HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/10/68096

DESCRIPTION	Single storey rear extension (amended design)
ADDRESS	71 New Road, Netley Abbey, Southampton, SO31 5BN

SITE VISIT DATE	8th Dec 2010
ARE PLANS ACCURATE?	Yes – amended plans received showing change to fence height.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Application seeks permission for single storey rear extension to provide enlarged kitchen/diner area. The plans also show a 2m fence erected to boundary with No 73 and construction of low brick wall to create paved terrace area to rear of extension.
TOPOGRAPHY	Relatively level site – steps leading up to the garden from rear terrace but not a significant increase in height.
TREES	No trees affected by proposals
BOUNDARY TREATMENT	Side boundary to No 69 formed by side elevation of rear extensions to 69, then replaced by 1.8m fencing with planting. No 69 has glazed bricks in side elevation of extension which face onto No 71's rear terrace. Side boundary to No 73 marked by 2m bamboo screening with some planting growing over it.
SITE CHARACTERISTICS	Mid terrace red brick property. Small enclosed front garden. Paved terrace at rear with steps leading up to lawned area. Detached garage and greenhouse at bottom of very long rear garden.
CHARACTER OF LOCALITY	Established residential area, mix of property types and styles in surrounding street scene.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/10/67647	Single storey rear extension and construction of dwarf wall and retaining steps	Refused – 20th Sept 2010

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
No 73 New Road	Object: Visually Intrusive – as part of the amended application, a wall of 90cms in line with boundary of No 71/73 New Road and within 13 inches of 73's kitchen window will block all natural light from the kitchen and part of the

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	fully glazed back door. This is not an improvement on the previous application. Retention of willow fence and new fence within No 71's boundary – willow fence needs to be limited to an acceptable 6ft maximum height and assurances that new fencing does not exceed 6ft required. We understand privacy is optimum but anything higher would block natural light from entire back of No 73, as with previous application. This would not be an improvement and was rejected on this point. Windows overlooking 73 New Rd – we feel that the windows overlooking No 73 will be an invasion of our privacy. Drainage system – have been given no information about what No 71 are going to do about access on No 71's property but are concerned about future access to the drainage system, as if they are building over their manhole, any blockage would have to get access from No 73 – this is an obligation we are not happy with. We ask you to consider our objections and concerns when processing this application and use the photographic evidence taken on your site visit for the previous application.
No 69 New Road	Object: <u>Loss of residential amenity</u> – I obtained, perfectly legally, planning permission for my extension and glass blocks 37 years ago. Over the years, the blocks have been my kitchen and sunroom's best features and on numerous occasions, invaluable, in letting in good southern light, enabling me to do tasks that been difficult to see. I rely on them to brighten an otherwise dull lit kitchen, as my other windows are north-facing under a plastic awning. Now at age 75 and living alone, these blocks are more important to me than when first installed. I will be devastated by their loss. Also, my sunroom/conservatory will receive no southern light (sunshine) to do special jobs – eg: bringing on seeds and plants, drying and airing clothes etc. Apart from these reasons, the removal of the blocks in both rooms amounts to a major job and after 37 years, too traumatic for me to be forced to tolerate. <u>Overdevelopment and excessive density</u> – The proposed extension has almost the ground floor area of the two neighbours' extensions added together (see block plan). The large flat roof will give the neighbours the feel and outlook of an excessively crowded development, in what is a very small area. Victorian terrace occupants, with their 15ft approx plots, living on top of each other anyway and the size and shape of this large overbearing extension will give no 69 and 71 a feel of being dominated in an unbalanced environment.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	Our Parish Council has already met on our case. I had no idea that this meeting was taking place and unfortunately was not present to raise any objections. 10th Dec 2010 – meeting with Mrs Frith in civic offices to discuss concerns. Detailed meeting notes on file.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hound Parish Council	No objection
Head of Housing & Environmental Health	No objection – recommend conditions relating to hours of work and no burning on site

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011): 59.BE
The South East Plan 2009 – BE1
Supplementary Planning Guidance : Residential Amenity in the Borough of Eastleigh
Supplementary Planning Guidance:Storage and Collection of Domestic Waste & Recyclable Materials
Supplementary Planning Guidance: Biodiversity

CHARACTER APPRAISAL AREA

Bursledon, Hamble-le-Rice and Hound Character Area – BHH1

SPECIAL POLICY AREA

n/a

PLANNING POLICY GUIDANCE / STATEMENT

PPS1	-	Delivering Sustainable Development

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below		
Other - no objections raised.				

