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The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/W1715/W/17/3178367

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr & Mrs C Humphrey
Address	6 Wellbrooke Gardens Chandler's Ford EASTLEIGH SO53 1TN

Preferred contact method — Email ☑ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? — Yes ☑ No ☐

Name	Mr Carl Patrick
Company/Group Name	Consultant Planning Services
Address	29 Ruby Road Bitterne SOUTHAMPTON Hampshire SO19 7NB
Phone number	07780646678
Email	carlpatrick@btinternet.com
Your reference	H.005

Preferred contact method — Email ☑ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Eastleigh Borough Council
LPA reference number	F/17/79919

Date of the application	20/01/2017

Did the LPA validate and register your application?	Yes	☑	No	☐
Did the LPA issue a decision?	Yes	☐	No	☑

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	☑	No	☐

Address

6 Wellbrooke Gardens
Chandler's Ford
EASTLEIGH
SO53 1TN

Is the appeal site within a Green Belt?	Yes	☐	No	☑
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	☐	No	☑

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes	☑	No	☐

If YES, please state below the revised wording

Retention of a single storey double garage

Please attach a copy of the LPA's agreement to the change.

☑ see 'Appeal Documents' section

Area (in hectares) of the whole appeal site [e.g. 1234.56]	0.06 hectare(s)
Area of floor space of proposed development (in square metres)	57 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area?	Yes	☐	No	☑

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the develeopment.	☐
2. Refused permission to vary or remove a condition(s).	☐
3. Refused prior approval of permitted development rights.	☐
4. Granted planning permission for the development subject to conditions to which you object.	☐
5. Refused approval of the matters reserved under an outline planning permission.	☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those above).	☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.	☑

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation. ☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☑

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☑ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☑

2. Hearing ☐

3. Inquiry ☐

H. FULL STATEMENT OF CASE

The full statement of case is:

☑ see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes ☑ No ☐

☑ see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☑

(b) Have you made a costs application with this appeal? Yes ☐ No ☑

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☑

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☑

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has ☐

given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☑

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form). ☑

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☑

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☑

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☑

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☑

05.(c) A list of all plans, drawings and documents upon which the LPA made their decision. ☐

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application. ☐

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

07. A copy of the design and access statement sent to the LPA (if required). ☐

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☐

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. ☐

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application; ☐

(b) all plans sent at outline application stage; ☐

(c) the original outline planning permission. ☐

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the ☐

document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☑

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledege.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature	Mr Carl Patrick
Date	20/06/2017 20:08:37
Name	Mr Carl Patrick
On behalf of	Mr & Mrs C Humphrey

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

  https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	DESCRIPTION OF DEVELOPMENT
Document Description:	A copy of the LPA's agreement to the change.
File name:	Appendix 5 e-mails.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	H.005 - Full Statement of Case.pdf
File name:	H.005 - Appendix 1.pdf
File name:	H.005 - Appendix 2.pdf
File name:	H.005 - Appendix 3.pdf
File name:	H.005 - Appendix 4.pdf
File name:	H.005 - Appendix 5.pdf
File name:	H.005 - Appendix 6.pdf
File name:	H.005 - Appendix 7.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	H.005.017 - APP.Form.Part b.List of Appendices.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	1APP Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
File name:	1APP Part 12 Certificates.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	H.005 - EBC Registration Letter.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	H.005.001 - Site Location Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

File name:	H.005.001 - Site Location Plan.pdf
File name:	H.005.002 - Block Plan.pdf
File name:	H.005.006 - Block Plan rev a.pdf
File name:	H.005.003 - Proposed Garage Elevations.pdf
File name:	H.005.004 - Existing and Proposed Floor Layout Plans.pdf
File name:	H.005.005 - Planning Application Supporting Statement.pdf
File name:	H.005.011 - JB application letter.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	H.005.016 - APP.Form.PartJ.5b.List.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by	MR CARL PATRICK
Date	20/06/2017 20:08:37

Town and Country Planning Acts

S.78 Planning Appeal
WRITTEN REPRESENTATIONS

'Erection of a single storey double garage. (retrospective)'

6 Wellbrooke Gardens, Chandler's Ford,
Eastleigh, SO53 1TN

Appeal by Mr. & Mrs. C. Humphrey

LPA REF: F/17/79919

Prepared by:
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Ref: CDP/H/005
May 2017

Town and Country Planning Acts

WRITTEN REPRESENTATIONS

6 Wellbrooke Gardens, Chandler's Ford, Eastleigh, SO53 1TN

Appeal by Mr. & Mrs. C. Humphrey

LPA REF: F/17/79919

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Appendices

1 E-mail request to Case Officer dated 19th May 2017 and response from Case Officer dated 22nd May 2017

2 Excerpts from original planning consent for Erection of six detached houses and construction of accesses at Crandale B, Millers Dale, Chandler's Ford, Planning Application Reference No. 16743/6 Approval Notice dated 28 April 1980

3 Planning Appeal decision letter dated 11 July 2016 (APP/W1715/W/16/3145446)

4 Map excerpt of Tree Preservation Order

5 E-mail exchanges regarding Description of Development

6 Excerpts from 'Quality Places', Supplementary Planning Document, Eastleigh Borough Council, adopted November 2011

7 Eastleigh Borough Council, Residential Parking Standards, Supplementary Planning Document, Adopted January 2009

1.0
Instruction and Introduction

(i) Instruction:

1.1 Consultant Planning Services (Chartered Town Planners) is instructed by Mr & Mrs C Humphrey to prepare a Written Representations Planning Appeal in respect of the Eastleigh Borough Council's failure to determine the planning application at 6 Wellbrooke Gardens, Chandler's Ford, Eastleigh, for:

'Erection of a single storey double garage. (retrospective)'

1.2 The appealed application reference is:

LPA Reference: F/17/79919

1.3 This Written Statement is submitted in conjunction with the submission of an Appeal, pursuant to Section 78 of the Town and Country Planning Act 1990 (as Amended), and in accordance with Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I. 2009/452), as amended by the Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 (S.I. 2013/2114).

(ii) Introduction:

1.4 Section 2.0 of this Statement sets out the background to the planning application, the Planning History of the site and the grounds of Appeal upon which these Written Representations are based.

1.5 Section 3.0 provides a description of the Appeal site set in context with the surrounding area. The Site Location Plan below provides a general plan of the Appeal site and the surrounding area.

1.6 Section 4.0 provides a brief description of the development proposals.

1.7 Section 5.0 sets out the relevant planning policy framework at National and Local level and any relevant Supplementary Planning Guidance/Documents.

1.8 Section 6.0 examines the merits of proposed development, taking into account the Planning Policy Framework together with any other material planning considerations relevant to the making of a decision.

1.9 Section 7.0 examines the Third Party Representations made in respect of the submitted planning application.

1.10 Section 8.0 addresses the necessary imposition of Planning Conditions in the event the Inspector allows the Appeal.

1.11 The statement is drawn to a conclusion in Section 9.0.



Excerpt from Site Location Plan – Appeal site outlined in red within context of surrounding area.



Photograph of Appeal site from Wellbrooke Gardens

2.0
Background, Planning History and Grounds of Appeal

(i) Background:

2.1 The immediate background to the planning application, the subject of this Appeal, relates to the construction of what the Appellant had believed and understood was a 'permitted development' garage at the side of his house, to be used as a domestic garage in association with the dwellinghouse. It was during the construction of the structure in early December 2016 that two Officers of the Council made enquiries at the property regarding the development which was taking place at the site. Following discussions regarding the structure which was under construction, it was established that the ridge height of the garage was above the permitted limitation for a structure which was being built within 2m of the common boundary. Although the position of the ridge was more than 2m from the boundary the structure was found to exceed the height by 400mm.

2.2 The Appellant was advised that the exceeding of the limitation in relation to height meant that whole of the structure would require planning permission. The Appellant was advised that the structure was unauthorised and a planning application would need to be made, but this was regarded as being a formality and no formal Enforcement Action would be taken pending the submission of a planning application. The Appellant agreed to submit a planning application as soon as possible and took steps on 9th December 2016 to appoint a Planning Consultant to prepare and submit the necessary application.

2.3 The full detailed planning application the subject of this Appeal was submitted on 20th January 2017. The Agent had not sought any formal Pre-Application Advice, but had sought an appreciation from the Council that as there was previously no structure in place, there was limited information that could be supplied in relation to the 'as existing' situation. A Planning Supporting Statement was prepared in association with the development proposal and plans of the existing plot supplied, together with details of the proposed garage as supplied and built. The Application fee was paid by the Applicant shortly thereafter.

2.4 Following the submission of the Application the Council contacted the Applicant on 8th February 2017 to advise that the application was deemed to be invalid as it was considered necessary to indicate the position of the garage on the block plan, to scale. A revised block plan was supplied to the Council by return, and the application duly registered as valid the same day, 8th February 2017. Local and Statutory consultations commenced on the 8th February and gave consultees until 1st March 2017. Within the context of the current Appeal for non-determination it is considered relevant that the Application as submitted had initially been identified as potentially needing to go to the relevant Area Committee which was next due to sit on 8th March 2017.

2.5 Following the expiry of the target date for the determination of the application, the Applicant had sought to discuss the progress of the application with the Case Officer. The Application file has been reviewed and it would appear that no site inspection had taken place as of May 2017.

2.6 The Case Officer has expressed an Officer opinion that the proposal is unlikely to gain Officer support and the recommendation to the Local Area Committee is likely to be for refusal. When asked why this might be the case the Applicant has been advised by e-mail on 22nd May 2017; "*The concern is the overall size of the structure and it's appearance, both in relation to the applicants house and neighbouring properties. The garages is much larger than any other on Wellbrooke Gardens and the materials used exacerbate the impact of the garage and how visually intrusive it is*." (Appendix 1).

2.7 The determination of the application has been delayed and set back further as a result of the announcement of the General Election. The Applicant is seeking to place the matter directly before a Planning Inspector in order to gain, what he believes, would be a fair and unbiased consideration and determination of the proposals.

(ii) Planning History:

2.8 The Application site is part of an estate development originally planned in the late 1970's within an area referred to as SHIPP 2, Hursley Road (South Hampshire Interim Policy Plan). The outline planning application, which included the Appeal site, was refused on 4th March 1977. An Appeal against this decision was subject to a Ministerial Call In and the Appeal was allowed on 19th June 1978. The Outline application had sought consideration of the principle of housing and the means of access, consisting of the construction of the main loop road, including junctions, footpaths and verges. The area referred to as Sector B was locally knows as the South Millers Dale Estate, which is where the current Appeal site is located. Subsequent applications were made for various phases of the estates development, and the discharge of Reserved Matters. An application for the erection of 6 detached houses with garages and construction of accesses was permitted on 28th April 1980, this forms the basis for the consent for the Appeal property (Application Reference: 16743/6) (Appendix 2).

2.9 An application for the erection of a single storey rear extension was permitted by the Council 26th September 1984 (Application Reference Z/27856/000/00) although there is no indication that this was ever implemented.

2.10 An application for "One and two storey side and single storey rear extensions (description amended)" was approved 1st June 2012 (Application Reference F/12/70789). This application was submitted by the current owners of the site and has been lawfully implemented.

2.11 An application for the "Change of use of land to private garden: Retrospective (amended description)" was refused by Committee on 1st December 2015 (Application Reference F/15/76762). The Appeal against this decision was allowed on 11th July 2016 (Appeal Reference APP/W1715/W/16/3145446) (Appendix 3).

2.12 As noted above at 2.4, the Application, the subject of this Appeal, was subject to local notification and consultation procedures. The application attracted five comments and these are to be considered further below.

2.13 There have been no statutory objections to the proposals.

Grounds of Appeal:

2.14 The content of these Written Representations provide the full statement of the Appellant and the only available comment from the Planning Officer is addressed in full. The comments received from third parties are addressed separately in Section 7 of this Statement.

3.0
Site Location and Surrounding Area

3.1 The Appeal site is situated within the Chandler's Ford Ward of the Borough, to the north-west of the main Town Centre. The Appeal site forms part of a cul-de-sac of properties accessed from the main Hursley Road (B3043), which is a bus route and provides direct access to the Chandler's Ford local shopping centre. The Appeal site is 3.6km north-west of the main Civic Centre.

3.2 The development of South Millers Dale, off of the Hursley Road comprises largely two-storey detached houses set within a wooded backdrop, with the surrounding trees covered by an Area Tree Preservation Order, Appendix 4 refers. The Council Tree Officer does not object to the proposal.

3.3 The Appeal site is part of a small group of six detached dwellings originally developed in the early 1980s. The woodland to the rear of the site, transferred into the ownership of the Council, provides a landscape and visual buffer to the Eastleigh to Romsey single track local branch railway line which runs to the west of the South Millers Dale estate and is set down within a cutting at this point. The local topography, which has played some part in the layout of the estate, is largely flat in the vicinity of the Appeal site with the land rising gently to the east. It should be noted that the Appeal site slopes down from the highway into the site and the garage structure is built approximately 1m below the level of the adjoining pedestrian footpath.

3.4 The Estate development comprises a main distributor road off of which a series of shorter roads and cul-de-sacs emanate. The orientation of the built form within the estate varies considerably with some houses directly fronting the highway, with other set off at an angle within small courtyards and others set at juxtaposition with one another within informal groupings. There are a variety of house types and sizes, some of which have no on site car parking, relying instead on a nearby service court of parking, whilst others have more formal parking courts and some have neighbouring garages built alongside the main house. The Appeal property is one of only a few examples where an integral garage forms part of the design.

3.5 Whilst the pattern of development is not homogeneous and the phases of development utilised different designs within a relatively constrained theme of two storey housing, there are significant unifying elements which bring a strong sense of character to the local area. The Estate development took place within an area of established woodland and the presence at the peripheries of mature woodland provides a significant backdrop to the urban form within the estate, it is noted that there are few mature or semi-mature trees within the housing estate, but the presence of trees is a significant contributing factor to the character of the area. Within the housing estate there are significant swathes of evergreen hedgerow, typically Laurel, and these tend to be well maintained and formal structures within the landscape. The housing is brick built with dark brown concrete tiled roofs, the same roof material is utilised on front porches, bay windows, canopies and in some cases as cladding. The use of dark brown external finishes is replicated on a variety of elements within the fenestration for the housing, including cladding, windows, bargeboards, fascias and soffits as well as rainwater goods. These elements provide a strong unifying theme.

