Grounds of the Appeal by Mr & Mrs D. & S. Russell

Town and Country Planning Act 1990

Householder Appeal by Mr & Mrs D. Russell against the decision of Eastleigh Borough Council to refuse the grant of planning permission for the erection of first-floor side and single-storey rear extensions at 1 Valerian Close, Horton Heath, Eastleigh, SO50 7PL

Eastleigh Borough Council ref: F/11/68569

Prepared by Robert Tutton Town Planning Consultants Ltd

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1.0 Context

1.1 The appeal site stands at the corner of Valerian Close and Meadowsweet Way in Horton Heath, Eastleigh, at the western end of a staggered terrace of four dwellings.

1.2 Public views of the appeal site are presently constrained in the approach along Meadowsweet Way from the south by the horizontal alignment of the highway and the properties that face northwest towards the road.

1.3 The locality is characterised by family dwellings in a variety of styles, formats and plot sizes and notably includes terraced properties with two-storey side extensions that adjoin the public highway. No.1 Rosebay Close (which is situated just 42 metres to the southwest of the appeal site) is particularly noteworthy in this regard – it is a two-storey dwelling that abuts Meadowsweet Way and stands 16.6 metres from No.24, directly opposite. The existing 1.5-storey western elevation of the appeal site stands 14 metres away from the front elevation of No.11 Meadowsweet Way, to the west - 2.6 metres less than the gap between 1 Rosebay Close and 24 Meadowsweet Way.

1.4 Particular attention is drawn to No.7 Valerian Close (just 27 metres away to the southeast) and No.44 Centaury Gardens (84 metres away to the north) which comprise terraced houses with gabled two-storey extensions at their side elevations; planning permissions Z/40174/000/00 and F/08/62053 were granted by Eastleigh Borough Council ('EBC') for their erection in September 2003 and March 2008 respectively.

1.5 These extracts from Clare Martin's 'Planning Application Report' in respect of application F/08/62053 (Append. 1) are considered particularly noteworthy:

> *'End of terraced two storey property set in a medium sized plot. Property has a single detached garage that would be removed as part of this application.'*
>
> *'Modern, high density area of housing. Properties are a mixture of terrace, semi detached and detached of similar styles. A few of the properties have two storey side extensions.'*
>
> *'The two storey extension fits in with the existing terraced property and still leaves adequate amenity space. It is therefore not considered an over development of the site.'*
>
> *'There are other examples of similar two storey extensions in the locality so it is not considered to have a negative impact on the aesthetics of the street.'*
>
> *'The proposal mirrors the roof shape and dimension of the existing property and terraced block. This means that the development should fit comfortably into the street scene, where there is already another example of a two storey side extension.'*

1.6 These examples were evidently seen by Eastleigh Borough Council to be in keeping with the character of this locality and fully satisfied its requirements, so they provided useful models for the formulation of this appeal proposal.



No.1 Rosebay Close, viewed from the northeast.



No.7 Valerian Close, viewed from the north.



No.44 Centaury Gardens, viewed from the north.



The appeal premises, viewed from Valerian Close (north).



The appeal premises, viewed from Meadowsweet Way (west).

2.0 The appeal premises

2.1 The appeal subject is an end-of-terrace house of grey brick that stands beneath a conjoined gabled roof of brown concrete interlocking tiles. A lean-to conservatory (EBC ref: F/05/55187) stands at its southern elevation, with a modest lean-to at its southwest corner. A gabled extension 1.5-storeys in height (in matching materials) stands at its west elevation - planning permission Z/38738/000/00 was granted by EBC for its erection in June 2002. It is apparent that the Borough Council treated the extension as being 'two-storey' in height due to the inclusion of a modest first-floor window in the west elevation.

3.0 The proposed development

3.1 It is proposed that the gabled roof be removed and a vertical extension (4.0m x 7.75m = 31m²) erected over the existing 1.5-storey side extension beneath a gabled roof, to achieve an additional bedroom with en-suite facilities. It is also proposed that a lean-to extension (4.2m x 4.1m = 17.27m²) be erected at the south corner of the property, to achieve a dining area. Both extensions would be finished in grey brick with hipped/lean-to roofs of brown concrete interlocking tiles, to match the host property. As the gabled roof of the existing side extension already extends to the height of the eaves, the proposed side extension would present itself as an increase of just 2.55 metres in height.

