HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/16/79457

DESCRIPTION	Single storey side & rear extension, following demolition of existing conservatory
ADDRESS	15 Wylye Close West End Southampton SO18 3LF

SITE VISIT DATE	22 November 2016
ARE PLANS ACCURATE?	The plans are sufficient to determine the application
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application proposes an L shaped single storey flat roof extension. The extension warps around the rear elevation down to the side of the dwelling connecting to the existing garage.
TOPOGRAPHY	Gentle upwards slope towards north
TREES	There is a tree of some amenity to the area located in the south east corner of the site. Tree protection measures have been included as part of the proposal
BOUNDARY TREATMENT	Open site frontage. 2m high close boarded fence at rear.
SITE CHARACTERISTICS	Detached two storey house set in a small plot. The dwelling is brick build with facing brick elevations and a tiled pitched roof. There is a single storey conservatory style addition at the rear.
CHARACTER OF LOCALITY	The area is predominately residential in character. The site forms part of an estate style development. As such the properties in the vicinity are of a similar age, style and palette of materials. The house is positioned in a cul-de-sac layout.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	None relevant to this application	

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
14 Wylye Close	23rd November 2017

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	• The proposal will result in a loss of light that is currently enjoyed by the occupants of 14 Wylye Close both in their rear garden and their conservatory. • The size and height of the extension is not in keeping with the design and beauty of the development. • The extension will be out of scale with the overall living area of the development by an additional 80% • The proposal will replace the light outlook from No 14 with a brick wall • The proposal is resulting in high levels of stress for the family at No14 • No.14 has been substantially underpinned due to subsidence. The subsidence was classed as root damage from the oak tree at the rear of the garden. The subsidence bureau.com suggests the minimum dimension for building works is 18 from the base of an oak tree. The proposal will have foundations 9m from the tree base. If the side extension to the property were permitted access to inspect No.14 for further subsidence would not be available. • The extension would make the south facing wall of No.14 vulnerable to trapped moisture. • The foundations of No.15 would impede on the piles of No.14 that impede onto No.15 • The occupiers of No15 have built a decked area around the tree at the rear of the site. This could impeded natural moisture and cause the tree to dry out • The area of land to at the rear of the site is shown at the land registry to be owned by the original developers of the site not the current occupiers of No.15 • An extension towards the tree may be an issue for the house insurance • The proposal will prevent the boiler of No.14 being serviced • The proposal contains a window in close proximity to the gas flue of No.14 • The south wall of the proposal should be more than 600mm from the flue and not contain any windows • The occupants of No.14 have not been approach concerning any party wall award • The proposed works will result in disruption to the residents of Wylye Close • There is only access available is from the front of the property, access from the rear is not available and will need to cross land in the ownership of Eastleigh Borough Council and the original developer. • Question 7 (trees) of the application form has been completed incorrectly. • Question 10 has been incorrectly completed as the

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	application can be seen from the public footpath to the rear. 24th November 2016 • There is a shared public sewer running at the rear of the Wylye close properties. It is positioned north to south and approx. 3m from the existing rear wall and probably unknowingly to the applicants their sewer manway is underneath their conservatory. The proposed extension foundations will impede the shared sewer main. 23rd December 2016 • Land registry documents were received relating to the land at the rear of the proposal site. 4th January 2017 • A copy of correspondence received from Barrett Developments by the occupants of No.14 was received relating to the land and tree ownership at the rear of the site. 6th January 2017 • The household application for planning filled in by 15 wylye close , under Section 12 (certificate A) states sole ownership of the land to which the application is applied. As you are now aware the land at the rear of their garden , inside their fence line of approximate dimensions 16 sq.metres actually belong to a third party , Barrett's . This obviously included the oaktree . Eastleigh borough council have known of this strip of for at least 25 years when I tried to have the tree trimmed . They told me then the land belonged to Barrett's and they would be responsible for the maintenance of the land and trees. • Under government guidelines should Barrett's have been served with notice by Eastleigh borough council for planning application as their land is adjoined to 15 Wylye close and inside their fence by 2m in depth and 8 m wide . Does this mean Mr and Mrs Conduct have failed to inform all interested parties of their as the title deeds show the tree position outside their fence line , or is this a failure by Eastleigh borough council . • Finally should Section 12 be a certificate B category. 6th January 2017 • The occupier of No.14 provided a copy of correspondence

