MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/15/77742

DESCRIPTION	Erection of 1no. 3 bed detached dwelling with parking, landscaping, bin & cycle store with access from Mansbridge Road
ADDRESS	Rear of 37 Chestnut Avenue Eastleigh SO50 5AN

SITE VISIT DATE	19 January 2016
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. A site notice was also displayed along Mansbridge Road advertising the proposals in the public interest.

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the erection of a two storey three bedroom dwelling to the rear of No. 37 Chestnut Avenue which is to be accessed from Mansbridge Road at the southern end of the plot. The proposals also include the provision of frontage car parking for two vehicles, bin and cycle storage, as well as landscaping.
SITE AREA	Approximately 511 sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	39.1 dwellings per hectare.
TOPOGRAPHY	The site is relatively flat and level with no significant changes in gradient across its extent.
TREES	There is a tree present at the southern end of the application site adjacent to Mansbridge Road with a further smaller tree situated within the rear garden of No. 37 closer to the existing property. There are also trees sited along the side boundaries of the plot including within the garden of No. 35. These trees are noT subject to a Tree Preservation Order.
BOUNDARY TREATMENT	The rear garden of No. 37 is surrounded predominantly by a mixture of timber fencing, planting and trees with there being a 2m high wall along the rear boundary with gated vehicular access provided from Mansbridge Road.
SITE CHARACTERISTICS	No. 37 Chestnut Avenue is a two-storey, semi-detached dwellinghouse of red brick construction. The property is set on a long but narrow plot with frontage car parking and a detached single garage / outbuilding to its south-western corner. The property has a good sized area of private amenity space to the rear with a further garage and car parking area at the southern end of the plot accessed from Mansbridge Road.
CHARACTER OF LOCALITY	The site is situated within a predominantly residential area and forms one of a row of double-height bay fronted semi-detached dwellings dating from the 1920s/30s. There is more recent residential development to the immediate west of the site in the form of the Monksbrook Estate which is in the

THE SITE AND ITS SURROUNDINGS

	process of being comprehensively redeveloped. Eastleigh College education facility lies to the north west of the site to the opposing side of Chestnut Avenue.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
The Monksbrook Estate, Cheriton Road, Eastleigh		
F/12/70310	Demolition of 164no. dwelling units and construction of 237no. dwelling units comprising 135no. houses and 102no. flats; new road layout; parking; public open space and landscaping.	PERMIT – 11/07/2012