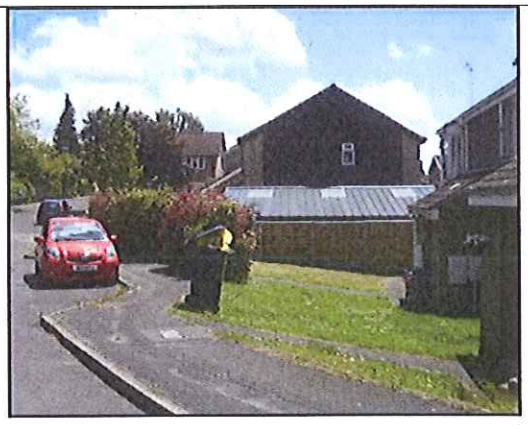
4.0

Description of the Development Proposals

4.1 The Planning Application as submitted, the subject of this Appeal, sought the erection of a single storey double garage and it was noted in parenthesises that this was retrospective. The Appellant did not want to provide an impression that the application was for a new garage or something other than the garage which he had recently had constructed at the property. The Council initially registered and advertised the proposal as follows: "***Breach: Erection of a single storey double garage***". The Appellant had not been approached regarding the description of development during the registration of the planning application and objected to the change from that originally provided on the Application form (Appendix 5). The Council responded by advising that this had been undertaken in error and the description was to read; "***Retrospective: Erection of single storey double garage***".

4.2 For the purposes of this Appeal the Appellant has used the description of development as provided on the original application form. This is based on the belief and understanding that there cannot be a retrospective development, the development is the erection of a garage, and it is section 73A of the Town and Country Planning Act 1990 (as amended) which enables the consideration of applications for development carried out before the date of the application; hence it is the application which is retrospective not the development.

4.3 The development proposal seeks consent for the erection of a single storey garage adjoining the original house as extended and which abuts the property boundary with Nos 7 & 8 Wellbrooke Gardens. The garage is an ancillary domestic structure constructed with insulated steel panels and with a roller shutter garage door and small pedestrian door adjacent, to the right of the garage door. The roof employs the same light weight panel material and has three clear panels to allow daylight into the structure, see images below.

	
Picture taken before Change of Use	Picture taken following garage construction

4.4 The garage has been sited such that its front is back off of the façade of the host property and it does not compete with the prominence of the original house, as extended. The colour palate employed for the garage picks up on a significant characteristic of the local area and serves to complement the existing property rather than act as an extension of it. The garage is an ancillary domestic structure, its styling and materials properly reflect its function and purpose accordingly.

5.0

Planning Policy Framework

5.1. The planning policy framework of relevance to this Appeal is contained within the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), Ministerial Statements, as well the adopted Policies of the Development Plan in accordance with s38(6) and also the saved Eastleigh Borough Local Plan Review 2001 - 2011 (EBLPR). The Council has commenced the initial Issues and Options Consultation for a new Eastleigh Borough Local Plan, 2011 – 2036, on 23rd December 2015 and this initial stage has been reported upon by the Council and a planned further consultation in respect of a "Proposed Submission Plan" is scheduled to take place in Autumn of 2017, the Council acknowledges that this consultation will provide the first opportunity for all the evidence to be published to enable full consultation to take place.

5.2. Accordingly, it is submitted that the emerging Local Plan should carry very little weight in the determination of the current application and the policy framework when considering the present Appeal should have regard to the NPPF, the NPPG and the policy of the saved Local Plan and any adopted supporting Guidance.

5.3. Those elements of the planning policy framework that are considered to be of particular relevance to the present development proposals are set out below.

(i) National:

5.4. **National Planning Policy Framework (March 2012)** sets out the Government's national policies on different aspects of land use planning at the heart of which is the presumption in favour of sustainable development. The requirement to determine applications in accordance with the Development Plan remains in accordance with s38(6) of the Planning and Compulsory Purchase Act (2004) and the policies of the NPPF are a material consideration in planning decisions. The NPPF sets out at paragraph 17 a series of 12 core land-use planning principles that should underpin both plan-making and decision taking. These are core principles that are to be read in the context of the NPPF as a whole, however in relation to the current Appeal it should be recognised that this requires an up-to-date Local Plan which sets out a positive vision for the future of an area and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

5.5. The NPPF requires that the planning system should do everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Part of this responsibility requires that decision making in accordance with the presumption in favour of sustainable development should mean approving development proposals that accord with the development plan without delay, with clear policies that will guide how the presumption should be applied locally. The Appellant in this case has experienced significant delay in gaining any consideration of his proposal and believes that the proposal should have been granted consent without delay following the expiry of local and statutory consultations.

5.6. Of particular relevance to the present Appeal scheme within the core planning principles of the NPPF (para 17) is a requirement that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives and should always seek to secure high quality design and a good standard of amenity of all existing and future occupants of land and buildings, this is balanced with a need to recognise and understand the different roles and characters of different areas. A fundamental core principle when setting out to balance social, economic and environmental issues is the need to secure sustainable development by encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

5.7. The proposal seeks consent for a domestic garage located within the residential curtilage of a single dwellinghouse, to which the garage will serve as an ancillary structure. The Council has recognised the principle of development is acceptable and that available permitted development rights could be employed in order to achieve a structure, similar in nature to that proposed. The Council has identified the overall height of the building exceeds the available tolerance by some 0.40m and had requested that an application be submitted in order to regularise the situation. Officers had suggested that a reduction in height could avoid the need for an application. The principle of development is not opposed by the Council and the development is located within an identified sustainable settlement where the principle of development is acceptable subject to detailed development management considerations.

5.8. The Applicant has been made aware that the Officer dealing with the Application has formed an opinion that the proposal will not receive Officer support. The Applicant considers that given the position of Members adopted previously in relation to the development site and the Applicant, there is no realistic potential of the application gaining a 'fair hearing' through the local determination process. The Applicant has accordingly opted to exercise his right to seek a direct determination of the Application from the Secretary of State by way of an Appeal against the non-determination of the application.

5.9. The development is a small ancillary structure which sits within the curtilage of the house to which it relates, it provides a means of enhancing and improving the place where the Applicant lives without adversely affecting the amenities of neighbours or others in the local area where it will be seen. The development is not seeking to act as an extension of the existing house or to act as an original feature within the context of the area; it is a domestic ancillary addition and may be seen and understood in this context.

5.10. When requiring good design it is clear that good design is a key aspect of sustainable development, and is indivisible from good planning. This sets out to ensure that good design should contribute positively to making places better for people. Paragraph 58 provides that both 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***
- ***are visually attractive as a result of good architecture and appropriate landscaping***

5.11. It is submitted that this small scale domestic development serves to meet these objectives within the context of the scale and form of development proposed based on an understanding of the role the proposal performs.

5.12. **National Planning Practice Guidance (March 2014)** offers general guidance in relation to a broad variety of planning matters, including matters relating to Design. It is recognised that good design responds in a practical and creative way to both the function and identity of a place and that it puts available resources to best possible use – over the long as well as the short term (Para, 26-001-20140306). As well as serving to deliver a number of planning objectives good design should enhance the quality of buildings and spaces, by considering amongst other things form and function (Para 26-002-20140306). In seeking to promote character in townscape and landscape development should respond to and reinforce locally distinctive patterns of development, while not preventing or discouraging appropriate innovation (*after* 26-007-20140306).

(ii) Local:

5.13. The saved policies of the EBLPR set out the planning context for development in the Borough until 2011 from its adoption in May 2006. The relevant Council policy is:

Chapter 4: Urban Renaissance and the Built Environment

- Policy 59.BE — <u>Promoting Good Design</u>

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;

(ii) they make the most efficient use of the land;

(iii) they incorporate an appropriate mix of dwelling type and land use where appropriate;

(iv) they provide a high standard of landscape design and appropriate planting where required. Development should use native plants in landscape schemes to benefit biodiversity. Development adjacent to or within the urban edge must not have an adverse impact on the setting of the settlement in the surrounding countryside;

(v) they have a satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths, cycleways and public transport services;

- **Policy 59.BE continued.**

(vi) include, where appropriate, provision for the secure storage of bicycles;

(vii) they are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in terms of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting;

(viii) they make adequate provision for the storage and collection of refuse and where appropriate include facilities for the collection of recyclable materials;

(ix) they include, where appropriate, measures which provide shade and protection from the sun; and

(x) new development should reduce the potential for criminal activity and anti-social behaviour by the use of appropriate design.

(iii) Supplementary:

5.14. The Appellant has referred to the adopted Supplementary Planning Document (SPD), Quality Places, November 2011 (Appendix 6) which primarily sets out to provide guidance to Policy 59.BE. The Appellant has also referred to the earlier Supplementary Planning Document (SPD); Residential Parking Standards (2009) (Appendix 7).

5.15. Chapter 6 below sets out to examine the application of these policies in respect of the detail of the development proposal, the subject of this Appeal.

6.0
Planning Considerations

6.1 This section of the Written Statement sets out to address the merits of the proposed development and its conformity with National and Local Planning Policy.

6.2 Saved Policy 59.BE encourages development to take full and proper account of the context of the site, including the character and appearance of the locality and for that development to be appropriate in terms of mass, scale, materials, layout, design and siting. This general development policy has a very wide scope and sets out to address all forms of development within the built environment, from office blocks, to factories and schools right the way down to the smallest of developments. The Policy seeks to ensure high standards of landscape design, the provision of a satisfactory means of access and ensure that layouts address the needs of pedestrians, cyclists and vehicles. The policy also considers the provision of adequate refuse and recycling facilities and to ensure that new development does not unduly impact existing development and neighbouring uses through potential overlooking, loss of light, loss of outlook and disturbance arising from noise and fumes.

6.3 It is submitted on behalf of the current application, the subject of this Appeal, that the proposal has had full regard to character and appearance of the locality within which it is set and has had due regard to the mass, scale, materials, layout, design and siting of the garage structure. The mass of the development is domestic in form and nature; it reflects the purpose to which the structure is intended to be put. The scale of the development is entirely subservient to the main house, it does not seek to offer an extension of the existing built form but is distinctly and characteristically a subordinate form to that of the main house, and it fulfils its role in the hierarchy of development as befits a garage. The layout provides a dual purpose in that it is set back off of the frontage of the property and so does not deflect from or compete with the main built form on the site which remains predominantly the house. The design is reflective of the use to which the structure is intended to be put, but elements of that design have been intentionally included to reflect the character of the host property. The siting of the garage to the side of the house serves to provide a convenient and useful garage whilst also providing added security to the site and the property of the householder.

6.4 In addition to these fundamental elements which contribute to the context and character of the development proposal, it is submitted that the proposal satisfies section ii of Policy 59.BE in making the most efficient use of the land. The Appellant has sought to provide a high standard of landscape setting for the development and it may be recognised that a feature of the Estate is the way in which the evergreen landscape boundaries serve to contain the development set beyond these boundaries both to the front, sides and rear of developments in a variety of contexts. It is submitted that the proposed garage is both set down lower within the site, so reducing its potential visual impact, but that in addition to this feature the recently planted landscape boundary treatment, installed in association with the purchase of the land, will act to support the integration of the development into the local context. It is submitted that the relative newness of the structure in combination with the 'change' brought about by the occupation of an area which was once a "gap" has given rise to some of the reaction to the proposal by local residents but also potentially that of the Case Officer.

6.5 The development proposal has not resulted in any statutory objections and the Highway Authority has not raised any concerns, accordingly it is submitted that the proposal complies with parts v and vi of Policy 59.BE and the guidance contained in the 2009 SPD on car parking in the District. The proposal does not alter or affect the ability to provide adequate refuse and recycling facilities on site and it is submitted that the proposal does not unduly impact existing development or neighbouring uses in terms of overlooking, loss of light, loss of outlook or disturbance arising from noise or fumes. It is submitted that the proposal accords with the locally adopted development plan policy.

6.6 Quality Places provides a number of policies and explanatory examples or notes which set out to support and assist the interpretation and ultimately the implementation of Policy 59.BE. Attention has been drawn in the Supporting Statement which accompanied the planning application, and supplied in association with this Appeal, to the section of the adopted document which addresses ancillary buildings. This specifically draws into the frame of reference garages and general storage buildings. It is submitted that the guidance offered does not and should not serve to unnecessarily constrain the approach to design or be interpreted in a restrictive manner. In following the advice of the NPPG it should be recognised that local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Whilst recognising that standard solutions rarely create distinctive identity or best use of a particular site. It is also recognised that design is itself an evolutionary process and should not slavishly adhere to what has gone before, the use of materials, different building methods and appropriate detailing can all contribute toward enhancing local distinctiveness.

6.7 The proposed garage sets out to complement the palate of colours and details seen throughout the area, although not utilising the same brick and tile used for the house developments in the area. It may be recognised that this is an ancillary domestic structure rather than an extension of the main house itself, and accordingly reflects the hierarchy of elements within the built environment. Its contribution to the setting of the building and the character of the area within which it may be seen and appreciated is precisely that of an ancillary structure, and the Appellant has sought to bring about design features as well as the siting of the structure which are sympathetic to the host property. The landscape setting of the proposed garage serves to complement the character of the area and will ensure that the garage may be seen in the same context as many of the other domestic ancillary structures in the area, glimpsed above boundary fences and over or between neatly clipped evergreen hedgerows. The proposal may rightfully be regarded as a subservient feature and one which does not conflict with its context and which will be readily assimilated into the local street scene.

6.8 In addition to the above factors, which deal with the place setting for the development proposal, there is a potentially a significant element of 'reaction' to the current proposal which arises from the recent history of the site and the fact that this is the only plot of this size within the Estate. The pre-planned Estate layout has itself provided relatively few options for domestic additions of this nature and the relative 'newness' of the garage serves to emphasise the change brought about by the introduction of a structure at the side of the house. There had been some local resistance to the change of use of the land adjacent the house to form part of the garden at No.6 and the enclosure of the site had given rise to claims regarding the loss of a footpath. Whilst these issues have been resolved it is clear from some of the representations received and the comments raised that these previous concerns have potentially fed into the opinions expressed in relation to the garage. The following section seeks to address the issues raised by the comments received in association with the application.

