MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/14/74273

DESCRIPTION/ ADDRESS	Erection of 2no. 3 bed dwellings with associated parking and amenity space following demolition of existing dwelling 5 Jockey Lane Bishopstoke Eastleigh SO50 6DX

SITE VISIT DATE	10.4.14
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Erection of 2no. 3 bed dwellings with associated parking and amenity space following demolition of existing dwelling
SITE AREA	807.0sqm / 0.081ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	24.7dph
TOPOGRAPHY	The access slopes upwards steeply in a south west direction to the site which is elevated. The site is largely flat and level, with only a slight drop off in levels towards the SE. The site therefore has an elevated position.
TREES	No protected trees on the site however there are mature trees within the open space to the south and along the eastern boundary.
BOUNDARY TREATMENT	The access is bound by a combination of 1.8-2m hedging, and the flank garage wall/wall with fencing on top. The site itself is bound by a combination of 1.8m fencing/wall with fencing on top, hedging, mesh fencing, and sparce sections of trees/hedging
SITE CHARACTERISTICS	The site is set in an elevated position off of an access track with the property set fairly centrally within the plot. The site contains a simple detached bungalow and detached garage, both of which have a pitched roof and are in a dilapidated state of repair. The property is surrounded by what appears to have been a garden and parking areas, all of which is fairly overgrown and unkempt.
CHARACTER OF LOCALITY	Residential area on the northern edge of Bishopstoke. The area has a mixed character with low density housing, typically detached properties that are set on large plots with buildings being set back from the road. These elements combine to give an open and spacious character to the area which is reflective and respectful to its semi-rural nature adjacent to open countryside, allotments, and public open space.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	No history for the site itself	
Z/19007/006/00	Erection of 3 detached houses on land at 1-3 Jockey Lane	Permitted 7.12.98

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
1 Jockey Lane	Broadly supports the proposal but has concerns with the level of overlooking from first floor windows of house A and requests these are obscure glazed and objects to any new large trees being planted within the site as this may reduce light and result in leafs falling into garden.
3a Jockey Lane	Objects to fencing and trees/landscaping being erected in close proximity to the newly erected rear boundary.
9 Jockey Lane	Objects to the proposal on the basis of the number of units being proposed and felt only one unit should be allowed. The access is narrow and the proposal will result in extra cars and questions where they will all park.
11 Jockey Lane	Supports the redevelopment of the plot but raises objection to; • the size and density of the development • The two storey houses will block views and sun light. • The curtilage footprint is too small and not commensurate with neighbouring properties. • Insufficient parking with no overspill possible in Jockey Lane. Concern is also raised regarding the sound levels emitted from the properties and the potential to disturb elderly residents.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Bishopstoke Parish Council	No objection but expressed concern at the uneven surface of this unadopted road and further degradation likely to be caused by contractors' vehicles to the detriment of neighbours' enjoyment; the contractor should be required to make good damage caused. There is also a potential problem with a raised inspection cover which Southern Water have been requested to investigate.
Head of Planning Policy	No sustainability supporting info or plans.
Head of Trasportation and Engineering	Holding objection. PARKING: Whilst in regard to numbers, two parking spaces each dwelling accords to standards, there are the following issues; 1. For garages to be considered appropriate for vehicle parking, internal dimensions must be a minimum of 3.0 x 6.0m. The garages on plans appear to be closer to 2.8 x 5.4m and as such are not appropriate. Larger sized garages should be shown on revised plans - this would

