

BFOHH – Bishopstoke, Fair Oak and Horton Heath Local Area Committee
Wednesday 28 September 2022.

Application Number: H/22/93048
Case Officer: Dorothy Hei-Tung-Hoh
Received Date: Thursday 12 May 2022
Site Address: 16 EPSOM CLOSE, HORTON HEATH, EASTLEIGH, SO50 7NZ
Applicant: Maxim Florentin
Proposal: Two storey side extension, front porch extension and single storey rear extension.

Recommendation: Permit subject to Conditions

CONDITIONS AND REASONS

1.	The development hereby permitted shall be implemented in accordance with the following plans: Location plan (05), Site Plan (01668 Rev B), Existing Floor and Roof Plan (01802 Rev A), Existing Elevations Plan (01803 Rev A), Proposed floor and roof plans (01805 Rev B) and Proposed Elevations Plan (01806 Rev A). Reason: For the avoidance of doubt and in the interests of proper planning.
2.	The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3.	The materials to be used must match as closely as possible, in type, colour and texture those used on the existing building. Reason: To ensure a satisfactory visual relationship of the new development to the existing.
4.	No excavation, demolition or development related works shall take place on site until a scaled and referenced tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), is submitted and approved by the LPA. The approved tree protection plan must be adhered to in full and may only be modified subject to written agreement from the LPA. Reason: to retain and protect the existing trees which form an important part of the amenity of the locality.
5.	No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all

	on Sundays or Bank Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.
6.	No construction shall start until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. This shall include details and timings of deliveries, protective measures to safeguard the cul-de-sac from construction traffic, access and parking arrangements for construction vehicles and measures for minimising dust and mud on the surrounding roads. Construction work shall only take place in accordance with the approved method statement. Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.
7.	Note to Applicant: In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be informed. Additional information is available on the Bat Conservation Trust website at https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/ive-found-a-bat-during-works
8.	Note to Applicant: It is requested that the building works are carried out considerately to minimise disruption to the occupiers of the neighbouring properties. The council operates a code of best practice, which is available on the council's website www.eastleigh.gov.uk by following the links to Planning and Building, Building Control, then select 'Considerate Builders Advice Note'.
9.	Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), 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:

1. This application has been referred to Committee by Councillor Steven Broomfield, Councillor Michelle Marsh, Councillor Louise Parker-Jones, and Councillor Nick Couldrey due to the number of objections received locally.

Site Characteristics and Character of the Locality

2. The application site comprises a two-storey 3-bedroom detached dwellinghouse located on the eastern edge of Horton Heath, located towards the rear of the cul-de-sac.

3. The dwellinghouse itself is finished in facing brick work, black fenestration, brown roof tiles and features a mono pitched door canopy. In addition to this, the plot is irregular in shaped and bound by 1.8m close-boarded fencing.
4. The property is set back from the road with a front garden amenity space and a driveway leading to the detached garage and side gate. The detached garage is linked to the garage of 17 Epsom Close. To the rear of the property is a garden amenity space, mainly laid to lawn.
5. The wider surrounding area is predominantly residential in nature and made up of 1990s to present day terraced/detached development on a local thoroughfare and a series of multi-headed cul-de-sacs.

Description of Application

6. This application seeks approval for a two-storey side extension, a single storey rear extension and a front porch. The works would result in associated internal layout alterations creating an internal linked kitchen and garage at ground floor and an enlarged bedroom with en-suite at first floor.
7. The proposed two-storey side extension would be linked to the existing garage, connecting the host dwelling and the detached garage. It would be finished in matching materials to ensure there is cohesion with the existing building and new development. From the submitted drawings, it is understood that the footprint of the two-storey side extension would be an irregular shape with it being wider at the rear in order to fit within the shape of the site.
8. The proposed single storey extension would be extended to the rear by 3m and feature a mono pitch roof measuring approximately 3.4m at its highest point, with an eave's height of approximately 2.5m. It would also be stepped back from the party wall line by 300mm. The proposed extension would be finished with brick to match the original house and tiles to the roof.
9. The proposed porch to the front of the property would be extended no further than the existing bay window and would be in line with the host dwelling. The existing canopy over the bay window would be extended across to the new porch.
10. It is noted from the planning history that planning permission was granted in June 2006 for a two-storey side extension and a single storey rear extension (Ref. F/06/56894), which was substantially similar to the current application, with the exception that a porch is proposed to the front elevation and internal changes. Although the approval is not implemented and has since expired, the context of the site remains similar.