7.0
Third Party Representations

7.1 As stated at 2.4 above following the validation of the application in June 2015, the Council undertook its statutory and local public consultation in early July 2015, in accordance with adopted procedures. Additional statutory consultations and internal consultees were notified of the application. There were no Statutory objections to the proposal.

7.2 Of those consulted regarding the application, No.7 Wellbrooke Gardens is the nearest neighbour to the proposal and has raised concerns regarding the change brought about by the development. The Appellant has erected the new fence within his boundary to avoid any issues or dispute with the neighbour, and the garage and its eaves are entirely within the Application site, it does not overhang any adjoining land and no notices have been or needed to be served. It should be recognised that the loss of the trees and shrubs that were previously along the boundary was as a result of the Council undertaking an unannounced clearance of all planting along a strip of private land owned by the Appellant. The Appellant has sought to keep his neighbours informed of his intentions and investment in the property, which is his family home. The business operated by the Appellant is located in Bideford, Devon at no time are customers vehicles used to travel back and forth from Eastleigh and there is no intention on the part of the Appellant to use the structure for business purposes. This matter, like that of the conjecture regarding a major house extension, would be the subject of another planning application and is not the subject of consideration in association with the present scheme. The Council ecologist had been consulted regarding the previous application, and the Council has set out to repeat the consultation procedure for the current application the subject of this Appeal, there have been no concerns raised in relation to wildlife or habitats.

7.3 No 42 Wellbrooke Gardens is located to the north further along Wellbrooke Gardens and has not approached the Applicant to discuss any concerns. It should be recognised that enquiries were made with the Council regarding the trees on the site, there never was a public footpath on the site and all applications have been formally submitted to Eastleigh Borough Council, the Applicant has relied on the Council to conduct its notification procedures and has not been requested to display any other notices. The building has in fact housed a camper van which was its intended purpose. The construction techniques employed were of a standard type for a domestic garage and there is no accommodation within the garage. The materials employed in the development are fit for purpose and meet current standards for such domestic structures.

7.4 Further to the north is Swanton Gardens which is a cul-de-sac off of Wellbrooke Gardens. No 9 Swanton Gardens has provided four bullet point objections; although aware the point has been addressed already the first issue raised relates to the presence or otherwise of a footway. A former permissive path has been extinguished. The garage does not represent an overdevelopment of this plot and there remains a substantial and generous rear garden amenity space in association with the original house as enlarged. The original planned estate provides few opportunities for extensions or alterations of any kind; the garage is not an original structure and as such does not seek to simply replicate what has gone before and takes the opportunity to make best use of the available land. The garage does not block access to the woodland.

7.5 Rusland Close is located to the south-east of the Appeal site and is accessed off of the former main distributor road: South Millers Dale. The objector sets out by re-raising the issue of the footway and issues relating to the removal of trees and shrubs, which were all subject of a previous application and Appeal. The proposal does occupy an area of land which was formerly a gap, but it is submitted in the context of the built up pattern of development on the Estate, the occupation of this gap does not harm the character of the area. The structure is a low level single storey design and is sited below the surrounding street level such that it appears reasonably diminutive within the available space. It is submitted that this is an entirely domestic structure both in its purpose and design, it is respectfully submitted that the Appellant has sought to remain in keeping with the colour and hue of his own property and this does not infringe his title deeds. The structure has been built without affecting existing services and does not rely upon or interfere with existing services; there have been no statutory objections to the proposal. There is no intention to seek to build any other structure and the Appellant had undertaken the current works in the belief and understanding that the garage was a Permitted Development, the Council had confirmed that this might have been the case had it not been for the overall height of the structure, which is 400mm at its apex over the permitted limitation. The Appellant has not sought to flout any planning laws and has made this and his previous application in good faith.

7.6 Forest Close is not located within the South Millers Dale Estate and is located to the north-east of the Appeal site within the main residential area of Chandlers Ford and is approximately 1km away by road. It is unclear what is meant by stating that the structure is not permitted, it is unclear whether this confusion arises from the initial registration and notification made by the Council which referred to "Breach:" as part of the description of development or whether this is arises from the Applicant having mistakenly believed that the erection of a garage was permitted development. The Applicant has followed the advice of Officers and made a timely application which has sought to remedy the situation in relation to the unauthorised structure. The application is for a domestic garage and is suitable for its purpose as an ancillary structure. The intended use of the garage has always been and remains to garage a vehicle owned by the family that lives at the property.

8.0
Planning Conditions and S.106

8.1 When considering the imposition of Conditions regard must be had to the provisions of the National Planning Policy Guidance: Use of Conditions, (ID 21a, 2014-03-06) the Appellant is prepared to accept appropriately worded conditions in respect of the following:

- Development approved in accordance with submitted plans;
  and
- Others, as appropriate.

8.2 The Appellant, without prejudice, reserves the right to comment upon any suggested Conditions put forward by the Council in association with any commentary it seeks to make in relation to this Appeal.

9.0
Conclusion

9.1 The Application, the subject of this Appeal, seeks consent for a single storey double garage. The Appellant had initially acted in the belief and understanding that this would be a permitted development. It was only as the building was being erected and finished on site that the Council informed the owner that from their inspection of the garage, which was largely completed at the time, that the height of the apex of the roof would take the structure outside of the tolerance for it to be considered Permitted. The owner was invited to submit a planning application, which was prepared and submitted over the Christmas holiday period. Registration of the application was delayed by 19 days following submission as the Council belatedly requested a different block plan than that supplied with the Planning Portal. The Applicant has acted in good faith throughout and has struggled to gain a timely response from the Council to questions raised regarding the progress of the application. After four months of waiting the Applicant has been advised that the application is unlikely to gain support, following this advise the Applicant has elected to seek an independent determination of the application by the Planning Inspectorate.

9.2 Following the conduct of local and statutory consultations there have been no Statutory objections to the application and there have been no internal objections from consultees within the Council, this includes consultees in Highways, Trees and Ecology Departments. None of the Local Ward Councillors have raised any concerns regarding the application. Locally there have been five separate objections to the application with many of these referring back to previous concerns relating to the change of use of the land, which has been addressed at Appeal.

9.3 The Appellant has been given to understand from the Officer that her concerns relate to height of the structure, which has been translated into the overall size of the structure. It is submitted that the siting and location of the garage serves to reduce the overall appearance of the structure in terms of its height and the size of the garage is commensurate to the host property against which it may be seen. The materials used in its design denote the subordinate status of the structure and the ancillary nature of the garage in relation to the main house, which remains the predominant feature. It is submitted that the hierarchy of built forms is properly acknowledged by the proposal and the setting back of the building off of the main frontage together with the use of complementary colours and tones in the finishing and detail of the garage provide for a satisfactory relationship to the property and the character of the surrounding neighbourhood within which it may be seen.

9.4 It is submitted that the development may be regarded as being fully in accordance with National Planning Policy and Guidance; it does not conflict with the policies of the Local Development Plan, and may be supported in accordance with the guidance offered by adopted Council supplementary planning documents.

9.5 The Inspector is respectfully requested to allow the Appeal, grant Full planning permission subject to appropriate planning Conditions.

Appendix 1

E-mail request to Case Officer dated 19th May 2017
and response from Case Officer dated 22nd May 2017

Subject: 6 Wellbrooke Gardens - please advise

From: Carl Patrick (carlpatrick@btinternet.com)

To: jagdeep.birk@eastleigh.gov.uk;

Date: Friday, 19 May 2017, 12:05

Hi Jag,

Please let me know what the problem is with this scheme, my Client is at a loss following the advice that recommendation for this application is unlikely to be favourable.

I have not heard from you as to what any percieved issue may be and I cannot properly advise him what to do next, he is understandably frustrated with the delay and is actively considering an Appeal based on Non-determination.

Without any idea what is going on, I am finding it very difficult to advise him.

I look forward to hearing from you.

Kind regards

Carl Patrick
Consultant Planning Service

Subject: RE: 6 Wellbrooke Gardens - please advise

From: Birk, Jagdeep (Jagdeep.Birk@eastleigh.gov.uk)

To: carlpatrick@btinternet.com;

Date: Monday, 22 May 2017, 11:19

Hi Carl,

The concern is the overall size of the structure and it's appearance, both in relation to the applicants house and neighbouring properties. The garages is much larger than any other on Wellbrooke Gardens and the materials used exacerbate the impact of the garage and how visually intrusive it is. When I went on site with my enforcement colleague we advised the applicant to lower the roof and then it would fall under permitted development, the applicant chose not to do this. Further to which the applicant was made aware the application would be taken to committee as the previous application was to maintain consistency. The Local Area Committees take place every two months and I have explained the reason for the delay in a previous email.

Regards

Jagdeep

Jagdeep Birk (Miss)
Planning Officer
Development Management
Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN
023 8068 8123

eastleigh.gov.uk @EastleighBC

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This e-mail is subject to recording and/or monitoring. Any content or attachments are for the person to whom it is addressed, and may be confidential.
If you get it by mistake, please email us back as soon as possible, and then delete it from your system; please do not pass it on to anyone else, or use the information in it.
We do our best to guard against viruses. If you get a virus, we cannot accept liability for any damage.
You should carry out your own virus check before you open attachments.
Eastleigh Borough Council

From: Carl Patrick [mailto:carlpatrick@btinternet.com]
Sent: 19 May 2017 12:06
To: Birk, Jagdeep
Subject: 6 Wellbrooke Gardens - please advise

Hi Jag,

Please let me know what the problem is with this scheme, my Client is at a loss following the advice that recommendation for this application is unlikely to be favourable.

I have not heard from you as to what any percieved issue may be and I cannot properly advise him what to do next, he is understandably frustrated with the delay and is actively considering an Appeal based on Non-determination.

Without any idea what is going on, I am finding it very difficult to advise him.

I look forward to hearing from you.

Kind regards

Carl Patrick
Consultant Planning Service

Attachments

- imagef601be.JPG (12.33 KB)
- imagef593a8.JPG (18.25 KB)
- imageb6e909.JPG (17.49 KB)
- image38dc8d.JPG (30.65 KB)

Appendix 2

Excerpts from original planning consent for Erection of six detached houses and construction of accesses at Crandale B, Millers Dale, Chandler's Ford, Planning Application Reference No. 16743/6 Approval Notice dated 28 April 1980

Form 12.

HAMPSHIRE

EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS, 1973 TO 1974

To:— G. Webb Homes Limited,
c/o Nigel Clark Associates,
1, The Square,
Swindon, Wilts.
SN1 3RD

Reference No. 16743/6

In pursuance of their powers under the above mentioned Act and Orders, the Council, as the local planning authority, approve the detailed plans and particulars relating to erection of six detached houses with garages and construction of accesses at Crandale B, Millers Dale, Chandlers Ford.

as stipulated in the Minister's received on 27.2.80. in accordance with the condition numbers 1a. ~~[illegible]~~ decision dated June 1978.

~~[illegible]~~ under Reference No. 16743

~~[illegible]~~

E. S. Benefield

CHIEF PLANNING OFFICER

Civic Offices, Leigh Road,
Eastleigh, SO5 4YN.
Telephone: Eastleigh 4646.

~~Director of Administration~~

Date 28 APR 1980

All enquiries relating to this permission should be made of the Planning Officer, Civic Offices, Leigh Road, Eastleigh, SO5 4YN. Telephone: Eastleigh 4646.

[illegible]	C

N.B.—See notes overleaf

1/76.

P.T.O.

A 28

This form should only be used for making application for planning permission or for approval of detailed plans. A separate form, obtainable from your local Council Offices should be completed if notice of intention to carry out the work under the Building Regulations is also required to be given.

Form T & C.P.1 No. 16793/6

TOWN AND COUNTRY PLANNING ACT, 1971

C.C. Date Stamp	APPLICATION FOR PERMISSION TO DEVELOP LAND ETC.	D.C. Date Stamp
	(Four copies of this Form with Four copies of the plan(s) are required)	27 FEB 1980
		Date acknowledged

(The explanatory notes on Form T & C.P.1A should be read carefully before this form is completed)

To the District Planning Officer Borough of Eastleigh Council

PART 1 to be completed by or on behalf of all applicants as far as applicable to the particular development.

1. Applicant (in block capitals)	Agent (if any) to whom correspondence should be sent (in block capitals)
Name G. Webb Homes Ltd.,	Name Nigel Clark Associates,
Address 89 Canford Cliffs Rd.,	Address 1 The Square,
Poole, Dorset	Swindon SN1 3RD
Tel No	Tel. No. 21322/25895

2. Particulars of proposals for which permission or approval is sought

(a) Full address or location of the land to which this application relates and site area (if known): Area Crandale 8, Millers Dole, Chandlers Ford, Hants.

(b) Brief particulars of proposed development including the purpose(s) for which the land and/or buildings are to be used: Erection of 6 houses and garages

(c) State (i) applicant's interest in land (e.g. owner, lessee, prospective purchaser, etc.): Owner

(ii) whether applicant owns or controls any adjoining land and if so, give its location: No

(d) State whether the proposal involves:

	State Yes or No	
(i) New building(s)	YES	If residential development, state number of dwellings and proposed type if known, e.g. houses, bungalows, flats: 6 houses
(ii) Alteration or extension	NO	
(iii) Change of use	NO	For all types of buildings (other than those covered by Part 2 of this form) does the aggregate of the gross floor space comprised in the proposed building(s) exceed 1,000 sq. m. (10,764 sq. ft.)
(iv) Construction of a new access to a highway — vehicular	YES	
(iv) Construction of a new access to a highway — pedestrian	YES	
(v) Alteration of an existing access to a highway — vehicular	NO	
(v) Alteration of an existing access to a highway — pedestrian	NO	

3. Particulars of Application (see note 3)

	State Yes or No	
(a) State whether this application is for:		If yes, delete any of the following which are not reserved for subsequent approval
(i) Outline planning permission	NO	
(ii) Full planning permission *	YES	1 siting; 2 design; 3 external appearance; 4 means of access; 5 landscaping
(iii) Approval of reserved matters * following the grant of outline permission	YES	If yes, state the date and number of outline permission. Date 6.6.78 Number APP/5230/A/76/7828
(iv) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted	NO	If yes, state the date and number of previous permission and identify the particular condition (see note 3d). Date Number The condition

* Note: See Section 8 (Plans) overleaf with regard to the details to be shown on the submitted plans.

