HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. C/16/78177

DESCRIPTION	Conversion of garage to provide one bedroom annexe including 1no. dormer window to front (amended description)
ADDRESS	6 Liberty Row Meadow Lane Hamble-Le-Rice Southampton SO31 4RR

SITE VISIT DATE	04/05/16
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 conversion of the garage of No.6 Liberty Road to provide a one bedroom annexe. The development will have kitchenette, a shower room and a bedroom. Externally the garage door will be replaced with a single window and door, a roof light and light pipes will be provided on the rear roof slope, a dormer will be added to the front, and a circle window on the side elevation. A side access door and path linking the garage to the dwelling is proposed.
TOPOGRAPHY	The area where the garage structure is situated is fairly flat and level. There is then a slope down from this towards No. 6 Liberty Row to its southern side.
TREES	None that will be affected by the proposed development
BOUNDARY TREATMENT	The southern side boundary adjacent to the front of the garage is marked by a brick wall of an approximate height of 1.8m with this continuing along the eastern boundary of No. 6 Liberty Row's rear amenity area. The remainder of the garage frontage is fairly open with the southern and western elevations of the garage marking part of the boundaries of the rear gardens of Nos. 5 and 6 Liberty Row.
SITE CHARACTERISTICS	The application unit is currently the garage of No. 6 Liberty Row, a two-storey end of terrace dwelling constructed of red brick and dating from the late 1990s / early-2000s. The garage is situated to the northern side of the property's rear garden and itself is of red brick construction with a gable ended pitched tiled-roof. It adjoins the garage of No. 5 Liberty Row to its northern elevation with additional parking for each property provided immediately in front of these. There is a parking court to the rear which contains visitor parking to serve the dwellings in this locality.
CHARACTER OF LOCALITY	The site falls within an established residential area and within the designated Hamble Conservation Area. It forms part of a modern housing development which in this locality is made up

THE SITE AND ITS SURROUNDINGS

	predominantly of short rows of terraces of two-storey dwellings, some of which have dormers to their respective roof slopes. To the south of the site there is a 'pay & display' car park beyond which is Hamble Square which consists of a mix of commercial and residential uses set within character properties and buildings.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/15/76561	Conversion of garage to provide a one bedroom dwelling including 1no. dormer window at front	Refused 14/07/2015
C/34286/000/00	Construction of 12 dwellings with car parking, landscaping and public open space with access off Meadow Lane and demolition of existing single storey buildings.	Granted 13/09/1999

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
5 Liberty Row	Object The proposed works include new windows which will overlook the back of my property. Namely the window to the southern elevation and the dormer and 'porthole' windows to the western elevation. These windows are very close to my property and will affect my privacy. The proposed development will also remove one parking space. ie the existing garage and neither replace that or add an additional space for the proposed habitation.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hamble-Le-Rice Parish Council	Objection 1) The development, owing to the incongruous scale and visual appearance of the proposed residential dwelling as well as its inappropriate siting and cramped layout, would result in the presence of an unduly visually prominent feature within the street scene that is out of keeping with the neighbouring development in the locality and which would have a harmful impact upon the character of this section of Meadow Lane and the Hamble Conservation Area. The application is therefore considered to be contrary to Saved Policies 59.BE and 169.LB of Eastleigh Borough Local Plan Review [2001-2011] and Policies DM1 and DM10 of the Submitted Eastleigh Borough Local Plan [2011-2029]. (2) The proposals are considered to fail to provide an acceptable level of residential amenity for the future occupiers of the development as a result of the insufficient internal floor area of the dwelling, the lack of provision of any useable private amenity space, and the unacceptable disturbance that would result to its occupiers owing to the proximity of the neighbouring car parking area to its front elevation. The application is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Plan Review 2001-2011, Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, Paragraph 17 of the National Planning Policy Framework, and the guidance contained within the Council's adopted Quality Places Supplementary Planning Document. (3) The proposals fail to provide an acceptable level of on-site car parking for the existing (No. 6 Liberty Row) and proposed residential units in accordance with the requirements of the Council's adopted Residential Parking Standards Supplementary Planning Document, which would result in an increase in on-road parking in the locality to the detriment of highway safety. The application is therefore contrary to Saved Policies 59.BE and 104.T of the Eastleigh Borough Local Plan Review 2001-2011, as well as Policy DM24 of the Submitted Eastleigh Borough Local Plan 2011-2029. (4) The proposals fail to make adequate provision for the storage and collection of domestic waste and recyclable materials for the new dwelling as well as for the secure storage of bicycles. The application is therefore contrary to Saved Policies 28.ES and 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, as well as Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029.
Head of Planning Policy – Conservation Officer	This application is for the conversion of the existing garage into an annexe that is not to be in continuous use and the parking space lost has been replaced by the purchase of a further one in the yard behind. The new dormer window to the front picks up on some further up Meadow Lane and is modest in size so not over-powering for the size of roof in which it sits; likewise the ground floor window which again follows the local 'vernacular' of this development, both of which overlook the street and into the side of the opposite garage. Both the dormer and the porthole in the gable give some relief to the expanses of tile and brick respectively thereby increasing the security of the pedestrian route through.
Head of Transportation and Engineering	Objection It would appear that following a garage conversion, essentially there would be two dwellings with only one vehicle parking space between them. Clearly this is an under-provision, and certainly would not accord with the EBC Parking Standards. Whilst note is made of Resident Parking Permits for the Hamble Square car park, it should be noted that as new development, future residents of the garage conversion would not be eligible for these, and so parking would be on a daily charge. 1. The car park is not designed for residential parking other than by those with (limited) permits, and as such an uptake of resident parking could affect capacity and onwards the vitality of the village if this development proposal were allowed to proceed and set a precedent; and 2. Parking in surrounding streets not subject to restrictions would likely affect the amenity of existing residents, that could onwards

