HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/15/76437

DESCRIPTION	One and a half storey side and rear extension to existing garage to provide habitable accommodation
ADDRESS	28 Sovereign Way Eastleigh SO50 4SA

SITE VISIT DATE	16 June 2015
ARE PLANS ACCURATE?	It is considered that sufficient information has been provided 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 development as described above. The habitable accommodation to be contained within the structure consists of an open plan lounge, dining and kitchen area, a shower room and WC, as well as a single bedroom at first floor level. The current garage is to be retained.
TOPOGRAPHY	The site slopes gently up towards the front of the garage structure where the land then drops away at an equally gentle gradient down towards the western boundary of the plot. There is also a marginal slope across the site from north to south.
TREES	There is an area of woodland to the east of the site as well as some trees within the rear garden of the neighbouring property, No. 27 Sovereign Way. These trees are not covered by Tree Preservation Orders and are unlikely to be affected by the proposed development.
BOUNDARY TREATMENT	The frontage of the property is surrounded by a brick wall to its eastern and southern sides, with gated access being provided from the highway. There is dense hedging and a short section of timber fencing to the eastern boundary with No. 29 Sovereign Way.
SITE CHARACTERISTICS	No. 28 Sovereign Way is a detached, two-storey dwelling set within an end of cul-de-sac location to the western end of the road. The property has a detached, pitched roof garage on its frontage which, along with the adjoining shed structures to the rear, forms the subject of this application. Further off-road parking is provided by way of a driveway to the front of the property, with there being private amenity space to the rear and western sides of the dwelling.
CHARACTER OF LOCALITY	The site falls within an established residential area and forms part of a late 1970s housing development of detached, closely spaced dwellings set on good sized plots. Parking is primarily off street, being provided within attached or detached garages and on driveways to the front of properties.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION

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REFERENCE	DESCRIPTION	DECISION
Z/34004/000	Erection of boundary wall (2.5 metres high)	PERMIT – 31/05/1996
Z/18317/004	Erection of 28 houses and garages	PERMIT – 30/10/1979
Z/18317/00B	Residential development	GRANT OUTLINE PERMISSION – 11/12/1978

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation and Engineering	No objection, subject to conditions C03 (provision and retention of required number of parking spaces) and C04 (development use only ancillary to main dwelling). The existing property has a driveway capable of holding 3 or 4 vehicles, and so providing that the annex is to be retained for family use and not utilised for rental or business purposes, it is anticipated that this provision will be adequate.
Head of Environmental Health	Thank you for consulting this Service on the above application. I have reviewed the information provided / that held by this Service and note the following: • The proposed development site is not surrounded by residential properties • The proposed development work is situated away from the nearest neighbouring property • The proposed development does not require any major alterations to the existing roof structure. Considering the above I wish to make the following comments: This Service has no objection in principle to the proposed development, neither do we wish to recommend any conditions.

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), 28.ES (Waste collection/recycling), 59.BE (Promoting good design), 100.T (Minimise travelling), 101.T (Infrastructure contributions), 104.T. (Parking), 147.OS (Public open space), 191.IN (Social infrastructure).
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,

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

Policies DM1 (General Criteria for New Development), DM23 (General Development Criteria – Transport), DM24 (Parking), DM25 (Residential Development in Urban Areas), DM29 (Internal Space Standards for Residential Development), DM32 (Provision of Recreation and Open Space Facilities with New Development), DM37 (Funding Infrastructure).
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Character Area Appraisals - Eastleigh

CHARACTER APPRAISAL AREA

Eastleigh Character Area – *ELAC 30* (Summary Description Only):

"1970s/80s detached development on loops and multi-headed cul-de-sacs on the north western edge of Eastleigh"

SPECIAL POLICY AREA

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

NATIONAL PLANNING POLICY GUIDANCE

In respect of this application, the following sections or paragraphs of the NPPF are considered to be of particular relevance:

- Paragraph 6 states that "the purpose of the planning system is to contribute to the achievement of sustainable development".
- Paragraph 14 sets out that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking". The Framework sets out that for decision-taking this means "approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."
- Paragraph 17 details the 12 core planning principles that should underpin decision-taking, these include 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".
- Paragraph 32 states that decisions should take account of whether "safe and suitable access to the site can be achieved for all people" and Paragraph 35 states that developments should be located and designed where practical to "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities."
- Paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development".
- Paragraph 56 states 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".