4. Particulars of Present and Previous Use of Buildings or Land

State

(i) Present use of building/land: (i) Vacant

(ii) If vacant, the last previous use and date when last so used if known: (ii) Agriculture approx 4 years ago

5. Additional information

(a) Is the application for industrial, office, warehousing, storage or shopping purposes? (If industrial, see explanatory notes) — State Yes or No: [NO]

If yes, complete Part 2 of this form on Page 4.

(b) (i) Does the proposed development involve the felling of any trees — State Yes or No: [NO]

If yes, indicate positions on plan

(ii) Does the proposed development involve any footpath diversion? State Yes or No: [ ]

(c) Give details of water supply: Mains

(d) (i) How will surface water be disposed of? (i) Main sewer

(ii) How will foul sewage be dealt with? (ii) Tick as appropriate:

[✓]	Mains	
[NO]	Septic Tanks	(See Note 13 as to the need to advertise or not)
[NO]	Cesspit	
[NO]	Other means (If so, please state)	

(e) State type and colour of external materials for:

(i) Walls

(ii) Roofs

6. Plans

List of drawings and plans submitted with the application (See below re: Number of plans)

Location plan
557/1 layout plan
557/2 house type
(external material schedule and landscape to be submitted later).

Note. The proposed means of enclosure, the materials and colour of the walls and roof, landscaping details etc. should be clearly shown on the submitted plans unless the application is in outline only.

I/We hereby apply for

[redacted]

OR * [redacted]

OR * (c) approval of details of such matters as were reserved in the outline permission specified herein and are described in the application and the accompanying plans

* Delete whichever is not applicable.

Date 26TH FEBRUARY 1980

Signed Nigel Clark Associates

On behalf of G. Webb Homes Limited

(Insert applicant's name if signed by an agent)

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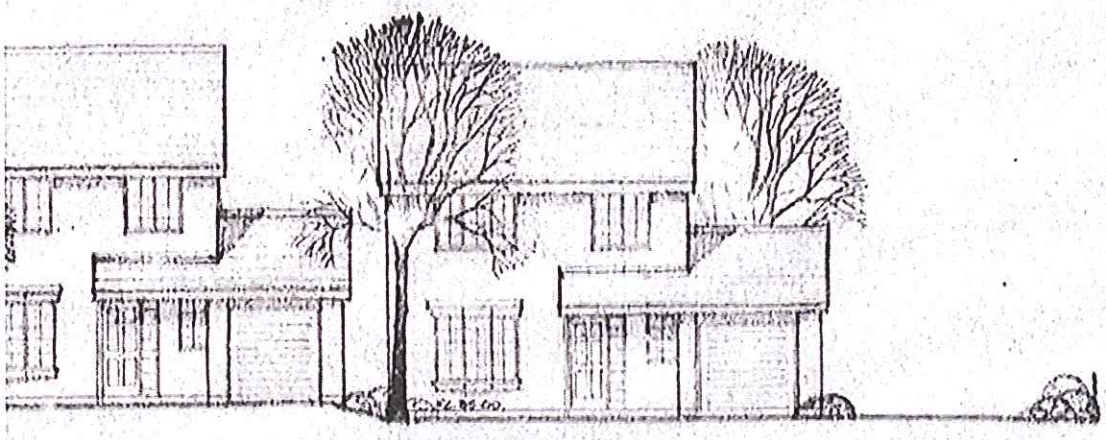

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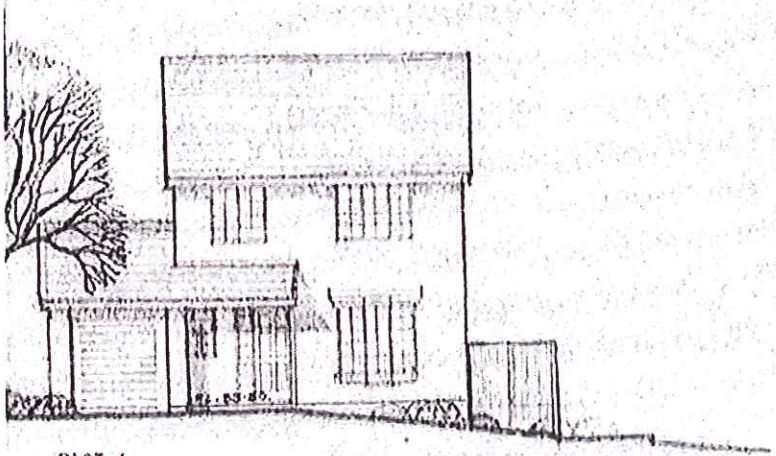
PLOT 1

AS PLOT 2

16743/6



PLOT 6

AS PLOT 4

AMENDED PLANS

EASTLEIGH BOROUGH COUNCIL

Plan No. 16743/6

Rec'd 16 APR 1980

Permission GRANTED FOR A LIMITED PERIOD ONLY SUBJECT TO CONDITIONS

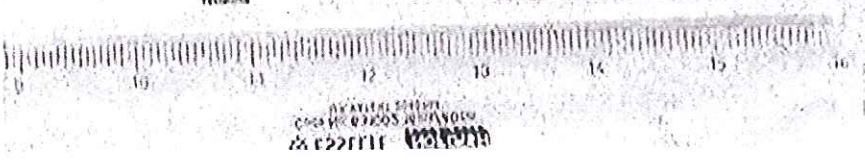
Permission REFUSED

DATE:

client: G WEBB HOMES LTD	NIGEL CLARK ASSOCIATES Architects Swindon Tel 21322/25895
project: Crandale B Millers Dale South	scale: 1:100
title: Street Elevations	revision:
date:	drawn:
no. 557·4	

U.D.O. 1/77

Revisions



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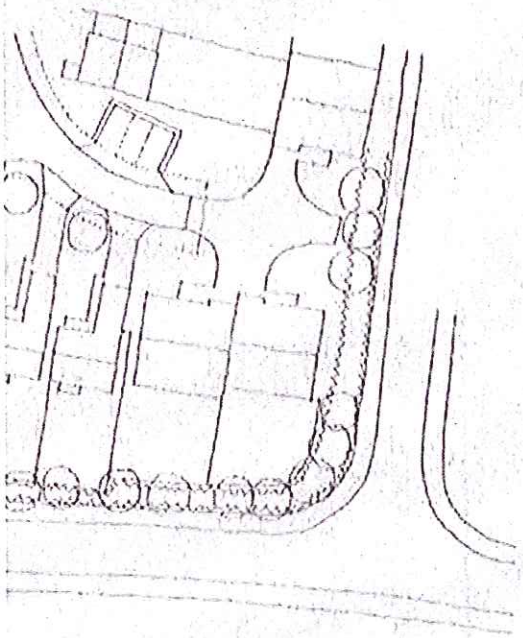


N

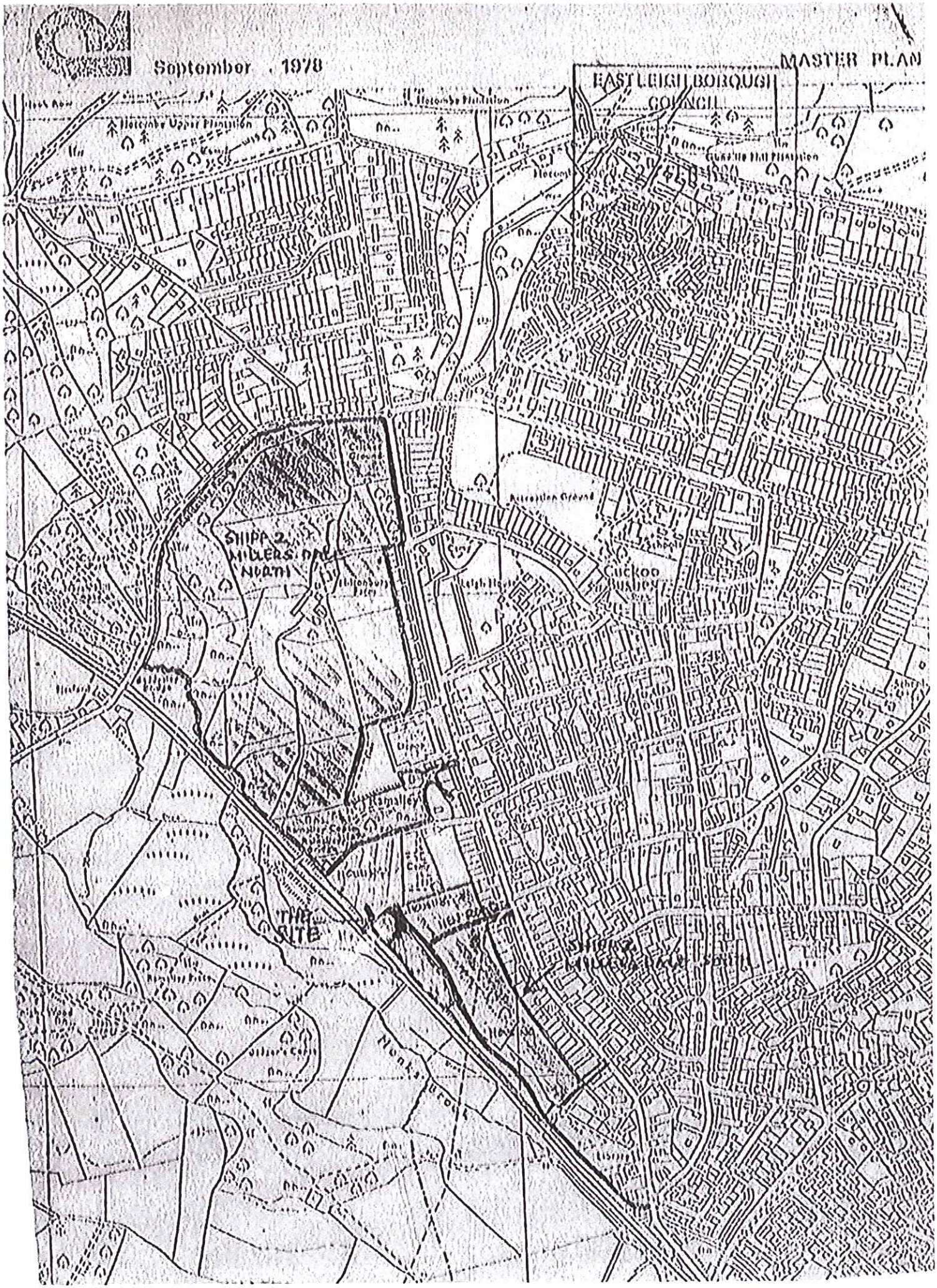
1674/6

LANDSCAPE SCHEDULE

A sorbus acuparia
B fraxinus excelsior
C quercus robur
E pinus strobus
F crataegus monogyna

1	mixed block	prunus spinosa
2	potentilla	corylus avellana
3	berberis wilsonair	caprinus betulus
4	rosa rubrifolia	prunus laurocerasus
5	berberis wilsonair	hippophae rhamnoides
6	mixed block	symphoricarpos chenaulthii
7	mixed block	rosa rugosa
8	potentilla	rosa pimpinellifolia
		quercus ilex

WEBB G.WEBB HOMES LIMITED	NIGEL CLARK ASSOCIATES Architects Swindon Wiltshire Tel 21322/25895
project: Crandale B Millers Dale South	scale: 1:500
title: Site Layout	drawing no: 557/1


September 1978
MASTER PLAN
EAST LEIGH BOROUGH COUNCIL
Hotombe Upper Plantation
Hotombe Plantation
Gunville Hill Plantation
Recreation Ground
SHIPP 2 MILLERS DALE NORTH
Cuckoo Bushes
Ramalley
THE SITE
Monks Brook

Appendix 3

Planning Appeal decision letter dated 11 July 2016
(APP/W1715/W/16/3145446)

The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2016

Appeal Ref: APP/W1715/W/16/3145446
6 Wellbrooke Gardens, Chandler's Ford, Hampshire SO53 1TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs C Humphrey against the decision of Eastleigh Borough Council.
- The application Ref F/15/76762, dated 22 June 2015, was refused by notice dated 1 December 2015.
- The development proposed is the change of use of vacant land to private garden for No 6 Wellbrooke Gardens.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of vacant land to private garden for No 6 Wellbrooke Gardens at 6 Wellbrooke Gardens, Chandler's Ford, Hampshire SO53 1TN in accordance with the terms of the application, Ref F/15/76762, dated 22 June 2015, and the plans submitted with it.

Procedural Matters

2. The Council indicates that the application is retrospective, which is consistent with what I saw on my site visit where the land has been enclosed. The Council has referred to the emerging Local Plan. However, as it is at an early stage of progress, in accordance with paragraph 216 of the Framework, the weight I can accord its policies is limited.

Main Issue

3. The main issue is the effect of the proposal on the permeability of the South Millers Dale Estate.

Reasons

4. The site the subject of this appeal is an area of land alongside 6 Wellbrooke Gardens, which appears part of a housing estate developed in the 1980s. The estate is confined between the Hursley Road to the east and a railway line to the west, but includes links to substantial areas of woodland surrounding a stream, behind the housing which residents and visitors use for recreation. The Council explains that the land is part of a sewer easement corridor, and that before it was changed to form part of the private garden of No 6, it was used by residents and visitors to access the woodland behind the estate. The Council say that the land has no public right of way, is not a highway or formally adopted, and does not feature on its definitive map.

5. The Council is concerned that as the development severs this link from the estate to the woodland behind, it has reduced the free flow of cyclists and pedestrians and the number of connection points enjoyed by residents, reducing the permeability of the estate and a vital aspect of the amenity of the residents.

