CFH – Chandlers Ford and Hiltingbury Local Area Committee 28 June 2017.

Application Number:	F/17/79919
Case Officer:	Jagdeep Birk (Miss)
Received Date:	Friday 20 January 2017
Site Address:	6 Wellbrooke Gardens, , Chandler's Ford, Eastleigh, SO53 1TN
Applicant:	C Humphrey
Proposal:	Retrospective: Retention of single storey double garage
Recommendation:	Permit

CONDITIONS AND REASONS

1 The development hereby permitted shall be retained in accordance with the following plans numbered: H.005-SP.001, H.005-BP.002 REV.A, 001. Reason: For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted shall only be used in conjunction with the existing dwelling and shall not, at any time, be used for business, commercial or industrial purposes or as an independent residential unit. Reason: To protect the amenity of the adjoining residential properties.

3 The planting on the front boundary shall be retained at a minimum height of 1.5 metres, Reason: In the interests of the visual amenity of the locality

Note to Applicant: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

This application has been referred to Committee owing to the previous site history.

Description of Application

1. The application is seeking the retention of the single storey side garage. The extension is attached to the flank wall and extends 6.7 metres in width, projects 8.5 metres in depth with a pitched roof which is 3.1 metres in height at its tallest point.

Site Characteristics

2. The application site contains a two storey detached dwelling accessed from Sutherlands Way off of Hursley Road.

3. The dwelling occupies a generous plot in comparison to the neighbours owing to the enclosure of the adjacent land which now forms part of the side garden. There is off road parking to the front. The dwelling has been extended with a one and two storey side extension and single storey rear extension. The front garden is well screened with a one metre tall fence and shrubs. There are noticeable changes in site level where on approaching the dwelling the site slopes downwards meaning that the host dwelling does not sit level with the highway.

4. Wellbrooke Gardens is characterised with two storey detached and semi-detached dwellings, a large number of which have off road parking and amenity space to the front. This provision of this amenity space greatly aides the verdant nature of the area, which is clearly evident owing to the soft landscaping from the front gardens of the houses as well as the large dense trees and shrubs which form the general landscape and the large woodland to the rear.

Relevant Planning History

5. Z/27856/000/00: Single storey rear extension. Granted 26/9/1984

6. F/12/70789: One and two storey side and single storey rear extensions. Granted 1/6/2012

7. F/15/76762: Change of use of land to private garden: Retrospective (amended description). Refused 2/12/2015, Appeal allowed 11/6/2016

Representations Received

8. The application has generated five letters of objection on the following grounds:
   - Overhanging onto neighbours land
   - Concern that a business will operate from the garage creating disruption
   - Overdevelopment
   - Visually intrusive
   - Not in keeping with neighbours brick built garages

Consultation Responses

9. Parish Council - None received

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area

Development Plan Saved Policies and Emerging Local Plan Policies

- Eastleigh Borough Local Plan Review 2001-2011 Saved Policy 59.BE
- Submitted Eastleigh Borough Local Plan 2011-2029, July 2014 Policy DM1
- The Submitted Local Plan comprises: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014.

Supplementary Planning Documents

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Residential Parking Standards (January 2009)

National Planning Policy Framework

10. The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted (paragraph 14). Local plan policies that do not accord with the NPPF are now deemed to be “out-of-date”. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.

National Planning Practice Guidance

11. Where material, this guidance should be afforded weight in the consideration of planning applications.

Policy Commentary

12. The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, street scene and character of the area.

Comment on Consultation Responses and Representations Received

13. The structure has been built very close to the boundary of the neighbours, no obvious overhanging was observed during the site visit.

14. Comments regarding the development being over-development and visually intrusive will be considered in the assessment section.

15. The applicant has stated that no business is to be operated

Assessment of Proposal: Development Plan and / or Legislative Background

16. An appeal has been allowed by the Planning Inspectorate for the 'Change of use of land to private garden'. The Inspector stated that 'while the development reduces the availability of pedestrian and cyclist links from the estate into the woodland, there are alternative links leading from the estate into the woodland'.

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

18. *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

19. Saved policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Impact upon the Character and Appearance

20. The applicant has constructed the structure under Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 which allows outbuildings to be constructed without requiring express permission from the Local Planning Authority. However as the height exceeds what is required by the criteria by 0.6 metres, consent is required. Upon further investigation of the permitted development order, outbuilding which includes garages are only allowed under permitted development order as standalone structures, therefore as the structure is attached it is considered as an extension to the host dwelling.

21. Under Class A of the general permitted development order extensions which extend beyond a wall forming a side elevation it must be single storey, no greater than four metres in height and less than half the width of the original

house. The extension is 2.2 metres greater in width therefore planning permission is required.

22. While a small number of properties have attached garage their built form are such that they are brick built and of very similar proportions. It is acknowledged the extension is a fairly sizeable addition to the front elevation and an anomaly in the street has been created. However the plot is the largest on Wellbrooke Gardens meaning that the garage sits comfortably within the plot. Regarding the visual impact upon the streetscene, the shallow pitch roof profile has reduced unnecessary bulk to the roof. Further to which owing to the difference in site levels where the application site sits lower than the highway, as well as the planting, only partial views are had of the garage.

23. It is therefore considered that on balance the development is acceptable and no undue harm has arisen to the character of the locality. The proposal is in accordance with saved policy 59.BE

Highways Matters

24. The proposed garage, access and manoeuvrability are all acceptable on highways grounds.

Residential Amenity

25. It is not considered that any undue harm has arisen to the amenity of neighbouring occupiers.

Other material considerations

26. Reference needs to be made to the submitted Eastleigh Borough Local Plan 2011-2029, July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies essentially echo these of the current plan and are not considered to affect the recommendation put forward.

Conclusion

27. The development on balance is considered to be an acceptable from of development. No demonstrable harm has arisen from the garage to the locality or indeed to the amenity of neighbouring occupiers. The proposal is in accordance with, Eastleigh Borough Local Plan Review 2001-2011 Saved Policy 59.BE, Submitted Eastleigh Borough Local Plan 2011-2029, July 2014 Policy DM1, Supplementary Planning Document: Quality Places (November 2011), Supplementary Planning Document: Residential Parking Standards (January 2009).



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EASTLEIGH BOROUGH COUNCIL

F/17/79919

Title:

6 Wellbrooke Gardens

Scale:
1:1250

Map Ref:
SU4221SE

Date:
14/06/2017

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