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	result in antisocial parking potentially affecting road safety. There also appears to be no provision for cycle parking following the loss of the garage.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within Designated Conservation Area (Hamble)

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

Eastleigh Borough Local Plan Review (2001-2011), saved policies 59.BE, 104.T, 169.LB

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, DM24
Supplementary Planning Guidance : Quality Places
Supplementary Planning Guidance: Residential Parking Standards

CHARACTER APPRAISAL AREA

The site is not located within a character appraisal area

SPECIAL POLICY AREA

The site does not fall within a designated special policy area

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

Paragraph 17 of the NPPF sets out twelve core principles that underpin the planning system, one of which is that planning should "always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings". It goes on to say in paragraph 56 that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 56 of the National Planning Policy Framework states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 64 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."

Section 12 (paragraphs 126-141) which relates to *Conserving and enhancing the historic environment.*

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	
Other …				

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."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

In the exercise with respect to any buildings or other land in a conservation area of any powers under any of the provisions of the Planning Acts … “special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area”.

<u>Principle</u>

The site is located within the urban edge where the principle of development is considered to be acceptable subject to the design and impact of the proposal in accordance with the relevant Local Plan policies and supplementary planning documents.

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 mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, a satisfactory means of access and layout for vehicles, cyclists and neighbouring uses through overlooking, loss of light, loss of outlook, and noise and fumes. Also of relevance is Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, which essentially reiterates the above requirements.

Policy 169.LB permits extensions to buildings in Conservation Areas provided the proposal preserves or enhances and does not detract from the character and appearance of the Conservation Area; the mass, form and materials are appropriate to the existing and adjoining buildings; architectural details of value are retained and that the proposal does not generate excessive traffic, parking or noise or

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

cause harm to the local environment.

Also of relevance is the site planning history, an application for the conversion of the garage to a one bedroom dwelling was refused under application C/15/76561. The application was refused for the following reasons:

(1) The development, owing to the incongruous scale and visual appearance of the proposed residential dwelling as well as its inappropriate siting and cramped layout, would result in the presence of an unduly visually prominent feature within the street scene that is out of keeping with the neighbouring development in the locality and which would have a harmful impact upon the character of this section of Meadow Lane and the Hamble Conservation Area. The application is therefore considered to be contrary to Saved Policies 59.BE and 169.LB of Eastleigh Borough Local Plan Review [2001-2011] and Policies DM1 and DM10 of the Submitted Eastleigh Borough Local Plan [2011-2029].

(2) The proposals are considered to fail to provide an acceptable level of residential amenity for the future occupiers of the development as a result of the insufficient internal floor area of the dwelling, the lack of provision of any useable private amenity space, and the unacceptable disturbance that would result to its occupiers owing to the proximity of the neighbouring car parking area to its front elevation. The application is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, Paragraph 17 of the National Planning Policy Framework, and the guidance contained within the Council's adopted Quality Places Supplementary Planning Document.

(3) The development owing to the presence of a ground floor window within the southern side elevation of the new dwelling would result in an unacceptable level of overlooking of the amenity space of No. 6 Liberty Row to the detriment of the residential amenity of its occupiers. The application is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, Paragraph 17 of the National Planning Policy Framework.

(4) The proposals fail to provide an acceptable level of on-site car parking for the existing (No. 6 Liberty Row) and proposed residential units in accordance with the requirements of the Council's adopted Residential Parking Standards Supplementary Planning Document, which would result in an increase in on-road parking in the locality to the detriment of highway safety. The application is therefore contrary to Saved Policies 59.BE and 104.T of the Eastleigh Borough Local Plan Review 2001- 2011, as well as Policy DM24 of the Submitted Eastleigh Borough Local Plan 2011- 2029.