6. The Council refers to the Local Plan Review 2001-2011 (LPR) and the Quality Places Supplementary Planning Document 2011 (SPD). LP saved Policy 59.BE requires development to have a satisfactory means of access and layout for vehicles, cyclists and pedestrians, including appropriate links to surrounding footpaths, cycleways and public transport services. The SPD's glossary defines permeability as *'the extent to which buildings, structures and highways affect the ability of people to move in different directions.'* It describes how development should provide good connections with the surrounding area, particularly for pedestrians and cyclists. This is reiterated by the Framework[1] which says that planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

7. The estate is well connected to Chandler's Ford via Sutherlands Way and South Millers Dale, in which context the development does not prejudice the means of access and layout of the estate. While I appreciate that the development reduces the availability of pedestrian and cyclist links from the estate into the woodland, I saw on my site visit that there are alternative links leading from the estate into the woodland; one around 250m to the north, and a second, around 600m to the south of the site. Both are accessed off the same highway as the appeal site, and appeared to me to be open and well-maintained and suitable for pedestrians. Residents of the estate still have good access to the woodland, and visitors from further afield have alternative access outside the estate. Given the extent of the estate, the loss of one of its three links has not reduced to an unacceptable degree the permeability of the South Millers Dale Estate, and there is no conflict in this regard with LP Policy 59.BE.

Other Matters

8. The views of local residents have been taken into consideration and I have already dealt with what I regard as the main planning issue. The size of the estate does not suggest that the loss of one of its three links would intensify those links remaining to the degree where access would be compromised or the living conditions of surrounding occupiers would be harmed. I appreciate the concern over the loss of biodiversity on the site and the loss of a tree, however, the appellant has explained that the tree was removed for safety reasons and the Council does not object to the tree loss or on biodiversity grounds. I note the concern over the availability of fire hydrants but I have no evidence to reject the development on this ground.

9. I understand the concern of residents who previously accessed the woods over the land in question, however, s38(6) of the Panning and Compulsory Purchase Act 2004 Planning Act requires me to determine this appeal in accordance with the development plan unless material indications indicate otherwise. The Council's reason for refusing the application is clear and precise and refers to

[1] The National Planning Policy Framework 2012, paragraph 61

the relevant policy in the development plan, which together with the material considerations, I have considered in reaching my conclusion.

Conditions

10. The Council has suggested that a condition be applied requiring the development to be retained in accordance with the plans for the avoidance of doubt and in the interests of proper planning. However, the terms of the application and the accompanying drawings are clear, and at the time of my site visit the development appeared complete. It is therefore unnecessary to impose a condition listing drawings in accordance with which the development must be carried out. It would be unreasonable to require the development to be retained, as its retention is not necessary to make the development acceptable in planning terms.

Conclusion

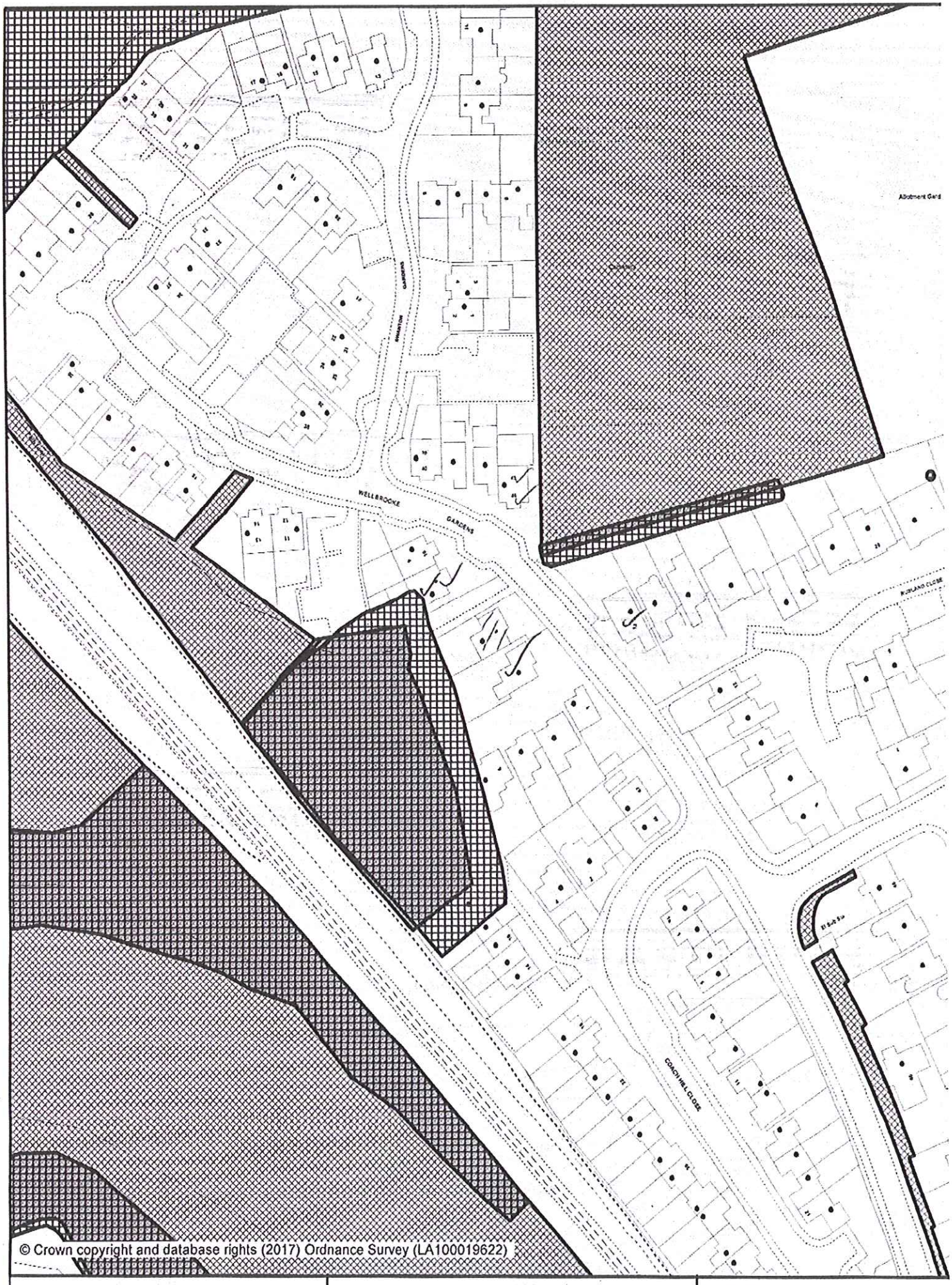
11. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Appendix 4

Map Excerpt of Tree Preservation Order



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EASTLEIGH BOROUGH COUNCIL

Title:

Scale:
1:1250

Map Ref:

N

Appendix 5

E-mail exchanges regarding Description of Development

Subject: F/17/79919 - Description of development - an error?

From: Carl Patrick (carlpatrick@btinternet.com)

To: jagdeep.birk@eastleigh.gov.uk;

Date: Monday, 20 February 2017, 14:49

Hi Jagdeep,

The registration letter for this application landed on my doormat on Saturday, and the first thing that stood out on the letter was the description of development.

I have checked back on my 1APP form and I had put "Erection of a single storey double garage (retrospective)" - no one has contacted me to discuss this description, to suggest a change or an alternative, and I have not agreed to a change.

Anyway, I am not even sure what the current 'official' description even means - I have never seen a description of development prefaced with the word "Breach".

I have tried to phone you eight times today on the number supplied with the letter - but this just rings, with no answer or message facility and hangs up - 023 8068 8123.

I look forward to hearing back from you.

Kind regards

Carl Patrick
Consultant Planning Services

Subject: RE: F/17/79919 - Description of development - an error?

From: Birk, Jagdeep (Jagdeep.Birk@eastleigh.gov.uk)

To: carlpatrick@btinternet.com;

Date: Tuesday, 21 February 2017, 8:50

Dear Carl,

I have spoken to my team leader who booked it in and his writing was misinterpreted so breach actually said erection. The description is 'Retrospective: Erection of single storey double garage'. I trust this addresses your concern.

Regards

Jagdeep

Jagdeep Birk (Miss)
Planning Officer
Development Management
Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN
023 8068 8123

eastleigh.gov.uk @EastleighBC

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If you get it by mistake, please email us back as soon as possible, and then delete it from your system; please do not pass it on to anyone else, or use the information in it.
We do our best to guard against viruses. If you get a virus, we cannot accept liability for any damage.
You should carry out your own virus check before you open attachments.
Eastleigh Borough Council

From: Carl Patrick [mailto:carlpatrick@btinternet.com]
Sent: 20 February 2017 14:49
To: Birk, Jagdeep
Subject: F/17/79919 - Description of development - an error?

Hi Jagdeep,

The registration letter for this application landed on my doormat on Saturday, and the first thing that stood out on the letter was the description of development.

I have checked back on my IAPP form and I had put "Erection of a single storey double garage (retrospective)" - no one has contacted me to

discuss this description, to suggest a change or an alternative, and I have not agreed to a change.

Anyway, I am not even sure what the current 'official' description even means - I have never seen a description of development prefaced with the word "Breach".

I have tried to phone you eight times today on the number supplied with the letter - but this just rings, with no answer or message facility and hangs up - 023 8068 8123.

I look forward to hearing back from you.

Kind regards

Carl Patrick
Consultant Planning Services

Attachments

- image3c438a.JPG (12.33 KB)
- image690f2a.JPG (18.25 KB)
- imagebddd58.JPG (17.49 KB)
- image470eaa.JPG (30.65 KB)

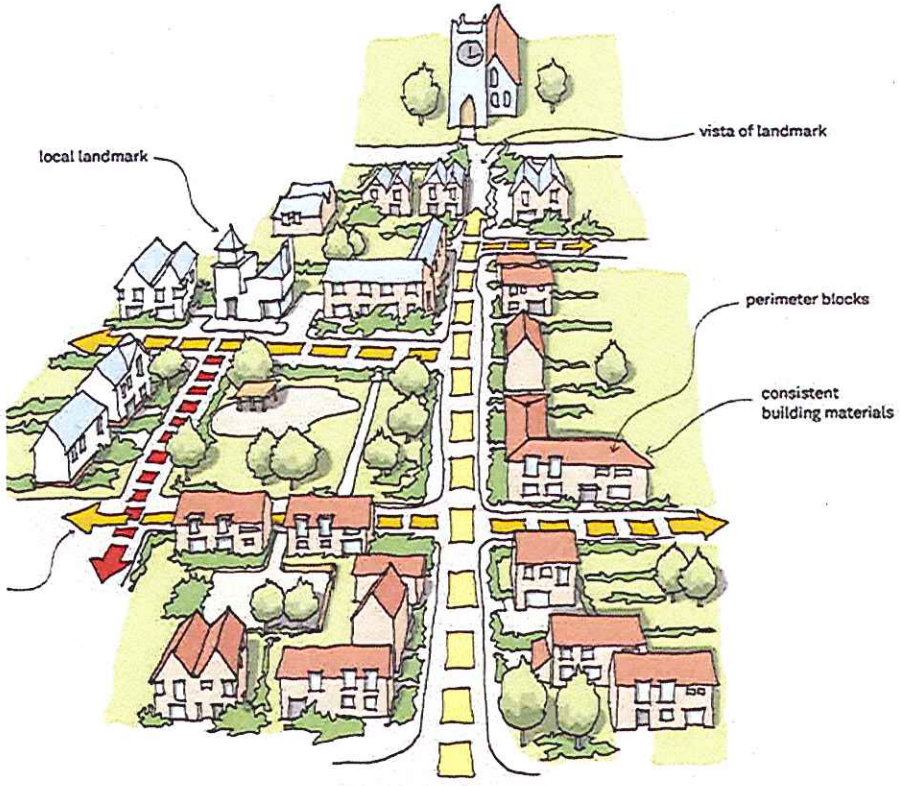
Appendix 6

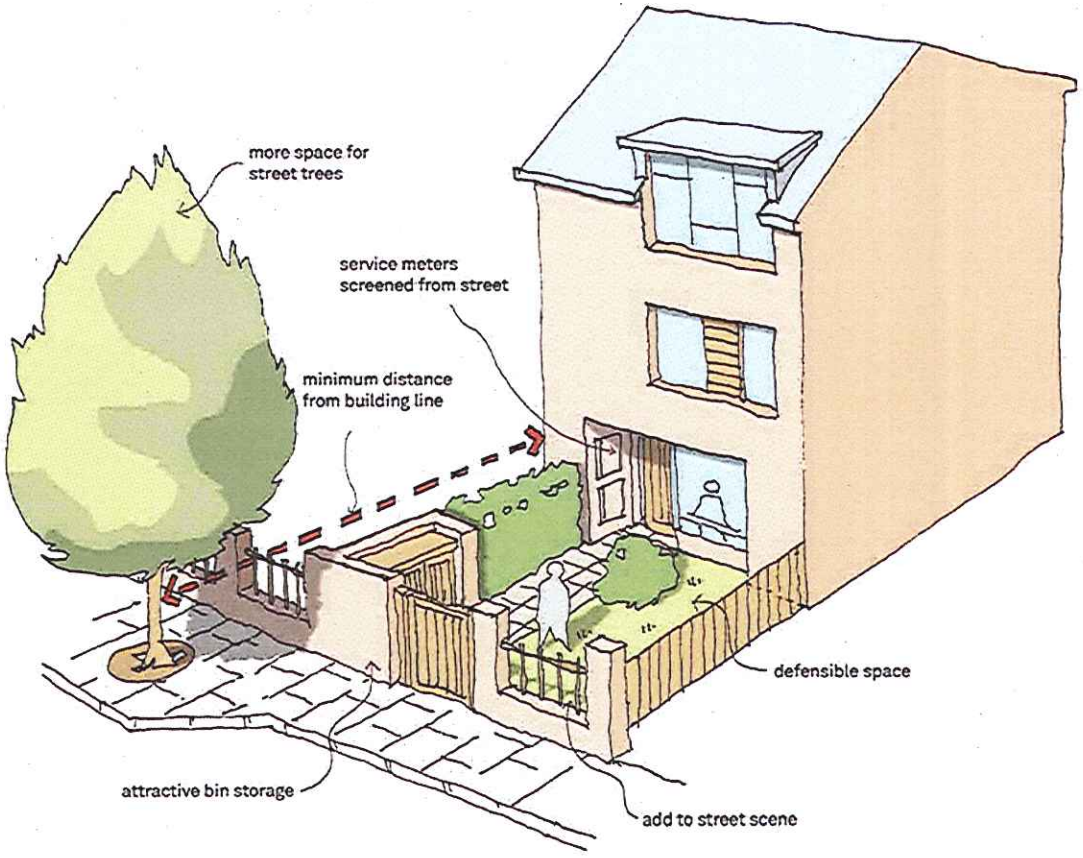
Excerpts from 'Quality Places', Supplementary Planning Document, Eastleigh Borough Council, adopted November 2011

EASTLEIGH BOROUGH COUNCIL

Quality Places

Supplementary Planning Document





ADOPTED

NOVEMBER 2011

Preface

Title of Document:
Quality Places Supplementary Document

Purpose of the Document
This document provides detailed guidance in support of the Local Plan Policy 59.BE which relates to the design of development buildings and spaces in Eastleigh Borough.

