HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/15/76738

DESCRIPTION	Construction of conservatory & detached double garage with new access off St. Marys Road, following removal of existing
ADDRESS	Tobermar Oakhurst Close Netley Abbey Southampton SO31 5AW

SITE VISIT DATE	29 July 2015
ARE PLANS ACCURATE?	It is considered that sufficient information has been provided in order to allow for the assessment of the development proposed.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the construction of a conservatory to the southern elevation of the dwelling as well as the provision of a new double garage to the immediate south-east of this with an associated vehicular access to be provided from St Mary's Road. The conservatory measures 3.3m in width, 3.6m in depth, and 3.6m in height, with the garage structure being 5.7m deep and 7.9m in length. The height of the latter structure varies between 3.4 and 4.5m owing to the change in levels between its eastern and western sides. The property's existing single garage structure is to be removed in order to facilitate the development proposed.
TOPOGRAPHY	There are a number of level changes across the extent of the site. These notably include a slope up towards the property from St Mary's Road (north to south) as well as from east to west with the land falling away fairly notably beyond the dwelling's rear elevation.
TREES	There are trees present along the southern boundary of the plot, between which the new vehicular access to the site is to be provided from St Mary's Road. These trees are not covered by a Tree Preservation Order. There are further trees which are protected (TPO 46), to the east of the site.
BOUNDARY TREATMENT	The site has an open frontage onto Oakhurst Close to its western side. The southern boundary with St Mary's Road consists of a low-level brick wall with sporadically sited trees. There are also trees situated to the rear (eastern side) of the site.
SITE CHARACTERISTICS	Tobermar is a single-storey, detached bungalow finished in cream render and having a hipped, plain clay tiled roof. The property is set on a relatively large plot at the junction of Oakhurst Close and St Mary's Road and has off-road parking to its southern side where there is also a detached, flat-roof single garage which is to be removed as part of the proposals.
CHARACTER OF LOCALITY	The site forms part of a small group of properties within Oakhurst Close, a narrow unmade road to the northern side

THE SITE AND ITS SURROUNDINGS

	of St Mary's Road. The site is within the urban edge although the immediate locality has a semi-rural feel to it owing to the wooded area to the east of the site which is devoid of built form. This area is designated as a Site of Importance for Nature Conservation (St Mary's Road Wood).

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
T/31883/000	Lopping of two trees and felling of one tree	WITHDRAWN – 08/01/1991

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hound Parish Council	No objection.
Head of Countryside and Trees: Biodiversity Officer	Thank you for your consultation on the above application. This site is adjacent to St Mary's Road Wood Site of Interest for Nature Conservation. The site has been designated as it is of County importance as a wooded common/ wood pasture site. Examination of aerial photos show that the tree cover extends into the site and the proposed garage appears to be positioned under mature trees. I would therefore question the statements within the application form that no trees will be lost or are within falling distance of the proposals. Due to the position of the SINC adjacent to the site, the tree cover that links the site with the SINC, and the plans to lose garden habitat to the extension and garage there is a need to undertake at least initial ecological investigations to establish the habitats on site, the trees to be lost to the development and identification of any protected species that may be present. Initially I recommend that an extended Phase I Habitat Survey is undertaken to assess the habitats on site and the possibility of protected species. The survey should assess the likelihood of reptiles, dormice, badger and bat presence. This list is not exhaustive and further species may be identified. Dependant on the results of the Phase I Habitat survey further detailed surveys maybe required.
Head of Countryside and Trees: Tree Officer	I can confirm that I have no arboricultural concerns therefore raise no objection.
Head of Transportation and Engineering	No objections. The proposals involve a change in access to the dwelling, coming in off St Mary's Road. This is acceptable, with minimal traffic utilising the section of road, but will need to be fully constructed as it accesses the revised parking and garage area which itself is sufficient for the parking of at least 4 vehicles (conforming to the EBC Parking Standards). Conditions (restricting the use of the garage and requiring the provision of the proposed access and parking area prior to occupation, as well as surface water drainage details prior to the commencement of development) were recommended.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Adjacent to Site of Importance for Nature Conservation (SINC) – St Mary's Road Wood

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

Eastleigh Borough Local Plan Review (2001-2011), saved policies 23.NC, 25.NC, 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, DM9.
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Biodiversity

CHARACTER APPRAISAL AREA

Bursledon, Hamble-le-Rice and Hound Character Area:

The site falls within the area *BHH 9.* The Council's adopted character appraisal sets out the following guidance principles for new development in this area:

- Retain the soft verges and supplement with additional planting in order to maintain the 'lane' quality.
- Maintain the predominant deep building setbacks in order to retain/reinforce the existing levels of on-plot planting.

SPECIAL POLICY AREA

The site does not fall within a designated special policy area.

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework:

Of particular relevance to this application are both paragraph 17 which *inter alia* states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as *Section 7: Requiring good design* which stipulates that good design is a key aspect of sustainable development and is indivisible from good planning; that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment; and 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 the development, layout and design, residential amenity, highway matters, biodiversity, and the impact of the proposals on the character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below		

COMMENT ON CONSULTATION RESPONSES

Other – the comments received are noted with the matters raised being covered in the below assessment of the proposals where necessary and appropriate.

COMMENT ON REPRESENTATIONS RECEIVED

None received	X	See below		
Other …				

PLANNING OBLIGATION/CONSIDERATIONS

There are no planning obligations requirements associated with this application.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

Development Plan Policies:

Saved Policy 23.NC states that development which is likely to have a direct or indirect adverse effect on a Site of Importance for Nature Conservation (SINC) will not be permitted, unless it can be demonstrated to the satisfaction of the Borough Council that the benefits of the development clearly outweigh the need to safeguard the nature conservation value of the site. If development is to be permitted, the Council will require appropriate measures to be taken to mitigate for the adverse effects on the SINC.