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
33 Chestnut Avenue, Eastleigh	Objection on the grounds that the proposed property is too close to my property causing a shadow and mainly invading my privacy (it was bad enough with the block of apartments, with balconies built at the bottom of my garden across the road). Hoping this is not precedence for more houses to be built in line.
27 Chestnut Avenue, Eastleigh	Objection on the grounds that there are already far too many buildings overlooking my property and garden so I cannot support this proposal.
25 Chestnut Avenue, Eastleigh	Objection due to the close proximity of other new builds that are already overlooking our property, we feel an additional building overlooking the property is excessive.
2 Arnold Road, Eastleigh	Objection on the grounds that this new house will overlook our property, into our garden and house. This will also block the light in our garden and be an eye sore from our property. The new flats have already surrounded our house with tall overlooking buildings, this will now block our house in so it is fully surrounded by brick and concrete when it used to be surrounded by gardens and trees. This new property will also have windows overlooking our property from the ground and first floor and also the loft windows which will completely ruin the little privacy we have left.
178 Chestnut Avenue, Eastleigh	Objection on the following grounds: • The approval of this planning application would set a precedent for 'back land' or 'garden-grabbing' development in Eastleigh. This is discouraged by the National Planning Policy Framework. • It is acknowledged that Eastleigh Borough Council's most recent Five Year Housing Land Supply position paper states that the Council is unable to demonstrate a five year housing land supply, and as such is in a position of housing deficit. However, the need for the development within a residential garden is not justified, and given that the proposal only represents one dwelling, it is relatively insignificant in meeting the Borough's housing need.
35 Chestnut Avenue, Eastleigh	Objection on the following grounds: • The application will have a detrimental effect on the value of my home.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	• My privacy and the daylight and soil drainage quality in my garden will be eroded if this house is built in the next door plot. • Overlooking of my garden and the back of my house where there are bedrooms and a bathroom. • The application has been submitted in an area where there has already been substantial development and there has already been a significant loss of privacy, skyline and daylight. • The architects plans have clearly taken into account the effects of shading and loss of sunlight on the neighbouring property currently being developed to the right of this proposed application. However, no consideration has been made of the effects on me. The occupier of No. 35 Chestnut Avenue also requested that the Case Officer visit her property as part of the assessment of the proposals.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation and Engineering	No objection. In regard to parking, both the existing No. 37 and the proposed dwelling will have sufficient on-site parking to accord to the EBC Parking Standards. Onwards the layout will not interfere with the ongoing development on Mansbridge Road to which the proposed dwelling will front. In regard to transport developer contributions, whilst the development on its own will not cause a severe impact on the local highway network, accumulative with other local development proposals there will undoubtedly be some need for highway infrastructure improvement and mitigation. For this reason, in line with the HCC Transport Contributions Policy, a contribution of £3,745 (+indexation) is requested. It would not be anticipated that any drainage issues would arise as a result of development, but information on how the development connects into the foul and surface water drainage may be beneficial.
Head of Environmental Health	I have reviewed the information provided / that held by this Service and note the following: • The development site is located in the rear garden of an existing residential property. • New residential properties have recently been built adjacent to the development site. Considering the above I wish to make the following comments: The development site is located within an existing residential area with some properties being located in close proximity. The work associated with the preparation and the development of the site has the potential to impact on the amenity of these properties. Therefore I recommend the following conditions are imposed for amenity protection reasons:

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	HOURS OF WORK No construction or demolition work must take place except between the hours of 08:00 to 18:00 Mondays to Fridays or 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays. **NO BURNING** The burning of materials obtained by site clearance or from any other source must not take place without the prior written consent of the local Planning Authority.

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 25.NC (Biodiversity), 28.ES (Waste Collection/Recycling), 34.ES (Energy and climate change), 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. Policies DM1, DM2, DM9, DM23, DM24, DM29, DM32, DM35, DM37.
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Residential Parking Standards

CHARACTER APPRAISAL AREA

The site falls within the character area *ELAC 15.* The Council's adopted character appraisal document for this area sets out the following guidance principles for new development:

- Maintain the predominant shallow building setbacks and continuous building frontage in order to retain the sense of enclosure provided by existing development.
- Minimise the requirement for on-street parking in new development.
- Maintain the predominant brick wall plot boundaries.
- Ensure that the materials applied in new development are similar or complementary to those prominent in existing development.

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

NATIONAL PLANNING POLICY GUIDANCE

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. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".
- Paragraph 53 states that "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."
- 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".
- Paragraph 64 states 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 the principle of the development proposed, layout and design, residential amenity, highway matters, environmentally sustainable development, and the impact of the proposals upon the street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

The comments received are noted with the matters raised being covered in the below assessment of the proposals where appropriate.

COMMENT ON REPRESENTATIONS RECEIVED

The matter raised by the occupier of No. 35 Chestnut Avenue in respect of the impact of the development upon the value of their home is not a material planning consideration and cannot therefore be taken into account in the decision making process. The Case Officer visited No. 35 on 19 January 2016 as part of the consideration of the proposals.

COMMENT ON REPRESENTATIONS RECEIVED

The other comments received are noted and are covered where appropriate in the below assessment of the proposals.