The PUSH Quality Places Charter
Eastleigh Borough Council is committed to creating good quality places. As part of its committment in October 2010 the Leader of the Council , along with the Leaders of all the other authorities in the Partnership for Urban South Hampshire (PUSH), signed the PUSH Quality Places Charter.

A quality place has a number of essential components which are identified in the PUSH Quality Places Charter diagram fig1.

Fig 1: Extract from PUSH Quality Places Charter



This Supplementary Planning Document provides guidance for all those involved in creating new buildings and spaces in the Borough of Eastleigh. Good urban design is an essential part of our plans for delivering high quality sustainable development. New development should respect, enhance and create places which are attractive and of real quality. New places should connect to local facilities by effective sustainable transport.

New development should be designed to meet the practical, everyday needs of residents, visitors and employees. Layouts and spaces which provide safe streets and pedestrian routes, convenient and well-integrated parking and carefully sited refuse facilities raise the quality of life for everyone.

Attractive homes and places of work or leisure that are a pleasure to live in, visit or work in with beautiful streets, gardens and open spaces should be created. New homes should be built to last, have enough space to meet the requirements of modern living and be adaptable as people's needs change through life.

This document clearly outlines the criteria by which all development proposals will be assessed, from one house to the largest estate or commercial project. A variety of examples show how design problems may be solved, applying best practice in urban design to deliver the sustainable, attractive and safe places we need. By following the guidance and working closely with our design and planning officers everyone involved in delivering new development will find the process of achieving planning permission a positive and rewarding experience.



Keith House

Leader of Eastleigh Borough Council



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Fig.71: Residential services



and width of the extension will vary according to the design of the house and merits of each proposal. Side extensions should take account of the spaces between houses and whether this is an important feature through the street.

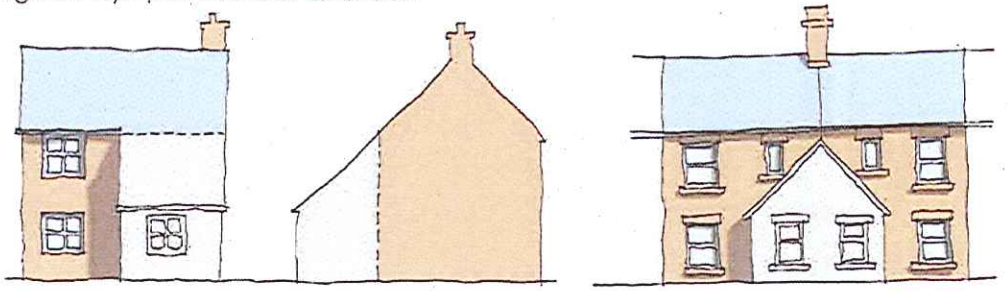
Two storey extensions to corner properties will need to take into account the visual impact upon all related roads and the relationship with other buildings.

Extensions to the rear of a property are the least likely to have a major impact on the house, the neighbours and the surroundings. When extending a semi-detached or terraced property it is important to follow any established pattern of extension. For example, in terraced houses the rear outshot is a very traditional form which, when paired witha similar extension on a neighbouring house can appear to be part of ther original design. This type of extension can also increase the privacy to rear gardens.

Ancillary buildings

Ancillary buildings may include bin and bike stores, general storage and garages. For new development, these have been covered elsewhere. For existing properties, as with any other extension, garages should be

Fig.72: A sympathetic rear extension



Sympathetic rear elevation

Traditional paired outshot extension to rear of terraced house

sympathetically related to the main dwelling, whether they are adjoined or free-standing. Pitched or lean-to roofs are normally preferable to flat roofs as they are more likely to complement the existing house and locality. In normal circumstances, garages should be in line with or be behind the front of the house.

Fig.73: Porches and canopies should reflect the character of the original house.

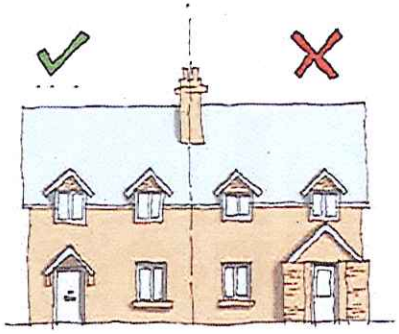
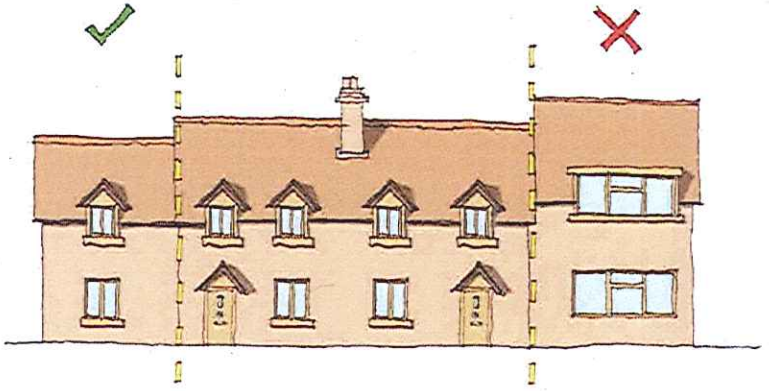


Fig.74: Keeping the ridge and eaves of an extension lower than the main building and maintaining the same roof pitch will help the original house maintain its dominance.



Key Design Principle 15: (Design of Buildings and Materials)
The scale, form and design of elevations and external materials should respond positively to the defining and distinctive characteristics of the area. Where this is absent, design and materials should help create a new positive and distinctive character.

Corner Buildings and Blank Walls

Corner buildings, because of their location, need to be designed to address all aspects facing the street.

- All street elevations should be attractive and contain windows from habitable rooms for passive surveillance.
- The use of a standard house type is very unlikely to be appropriate in corner locations.
- Plot layout should also consider the relationship between all streets in terms of the siting of the building, entrances and exits to the site, location of bin/cycle stores, landscaping, etc.

Blank walls in the public realm should be avoided as they are visually unappealing, with their large, bland elevations. They can cause problems with the lack of passive surveillance, and can become the focus of anti-social behaviour. All walls facing onto a public or semi public area (such as a car parking area) should have windows from active rooms (not bathrooms, halls, stairwells or store-rooms)

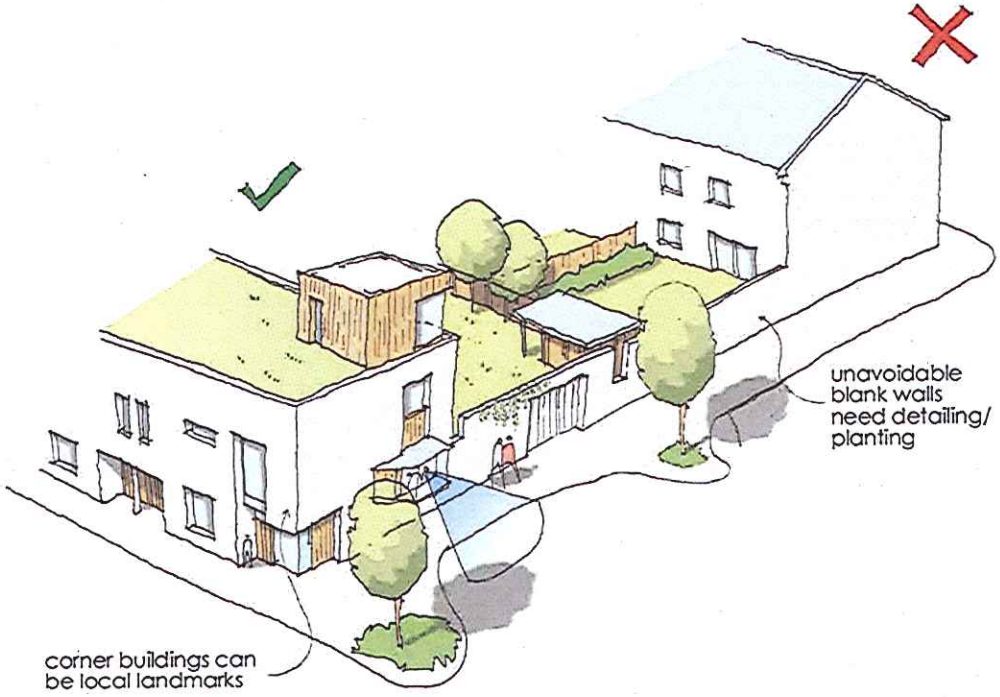
In exceptional circumstances where blank walls cannot be avoided in the public realm, their impact must be mitigated. This could be through the use of planting, eg. non-destructive climbers or green walls , or through detailing such as weatherboard-ing, tile hanging, brick detailing or through public art.

A Design & Access Statement should show in elevation drawings and plans (or in 3 dimensions) and in text that:

corner buildings and plot layout have been designed to address both street aspects;

any proposed blank walls visible from the public realm are identified and justified and demonstrate how their impact will be mitigated.

Fig.75: Blank flank ends to development should be avoided in the public realm



Doors and Entrances

The entrance to a building, together with the boundary to the plot, is a transition zone from public to private space. It is therefore important that this be well designed as it affects people's sense of security and ownership as well as being the visual focus for the building.

- Front doors should be easy to find and be visible from the public realm. The design of non-residential entrances need to signify to visitors that this is the main access to the building.
- They should be designed with level thresholds to assist accessibility.
- Doors should be robust, good quality and properly fitted and finished.
- A slight recess for garage doors is advisable.
- Doors and access gates should preferably be solid hardwood (from sustainable sources) as this is more durable and lower maintenance than softwood.
- Rear gates that can be seen through are likely to be modified by residents to gain more privacy to gardens and so should be avoided.

Eastleigh Borough Council,
Civic Offices, Leigh Road, Eastleigh,
Hampshire, SO50 9YN
T: 023 8068 8280

W: www.eastleigh.gov.uk
E: direct@eastleigh.gov.uk

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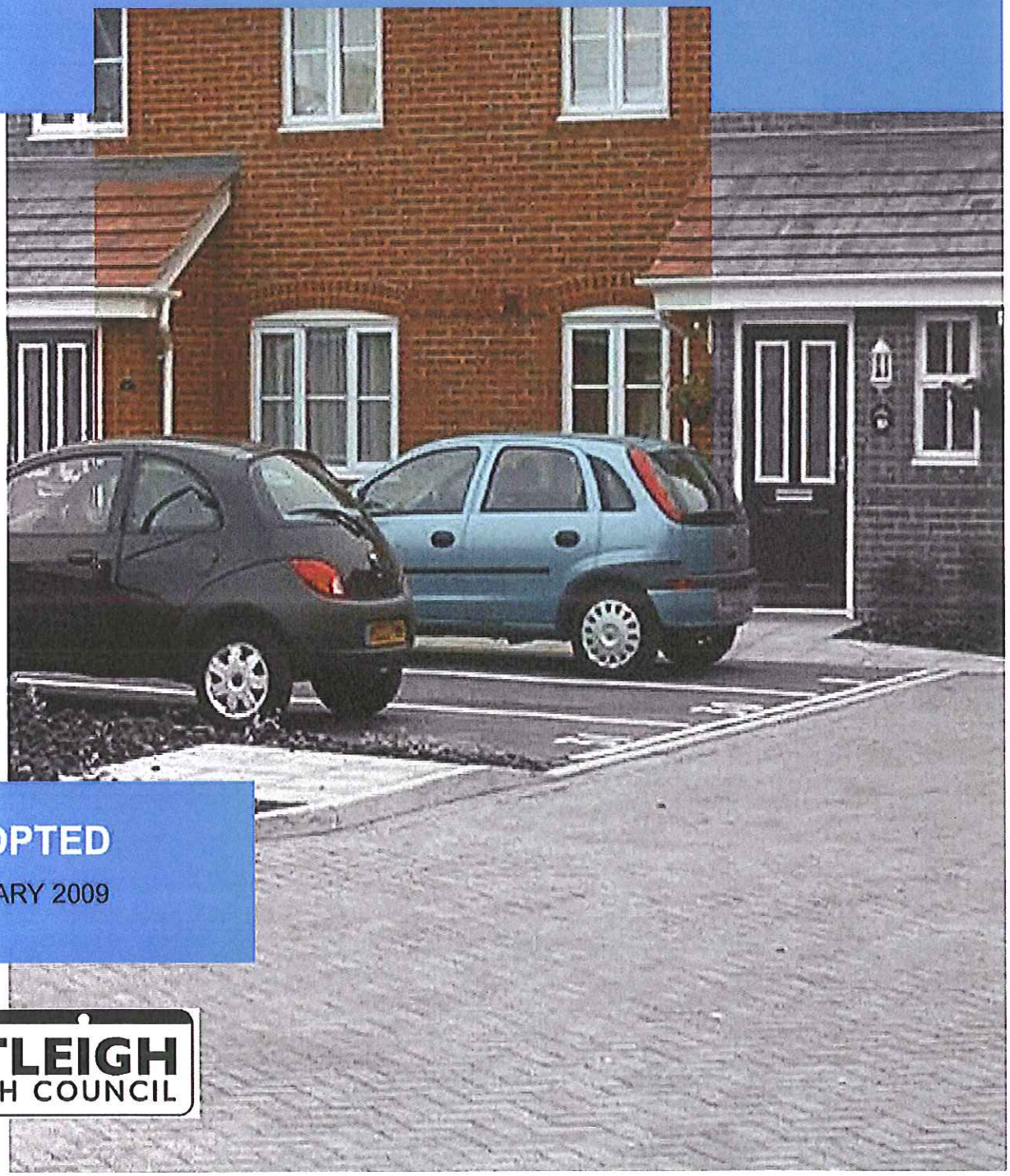
Appendix 7

Eastleigh Borough Council, Residential Parking Standards, Supplementary Planning Document, Adopted January 2009

LOCAL DEVELOPMENT FRAMEWORK

Residential Parking Standards

SUPPLEMENTARY PLANNING DOCUMENT



ADOPTED

JANUARY 2009

EASTLEIGH BOROUGH COUNCIL

Residential Parking Standards 2009
Supplementary Planning Document

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1. Introduction

1.1 This document sets out the approved parking standards for Eastleigh Borough in respect of residential development; see Table of Residential Parking Standards at the end of this document, following the publication of Planning Policy Statement (PPS) 3 Housing, which put the responsibility for setting residential parking standards with the local planning authority. It incorporates the findings of recent research on residential parking and takes advantage of increased flexibility in Government policy which results in a set of residential parking standards which are more responsive to local circumstances.