Relevant Planning History

11. F/06/56894 - Two storey side extension to link existing garage and single storey rear extension - Permit - 19/06/2006

12. H/22/92761 - Three storey rear and single storey front extensions and loft conversion - Withdrawn By Applicant - 11/05/2022

Representations Received

13. 15 letters of representations (from 8 different households) were received, and all of these were objections. The representees raised the following issues and concerns:

- Loss of light
- Overlooking
- Overbearing
- Noise and dirt
- Loss of privacy
- Parking facilities
- Breach of deeds
- Visually intrusive
- Construction vehicles
- Affect the stability of the linked garage
- Detrimental effect on the large oak in the neighbouring garden
- The submitted drawings are incorrect, lack clarity and misleading
- Out of character and not in keeping with the other properties in the close

14. Referring to the comments on the online system, it is noted that the submitted drawings are the source of some controversy. For the avoidance of doubt, the agent had included 17 Epsom Close's garage into the Proposed renders (01807 Rev B) and Proposed floor and roof plans (01805 Rev B). The agent also provided an additional Street Scene plan for illustration. It should be noted that there are no substantive changes to the proposal, the updated plans and additional Street Scene plan only provide more information to assess and determine the planning application.

15. Following the receipt of updated plans, this application was placed on a neighbour re-notification period. During the 2nd consultation period, 10 further letters were received. 8 no of these were objections, 2 no. were comment. The representees reiterated the objections previously raised to the application, and added the following comments:

- The legalities of the process around this application
- The previous approved applications are irrelevant
- No neighbours had been invited to comment in the previous applications
- The additional 3D drawing and Street Scene plan are out of proportion and a false representation (no guttering or downpipes are shown and the roofline on 1st floor are overlapped)
- Parking arrangements for construction vehicles (may cause damage to the infrastructure)
- Height restrictions for house extension (should not exceed 7.2 feet)
- 45-degree test

16. The expiry date for comment had been extended until 29/09/2022. A final decision on the proposal would not be made until the notification period has expired.

Consultation Responses

17. Fair Oak & Horton Heath Parish Council – No objection
18. EBC Tree Consultant – No arboricultural objection subject to condition
19. EBC Ecologist - In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be informed.

Policy Context and Designations Applicable to Site

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

Development Plan Local Plan Policies

Submitted Eastleigh Borough Local Plan 2016-2036

The most relevant policies are:

Strategic policies:

- S1 (Sustainable Development);
- S2 (Promotion of New Development);

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM11 (Nature Conservation);
- DM14 (Car Parking);

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath (January 2008)

National Planning Policy Framework

20. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

National Planning Practice Guidance

21. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

22. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. Plan comprises the Policies of the Eastleigh Borough Local Plan Review 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
23. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to principle, amount of development, character and appearance, its impact upon the Old Bursledon Special Policy Area; impact upon residential amenity and other material considerations.

Principle and Policy

24. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.

Layout, design, and impact upon the character of the area

25. The proposed two-storey side extension would be visible in the street scene, but it would be set back from the principal elevation, with a recessed roof ridge height to display a level of subservience as recommended in the "Quality Places" SPD. The extension would also retain a suitable gap between the host dwelling and the neighbouring property, 17 Epsom Close. As such, it is considered that the proposed extension would appear as a subordinate addition and would respect the scale and proportions of the host dwelling and avoids creating a terracing effect or the erosion of the street's character. It is considered that site has sufficient space to accommodate an extension of this nature without significantly diminishing the sense of space around it.

26. The application site forms part of a small informal group of houses and associated curtilages, in which the properties are staggered in an irregular pattern, with the host dwelling being set further back than its adjacent neighbour, 15 Epsom Close. Even with the extensions now proposed, the host dwelling's front elevation would still be well behind the front of 15 Epsom Close, which provide a degree of screening and self-containment of the application site and would result in the partial screening of the proposal in views of the site from the public realm. The existing pleasant irregularity and informality of the layout would thus be maintained.
27. The application also proposes a single storey rear extension and a front porch. The proposed rear extension in terms of its size and design would not be disproportionate to the adjacent property or the host plot. Given that it would be located to the rear, it would not cause adverse harm to the character and appearance of the area. The front porch would be a fairly modest addition in keeping with the character of the property and would not be overly intrusive within the street scene.
28. The neighbour's objections relating to matters of size, siting and design of the proposed developments are noted. They have highlighted that the proposed works are not typical of most other properties in Epsom Close, which would not in keeping or sympathetic to the present style and form of the small close. However, the application site does not lie within a Conservation Area or within any other sensitive area designation, and the proposed extensions are not considered to result in a dwelling out of keeping with the variety and mix of dwelling styles in the local area. It was noted upon the site visit that 20 Epsom Close has a similar style two storey side extension.
29. The resulting property would become visually different to the other properties within Epsom Close, but as paragraph 60 of the National Planning Policy Framework indicates, planning decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It has not been shown that the area is so locally distinctive that it is necessary to promote or reinforce such distinctiveness. Whilst the property within this small cul-de-sac has a general consistency in terms of form and design, there is no overriding distinctive character which any new development should be required to follow. As such it is not considered that the proposed developments would harm the character and appearance of the area.
30. It was requested to submit a Street Scene plan to demonstrate how the proposed resulting dwelling would appear in relation to its neighbours and the topography along the street as this would better reflect the reality of the proposed development's final impact upon the character of the area. After reviewing the Street Scene plan, it is confirmed that the proposal would

integrate with the neighbourhood and preserve the character and appearance of Epsom Close. It is also considered that the proposed two storey side extension would aid the relationship between the host dwelling and detached garage, creating some cohesion.

