MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/15/76730

DESCRIPTION/ ADDRESS	Construction of 2no. four bedroom detached dwellings with ancillary parking & amenity space, following demolition of existing bungalow 345 Fair Oak Road Fair Oak Eastleigh SO50 8AA

SITE VISIT DATE	5.8.15 – The tenant of No.345 refused entry so the site was viewed from both immediately adjacent properties and was considered sufficient to enable determination of the application.
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Demotion of existing bungalow and construction of 2no. four bedroom in its place. The dwellings are set back from the road by a large area of hardstanding separated by a landscaping strip and separates out 2.no parking spaces per property. The two storey dwellings are of brick construcion with integral garages, partially contained within shallow projecting front gables. The main roof is hipped with a flat top. To the rear is a single storey element with a flat roof containing a lantern. To the rear are areas of amenity space.
SITE AREA	622.4sqm / 0.062ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	32.2dph
TOPOGRAPHY	The site appears relatively flat and level however having been in the garden of No.343 there garden is set approx 0.5m below the site which has a slightly elevated position.
TREES	None of any significant amenity value
BOUNDARY TREATMENT	1.8m fencing with hedging and planting up to 2m high
SITE CHARACTERISTICS	Detached hipped roofed bungalow in a large plot. Bungalow has a gravelled parking area at the front with an access off Fair Oak Road. To the rear is a generous garden area.
CHARACTER OF LOCALITY	The site is located next to a row of two storey houses/chalet houses with gable projections and dormers. Further along are two bungalows beyond which is The Clock Inn public house.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/10/67124	Renewal of extant planning permission F/07/60191 for: erection of 2no. 4 bed detached dwellings with integral garages and new vehicular access to Fair Oak Road following demolition of existing bungalow	Permitted 2010
F/08/62438	Amendment to planning permission F/07/60191 to include 1 and 2 storey rear extension to both dwellings	Permitted 2008
F/07/61380	Amendment to planning permission F/07/60191 to include the erection of a single storey rear extension to both dwellings.	Permitted 2007
F/07/60191	Erection of 2no. 4 bed detached dwellings with integral garages and new vehicular access to Fair Oak Road following demolition of existing bungalow	Permitted 2007
F/06/56808	Erection of 2no. four bed detached houses with integral garages following demolition of existing house at 347 Fair Oak Road	Permitted 2006

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
343 Fair Oak Road	Objected to the proposal on the basis that: • The rear projection is too deep and does not line up with rear building line • Rear element is visually intrusive The issues were discussed with the developer and reductions suggested to rear elevation and removal of pitched roof on rear addition.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Fair Oak Parish Council	No Objection – concerns – added traffic, the amenity space allowed for the gardens in both dwellings
Head of Transportation and Engineering	Revised plans received 23/07/2015 and now demonstrate a garage to the required internal standards (3.0 x 6.0m internal minimum) and so can be considered suitable for vehicle parking. As such, each unit has a minimum of 3 parking spaces on-site, with remaining areas to enable internal turning to facilitate forward gear access and egress. The application form refers to access being altered for vehicles and pedestrians, but the layout plan does not show anything about how access is proposed across footway and wide verge to reach each plot from Fair oak Road carriageway. Request amended plan showing proposed access Conditions E02 and E04 recommended.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area The far rear section of the site (garden) falls within 25m river buffer Within an existing Character Area

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

Eastleigh Borough Local Plan Review (2001-2011):

- 28.ES (Waste Collection/Recycling)
- 34.ES (Sustainable Development)
- 59.BE (Development Criteria)
- 72.H (Density)
- 100.T (Minimise Travelling)
- 101.T (Infrastructure Contributions)
- 104.T (Parking)

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising of the 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'

- DM1 (Development Criteria)
- DM2 (Sustainable Development)
- DM23 (Transport)
- DM24 (Parking)
- DM25 (Residential Development)
- DM29 (Internal Space Standards)

Supplementary Planning Document: Bishopstoke, Fair Oak, & Horton Heath
Supplementary Planning Guidance: Quality Places
Supplementary Planning Guidance: Biodiversity
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Residential Parking Standards

CHARACTER APPRAISAL AREA

Bishopstoke Fair Oak and Horton Heath Character Area – BiFOHH 21

SPECIAL POLICY AREA

Not within a Special Policy Area

NATIONAL PLANNING POLICY GUIDANCE

The National Planning Policy Framework (NPPF) contains a number of paragraphs which would be relevant to this type of proposal however it is generally against development in residential gardens. Paragraph 53 states 'local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. Although not laid out as a formal garden area to an existing residential property the proposals put forward would constitute back land/garden development and therefore any proposal would require substantial justification in addition to meeting local policy objectives.