1.2 In line with PPS3, Hampshire County Council withdrew Table 1: Residential from the Hampshire Parking Strategy and Standards (2002) in January 2008.

1.3 The parking standards for non-residential development remain the responsibility of Hampshire County Council and are set out in Tables 2 to 8 of the Hampshire Parking Strategy and Standards (2002). There are currently no proposals to amend the non-residential parking standards.

1.4 This document has been prepared as a Supplementary Planning Document (SPD) so that it will assist in the planning of new development. The main objectives are:

> **Objective 1**: Achieve the PPS3 requirement which advocates taking account of expected car ownership levels, the importance of promoting good design and the need to use land efficiently.
>
> **Objective 2**: Provide clear guidance on car and cycle parking on residential development.

1.5 The Sustainability Appraisal and Strategic Environmental Assessment in respect of this SPD can be found at www.eastleigh.gov.uk

1.6 This document was published in draft for public consultation September-November 2008. It has been amended in accordance with comments received and was adopted by Eastleigh Borough Council on 12 January 2009.

2. Policy Background

2.1 The Eastleigh Borough Local Plan Review 2001 – 2011 (adopted May 2006) contains policies relating to housing, residential parking and development, i.e. policies 85.H, 86.H, 104.T, 105.T and 106.T. This document supplements these policies taking account of recent policy guidance. The revised residential standards shown in the Table of Residential Parking Standards in this document, replaces Table 1 of Appendix 1 of the Hampshire Parking Strategy and Standards 2002.

Housing Policies

85.H Planning permission will be permitted for the conversion of detached, semi-detached and end of terrace dwellings to units of smaller accommodation, provided the property to be converted is over 100 sq metres in gross floor area. Planning permission will not be granted for the conversion of mid-terrace properties or those of less than 100sq metres in gross floor area. Proposals will be assessed against the relevant design policies as well as all the criteria listed below:

i. an appropriate level of private outdoor amenity space per unit created will be required;

ii. car parking areas should be visually unobtrusive and should be situated more than 3 metres from the nearest point of any dwelling unit; proposals should not include tandem parking which is intended for the use of more than one dwelling;

iii. the proposed intensity of use of gardens (eg. for car parking) should be carefully considered, to avoid adverse effect on neighbours;

iv. intrusive features, for example rear fire escapes or external access stairways must be sympathetically designed and where there may be problems of overlooking, housed in a covered structure;

v. the cumulative impact of the proposal with other similar proposals must not adversely affect the character of the area or have unacceptable environmental, amenity or traffic implications or result in the significant loss of houses for family accommodation; and

vi. car parking shall be provided in accordance with the relevant standards.

86.H Proposals for the sub-division of a residential property for the purposes of multiple occupation will be permitted provided all the following criteria are met:

i. they should provide a satisfactory living environment for the occupants in terms of size, layout, facilities, noise, parking, and safety;

ii. they should not detract from the character of the area or the amenities of neighbours in terms of noise and disturbance, loss of privacy and appearance of the property. Only detached, semi-detached and end of terrace properties will be considered appropriate for sub-division;

iii. they should not overload existing roads and parking facilities; and

iv. the sound insulation between any unit of accommodation and any other unit of accommodation or non-residential part of the building or adjacent buildings shall be to a standard not less than that specified in Approved Document E of the Building Regulations 1991 (1992 Edition).

Transport Policies

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.

105.T Within town, district and local centres where it is not possible or environmentally desirable to meet the relevant parking standards on site, development, which accords with other policies in this Plan, may be permitted subject to a financial contribution towards measures to assist on-street parking management, public transport, cycling and walking.

106.T When new residential development is proposed in areas of the Borough where a residents parking scheme or other form of controlled parking zone is in operation, occupiers of new properties will not be eligible to apply for on street parking permits or to park on the highway other than in spaces allocated to the development as part of the planning permission.

2.2 Guidance at national level on the provision of car parking to serve new development is contained in Planning Policy Guidance (PPG) 13 Transport (March 2001). This guidance sought to reduce the need to travel and car use by promoting a reduction in car parking at the trip destination, e.g. workplace. Non-residential parking provision was expressed in terms of maximum standards. PPS3 replaces paragraphs 12 to 17 of PPG 13.

2.3 PPS3 Housing was published in November 2006. It has moved away from the overall provision of 1.5 parking spaces per dwelling, which was promoted in Planning Policy Guidance (PPG) 3, in favour of residential policies which take account of expected levels of car ownership in new development and an emphasis on promoting good design. This is seen as a priority in the review of the residential parking standards with a greater use of communal (unallocated) spaces to provide a lower and more flexible solution for parking for both residents and visitors and allowing better design whilst still catering for expected car ownership levels. Extracts from PPS3 are shown below with the relevant text highlighted in bold:

> ***"16. Matters to consider when assessing design quality include the extent to which the proposed development:***
>
> - *Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.*
> - *Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.*
> - *Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.*
> - *Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.*
> - ***Takes a design-led approach to the provision of car-parking space that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.***

- *Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.*

- *Provides for the retention or re-establishment of the biodiversity within residential environments.*

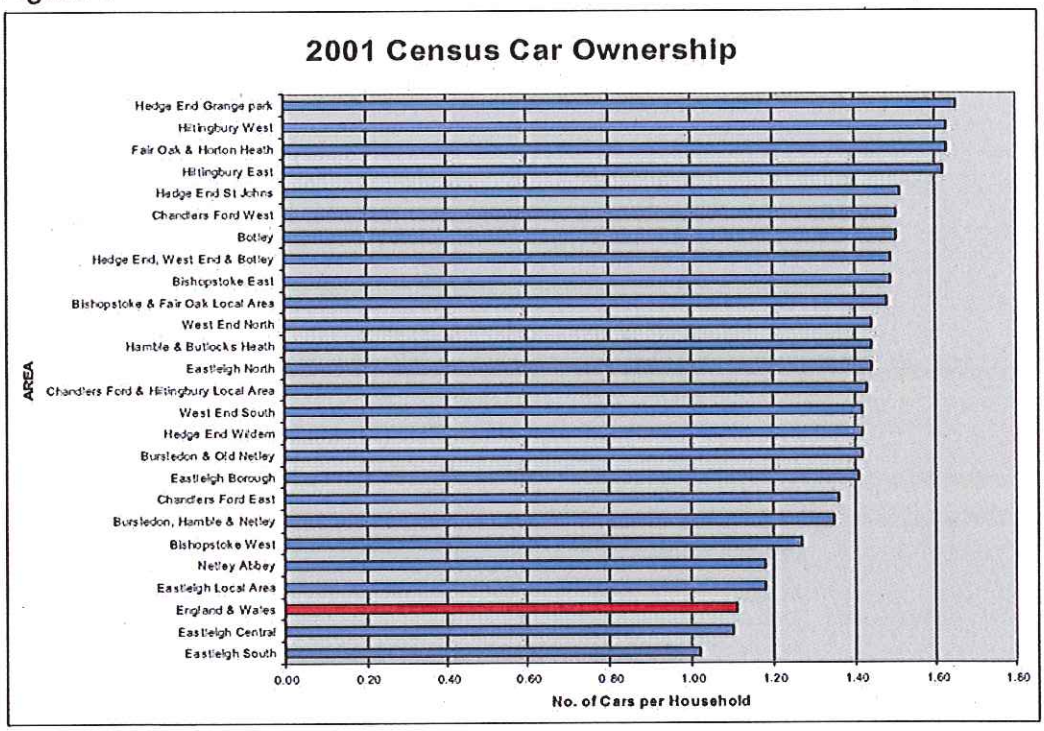
51. Local Planning Authorities should, with stakeholders and communities, develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently."

3. Car Ownership

3.1 Research carried out by the Commission for Architecture & the Built Environment (CABE) 'What it's like to Live There' found that throughout the country car parking remains a significant issue for residents and that many people feel that new development should accommodate typical levels of car ownership.

3.2 The 2001 Census for Eastleigh Borough shows a higher level of car ownership compared to the national average. Nationally 29% of households have two or more cars, but in Eastleigh some 43% of households have two or more cars. Conversely, 27% of households nationally have no car compared to 15% of households in Eastleigh. This varies across the Borough, where the highest number of households without a car is the ward of Eastleigh South with 30% and the lowest number of households without a car is Hedge End Grange Park with 4%. However, this is more likely to be linked to the type of housing provision and social demographic profiles of existing housing areas and would not necessarily be reflected in new housing schemes. Figure 1 below illustrates the Borough's 2001 car ownership levels compared to England and Wales.

Figure 1



3.3 The planning process seeks to allocate development in more sustainable locations. However, statistical data demonstrates that even with good accessibility in terms of public transport provision, high levels of car ownership are likely to remain, due mainly to changing work patterns and multi-car households. Even if more sustainable modes of travel and a greater choice of travel for some journeys are available, residents may still retain the option of keeping a car to use for those journeys where it is needed. It is therefore important that proper provision should be made to reflect this demand. With the exception of Eastleigh town (see paragraph 8 below) the revised standards are not related to the accessibility of the area and are to be applied Borough wide.

3.4 There is no evidence to suggest that the general level of car ownership will reduce over time and, nationally, it has increased steadily over recent decades and is forecast to grow by another 25% between 2001 and 2036. It is recognised that there will be exceptions where the expected car ownership will not be reached for some development schemes. Any proposed reduction in the application of the residential parking standards set out in this document will normally need to be supported by a transport assessment and/or travel plan which explains why the expected car ownership will not be realised or how it will be reduced. Whilst car usage may be less in certain circumstances, car ownership levels may not be reduced and provision for adequate parking, in line with expected car ownership levels, will remain a priority.

3.5 If parking provision is not made to meet the likely level of car ownership for new developments, it is probable that cars will be parked in areas not designed for such purposes, such as grass verges and landscaped areas. The appropriate level of residential parking therefore needs careful consideration. Over-provision is wasteful of space and inefficient; under-provision may be unattractive to some potential occupiers and is likely to result in the conversion of front gardens to parking, leading to loss of visual quality and increased surface water run off. More importantly, it significantly increases footway parking causing inconvenience, hazards to pedestrians, in particular blind or partially-sighted people, disabled people and those with pushchairs and prams, and the necessity to implement undesirable and costly traffic regulation orders.

3.6 Other than issues relating to the efficient use of land or housing design, there is no reason to constrain residential parking provision, although it is important to avoid serious over-provision. PPG13 advises on the adoption of maximum levels of parking for broad types of non-residential development and it is considered that the standards in PPG13 were not intended to be a means of restricting car ownership, hence its inclusion in PPG3 - Housing rather than PPG13 – Transport. There is little evidence that restricting car parking at the home end of the journey has any real effect on car trips on the network. Restricting car parking at the destination is a different matter and is generally accepted that this can have a real effect on reducing car trips. Car ownership statistics can

provide a guide into the likely parking need and so avoid an over-provision and the safety implications and environmental costs associated with under provision. Paragraph 8.3.37 of Manual for Streets states that "The more flexible the use of spaces, the more efficient the use of land".

4. Visitor Parking

4.1 In new developments, visitor parking is not normally provided within the residential curtilage. Visitor demand can, to some extent, be offset by other residents being away or not owning a car. This balancing effect is most significant when a high proportion of parking spaces are unallocated and so available to both visitors and residents. Research shows that no special provision is needed for visitors where at least half of the parking provision associated with the development is unallocated. In all other circumstances it may be appropriate to allow for additional demand for visitor parking of up to 0.2 spaces per dwelling. The use of unallocated spaces can therefore significantly reduce the overall number of parking spaces to be provided in any scheme and is therefore considered an important part of the revised standards. A minimum of 20% unallocated parking is required to take account of overspill and visitor parking. This can be provided in the form of adopted on-road provision, provided the highway is designed for that purpose, see paragraph 6 below, or in secure private parking areas. Whichever type of unallocated parking is provided, it will need to be available to the wider development for casual parking requirements. Three bands have been adopted with the highest provision required for individual or on-plot parking allocation, which is more appropriate for small, infill, developments, and two other bands with a reduction in parking provision for higher proportions of unallocated spaces, see Table of Residential Parking Standards.