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	appear easily achievable. 2. A standard parking space is 2.4 x 4.8m, and these are shown on plans. However, this dimension is where there are no obstruction to door openings. On the plans, doors open against hedges and walls to the sides, and also a garage door to the front. As a result, dimensions are increased to a minimum of 3.2 x 5.8m, and this should be shown on revised plans. 3. Due to the narrow nature of Jockey Lane, there are also concerns in regard to the potential for off site parking by visitors, that could become obstructive. As such, it would be requested that each dwelling provide an additional space for visitor parking. The unit marked 'TypeA' on plans does this, however the unit marked 'Type B' does not. An additional nonobstructive space should be added to revised plans. ACCESS: Access to the development via the existing driveway is acceptable, and is of sufficient width to accommodate emergency vehicles with a minimal reverse required. However, in terms of bin collection, a collection point should be provided to the front of the site on the driveway to enable easy collect and to ensure 'left out' bins do not become ostructive. This should be shown on revised plans. DEVELOPER CONTRIBUTIONS: If a permission is to be given to the application, then transport Developer Contributions will be required in line with the HCC Transport Contributions Policy, due to the anticipate increase in multimodal trips that the additional development proposals will bring. Jockey lane is an unmade road, any defects caused by construction traffic should be fixed by developers.
Head of Environmental Health	No objection subject to amenity protection conditions

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within an Established Character Area Adjacent to Existing Public Open Space/Allotments

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

Eastleigh Borough Local Plan Review (2001-2011):

- 28.ES (Waste Collection/Recycling),
- 34.ES (Sustainable Development)
- 59.BE (Development Criteria)
- 72.H (Density)
- 100.T (Minimise Travelling)
- 101.T (Infrastructure Contributions)
- 104.T (Parking)
- 147.OS (Public Open Space)
- 191.IN (Social Infrastructure)

Pre submission Eastleigh Borough Local Plan 2011-2029:

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

- DM1 (Development Criteria)
- DM2 (Sustainable Development)
- DM23 (Transport)
- DM24 (Parking/Cycle Facilities)
- 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
Supplementary Planning Document: Character Area Appraisal- Bishopstoke, Fair Oak, and Horton Heath

CHARACTER APPRAISAL AREA

Bishopstoke Fair Oak and Horton Heath Character Area – BiFOHH 2 where the character of the area is considered to be moderate and the main objectives are to maintain important views East to Stoke Common and maintain prominent deep building set backs in order to retain/reinforce existing levels.

SPECIAL POLICY AREA

Not within a Special Policy Area

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

Noted and addressed below.

COMMENT ON REPRESENTATIONS RECEIVED

Noted and addressed below.

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 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, Recreational Disturbance Mitigation and Public Open Space. The applicant has not secured the required contributions.

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 in areas well served by public transport, services, and facilities. The density of this proposal is 24.7 dwellings per hectare which is considered to a be fairly low density and is reflective of the density of development in the area. The proposal is therefore broadly 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: The site is acknowledged to have development potential. It is not however felt that the right layout and design solution for the site has been achieved.

The proposed properties are acknowledged to be of an attractive design that, with the use of high quality materials, could look quite attractive however the properties are in an elevated position to their neighbours 1,3, and 3a Jockey Lane. In this elevated position and in such close proximity to the existing Jockey Lane properties the proposed two storey dwellings will have a detrimental impact upon the residential amenity (see below).

Whilst back land development is not encourages, on some sites it can be acceptable if the layout and design is considerate of its surrounding and existing pattern of development. It is expected that back land development would be subservient to existing properties and would not detract from the main street scene. Being in an elevated position and of a two storey nature the proposed properties are not considered to be subservient and will appear very prominent in the background to the existing properties and is therefore considered to have a detrimental impact upon the street scene and wider character of the area (also see below).

The proposal also fails to provide adequate car parking and bike/bin storage (see below). Overall therefore the layout and design is not considered acceptable.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Residential Amenity: To assist with assessing the impact of a development on neighbouring properties and to support Policy 59.BE and emerging policy DM1 Supplementary Planning Document: Quality Places has been produced and gives detailed guidance on overlooking, loss of light, amenity space for new dwellings.

The Quality Places SPD refers specifically to rear privacy and specifically directs that the "front of one house should not face the rear windows of another for reasons of privacy and informal surveillance. Exceptions to this rule will require a combination of increased separation distance (above the accepted 22m back to back distance) and privacy screening." The proposed dwelling face onto the existing properties in Jockey Lane and taken from the closest point are only 13.2m apart and at best 18m and are therefore significantly closer than is considered acceptable.

The existing Jockey Lane properties due to the topography of the land are set on lower ground than the site. The setting on lower ground and the lack of separation space combine to result in the proposed two storey properties appearing very prominent, overbearing, and visually intrusive when viewed from Jockey Lane.