3.2 In her 'Householder Planning Application Report' (Append. 2) Planning Officer, Tracy Payne, recorded recognition that *'The proposed development would not result in any unacceptable impacts on neighbouring properties due to its siting at the end of*

the terrace, on a corner plot…'The highway provides sufficient distance from the development and its nearest neighbours in Meadow Sweet Way ensuring there is no loss of light, outlook, overbearing impact or overlooking…The site is also considered to retain a good sized garden therefore the proposals are not considered to result in the overdevelopment of the plot.'

3.3 Notwithstanding those recognitions, the decision notice issued by EBC on 28th March 2011 (Append. 3) gave this reason for withholding consent:

> *'The proposed development, by virtue of its mass, scale, design and siting would introduce a feature of unwelcome prominence, encroaching on the open nature of Valerian Way and the immediate surroundings, to the detriment of the visual amenity, street scene and wider character of the area. The proposals are therefore considered to be contrary to Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011).'*

3.4 As a gabled 1.5-storey extension already stands at the west elevation of the appeal premises, it is self-evident that a vertical extension (by just 2.55m) to complete the first-storey would *not* reduce the physical separation between the appeal site and the dwellings beyond Meadowsweet Way (ie. No.11). Indeed, the resultant structure would more closely reflect the nature and character of the area (eg 1 Rosebay Close) and the extensions which have already been permitted and built nearby at 7 Valerian Close and 44 Centaury Gardens. Indeed, there is a marked inconsistency between Clare Martin's approach to the two-storey extension that she permitted at 44 Centaury Gardens and Tracy Payne's decision that has led to this appeal. Contrary to the charge laid down in the decision notice, it is contended that the appeal proposal would not '…*introduce a feature of unwelcome prominence within the street scene.'*

Planning Policy

4.1 The Proposals Map of the Eastleigh Borough Local Plan Review ('EBLPR') shows this site within the *'Urban Edge'* with no special designations.

4.2 Para.4.26 of the EBLPR records the Borough Council's commitment to the *'…promotion of good design in all developments…'.* Pursuant to that principle, Policy 59.BE ('Promoting Good Design') of the EBLPR (Append. 4) generates a presumption in favour of development proposals which accord with other policies of the plan provided they satisfy ten criteria. Notwithstanding that EBC failed to cite which specific criteria the appellants' proposal allegedly fail to satisfy, it is submitted that criteria iii, iv, v, vi, viii and ix are not applicable to this case. It is submitted that the four relevant tests of Policy 59.BE (ie i, ii, vii and x) of the EBLPR are *satisfied* by this proposal since it would not detract from the existing street-scene; would be in keeping with the character of its surroundings; the spatial separation between properties would be maintained; a high standard of design would be achieved; it would incorporate materials and design elements that are sympathetic to local character; the privacy, outlook and sunlight of neighbours would be respected; and the prospect of criminal activity and anti-social behaviour has been taken into account.

4.3 As Eastleigh Borough Council's 'Bishopstoke, Fair Oak and Horton Heath Character Area Appraisals' Supplementary Planning Document was accorded no weight in the consideration of the original application, so it is given no attention here.

5.0 Conclusion & submission

5.1 It is submitted that the first-floor side and single-storey rear extensions proposed to be erected at 1 Valerian Close would (in similar vein to the permitted extension at 44 Centaury Gardens) respect the character and appearance of this end-of-terrace house (that has already been substantially altered and extended) and the locality and would thereby satisfy the relevant tests of Policy 59.BE of the Eastleigh Borough Local Plan Review. The Secretary of State for Communities and Local Government is respectfully requested to allow this appeal and grant planning permission.

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Appendices:

1. Planning Application Report (ref: F/08/62053).
2. Householder Planning Application Report (ref: F/11/68569).
3. Decision Notice (ref: F/11/68569).
4. Eastleigh Borough Local Plan Review (extract).