5. Garage Parking

5.1 A significant number of garages are not used for car parking and this can create additional demand for on-street parking. Manual for Streets recommends that the following is taken into account:

- *car ports are unlikely to be used for storage and should therefore count towards parking provision; and*

- *whether garages count fully will need to be decided on a scheme-by-scheme basis. This will depend on factors such as:*

    - *the availability of other spaces, including length of driveway and on-street parking – where this is limited, residents are more likely to park in their garages;*

    - *the availability of separate cycle parking and general storage capacity – garages are often used for storing bicycles and other household items; and*

- *the size of the garage – larger garages can be used for both storage and car parking, and many authorities now recommend a minimum internal size of 6m by 3 m.*

6. On-street Parking

6.1 Carriageway widths should be appropriate for the particular context and use of the street and whether parking is to take place in the carriageway. If sufficient dedicated off-street parking is not to be provided in line with the standards, and on-street parking is relied on to cover all or part of the unallocated parking provision, adequate carriageway width will be needed to minimise indiscriminate parking. Vehicles parked indiscriminately on the carriageways can block access to dwellings, create obstruction to walkers and cyclists and cause hazards by masking road users from each other. There will always be casual callers and service vehicle drivers who find it convenient to park on the carriageway and requirements for this demand must be planned for in the design. Wherever roads provide direct frontage access to dwellings the carriageways are invariably used for parking by casual callers and service vehicles. In such situations, and in any other places where parking will normally occur on the carriageway, a minimum carriageway width of 5.5m should be provided to allow one service vehicle to pass another that is parked. Unallocated casual parallel parking spaces that are contiguous with the carriageway may be within the minimum width of 5.5m provided such spaces are located to allow a clear route and passing places for service vehicles. If less than 5.5m carriageway width is available, separate parking lay-bys or other forms of parking provision will be required. Where a road is to be adopted by the highway authority, unallocated on-street parking spaces should also be adopted and so constructed to the appropriate highway authority standard.

6.2 When new residential development is proposed in areas of the Borough where a residents parking scheme or other form of controlled parking zone is in operation, occupiers of new properties will not be eligible to apply for on street parking permits or to park on the highway other than in spaces allocated to the development as part of the planning permission.

7. Cycle Parking

7.1 Sufficient space should be available for cycle parking within dwellings, garages or outside. If communal stores are to be provided, generally for flatted developments, they should be fully covered and contain cycle stands in the form of hoops, Sheffield stands or similar, to allow individual cycle frames and wheels to be secured horizontally. An example of a suitable store is shown in Figure 2. Generally at least one cycle parking space per dwelling is required but more can be provided if needed by the developer. For individual houses, larger that one

bedroom units, at least two spaces per dwelling should be provided, an example is shown in Figure 3 below. Stores should be situated to allow convenient but secure access.

Figure 2: Plan of communal store for four cycles using Sheffield stands

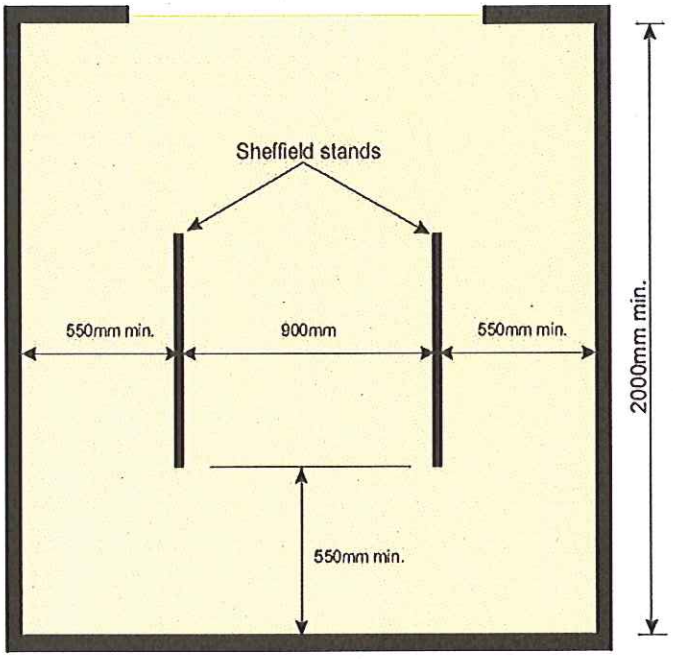
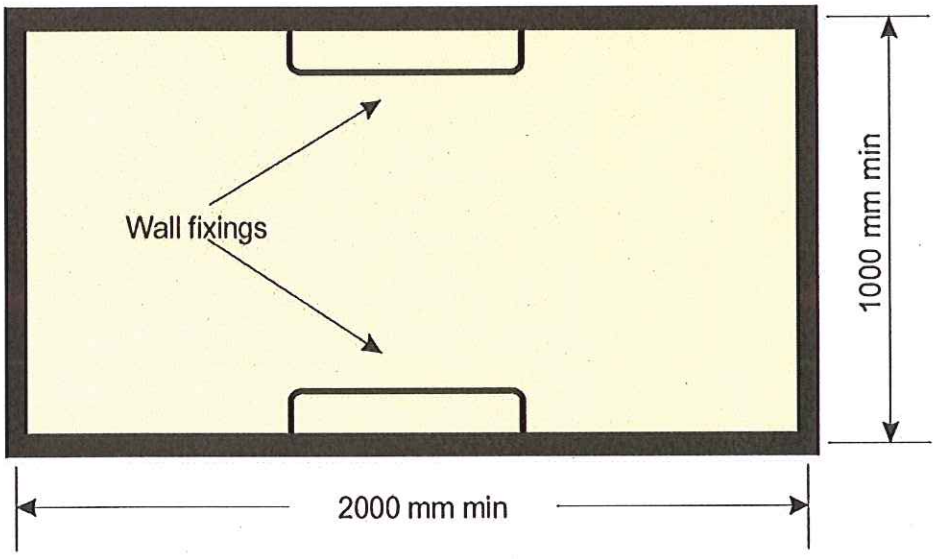


Figure 3: Plan of store for two cycles using wall fittings



8. Eastleigh Town Centre

8.1 Eastleigh town centre and the surrounding area is the most accessible location in the Borough with regard to public transport services and local facilities. It has the lowest car ownership in the Borough, it is well served by public off-street parking provision and the majority of local streets are controlled by waiting restrictions or controlled parking zones. It is therefore considered that, within Eastleigh town centre and the surrounding roads within a Controlled Parking Zone, parking provision to a lower standard than specified in the Table of Residential Parking Standards below can be appropriate if circumstances permit and/or incentives, such as car clubs, which will reduce parking demand through encouraging reduced car ownership, are provided as part of a development. Flexibility within the town will allow imaginative schemes to come forward as part of any future regeneration.

9. Residential Parking Standards

9.1 In line with the new guidance, the Council will seek a well designed solution that accommodates the expected level of car ownership for the Borough. This can be in the form of off-street parking and/or specifically identified and designed on-street parking areas that do not impact on the capacity, operation and safety of the highway. Unallocated casual and visitor parking, in line with section 4 above, will also need to be considered, particularly for larger developments.

9.2 In new housing developments parking spaces are generally allocated to specific dwellings. This approach, although desirable for buyers and therefore attractive to developers, does not always represent the most efficient use of the parking provided. The level of car ownership varies between households and in some instances there will be under provision of spaces and in others there will be overprovision of spaces.

9.3 The proposed revision of the residential standards, with increased provision for visitor parking, is considered sufficient to meet demand based on expected levels of car ownership, provided there is a combination of off-street allocated parking and off-street and/or on-street communal unallocated parking, as shown in the Table of Residential Parking Standards. These are the required levels of parking provision for residential development schemes. The overall number of parking spaces will normally be rounded up. Garages which are provided to the minimum internal dimension of 6m x 3m will count as contributing towards the overall parking requirement, as well as being sufficient for cycle storage purposes. Any garages less than this will not count towards the car parking provision, but they may count for cycle storage. When "in-curtilage" parking, is being provided, the advice within Lifetimes Homes http://www.lifetimehomes.org.uk should be followed.

Example: Parking requirement for a development of 100 houses				
	No. of houses	with 50% or more unallocated spaces	with <50% unallocated spaces	Individual/on-plot allocation
1 bed	20	20	25	40
2/3 bed	70	105	123	140
4+ bed	10	20	23	30
Total spaces required		145	171	210
Average spaces per dwelling		1.45	1.71	2.1

References

Department for Communities and Local Government: *Planning Policy Guidance 3 – Housing* - 2000

Department for Communities and Local Government: *Planning Policy Guidance 13 – Transport* - 2001

Department for Communities and Local Government: *Planning Policy Statement 3 – Housing* - 2006

Hampshire County Council: *Hampshire Parking Strategy and Standards* – 2002

Office for National Statistics: *2001 Census* - 2001

Department for Communities and Local Government: *Residential Car Parking Research* – 2007

CABE: *What It's Like to Live There* – 2005

Department for Transport: *Manual for Streets* – 2007

Department for Transport: *TEMPRO v5* – 2006

Table of Residential Parking Standards 2009

Property Size	Car Ownership		Car Parking Standard			Long Term Cycle Storage	
	2001 (Census)	2026 (TEMPRO growth)	with 50% or more unallocated spaces	with <50% unallocated spaces	Individual/ 'on-plot' allocation	Individual storage	Communal storage
	cars per household		parking spaces per dwelling				
GENERAL RESIDENTIAL							
1 bed	0.96	1.00	1.00	1.25	2	1	1
2/3 bed	1.37	1.44	1.50	1.75	2	2	1
4+ bed	1.69	1.77	2.00	2.25	3	2	1
OLDER PEOPLE'S HOUSING							
Active elderly with Warden Control	0.39	0.41	0.50	0.60	1	1	1
Nursing and rest homes	1 space per 6 bedrooms plus 1 space per staff member					1 per 6 staff	

Notes

1. A minimum of 20% unallocated parking is required to provide for casual and overspill parking.
2. All proportions to be rounded up to the next whole number.
3. Garages less than 6m x 3m internally will not count towards parking provision.
4. A minimum of 5% of residential spaces should be designated for use by disabled people.

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Tel: 023 8068 8000
Email: LocalPlan@eastleigh.gov.uk
Web: www.eastleigh.gov.uk

The information can be provided in alternative formats including large print, audiotape, Braille and some other languages by calling 023 8068 8000, email LocalPlan@eastleigh.gov.uk or text 07797 87001

EASTLEIGH BOROUGH COUNCIL

Development Management
My ref F/17/79919
Please ask for Jagdeep Birk
Direct dial 023 8068 8123
Working hours Mon-Fri 9-5
e-mail jagdeep.birk@eastleigh.gov.uk
Agent email carlpatrick@btinternet.com

Mr Carl Patrick
Consultant Planning Services
29 Rugby Road
Bitterne
Southampton
SO19 7NB
16 February 2017

Dear Sir/Madam

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application No: F/17/79919
Description: Retrospective: Breach of single storey double garage
Site: 6 Wellbrooke Gardens, Chandler's Ford, Eastleigh, SO53 1TN

Your planning application became valid on 08 February 2017.

The Council aims to determine planning applications within eight weeks from the date they become valid (or thirteen weeks for major applications). You can follow the progress of your application on the Council's website at www.eastleigh.gov.uk .

Most applications are determined within the unit on behalf of the Head of Development Management. If your application is due to be determined by Local Area Committee we will write to inform you of the arrangements. You will also have the opportunity to speak at the committee. In either case, you will be sent a copy of our decision notice and it will also be available on the Council's website.

Further information on the process is available on the Council's Website within the "Making a Planning Application: The Process Explained" guidance.

If by 5 April 2017 a decision has not been made (and you have not agreed that the decision can be extended) you may appeal to the Planning Inspectorate in accordance with Section 78 of the Town & Country Planning Act 1990. Appeal forms are available on the Planning Portal website at www.planningportal.gov.uk or by contacting The Planning Inspectorate, Customer Support Unit, Room 3.15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please note that appeals must be lodged within six months of the statutory decision date.

Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, Hampshire SO50 9YN
T: 023 8068 8000 F: 023 8064 3952 E: direct@eastleigh.gov.uk W: www.eastleigh.gov.uk

May I remind you that building regulations approval could be required for your development. Further details are available on the Council's website, by emailing building.control@eastleigh.gov.uk or by calling 023 8068 8327.

Yours faithfully

L O'Driscoll

Louise O'Driscoll
Head of Development Management

Please Note: The Council will no longer be issuing a hard copy set of plans with planning decision notices, it is therefore important that you retain a copy of the plans and documents that you submit for your own records. As is standard practice, plans will be referenced within the decision notice and all documentation will be made available on the Council's website at: www.eastleigh.gov.uk/fastweb/welcome.asp

Planning Inspectorate

Appeal form part J: Essential Supporting Documents

5(b): List of all Plans and Documents

Client Mr. & Mrs C. Humphrey

Site 6 Wellbrooke Gardens, Chandler's Ford, Eastleigh, SO53 1TN

List of all Plans

Title	Scale
Site Plan, H.005 – SP.001	1:1250 (at A4)
Block Plan, H.005 – BP.002	1:500 (at A4) (superseded)
Block Plan, H.005 – BP.002, Rev. a	1:500 (at A4)
Existing and Proposed Floor Layout Plans, H.005 – FP.003	1:100 (at A3)
Proposed Garage Elevations, H.005 – GP.004	1:100 (at A3)

List of all Documents

Title	Date
Planning Application Supporting Statement	January 2017
Letter to Case Officer	7 April 2017

End

Planning Inspectorate

Appeal form: Full Statement of Case

Part(b): List of Appendices

Client Mr. & Mrs C. Humphrey

Site 6 Wellbrooke Gardens, Chandler's Ford, Eastleigh, SO53 1TN

List of all Appendices

1. E-mail request to Case Officer dated 19th May 2017 and response from Case Officer dated 22nd May 2017
2. Excerpts from original planning consent for Erection of six detached houses and construction of accesses at Crandale B, Millers Dale, Chandler's Ford, Planning Application Reference No. 16743/6 Approval Notice dated 28 April 1980
3. Planning Appeal decision letter dated 11 July 2016 (APP/W1715/W/16/3145446)
4. Map Excerpt of Tree Preservation Order
5. E-mail exchanges regarding Description of Development
6. Excerpts from 'Quality Places', Supplementary Planning Document, Eastleigh Borough Council, adopted November 2011
7. Eastleigh Borough Council, Residential Parking Standards, Supplementary Planning Document, Adopted January 2009

End