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	received from Barret Developments where they seek to confirm that the area of land at the bottom of garden of No.14 is still in the ownership of Barrett Developments Southampton. This includes the tree located adjacent to the rear boundary. It outlines that permission should be sought from Barrett developments before any works are carried out on the tree or associated canopy. 9th February 2017 • The Root protection area supplied is incorrect. The minimum calculation for a 800mm trunk measured at a height of 1.5 m gives a dimension of 9.6 m RPA . Their plan shows a Red line at approx. 2.5 m . This is totally misleading , probably as their proposed foundations would start at approx. 8.7 m from tree trunk. 16th February 2017 • There has been no consideration made in their plans for the correct and safe storage of their refuge bins as per guidelines set out by Eastleigh Council .

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
West End Parish Council	No Comment has been received
Head of Countryside and Trees	I am happy that there is sufficient room to develop however the construction exclusion zone will need to be 7.5m from the stem of the tree. Please condition the following; 1) Notwithstanding the submitted tree protection plan, prior to the commencement of the demolition & development, tree protective fencing shall be erected at a minimum distance of 7.5 metres from the base of the tree identified on the plan DRAFT 2A – 21.10.16 (1). No construction, mixing of materials, storage or use of machinery, equipment or materials shall take place within the fenced area. Work cannot commence until suitable evidence has been provided to show that the fencing has been adequately installed and approved by the LPA Officer . The fencing shall be retained for the duration of the work. This tree condition may only be

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	fully discharged on completion of the development subject to satisfactory evidence of compliance. Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.
Southern Water	No object subject to the following informative be being applied to any consent issued: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order a Adequate soakaway or infiltration system b Water course c Where neither of the above is practicable sewer Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
Head of Transportation and Engineers	No objection subject to the condition D03 being imposed on any consent issued: Condition D03:

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	No development shall start until details for the sustainable disposal of surface water [and disposal of foul sewerage] from the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details. Reason: To ensure satisfactory provision of foul and surface water drainage.

POLICY CONTEXT

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

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

Eastleigh Borough Local Plan Review (2001-2011), saved policies
Saved policy 59.BE applies

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'

Supplementary Planning Guidance : Quality Places
Supplementary Planning Guidance: Residential Parking Standards

CHARACTER APPRAISAL AREA

N/A

SPECIAL POLICY AREA

N/A

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 residential amenity, highway matters, trees, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

None received		See below	x	

No Objection has been raised.

The suggested condition and informative notes are appropriate and can be added to the planning consent

COMMENT ON REPRESENTATIONS RECEIVED

	None received		See below	X	

Part Wall

The issues relating to the impact of the proposal on the foundations of No.14, moisture collection between the properties, Boiler servicing and gas flue do not form the considerations of this planning application. A number will need to be considered at the time of application for building regulation. An informative note that reminds the applicant of their duties under the aprty wall act will also be added to any planning consent.

Trees

The Head of Countryside and trees has been consulted as part of the application and has raised no objection to the proposal subject to the imposition of a condition that will protect the tree during construction.

Neighbour Disturbance and Disruption

It is noted that the proposal could result in some disruption to the neighbouring properties during construction. However, a reason for refusal on these grounds could not be defended. However it is reasonable for a condition to be imposed that restricts the hours of operation.

Sewer

With regard to the connection and protection of the connection to the existing sewer system such connections usually fall for consideration at the time of the building regulation application. Both Southern Water, and Eastleigh's engineers have been consulted as part of the current planning application. Neither has raised any objection to the proposal subject to appropriate conditions and informative notes.