NATIONAL PLANNING POLICY GUIDANCE

In addition the NPPF highlights 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" (para 56) and goes on to state that decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development (para 58).

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, nature conservation, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

Noted and addressed within the main considerations section of this report, as necessary.

COMMENT ON REPRESENTATIONS RECEIVED

Amended plans received which reduce the rear projection and substitute the roof on the single storey rear element from mono pitched to a flat roof with a lantern.

Other comments noted and addressed within the main considerations section of this report.

PLANNING OBLIGATION/CONSIDERATIONS

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 (NPPG) increased the threshold for when tariff based planning obligations can be required by new development. This meant that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) were exempt from the need to provide tariff based planning obligations or affordable housing.

Following a High Court Challenge by West Berkshire District Council and Reading Borough Council, on 31st July 2015 the Court quashed (i) the relevant parts of the NPPG, (ii) the Secretary of State's decision to adopt the new policy by way of Written Ministerial Statement and (iii) the Secretary of State's decision on 10 February 2015 to maintain the policy. The Court also granted a declaration that the policies in the Ministerial Statement must not be treated as a material consideration in development management and development plan procedures and decisions or in the exercise of powers and duties under the Planning Acts more generally.

In view of this and in accordance with the provisions of the following;

- National Planning Policy Guidance
- Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)
- Saved policies *101.T, 147.OS* and *191.IN* of the Eastleigh Borough Local Plan Review 2001-2011
- Emerging policies *DM23, DM32, DM35* and *DM37* of the Submitted Eastleigh Borough Local Plan Review 2011-2029
- Supplementary Planning Document – Planning Obligations

Planning obligation contributions are sought to offset the impact of the development on local infrastructure. For this development contributions are sought towards Community Infrastructure, Sustainable Transport and Public Open Space. These have been resolved by way of an up-front payment.

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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 site has expired planning consents for two dwellings on the plot, albeit of a slightly alternative design. The local plan and site circumstances have not altered drastically since these permissions expired. These permissions have established and accepted the principle of 2.no dwellings on the site.

Notwithstanding this, the application site lies within the urban edge and within an established residential area where the principle of development is acceptable, with any formal approval being dependant on the details and impacts of the proposal being considered acceptable, as set out below.

In terms of considering the NPPF with its presumption in favour of sustainable development unless the adverse impacts outweigh the benefits. The application site lies within the urban edge and within an established residential area where the principle of development is acceptable, with any formal approval being dependant on the details and impacts of the proposal being considered acceptable, as set out below.

Layout/Design: Saved Policy 59.BE of the Local Plan and emerging Policy DM1 of the Amended Draft Eastleigh Borough Local Plan both require 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.

Saved policy 72.H and emerging policy DM25 accepts the principle of creating new dwellings, particularly in areas well served by public transport, services, and facilities. The application plot and neighbouring plots, particularly to the east, are quite narrow and compact but have a density of 35dph. The proposed dwellings are also located on long but narrow plot and although on a slightly smaller plot have a density of 32dph which is considered adequately commensurate to neighbouring properties.

As set out below the proposed dwellings will utilise the existing dropped kerb and cross over point, accessing the site via an access through a newly constructed brick wall which leads to a large area of hardstanding for parking (2 spaces per plot). Each plots parking is separated by a landscape strip. The integral garages are accessed off of this hardstanding.

The proposed dwellings are located on long narrow plots and the dwellings themselves are also long and narrow. They do however have similar plot width to that at No.347a/347 to the east and have similar separation distances between each other and neighboring properties. Furthermore they broadly follow the established building line on the frontage.

The dwellings have shallow two storey front projecting gable features within which the integral garages are located. The main hipped roof sits behind the projecting gable and has a slightly higher ridge making it the dominant roof form, similar to neighboring properties. The main ridge lines up broadly with that of the properties at No.347a/347 and is below the ridge of No.343.

To the rear the dwelling projects further back than neighbouring properties by 2m but not as far as

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No.349 which is significantly deeper. Beyond the two storey dwelling is a single storey element. This was originally proposed to have a mono pitched roof but amended plans have removed this and replaced it with a flat roof containing a lantern. This has significantly reduced the bulk of the rear element of the proposed dwellings.