Saved Policy 25.NC states that development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that: (i) the benefits of the development outweigh the adverse impacts; (ii) the adverse impacts are unavoidable, and (iii) appropriate measures are taken which would mitigate or compensate for any adverse impact.

Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) 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, 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.

MATERIAL CONSIDERATIONS

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

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

policies and supplementary planning documents and guidance.

Layout, design and the impact of the proposals upon the character of the area:

The proposals are considered to be acceptable and in compliance with the requirements of Saved Policy 59.BE of the adopted Local Plan in this respect. The conservatory to be added to the southern elevation of the property is modest in size and proportionate in scale with its design being typical of a structure of this nature. Whilst it will be visible from the highway (Oakhurst Close and St Mary's Road), it is not considered that this would result in any unacceptable impact upon the street scene, particularly given that it will be viewed against the backdrop of the much larger main dwelling.

It is evident that the proposed garage is much larger in size and scale and as a result represents a notable addition to the plot, particularly when viewed relative to the existing single, flat-roof garage which it is to replace to the southern side of the dwelling. On balance, however, and whilst acknowledging that the garage will be visible from certain angles within the street scene owing to its siting, it is not considered that its size is such that it is unduly excessive or disproportionate in nature, particularly given that it has been designed such as to take account of the sloping nature of the ground, something which serves to notably limit its potential height and visual impact from the front of the plot. It is noted, however, that the no specific details have been provided in respect of the external facing materials for the development and it is evident that, whilst the lower pitch of the roof lessens the structure's visual impact, it is also likely to limit the potential for any roof materials to match those on the main property. For this reason, it is considered necessary to impose a condition requiring the submission of details of the proposed external facing materials for approval by the LPA prior to the commencement of development. There are no concerns in relation to the proposed new access which is to be sited in a break in the trees along the southern boundary and which, owing to the unclassified nature of this part of St Mary's Road, could otherwise be undertaken under Permitted Development.

Residential amenity:

Saved Policy 59.BE (vii.) requires that development avoids unduly impacting upon neighbouring amenity. As a result of the nature of the proposed development and its siting relative to nearby dwellings, there is considered to be no conflict with this Policy provision and it is not deemed that the proposals would be in any way overbearing, cause any undue overlooking, or unacceptably reduce levels of light or outlook to/from neighbouring buildings. A condition will be imposed upon the planning consent to restrict the use of the garage to purposes that are incidental to the enjoyment of the dwellinghouse and to not be for any separate residential, industrial or commercial purposes. This being in the interests of protecting neighbouring amenity.

Highway matters:

The main considerations in this regard concern the provision of an appropriate level of on-site car parking to serve the dwelling as well as a satisfactory means of access to the proposed new garage, these being requirements of Saved Policy 59.BE (v.) of the adopted Local Plan. In respect of the latter, this is considered to be acceptable with, as noted by the Council's Head of Transportation and Engineering, minimal traffic utilising this section of St Mary's Road. As noted above, the access could also otherwise be constructed under Permitted Development owing to the unclassified status of the highway. Adequate parking is also to be provided through the combination of the new garage and the area of 'driveway' to the front of this which accords with the requirements of the Council's adopted Residential Parking Standards SPD.

In respect of the matter of surface water drainage arrangements which the Council's Head of

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Transportation and Engineering has requested a pre-commencement condition be imposed to require the submission of details of, in this case it is not considered that this would be reasonable or necessary for what is a modest householder development. The matter of appropriate drainage provision would also be covered separately by Building Regulations, outside of the planning process.

Biodiversity:

The application site lies to the immediate west of the St Mary's Road Wood Site of Importance for Nature Conservation (SINC). Owing to the proximity of this designated area to the application site, the views of the Council's Biodiversity Officer were sought in relation to the proposals. They have requested that Phase I habitat surveys be undertaken in order to identify the potential for habitats on site and the possibility of the presence of protected species. The Biodiversity Officer has further verbally explained that the concern is specifically in relation to the preparatory site clearance works (including any tree removal) that would be necessitated to facilitate the new development and the potential impact that these would have upon any species present. As a result of which, a 'watching brief' whereby a suitably qualified ecologist supervises these works is also recommended, with this being covered by condition.

On balance however, it is considered that such requirements would be unreasonable given the nature and scale of the development proposed and that the site clearance works do not in themselves require planning permission. It is also noted that no trees are proposed or necessitated to be removed to facilitate the development, nor would any be unduly harmed by it with no objection being raised in this regard by the Council's Tree Officer. In this respect the imposition of the condition(s) requested would fail to meet the tests for planning conditions as set out in Paragraph 206 of the National Planning Policy Framework. Despite this, it is recognised that there is a need to ensure that the adjacent SINC is protected during the construction of the new development, particularly given the sloping nature of the ground and the potential for silt and other contaminants to be washed down into it during the development works. For these reasons, a condition will be imposed to require the submission of a Construction Environment Management Plan for approval by the LPA prior to the commencement of development. With the imposition of such a condition, it is considered that the application accords with the requirements of Saved Policies 23.NC and 25.NC of the adopted Local Plan.

Conclusion:

Overall, for the reasons as outlined above, the application is considered to comply with the requirements of the relevant development plan policies, associated supplementary planning guidance, and national planning policy.

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

It is recommended that planning permission be granted.

REF. NO. «AltRef»