. As such the application is considered to be contrary to saved Policy 59.BE of the adopted Local Plan, Policy DM1 of the Submitted Local Plan, the Council's 'Quality Places' SPD and paragraph 53 of the NPPF.

REF. NO. F/15/77411

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Residential Amenity – Various amenity concerns have been raised by neighbours to the site with regards to overlooking and loss of privacy, visual intrusion and disturbance through vehicle movements and the proximity of the dwelling and its patio to neighbours.

On this issue of disturbance, conditions could be applied to ensure that disturbance during any building works is minimised through limiting working hours, suppression of dust and noise reduction measures, etc. However, the main concerns raised related to vehicle movements along the driveway and the associated disturbance through noise and headlights. It is acknowledged there would be a degree of disturbance associated with vehicle movements to and from the proposed dwelling which would not be ideal. However, the total number of movements is likely to be relatively small and with appropriate surface and boundary treatments both noise and light disturbance could be minimised, meaning that this on its own would not be sufficient to refuse the application.

While the concerns with regards to the proximity of the proposed dwelling and its patio area to neighbouring boundaries is noted, the use of the intended garden area for normal domestic activities in an established residential area would not be unusual and could not be considered as unreasonable.

The construction of a two storey structure of this scale within an area of open gardens will undoubtedly be a visually intrusive feature, which will have a negative impact upon a number of existing dwellings, particularly when viewed from their gardens. However, the position of that proposed and its proximity, relationship and orientation to those dwellings is unlikely to result in a detrimental or unacceptable impact upon the outlook from those properties in planning terms.

The proposed dwelling has been designed with its main outlook facing north-west and south-east perpendicular to most neighbouring dwellings. However, its proximity to No.72E Victoria Road just to the west of the site would be such that clear views into the rear of this property would be available from the window of bedroom 3. While there is some boundary planting this is outside the site and thereby outside the control of the planning application and any future occupiers of the proposal. This unacceptable loss of privacy, together with the visual intrusion caused 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.

Parking & Highway Matters – With regards to parking and highway matters no objection has been raised by the Head of Transportation and Engineering. Sufficient on-site parking for both the proposed and existing No.76 to meet the Council's 'Residential Parking Standards' SPD can be provided and the introduction of an additional access onto New Road for one more dwelling will have no noticeable impact upon highway safety or traffic numbers. The application is therefore considered to comply with this element of saved Policy 59.BE of the current Local Plan and Policies DM1 and DM24 of the Submitted Local Plan.

Trees – While a number of trees would need to be removed, none are subject or worthy of a preservation order. Therefore no objection has been raised by the Borough's Tree Services Manager.

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 required for this development as it falls inside the designated zone of impact.

The site falls inside the 5.6km buffer zone for the Solent SPA. A contribution 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 to be adopted in its present form, it does give an indication of what the current local plan's replacement would include. 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.