the town planning experts



Appeal Statement

11 Dolphin Close
Bishopstoke
Eastleigh
SO50 8NG

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1. Introduction

1.1. This appeal statement has been prepared to support the following proposal:

Detached garage

1.2. The appeal is submitted by The Town Planning Experts who act as planning consultants for this scheme

2. Planning History

2.1. Z/13579/015/00 - Erection of six terraced 3 bedroom houses – Permission 1978

2.2. Z/37682/000/00 – Retention of conservatory at rear – Permission 2001

2.3. F/15/75847 – Detached garage – Refused 2015 for the following reasons:

The proposed development by reason of the size and layout of the site and scale and form of development the proposal represents an inappropriate form of development that would;
(i) appear overbearing, visually intrusive and detrimental to the outlook and amenities of existing residents
(ii) fails to provide sufficient and adequate external amenity space thus resulting in a poor quality living environment for the occupants
(iii) fail to provide sufficient and adequate on site car parking provision
Taken together, these factors are considered to be symptomatic of a cramped and overdeveloped site which is out of character with the existing pattern of development in the neighbourhood. As such, the development would prove contrary to the provisions of saved policies 59.BE and 104.T of the Eastleigh Borough Local Plan Review (2001-2011), emerging policies DM1, DM24, and DM29 of the Submitted Eastleigh Borough Local Plan (2011-2029), and guidance contained within the adopted Quality Places Supplementary Planning Document (Nov 2011)

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3. Site Context

3.1. 11 Dolphin Close is a two-storey, mid-terrace, dwelling house at the western end of Dolphin Close.

3.2. It forms part of a terrace of identical properties built in the late 1970's with vehicular access to the rear. Pedestrian access only is available to the front of the properties.

3.3. The properties are served off a private parking area accessed from Dolphin Close.

3.4. A number of properties have already erected detached buildings in the rear gardens.

3.5. The area is residential in character largely characterised by semi-detached properties fronting their respective roads.

3.6. Dolphin Close is a small cul-de-sac to the north of Fair Oak Road, a residential street lying to the south of the B3037 Alan Drayton Way.

3.7. Bishopstoke lies approximately 3 km (2 miles) east of the town of Eastleigh.

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4. Policy Framework

National Policy

4.1. The National Planning Policy Framework (NPPF) became the primary national planning policy guidance on 27 March 2012.

Sustainable Development

4.2. Paragraphs 6 and 7 of the NPPF sets out the Governments overriding objectives of securing sustainable development. Para 7 of the NPPF identifies the roles of the planning system in achieving sustainable development:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

●an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

●a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

●an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.3. Para 14 goes on to provide further emphasis on the focus towards sustainable development stating:

14. 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. For plan-making this means that:

●Local planning authorities should positively seek opportunities to meet the development needs of their area;
●Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
—any adverse impacts of doing so would significantly and demonstrably

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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.
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.

4.4. The Framework sets out 12 core principles including that the planning system should

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

4.5. Section 7 of the NPPF sets out the governments aspirations for requiring good design. Para 58 is particularly relevant and states:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and 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;
●establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
●optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
●respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
●create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
●are visually attractive as a result of good architecture and appropriate landscaping

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Local Policy

4.6. The current adopted Local Plan is the Eastleigh Borough Local Plan review (2001-2011) adopted in 2006.The Plan seeks to guide development towards the existing built-up areas.

4.7. The following saved policies are relevant to this appeal

Policy 59.BE

Development proposals which are in accordance with the other policies in this plan will be permitted provided they meet all the following criteria:

i. they take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention.

and

Policy 104.T

Planning permission will only be granted for appropriate development which provides adequate off-highway parking up to the maximum standard set out in respect of the accessibility of that development. When considering the level of parking appropriate for a retail or leisure development in or on the edge of a centre, the Council may consider parking provision additional to the relevant maximum standards but only where it can be clearly demonstrated that it will serve the centre as a whole and assist the vitality and economic viability of the centre.

4.8. The Eastleigh Borough Local Plan 2011 – 2029 was submitted to the Secretary of State for formal Examination in July 2014. The Plan was found unsound and work is now commencing on a new Local Plan which will roll forward to 2036.

4.9. No further work will be undertaken on the Eastleigh Borough Local Plan 2011-2029 and as such very limited weight if any should be given to it.