It appears that the properties have been designed with catslide roofs containing roof lights and the dormer windows are detailed to be obscure glazed however the location and use of first floor window combined with the proximity of the building to the boundary would result in an unacceptable level of overlooking and perceived overlooking that would lead to a loss of privacy.

It is noted that new boundary tree and shrub planting is proposed however this screening alone is not considered sufficient to mitigate or offset the harm the proposal will have to the amenities of the existing properties in Jockey Lane.

Overall the proposal is considered to result in a detrimental loss of amenity and is not therefore considered acceptable.

Impacts on Character/Appearance of the Street Scene: As detailed above, the site is located in an elevated position to both Jockey Lane and Edward Avenue.

The adjacent public open space is fairly open and the proposed properties will be in close proximity to the boundary. From the open space , despite the proposed boundary fencing, the full two storey scale of the properties will be visible. With only 8m separation the proposal will appear prominent and visually intrusive.

No.99 Edward Avenue is a converted bungalow, which whilst having been altered and first floor accommodation added has retained good separation between it and neighboring buildings/uses. It therefore allows clear views towards the site when approaching from either direction of Edward Avenue. As No.99's garden inclines towards the site so your eyes is drawn to the site within which the existing bungalow in almost invisible. The existing low key bungalow will however be replaced by a two storey building that is sited much closer to the boundary.

Back land development is expected to be subservient to existing properties and should not detract from the main street scene. Being in an elevated position and of a two storey nature the proposed properties are not considered to be subservient and will appear very prominent in the background towering above No.99. The proposal is considered to detrimentally detract from the main street scene and will therefore appear out of character. It is therefore concluded that they will have a detrimental impact upon the street scene and wider character of the area.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Landscaping: The proposals show landscaping on the frontage of the two new properties and in principle this is welcomed and soften the appearance of the dwellings and breaks up the expanse of hard standing. A full landscape 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: The existing vehicular access arrangements will be utilised for the proposed new dwellings. Jockey Lane is acknowledged to be an unmade access and had the proposal been considered acceptable a condition requiring the highway to be made good if any defects are caused by construction traffic.

The access driveway up to the site, although narrow, meets standards and would allow sufficient access for emergency vehicles.

The access is acknowledged to be in close proximity to existing properties however the access is not altering and the use for an additional property is not considered to result in any significant harm/noise or vibrations.

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.

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 proposed 3 bed properties require 2 spaces per property and these are shown on the plans however they do not meet the required standards. For garages to be considered appropriate for vehicle parking, internal dimensions must be a minimum of 3.0 x 6.0m. The garages on plans appear to be closer to 2.8 x 5.4m and as such are not appropriate. In addition a standard parking space is 2.4 x 4.8m, and these are shown on plans however, this dimension is where there are no obstruction to door openings. On the plans, doors open against hedges and walls to the sides, and also a garage door to the front. As a result, dimensions the spaces need to be a minimum of 3.2 x 5.8m. In addition, there is a requirement for an additional 20% parking being provided on an unallocated basis within the site to cater for visitor/overflow parking. The plans show 1 space outside House A but this appears to be within their curtilage and for their private use rather than a ‘general unallocated’ space. As such an overflow space is required within the site that does not compromising the visual appearance of the site or obstruct access to the site or the properties.

Overall, the proposed car parking is unacceptable in its provision, siting and fails to meet policy requirements.

Saved and emerging policies along with the parking standards SPD also requires the provision of appropriate and sufficient cycle storage. No details of any such provision have been 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. The design and access statement makes reference to bins being located within the boundary of each site and that on bin

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

collection days they will be left at the base of the shared access. In principle this arrangement acceptable but is not detailed on the submitted plans. It is not therefore possible to establish if the location or appearance of the bin stage areas are acceptable. In addition no details have been submitted to show the bin collection point and therefore it is not possible to establish if this will cause a highway and access obstruction.

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 Revised Draft 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 this application is considered to conflict with the requirements of saved and emerging policies and is therefore recommended for refusal.