31. Based upon the above assessment the proposed development is considered acceptable and acceptable in terms of its layout, design, and impact on the character of the area and therefore accords with policy.

Residential Amenity

32. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
33. The neighbouring property (17 Epsom Close) is angled away from the application site and separated by the existing linked garage, which reduces any intervisibility between both properties. Further, due to the staggered layout, the proposed two storey side extension would sit alongside the flank of 17 Epsom Close. Therefore, there would be no overbearing impact or oppressive effect to 17 Epsom Close.
34. Given that no additional side facing windows are proposed, the two-storey side extension would accord with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties through overlooking and or a loss of privacy. The proposed upper floor window on the front elevation would be appropriate as levels of overlooking to the public realm is acceptable and expected.
35. The proposed single storey rear extension would extend up to the shared side boundary with 15 Epsom Close, therefore the occupier of that property has raised the concerns regarding light and outlook and referred to the 45 degree "test". The 45 degree "test" offers a desk-based tool to assess whether development would affect the level of daylight received by an adjacent window/door opening. When assessing impacts on neighbouring daylight levels other factors to take into consideration include site specific matters such as existing boundary treatment, orientations and the use of the room affected. All these factors have been considered when assessing the impact of the extension on the residential amenities of 15 Epsom Close.
36. It has been assessed that the conservatory at 15 Epsom Close stands approximately 1.2m away from the shared boundary and the proposed rear extension at 16 Epsom Close would not extend completely to this boundary. Given the single storey nature of the rear extension, separation on both sides of the joint boundary, the intervening 1.8m high boundary fence, the orientation of the extension to the north west of the neighbour

and the level of glazing and natural light received by the conservatory, it is considered there would be a small loss of light to the conservatory within 15 Epsom Close, but this would not be significant to cause demonstrable harm in planning terms. It is also considered there would be a small loss of outlook for the occupiers of 15 Epsom Close as the proposed building would be higher than the existing fence line, but again this would not affect the outlook significantly in planning term to warrant a refusal of the application.

37. Noise and disruption during construction would be temporary and as such these would not justify refusal in this case. However, in the interests of neighbour amenity and local circumstances, a condition is recommended to restrict hours of operation to reasonable hours during the construction period.

Access, Parking and Transport Matters

38. Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.
39. The proposed extensions do not incorporate any additional bedrooms so it would not impact on the existing car parking arrangements.
40. Given the constrained nature of the site, there is deemed to be the potential for contractors' vehicles to obstruct the cul-de-sac and associated pedestrian footway. It is therefore considered necessary to impose a condition requiring the submission of details of the arrangements for deliveries associated with construction works as well as for the parking of contractors' vehicles for approval by the Local Planning Authority prior to the commencement of development.

Ecology

41. Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
42. There are some records of bats in the area, therefore the Council's Ecologist has been consulted as part of this application. It is confirmed by

the Ecologist that they are not very close to this site, and the buildings look quite new and well-sealed, as such no further bat survey is required.

43. In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be informed.

Trees and landscaping

44. There are some off-site trees, subject to a Tree Preservation Order. Therefore, the Council's Tree Consultant has been consulted as part of this application.
45. The provided survey evidence that the proposed structure is beyond the root protection area (RPA) of the trees but does not provide a tree protection plan. A protection plan is vital if the RPA is to be preserved and protected during the construction phase. A condition will be imposed to retain and protect the existing trees which form an important part of the amenity of the locality.

Sustainability Measures and Climate Change:

46. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
47. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.
48. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the

proposed development is expected to be resilient to the potential effects of climate change.

Equalities Implications:

49. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

50. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Other matters

51. The issues raised by neighbouring residents relating to property deeds, party wall issues in terms of building works, noise and odour and fire escape measures are not material planning considerations, and therefore are either subject to separate legislation outside of the planning remit or are civil matters and cannot be taken into account in the planning assessment of this proposal. It is noted that the neighbours raising these queries have been advised appropriately by the planning officer.

Conclusion

52. In conclusion, the proposal would not create a dwelling disproportionately larger than the one being extended and is subservient and in proportion to the existing building in form, scale, and design. It would take full account of the site's context and would properly protect the area's character and appearance. Moreover, the proposed development would not have a significantly harmful impact upon the amenity of neighbouring residents. For these reasons, the proposal can be recommended for approval.

53. The proposal is considered to accord with the relevant policies of the Eastleigh Borough Local Plan (2016-2036), and to guidance contained in the Councils adopted SPD and to the National Planning Policy Framework 2021 (the Framework).

H/22/93048



EASTLEIGH
BOROUGH COUNCIL



Address: 16 Epsom Close
Horton Heath, SO50 7NZ

Date: 08/09/2022 Scale: 1:1250