PLANNING OBLIGATION/CONSIDERATIONS

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 and DM37 of the Submitted Eastleigh Borough Local Plan Review 2011-2029.
- The Council's adopted Supplementary Planning Document – Planning Obligations

Planning obligations are sought to offset the impact of the development on local infrastructure. For this development, obligations in the form of financial contributions are sought towards Community Infrastructure, Public Open Space and Play Provision, Public Open Space – Local Green Space, Public Open Space – Wildlife Sites, Sustainable Transport, and the Solent Recreation Mitigation Partnership. The applicant has been advised of the requirement for these contributions, however, no provision has been made for them and as the application is being recommended for refusal for other reasons, the matter has not been pursued further by the Local Planning Authority. The application is thereby deemed to conflict with the aforementioned national and local planning policy requirements, as well as those of the relevant associated supplementary planning guidance. This issue will form an additional reason for the refusal of the planning application.

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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 25.ES states that development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that: (i) the benefits of the development outweigh the adverse impacts; (ii) the adverse impacts are unavoidable, and (iii) appropriate measures are taken which would mitigate or compensate for any adverse impacts.

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.

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Saved Policy 34.ES requires that development makes an appropriate contribution towards the Government's target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere.

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 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 layout and resulting impact of the development upon the character of the area, as well as in relation to the matter of residential amenity.

Layout, design and impact upon the area character:

Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) require development to take full and proper account of the context of the site including the character and appearance of the locality. This need for proposed development to take appropriate account of its surrounding context is reiterated within the NPPF which states that local planning authorities should "resist inappropriate development of residential gardens, for example where development would cause harm to the local area" (paragraph 53) and that "permission should be refused for development of

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poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (paragraph 64).

It is considered that the proposed development fails to take account of its surrounding context, with the use of the application site as a building plot in what is a piecemeal fashion going against the prevailing character and pattern of development in the area. The introduction of a new dwelling to the rear of No. 37 Chestnut Avenue will, it is considered, appear out of context with and will have a detrimental effect upon the existing character and the visual amenity of Mansbridge Road and the surrounding area, and thereby constitutes an inappropriate form of development which is in conflict with the requirements of the above mentioned development plan policies and national planning guidance.

The application site is located within an established residential area. Whilst the wider area is characterised by a variety of dwelling types sited on plots of varying sizes, the application site itself forms part of a short row of semi-detached dwellings fronting onto Chestnut Avenue that are set on long narrow plots which stretch back to Mansbridge Road to the rear. Whilst there are rear accesses and outbuildings present for these properties, these are domestic and ancillary in nature and scale and as such, the northern side of this particular section of Mansbridge Road appears more as a service road / rear access for the properties in Chestnut Avenue than a residential street. In this regard therefore it acts as a clear visual break between the 1920s/30s character of the development within Chestnut Avenue and Arnold Road to the north and east and the more recent comprehensive redevelopment scheme of the Monksbrook Estate to the west. This is something that is evident from the street scene drawings provided as part of the submission.

The subdivision of the plot and the introduction of a single dwelling in this location would thereby both appear out of context as well as unduly alter the grain of development in the locality. Whilst the dwelling itself, when viewed in isolation, is not necessarily unattractive, the properties to the west are of such a distinctive visual form that the differing appearance of the new dwelling when combined with its failure to respect the front building of the adjoining development and its prominent siting at the entrance to the Monksbrook Estate, only serves to further heighten the extent to which it appears out of context and to which it is considered that it would detract from the character of the area.

<u>Residential amenity:</u>

In this regard there are two main considerations, these being the matter of the impact of the proposed development upon the amenity of the occupiers of the existing residential properties which neighbour the site with this including during the undertaking of its construction, and the ensuring of an acceptable level of amenity for the future occupiers of the proposed dwelling. The Council has produced a Supplementary Planning Document entitled 'Quality Places' which sets out both guidance as well as appropriate standards for amenity in relation to residential development. This supports the requirements of Saved Policy 59.BE (vii.) which seeks to ensure the provision of an acceptable level of amenity for future occupiers of land and property and that development does not unacceptably impact upon the amenity of neighbouring uses, notably by way of overlooking, overbearing impact or through a loss of light or outlook. In addition, paragraph 17 of the NPPF requires 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".