Land Ownership

The question has been raised whether all of the land outlined in red on the submitted site plan is within the ownership of the applicant. For the avoidance of doubt the applicant has served notice on the third party. The Council were copied into the email correspondence at the time the notice was served and are satisfied that the correct notification has been provided. The notice expired on the 21 February 2017.

COMMENT ON REPRESENTATIONS RECEIVED

Bin Storage

It has been questioned whether the proposal provides adequate bin storage. The proposal is a single storey extension at the rear of the dwelling. As such the existing provisions are adequate.

Neighbour Amenity and Impact on the Character of the Area

The consideration of the above forms the material consideration of the report below.

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

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 and guidance.

Impact on the Character and Appearance of the Area

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 is of single storey only and will have a flat roof form. The facing materials match those used in the host dwelling. Such materials can be secured by condition.

The proposal will be located at the rear of the dwelling and will not be visible in the streetscene of Wylye Close. There is a public footpath to the rear of the property and glimpses of the roof of the proposal will be available above the existing rear boundary treatment. However, the proposal will not be a prominent feature when viewed from the rear of the site and single storey extensions do form part of the character of the area.

The site is considered to retain an appropriate sized garden at the rear of the site.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Therefore the proposals are not considered to result in the overdevelopment of the plot.

Residential amenity:

Saved Policy 59.BE (vii.) requires that development avoids unduly impacting upon the amenity of the occupiers of neighbouring dwellings, in particular by way of overbearing impact, loss of light or outlook, and overlooking.

The rear boundary of the site is formed of a 2m high timber fence. The extension is of single storey only and the site and the neighbouring properties are located on similar ground levels. The windows serving the extension will face towards the rear boundary, away from the neighbouring properties. There is a window proposed on the north elevation. However this window will serve a W.C. and can therefore be expected to be obscure glazed to protect the privacy of the occupants. As such the proposal is considered to preserve the privacy of the neighbouring properties.

The proposal will be located on the boundary with the neighbouring property to the south (No.16) and will extend a further 3m from the original rear elevation. The area (at No.16) immediately adjacent to the proposal serves the rear access to the garage, and the ground floor of the north elevation of the property does not contain any windows facing the proposal. The area to the rear of the garage is not considered to be a primary amenity area for the property. As such due to the orientation of the properties the proposal is not considered to give rise to any material harm to the light or outlook amenity currently enjoyed by the occupants of No.16.

The extension will be located south of the neighbouring site No.14. The proposal will be located approximately 55cm from the shared boundary. It will be 2.84m in height (with roof lanterns above) and will benefit from significant screening from the shared boundary treatment with No.14. As a result any loss of light is not considered to be materially harmful to the amenities of the neighbouring property to the south.

The roof of the proposal will be visible from the rear amenity areas of the neighbouring properties however such a view is not considered to result in any material harm to the outlook from those properties.

Highway Matters:

Saved Policy 59.BE (v.) requires that development provides a satisfactory means of access and layout for vehicles which includes an appropriate level of parking provision in accordance with the Council's adopted Residential Parking Standards Supplementary Planning Document (SPD).

The proposal does not result in an increase in bedrooms. The property currently contains three bedroom and retains off road parking to the front of the site for at least 2 vehicles. This level of parking accords with the adopted SPD.

Trees and Landscaping:

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Saved Policy 59.BE (i) of the adopted Eastleigh Borough Local Plan 2001-2011 requires that development takes full and proper account of the context of the site including natural features and trees worthy of retention. The site does not contain any trees offered protection by a tree preservation order. There is a tree to the rear of the site that is of some amenity to the area.

As such the application includes details of tree protection during construction. This information has been reviewed by the Head of Countryside and Trees and largely accepted. However, a revision to the location of the protective fencing is required. Such a revision can be secured by condition.

The proposal will therefore not be in conflict with any trees or landscape features of particular amenity to the area.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSION

The proposal complies with the requirements of policy 59.BE and therefore carries a recommendation to approve.