COMMENT ON REPRESENTATIONS RECEIVED

	None received		See below	X	
Other …					

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

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

This application seeks permission for the erection of a single storey rear extension to No 71 New Road – this is an amended scheme following the previous refusal of application F/10/67647, which sought permission for a larger extension. This was refused on the grounds of the adverse impact it would have had on the neighbouring property, No 73 New Road.

Policy 59.BE of the Local Plan 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.

The proposed extension has been amended in size and footprint following the previous refusal, with the revised footprint largely covering the area of an extension which could be built under permitted development rights.

It would extend approx 90cm beyond the rear elevation of No 73, along the common boundary – the building line is then set at angle cutting into the centre of the site, away from the boundary, creating a separation of 1.2m. The extension then projects for a further 3.2m into the garden.

The previous application projected approx 8m along the boundary line and measured 3.3m in height. No 73 lies to the southeast of No 71 and has a small kitchen window in the rear elevation, which is positioned approximately 40cm from the common boundary. The previous application would have resulted in an adverse degree of enclosure, loss of sky light and loss of amenity to this window and, as such, was refused.

The objections received from the occupants of No 73 in respect of the current proposals are duly noted.

The current proposals have been amended to protect this window – the line of the extension does now comply with the guidance contained within the 45 deg test outlined in the Council's SPG relating to residential amenity, albeit only just. The angling away of the extension has also improved the relationship to No 73 in terms of outlook from the kitchen window – the tunnelling impact has been removed and although the extension would still be visible, it would no longer be so enclosing or overbearing in terms of its sheer physical presence.

A panel of high level glazing is shown in the side elevation facing No 73 – this has been inserted to help relieve the large area of brickwork and also to provide additional natural light to the extension.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

These windows are shown as 1.7m above internal floor level and as such, would afford limited outlook towards No 73. It is not therefore considered that these windows would result in any detrimental impact to No 73.

In light of the changes made to the proposals, it is considered that the previously unacceptable impact to No 73 has been removed and whilst sympathetic to the concerns of the residents of No 73, it is not considered that a refusal of permission could be justified in terms of loss of outlook or light. Amended plans have also been received reducing the height of the new fencing to 2m – the same height as could be erected under pd rights, again to minimise the impact to No 73's kitchen window.

Concern has also been expressed that some form of roofing could be erected above the area of terrace that will be created between the side of the rear extension and the boundary with No 73 and whether a condition could be applied to prevent this. Any such addition would require permission in its own right as it would be treated as an extension and the area of new extension here already projects more than 3m from the rear of the original dwelling – as such, planning permission would be required for any such roofing and it would therefore be unreasonable to add a condition preventing this.

To the other side, the extension would project 4.4m from the rear of the main body of the house along the common boundary with No 69. No 69 lies to the north-west of the site and has a flat roof rear extension and sunroom to the rear which sit hard on the common boundary. The side elevation of this extension contains two panels of glass blocks which serve the kitchen and sunroom, allowing additional natural light to the property – these windows have been present for a significant number of years and objections have been received from the occupant regarding the loss of these blocks and the resulting impact in terms of light and amenity.

Whilst sympathetic to the concerns of the resident, the glass blocks are not considered to be the principal windows to either the kitchen or the sun room and are themselves an unusual feature, which impact on the rear terrace to No 71. The kitchen to No 69 has two additional windows in the opposite side elevation and the sun room has a large picture window in the rear elevation. Therefore, whilst it is acknowledged that there will be an impact, it is not considered that a refusal of permission could be justified or sustained at appeal on the grounds of the loss of the blocks. The applicants could build an extension or erect a fence under permitted development rights which would result in these blocks being covered – this is a material consideration in assessing the current proposals.

The concerns raised by the occupant of No 69 in respect of her own planning permission are duly noted – however, the granting of permission at no 71 would not nullify the existing permission at no 69. This permission remains valid as it has been implemented and the extension remains in place and again, this would not justify a refusal of planning permission. This issue has been discussed with the occupant of No 69, along with the issues relating to the glass blocks during a site visit and a meeting at the civic offices with the Head of DC.

Issues regarding the party wall act and 'right to light' fall outside of planning law and as such, can not be taken into account in assessing the current proposals.

The site is considered to retain a good sized garden therefore the proposals are not considered to result in the overdevelopment of the plot.

In light of the amendments made to the proposals following the previous refusal, it is considered that the proposals meet the requirements of policy 59.BE and comply with the residential amenity tests outlined in the Council's SPG. As such, it is recommended that permission be granted.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSION

Recommend approval.