(5) The proposals fail to make adequate provision for the storage and collection of domestic waste and recyclable materials for the new dwelling as well as for the secure storage of bicycles. The application is therefore contrary to Saved Policies 28.ES and 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, as well as Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029.

The current application is for a one bedroom annexe connected to the existing dwelling. The dormer windows in the roof has been altered in design, the access to the building has been removed from the front of the building and positioned to the side of the building. A pathway with an open timber frame gazebo is proposed to connect the annexe to the main dwelling. In addition a car parking space is proposed to be used at the rear of the site, however, this has not been shown within the red line of the application and cannot therefore be controlled by condition.

<u>Layout, design and impact upon the character of the area</u>

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The previous application considered that to all intents and purposes the application was for a separate dwelling on the site and was assessed on this basis. The application has been amended to show a side access door only and no 'front door' on the front of the garage building. In addition a defined pathway with an open gazebo has been shown on the proposed plans. Having regards to the amendments made it is considered that the proposal is for an annexe rather than a separate dwelling as it is linked to the main dwelling on the site.

Whilst it is acknowledged that the proposal is not for a separate residential dwelling, it is for an independent annexe, due to the facilities proposed within the garage building. The facilities show a bedroom, bathroom and kitchen. Whilst the presence of external features such as roof lights and dormer windows are not themselves out of keeping with the area, it is considered that an independent residential annexe in this location due to its layout and visual appearance would be notably at odds with the surrounding development in this locality and would have the appearance of a separate residential unit. It is therefore considered that the proposed development due to the independent nature of the proposed development would be out of keeping with the neighbouring development and harmful on the character of the surrounding area and conservation area. The proposal is therefore considered to be contrary to policies 59.BE and 169.LB of the saved Local Plan. The proposed alterations have not overcome the previous reason for refusal on this ground.

Impact on residential amenity

The previously refused application C/15/76561 raised concerns regarding the impact of the proposal on the amenity of the occupiers of the unit. The previous application considered that the proposal would result in the garage building being used as a single dwelling. As detailed above due to the proposal being linked to the main dwelling it is considered to be an annexe to the existing dwelling and therefore the concerns regarding the occupier of the new dwelling have been addressed.

It is considered that the proposed alterations to the garden building and erection of the open structure over the footpath would not cause material harm to the amenities of the neighbouring occupiers.

A letter of objection has been received from 5 Liberty Row due to concerns regarding overlooking for the proposed windows. The concerns raised have been carefully considered, however, if permission were to be granted conditions could be recommended to obscure glaze these windows to prevent overlooking to the neighbouring properties.

The proposal is considered to comply with policy 59.BE of the Local Plan.

Highway matters

Saved Policies 59.BE (v) and 104.T of the Eastleigh Borough Local Plan Review 2001-2011 respectively require that development has a satisfactory means of access and layout for vehicles and provides adequate on-site parking in accordance with the requirements of the Council's adopted standards, these being set out in the Residential Parking Standards Supplementary Planning Document (January 2009). No.6 Liberty Row currently has two available spaces, these being provided within the garage which forms the subject of this application as well as on a hardstanding immediately in front of this. The proposal would reduce the provision to just a single space. The proposal would result in three bedrooms in the main residential dwelling and 1 bedroom in the annexe, resulting in 4 bedrooms on the site. A four bedroom dwelling requires three parking spaces.

The proposal would thereby be deficient by two spaces. An objection has been raised by the Council's Head of Transportation and Engineering. The supporting statement submitted with the

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

application states that there is allocated parking spaces for visitors and residents at the rear of the site and plenty of additional parking in the pay and display car park and on street parking by purchasing a parking permit. The parking behind the garage is a shared space for residents and visitors and is not allocated to a single dwelling as their own. In addition this area has not be shown within the redline of the application and could not be controlled by condition. With regards to the pay and display car park, it is not designed for residential parking other than by those with limited permits, and as such an uptake of resident parking could affect capacity of the car park and vitality of the village as detailed in the Head of Transportation and Engineering objection.

The proposal is therefore likely to lead to on street parking which would, in this location, adversely impact upon highway safety. The application is therefore contrary to Saved Policies 59.BE (v) and 104.T of the adopted Local Plan as well as the requirements of the Council's Residential Parking Standards SPD in that it fails to provide an adequate level of on-site parking for the dwelling. It is considered that the amendments to the application have not overcome the previous reason for refusal.

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 recommendation is to refuse planning permission.