A 1m path leads down either side of the dwellings to rear private garden areas. The Quality Places SPD states that amenity areas should be 60% of the floor space of the dwelling. The proposed dwellings provide the following, as provided by the applicants agent:
Unit 1: Floor Area 144.2 sqm / 60% of Floor Space 86.4sqm / Amenity Space Provided 90.5 amenity
Unit 2: Floor Space 135.2 sqm / 60% of Floor Space 81sqm / Amenity Space Provided 90.8 amenity
On this basis each dwelling provides sufficient amenity space which is south facing and in excess of 11m and free from significant trees that would otherwise cast shadowing. It is therefore concluded that the proposed amenity space is sufficient and usable, complying with policy requirements.

Bin and bike storage is not shown on the proposed plans but details are conditioned to be provided as set out in more detail below.

Overall the proposed dwelling will appear well proportioned and positioned. The design although different to others within this section of street exhibits sufficient characteristic to help its assimilation into the street scene.

Street Scene/Character of Area: An indicative street scene has been provided and this shows the variety of housing forms, which vary greatly in their scale and form however the strong characteristsics that pull though are the deep set-back and strong building line on the frontage, fairly similar ridge heights, and a common gabled feature on the frontage with the remain ridge sloping away.

The proposed dwellings have deep set backs and respect the existing building line. The proposed dwellings have a ridge that sits just below that of No.343 and are roughtly in line with the newer dwellings to the eat at 347a/347. The proposed ridge height is therefore appropriate for the street. The dwellings also have a gabled feature on the frontage in the form of a two storey projection with the remainder of the roof being hipped.

The proposed dwellings, although introducing an further style of property, exhibits sufficently similar characteristis to neighbouring properties and with the use of matching materials will assimilate well to existing dwellings in the area.

Residential Amenity: The proposed dwellings are largely sited parallel to its neighbours on Fair Oak Road. The dwellings were proposed to project out 2.6m at two storey beyond the established rear building line of neighbouring properties and a further 3.5m with a single storey flat roofed element. Amended plans have reduced this projection by 0.6m. Although the rear elements of the dwellings still project further than their neighbours this is not considered at a depth of 2m to result in any overbearing impacts, despite Unit 1 being set on slightly higher ground than No.343. The single storey element had potential with its mono pitched roof to cumulatively result in harm however having been reduced in high through the roof being changed to a flat roof has helped considerably and this element could have been added post constructions under PD.

Quality Places recommends that in urban areas back to back distances when measured at first floor should be no less than 22m. The proposed dwellings are 22m from properties in Cherrywood Gardens.

In view of the siting and scale/form of dwellings proposed there are unlikely to any detrimental

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impacts in terms of overbearing impacts of loss of light/outlook.

In terms of privacy/overlooking, the majority of windows face front and back and not directly onto neighbouring land. The windows on the frontage overlook the street and the park/community building opposite. To the rear first floor windows serve bedrooms. These windows will inevitably allow opportunities for an element of overlooking into neighbouring gardens however using 45degree visibility splays, any views over gardens on Fair Oak Road will be focused towards the rear, where the views are not obstructed by boundary structures and screening, and not onto immediate patio areas. To the rear the closest property's with Cherrywood Gardens are located 22m from the proposed first floor windows, this distance complies with the guidance contained within the Quality Places SPD in terms of back to back distances. Whilst the rear bedroom windows will inevitably allow angled views of parts of neighbouring gardens such views from first floor bedroom windows of adjoining rear gardens are a common feature of urban development and do not give rise to undue loss of privacy, mainly because bedrooms and gardens are normally in use at different times of the day.

In terms of side facing windows each property has a ground floor window serving a kitchen. These are not considered to result in any loss of privacy or overlooking. At first floor each property has a long vertical window serving a stairwell. These are located centrally within the side elevation and are shown to be non-opening. In such close proximity to neighbours and being unopenable they are unlikely to result in any detrimental overlooking. The remaining first floor windows serve bathrooms and are therefore likely to be obscured. Again these windows are in close proximity to neighbouring dwellings and are located such they ther are unlikely to result in detrimental overlooking or loss of privacy.

Overall whilst it is acknowledged that the new dwellings will allow a degree of overlooking there is not considered to be any material harm to the amenity of neighbouring properties in terms of loss of privacy or overlooking.

