Statement of Local Planning Authority

Eastleigh Borough Council

May 2017

Town and Country Planning Act 1990 (as amended)

Planning Inspectorate Reference No: APP/W1715/W/17/3172508

Local Planning Authority Reference No: F/17/79775

Appeal Site
3 Sayers Road
Bishopstoke
SO50 6GY

Name and Address of Appellant: Regal Homes Ltd c/o agent
Ken Parke Planning Consultants Ltd
23 Abbott Road
Bournemouth
Dorset
BH9 1EU

Particulars of the Application/Appeal
The appeal relates to planning application F/17/79775, which was made valid on 23rd December 2016 seeking permission for the construction of a detached two bedroom bungalow to rear with ancillary parking and amenity space with shared access to Sayers Road.

1.0 Reason for Refusal:

1.1 (1) The proposed development would give rise to an undesirable form of backland development with an unsatisfactory access that is out of keeping with the pattern of development in the locality and would have an adverse effect on the occupiers of the neighbouring dwellings. The proposed development is therefore considered contrary to, National Planning Policy Framework paragraphs 17, 53, 56, 64, Eastleigh Borough Local Plan Review (2001-2011), saved policy 59.BE. Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising of 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, DM25, Supplementary Planning Guidance : Quality Places (2011).

1.2 (2) The proposed dwelling due to its scale, siting, and external layout of the private amenity, would result in an unacceptable and poor quality living environment to the detriment of the amenity of future occupiers through lack

of daylight and limited usable private garden area. The proposed development is therefore considered contrary to, National Planning Policy Framework paragraphs 17, 53, 56, 64, Eastleigh Borough Local Plan Review (2001-2011), saved policy 59.BE. Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising of 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, DM25, Supplementary Planning Guidance : Quality Places (2011).

2.0 Planning Policies

2.1 The application site lies within the urban edge where The National Planning Policy Framework and the Saved Policies within the Eastleigh Borough Local Plan Review (2001-2011), support the principle of development within the urban edge especially in sustainable and accessible locations, and that previously developed land should be developed in an efficient and effective manner. There is no conflict between national planning guidance and the Council's development plan in relation to this appeal.

2.2 At the time of determining the application little weight can be afforded to the submitted Eastleigh Borough Local Plan 2011-2029 July 2014. 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.

2.3 The Local Planning Authority (LPA) believes the submitted 'Planning Application Report' fully substantiates the refusal of planning permission with the Inspector's site inspection allowing these matters to be comprehensively assessed.

2.4 The Quality Places (2011) Supplementary Planning Guidance, adopted November 2011 provides guidance on residential amenity.

3.0 Principle of Development

3.1 The starting point for considering and determining planning applications is the development plan, which comprises of the Saved Policies of the Eastleigh Borough Local Plan Review (2001-2011) adopted in May 2006.
Section 38(6) of the Planning and Compulsary Purchase Act 2004 states that

"...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." This application must, therefore, be assessed against the policies contained within the development plan.

3.2 The appointed Inspector is respectfully requested to take account of the provided Planning Application Report associated to the formal reasons for refusal. The purpose of this statement is to up-date the planning policies for consideration in this appeal and to respond to the matters raised by the submitted “Statement of Case”.

3.3 The Local Planning Authority in principle would accept the site as a building plot, as it reflects the pattern of development. However it fails in regard to the access arrangement, size of the unit and private amenity area. While the proposed dwelling would sit well with the bungalows on Sayers Close, due to land ownership issues the idea of a tandem backland development is not considered acceptable by the Local Planning Authority.

3.4 The appellant’s interminable statement and assessment that low rise bungalows are characteristic of the streetscene is not disagreed with, and is not the reason for refusal. During the pre-application stage the appellant was made aware of the Local Planning Authorities concern with the proposal with regards to the access arrangement. It was suggested that the access should be from Sayers Close which would have resulted in a development which would be in keeping with the character of the surrounding area. As already outlined the concern is that the access from Sayers Road side garden would result in a backland form of development which the Local Planning Authority does not want to encourage, further to which it would be contrary to the pattern of development.

3.5 The appellant’s agent’s comment about the Council’s lack of a five year housing supply is acknowledged. In this case, the Council considers the harm caused by the proposed development would significantly and demonstrably outweigh the limited contribution of one unit of accommodation would make to the housing supply and therefore consider the appeal should be dismissed.

4.0 Conclusion

4.1 Whilst it is acknowledged that there is a clear need for the provision of new housing in urban areas, it is not considered that this should be at the expense of an area’s prevailing character. Accordingly, the Local Planning Authority respectfully request that the Inspector upholds the reasons for refusal and dismisses the appeal. However, should the Inspector be minded to grant permission the Local Planning Authority would wish that the conditions attached in Appendix A are included as part of any approval.