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be

POLICY COMMENTARY

assessed with particular regard to the principle of the development proposed, its layout and design, the use of the resulting structure, residential amenity, highway matters, and the impact of the proposals on the character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below		
Other – the comments received are noted.				

COMMENT ON REPRESENTATIONS RECEIVED

None received	X	See below		
Other …				

PLANNING OBLIGATION/CONSIDERATIONS

As set out below, it is the view of the Local Planning Authority that the structure proposed is to all intents and purposes a separate new dwelling. Whilst the Council would have previously sought planning obligations for all new residential development which creates net additional units in accordance with its adopted Local Plan policies (101.T, 147.OS and 191.IN) and adopted relevant Supplementary Planning Document (Planning Obligations), the ministerial statement of 28th November 2014 from The Minister of State for Housing and Planning, and subsequent changes to the National Planning Practice Guidance (PPG) have now increased the threshold for when tariff based planning obligations can be required. This means that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) will be exempt from the need to provide tariff based planning obligations or affordable housing. As such no contributions have been sought or are required in respect of this application towards Sustainable Transport, Community Infrastructure or Public Open Space based upon the Council's adopted tariffs.

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:

Eastleigh Borough Local Plan Review (2001-2011):

Saved Policy 28.ES requires that provision should be made in the design and layout of housing developments for the storage and collection of domestic waste and recyclable materials and that these must be sited in locations that would not give rise to disturbance to the occupiers of residential property.

Saved 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

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

mass, scale, materials, layout, design and siting both in relation to themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention. 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.

Saved Policy 100.T states *inter alia* that development which accords with other relevant policies of this Plan will be permitted provided it is, or could be well served by public transport, cycling and walking; and it includes measures that minimizes its impact on the existing transport network.

Saved Policy 101.T states that development which results in additional traffic on the local road network greater will: only be permitted if the Council is satisfied that there is a proven need for the development in the location proposed and; be the subject of the provision of contributions towards the implementation of the Local Transport Plan and/or other transport proposals set out in the Local Plan.

Saved Policy 104.T requires that adequate off-highway parking is provided to serve new development.

Saved Policies 147.OS and 191.IN respectively state that where development involves a net increase in residential units, the Council will seek agreements for a contribution towards open space provision in the locality as well as for the provision of infrastructure, services, facilities and amenities directly made necessary by the development.

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. In this respect and as set out below the Local Planning Authority has concerns in respect of both the use of the proposed structure as well as its layout, size, scale and resulting impact upon the character of the area and residential amenity.

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

The application seeks approval for an extension to the property's existing detached garage in order to provide for what is stated to be annexe accommodation. The extension has a footprint of approximately 38.64sqm, being 8.4m in width and 4.6m in depth. It will be situated at the rear of the garage structure and will project beyond its northern side elevation by 3.5m, with it having an overall ridge height of 5.1m. Part of the roof space of this extension, along with that of the existing garage, is to be utilised as first floor accommodation, with this being served by a total of 8no. rooflights. The extension will replace two existing, adjoining storage sheds of a lesser footprint and lower height (ranging from 2m to 2.6m).

The application site is fairly prominently located at the head of the cul-de-sac and the enlarged building would be particularly visually apparent within the streetscene when approaching the site from the east/south-east. Because of its positioning and what is considered to be its excessive overall size and scale, the building would appear cramped and disproportionate in nature, with the structure closely abutting the southern and western boundaries of the plot and notably physically and visually reducing the spacing between the current garage and the main property on the site, No. 28 Sovereign Way. In this regard and owing to the prominent positioning of the structure to the front of the plot, the

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

development would appear incongruous and as a discordant feature within the streetscene, to the detriment of its existing character. In this respect the proposals are therefore contrary to Saved Policy 59.BE (i) of the Eastleigh Borough Local Plan Review 2001-2011 and Section 7 of the National Planning Policy Framework in that they would detract rather than respond positively to the local character of the area and would fail to improve its overall quality.