With regard to the internal arrangements and its resultant impacts on the living conditions of future occupiers, the dwellings exceed internal space standards set out in emerging policy DM29 and suggested within the Quality Places SPD. Being long narrow properties the mid-section of each dwelling is likely to be fairly dark. The mid section is given over to the stairwell and kitchen, both of which are served by side facing windows but these are in close proximity to neighbouring structures and are unlikely to provide a great deal of light. Notwithstanding these all bedrooms are served by front and rear bedrooms and the main living accommodation is to the rear where it will appear much lighter and brighter. It is concluded that whilst the internal arrangement is not idea it is strongly lead by the design of the dwellings and on balance will not result in inappropriate or inadequate living conditions for future occupiers.

A construction management condition along with dust, burning, and hours of work conditions are recommended to ensure that the amenities of neighbouring properties are safeguarded during the construction phase of the development.

Access & Parking: The proposed access to the site is via the existing dropped kerb and access point. This is considered to be sufficient to allow access to the proposed 2.no dwellings.

Saved Policy 100.T and emerging policy DM23 expects development to be sited close to, or well served by, public transport, cycling and walking. The site is within the urban edge, minutes of a regular bus service, cycle routes and is accessible by foot.

Saved Policy 104.T and emerging policy DM24 states permission will only be granted for development that provides adequate off-highway parking provision and our Parking Standards SPD supports this. In line with the EBC Parking Standards, the proposals appear to requires 3 car parking spaces for the size of property proposed. A single integral garage is provided for each property which meets parking standards and is classified as a parking space. Each property also has an area of

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hard standing on the frontage which is capable of accommodating 2 additional vehicles with additional manoeuvring space. This arrangement is considered acceptable and meets policy requirements. and the driveway is more than capable of accommodating the required vehicle spaces.

A condition is recommended to ensure the required parking and garage is provided in accordance with the plans and a further condition is recommended to ensure the garage is used only ancillary to the main house and not for any other industrial, commercial, business or residential purposes.

With regard to bike storage, the garage is not of an appropriate size to accommodate a vehicle and cycles and no other storage details (shed) are provided. An appropriately worded condition is therefore recommended to ensure adequate provision and subsequent retention.

Overall the site seems capable of meeting policy requirements and is therefore generally considered acceptable.

Drainage: At this stage no details of foul and surface water drainage have been provided. These details are required by an appropriately worded condition.

Refuse Collection: Saved Policy 28.ES, emerging policy DM1, and the Quality Places SPD requires adequate provision of waste disposal/bins to be provided. No details have been provided in respect of bin storage and therefore an appropriately worded condition is therefore recommended to ensure adequate provision and subsequent retention.

Environmentally Sustainable Development: In accordance with our Environmentally Sustainable Development SPD and emerging Policy DM2 new dwellings are required to meet Code of Sustainable Homes level 4 and this would have previously been secured by way of an appropriately worded conditions.

Following a Written Update to Parliament from the Secretary of State for Communities and Local Government on 25th March 2015 and the coming into law of the Deregulation Act on 26th March 2015, the outcomes of the Housing Standards Review come into force which partly relate to sustainable design standards.

The outcome of the review will mean significant changes for the implementation of the EBC Environmentally Sustainable Development Supplementary Planning Document (ESD SPD).

We are no longer able to grant planning permission requiring compliance with specific standards in the Code for Sustainable Homes. We are able to continue applying energy standards which exceed the Building Regulations (i.e. at Code 4 standard) until the 'Zero Carbon Homes' policy comes into force in late 2016.

We are able to continue to require specific standards of water efficiency as well, given our existing policy requirement in the ESD SPD is for Code 4 where there is a mandatory water consumption standard to be met. The combined energy and water standards can be secured through standard conditions at design stage and post-construction stage.

A condition requiring design and final stage certificates demonstration compliance with code level 4 for energy and water only is therefore recommended.

Nature conservation: The proposal is not considered to result in a likely significant impact on a European Protected site (SPA,SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was not required for this development as the built structures falls outside the designated zone of impact.

Other Matters: Appropriate conditions have been applied to ensure residential amenity is protected.

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OTHER MATERIAL CONSIDERATIONS

Also of relevance 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.

CONCLUSIONS

In view of the above the proposal is considered to comply with saved and emerging policy and is therefore recommended for approval subject to conditions.