4.10. Notwithstanding the fact that this Plan has effectively been shelved the local planning authority has referred to the following policies:

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DM1

All new development should (as relevant):
i. not have an unacceptable impact on, and where possible should enhance:
a. residential amenities;
b. the character and appearance of urban areas, the countryside and the coast;
c. biodiversity; and
d. heritage assets;
ii. make efficient use of the site and have regard to and not impede potential
development opportunities on adjoining land;
iii. take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views;

DM24

New development will be required to provide off-highway parking in accordance with Eastleigh Borough Council's Residential Parking Standards SPD which sets out minimum requirements for residential parking provision and Hampshire County Council's Parking Standards which establish maximum parking standards for other forms of development.

and

DM29

All new dwellings must meet at least the following minimum gross internal space standards:

3-bedroom dwelling – 93 sq m

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5. Development Principles

5.1. The application seeks to erect a detached garage to the rear of the property accessed via the private parking area.

5.2. The garage is a pre-fabricated concrete structure 5.512 m long and 3.124 m wide. The roof would slope tot eh rear and at its highest point is 2.247 m high.

5.3. The walls would be finished in multispar, while the roof is of grey galvanised steel.

5.4. Planning permission is only required as a condition removing permitted development rights was imposed on the original permission for this terrace of houses.

5.5. It is noted in the officer's report attached at Appendix A, that it is stated that permission is also required as the garage is larger than half the size of the original curtilage. This is disputed. The property enjoys 73 sq metres of garden front and rear. Of which 13 sq m has been lost to the conservatory. The garage is only 17 sq m so the garage and conservatory combined are less than half the original curtilage.

5.6. The property falls within the built-up area of Bishopstoke so the principle of building in the grounds of the property is not in question.

5.7. The property enjoys a rear garden in excess of 9 metres long, and even with the garage retains a large area of amenity space outside the property.

5.8. It will be noted that most of the properties in the terrace have already added outbuildings such that the space remaining to No 11 is no less than others in the terrace which the local planning authority has either formally or tacitly agreed to.

5.9. Eastleigh Borough Council does not have any set space standards relating to the minimum size of gardens.

5.10. The height and position of the garage would have no impact on neighbouring occupiers.

5.11. The garden is currently screened by a low brick wall with timber fencing above. This will be removed and be replaced by the front of the garage. A pedestrian gate will be fixed to the side giving access to the garden and effectively blocking any views of the side of the garage.

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5.12. The private parking area is itself screened by 1.8 metre high walls, such that limited views of the garage will be available. It is noted that the local planning authority concurs that the garage will not have “a detrimental impact on the street scene or the wider character of the area.”

5.13. When the terrace of houses was built parking was provided on the basis of one space only per dwelling, reflecting the sustainable location of the properties, close to local facilities and to bus services to Eastleigh and Southampton.

5.14. The provision of the garage will provide a parking space to the rear of this property. It will be noted that the owner of which currently parks his car in Dolphin Close.

5.15. To require additional parking, even if this were to be achievable, would fly in the face of national advice.

5.16. Paragraph 39 of the NPPF states;

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;

5.17. The proposal is therefore to create an off-street parking space where none currently exists, freeing up on-street parking for adjoining occupiers, which meets national and local requirements.

5.18. The local planning authority refers to the size of garage. Many highway authorities now seek garages of 6 m x 3m, which accommodates today’s larger vehicles with space for a bicycle to be stored at the rear.

5.19. The proposed garage at 5.512 m x 3.124 m will accommodate a vehicle, but additional storage for a bicycle if required would have to be provided separately.

5.20. The decision notice refers to Policy DM29 which refers to space standards for new housing. No reference is made to this in the officer report and it is assumed it has been included in error.

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6. Conclusion

6.1. It is considered that the proposed garage is of a size commensurate to the existing property, and would retain an acceptable level of amenity space for the property.

6.2. The garage is no larger than, and in some cases is actually smaller, than similar outbuildings to the adjoining properties which the local planning authority has formally or tacitly agreed to.

6.3. The size of garage is considered large enough to accommodate a modern vehicle and will result in additional and not less parking in the area. Regard must also be had to the property's sustainable location.

6.4. In the context of local guidelines and policies, and having regard to the character of the area it is therefore respectfully requested that the appeal be allowed and planning permission be granted for the proposed development.

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