With regards to the matter of the amenity of the future occupiers of the development, the application is considered to be acceptable. The development provides for an appropriate level of amenity space for the new dwelling that meets the minimum requirement set out in the Council's Quality Places SPD

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of an area equivalent to 60% of the floorspace of the property. The dwelling also provides for an acceptable level of internal living space and habitable windows will achieve sufficient levels of outlook, daylight and privacy.

Whilst is it not considered that the development would be unduly harmful to the occupiers of the existing dwelling on the site (No. 37) with an appropriate level of amenity space remaining and the distance between the facing elevations of the property, albeit marginally below what would normally be required by the Council's Quality Places SPD (22m as opposed to the 21m proposed), being just about acceptable, there are concerns in respect of the impact upon the surrounding neighbouring properties and specifically those immediately either side of the application site.

The proposed property is sited 1m from the shared boundary with the property to the immediate west which, at the time of the Case Officer's site visit, was in the process of being completed. This proximity to the shared boundary when combined with the positioning of the new dwelling to the south-east and, in particular, the extent of its projection beyond this neighbouring property's rear elevation which is approximately 6m at a two-storey height, is considered to result in a development that would be unduly overbearing and which would have an oppressive visual impact upon its occupiers, adversely enclosing this section of their side boundary, to the detriment of their outlook from, as well as the enjoyment and use of their private amenity space. Whilst the sun study diagrams provided are noted, the relative orientation of the dwellings to one another along with the height and position of the new property will result in an element of overshadowing at certain points of the day which only serves to compound the aforementioned adverse impacts.

Whilst the impact is, to a degree, less upon No. 35 Chestnut Avenue to the east, the proximity of the new dwelling to the shared boundary which varies between 1 and 1.2m, when combined with its siting alongside part of this property's amenity area, as well as its scale, massing and visual prominence, is still considered to result in a development which will have an unduly negative effect upon the amenity of the occupiers of this neighbouring dwelling by way of overbearing impact and loss of outlook.

The comments of the occupiers of other surrounding neighbouring dwellings are noted in relation to the matter of amenity, however, it is considered that the proposed development is at a sufficient distance from each of these that no unacceptably adverse impact will result in this regard.

For the reasons given above, the proposals are considered to be in conflict with Saved Policy 59.BE (vii.) of the adopted Local Plan, as well as Paragraph 17 of the National Planning Policy Framework.

Bin and cycle storage:

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. In addition, Saved Policy 59.BE (vi.) states that provision should be made for the secure storage of bicycles. The submitted layout drawing shows acceptable provision to be located within the new dwelling's rear garden and as such, the application complies with these requirements.

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

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adopted standards, these being set out in the Residential Parking Standards Supplementary Planning Document (January 2009). In this regard there are two main considerations. Firstly the impact of the proposals on parking arrangements for the existing dwelling, and secondly the ensuring of an acceptable level of provision for the future residents of the new development.

As both the existing and proposed properties are 3-bedroom dwellings, the aforementioned SPD requires that 2 spaces per unit be provided on-site. Whilst the new development will reduce the level of parking available for No. 37, there will remain ample space available to the front of the property with access from Chestnut Avenue such as to meet the aforementioned requirement. In addition, two spaces are to be provided for the new dwelling with access from Mansbridge Road. As a result, there is no conflict with Saved Policy 59.BE (v.) of the adopted Local Plan and no objection has been raised in this regard by the Council's Head of Transportation and Engineering.

Environmentally Sustainable Development:

Saved Policy 34.ES requires that development makes an appropriate contribution towards the Government's target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere. In addition, the Council's adopted Supplementary Planning Document: Environmentally Sustainable Development sets out a number of essential requirements that new residential development must meet. Whilst no sustainability report has been provided as part of the application, it is considered that this could in this case be covered by way of a suitable pre-commencement condition requiring the submission of such information to demonstrate how the proposed dwelling would meet the aforementioned requirements.

Conclusion:

Overall for the reasons as set out above, the application is considered to conflict with the relevant development plan policies, emerging local plan polices, associated supplementary planning guidance, as well as national planning policy.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made 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 withdrawn the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. 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

It is recommended that planning permission be refused.