It is acknowledged as set out above, that the proposed extension will replace two existing storage sheds to the rear/side of the garage. These are, however, of a lesser footprint (approx. 26.76sqm) and a notably lower height, with the larger of the sheds being screened behind the garage and the smaller of the two behind the boundary wall which adjoins this. The proposed extension by contrast is set in a more advanced position and is much greater in height at 5.1m such that the entirety of its roof and the full width and overall extent of the structure will be particularly apparent from the property frontage and surrounding public views; it is this in particular that contributes to its visual prominence which, as noted above, is considered to be undue and harmful to the character of the area. The size and scale of the structure, along with its physical detachment and the self-contained nature of the accommodation contained within it also raises concerns in terms of the use of the development as set out below.

<u>The use of the development:</u>

Although the submitted drawings state that the proposed annexe is to be used in conjunction with the main dwelling, the building would be a self-contained, detached, one-and-a-half / two-storey structure with its own separate access, a kitchen and dining area, living room, shower room and WC on the ground floor, with a large bedroom above. To all intents and purposes it is considered that the building would be perceived as a separate new dwelling, albeit being of a smaller scale and different character to the existing properties within this part of Sovereign Way. Most commonly annexe accommodation is in the form of extensions to existing properties or structures with limited facilities and a physical connection or dependency between the two elements. In such occurrences planning conditions can be imposed to control the use of the accommodation, however, in this case and taking account of the physical detachment, size and free-standing, self-contained nature of the development, such a condition would be very difficult to enforce in the long term and is not considered appropriate in this instance due to the notable risk of independent occupation. It is therefore the opinion of the Local Planning Authority, that the proposal is in effect and in all practical terms, considered to be a development which is tantamount to the creation of a new dwelling and of a separate planning unit.

In this respect the development would be notably out of character with its surroundings in terms of its design, form, layout and scale, with this section of Sovereign Way being formed of large detached two-storey dwellings set on good sized plots. Whilst these properties are fairly closely spaced within the street scene, they do not appear unduly cramped in this regard as is the case with the proposed building which, and notwithstanding the presence of the current garage structure, is set in an area of land that is visually important in separating the development to the northern side of Sovereign Way from that to the south within the street scene (i.e. the front elevation of No. 28 from the side elevation of No. 27).

The proposals would also fail to provide a defined and appropriate curtilage for the dwelling, adequate amenity space, bin and cycle storage, as well as sufficient parking to serve the new as well as the existing dwellings. These being key requirements of new residential development as stipulated within Saved Polices 28.ES, 59.BE, and 104.T of the Eastleigh Borough Local Plan Review 2001-2011.

Although it is not deemed that the development would be unduly harmful to the amenity of the occupiers of No. 27 Sovereign Way by way of overbearing impact, loss of light or outlook, or overlooking, it is considered that if utilised as an independent dwelling it would impinge upon the amenity of the occupiers of the main property on the site in this regard, and vice-versa that of the

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

occupiers of the new unit would be significantly compromised by its proximity to No. 28. In this respect the proposals are contrary to Saved Policy 59.BE (vii.) which requires that development avoids unduly interfering, disturbing or conflicting with adjoining or neighbouring uses, as well as Paragraph 17 of the NPPF which stipulates 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".

Conclusion:

Whilst it would have no defined curtilage as it would be within that of the existing dwelling, the resulting structure would in the opinion of the Local Planning Authority nevertheless appear as an individual and separate small dwelling which, as set out above, is inappropriately laid out and poorly configured and would provide for inadequate levels of residential amenity for both its future occupiers as well as the occupiers of the existing dwelling on the site. In the context of its surroundings, the building would in this regard as well as in its own rights as a physical structure materially detract from the appearance and character of the area in an unacceptable way and the development would fail to respect the existing visual qualities of the locality. The proposals are therefore considered to be in conflict with the relevant development plan policies, associated supplementary planning documents and 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 refused.