

DELEGATED OFFICER REPORT

Application Ref: H/22/93713

Site Address: 33 ALLBROOK HILL, EASTLEIGH, SO50 4NA

Case Officer: Dorothy Hei-Tung-Hoh

Description: Construction of first floor footbridge to rear and single storey side extension for orangery (under Permitted Development)

Particular Site Constraints?	Yes ☒	No ☐
• Within Established Residential Area • Within Built-up Area Boundary		

Planning History?	Yes ☐	No ☒
There does not appear to be any planning history relating to the site.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	No Comments received		
Parish Council:	No Objection. Any removal of trees should be subject to the approval of the tree officer.		
Tree Consultant:	No arboricultural object to the proposal		
Ecologist:	Cannot see any potential bat roost features in the area where the proposed footbridge would be located. If plans change or involve the roof, the applicant must be aware that bats could be present.		
Southern Water:	The public foul and surface sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. No soakaways, swales, ponds, watercourses, or any other surface water retaining or conveying features should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works.		

Site Visit:	Yes ☒	No ☐
Details: 23 rd September 2022		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals (Eastleigh)

Assessment:

The application site contains a late Victorian, two-storey, semi-detached dwelling located to the west of Allbrook. The property is enclosed by the nature formation of the land and is accessed via steep steps at the front of the property. The land immediately behind of the house slopes sharply, leading to a relatively flat area on top of the hill and as such the main amenity area of the site is located at the side. The surrounding area is predominately residential in nature, most of the development along Allbrook Hill are late Victorian/Edwardian, with some later developments on the opposite side of the road and further along the road. The application seeks approval to construct a footbridge to connect the host dwelling and the top of the rear hill. The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that:

Principle

- The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance.
- The site is also part of the character area of Eastleigh (ELAC 4) which provides the following guidance on developments and that they should ensure that:
 - i) Maintain the predominant deep building setbacks in order to retain/reinforce the existing levels of on-plot planting.
 - ii) Maintain the predominant brick wall/planted plot boundaries.

Need

- The agent has confirmed in writing that the proposed footbridge is considered necessary for disabled access and mobility purposes.

Character and Design

- 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.
- Although the proposed footbridge would introduce an incongruous feature to the locality, it is located to the rear of the property and would not be visible from the public realm. It would therefore not impact the character of the locality.
- The application property is a late Victorian villa, although an original window would be replaced by a new door, the property would still retain the features of its original form. As such, it would not be detrimental to the character of the host property.

- Following discussion with the agent, it was agreed to impose a condition to ensure a satisfactory visual appearance in the interest of the amenities of the area. The colour of balustrade will be conditioned as black to match the existing downpipes. It would serve to lessen the potential prominence of the footbridge.

Impact on Residential Amenity

- 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.
- There is a potential for the footbridge to increase overlooking of the attached neighbours' private amenity space due to its unusual setting and nature. However, it is considered that the footbridge is just for access instead of being used for sitting out. Also, it is likely to be used at particular times of the day which will not result in sustained overlooking. As such, it is considered that on balance there will not be a significantly detrimental impact on the neighbours that sufficient to warrant refusal of the application.
- Considering the spacing between the footbridge and 31 Allbrook Hill, it is considered that there would be no unacceptable overshadowing or loss of light to the attached neighbour, together with the position of No.31's ground floor single storey element, the footbridge would only afford a limited outlook over the immediate neighbouring's garden amenity space. It should be noted that no objections have been received from any neighbours during the consultation period.

Ecology

- 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.
- There are records of protected species in the area. Therefore, the Council's Ecologist has been consulted as part of this application.
- After reviewing the site photos, it is confirmed by the Council's Ecologist that there are no potential bat roost features in the area where the proposed footbridge would be located.
- Although there are no records of reptiles and hedgehogs nearby, the habitat in the garden looks suitable for nesting birds and common reptiles such as slow worms and for hedgehogs. As such, if any compost heaps or piles of vegetation or stones need to be moved, this must be done during the day, when temperatures are above 12 degrees C, and slowly, using hand tools, not a digger, to allow animals time to escape. If any animals are found they must not be handled but be allowed to move away, on their own, to a place of safety. Also, no fires can be set on site (other than in the existing raised fireplace on the patio). Lastly, any vegetation must be cleared outside of nesting bird season which is from March through August. If vegetation must be cleared between March and August, then a suitably qualified ecologist must check for the presence of active nests immediately before the start of work. If there is an active nest, a 5 m buffer must be placed around the nest to avoid disturbance. No work can be done inside this zone, and it must be left in place until after the chicks have fledged and left the nest.

Trees and landscaping

- It is confirmed by the Tree Consultant that there is a small cherry tree that appears to be proposed for removal to facilitate this proposal. The tree is not significant and cannot be easily seen from the public realm. Therefore, the Tree Consultant raised no arboricultural object to the proposal.

Highways and Parking

- 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.
- The proposal does not include any additional bedrooms. Therefore, it will not impact on the existing car parking arrangements.

Other matters

- The agent has advised that the proposed single storey side extension is to be constructed via 'permitted development'. Therefore, this element has not formed part of the consideration of this current application, the onus would be placed on the applicant to ensure that the proposed extension would fully comply with the content of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Climate Change:

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.

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.

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:

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.

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

Conclusion:

- Subject to Conditions
- The proposed single storey side extension has not been assessed in this application as the onus would be placed on the applicant to ensure that the proposed development would fully comply with 'permitted development'.
- Whilst the proposed footbridge is not a common feature within the residential area and would be at odds with the appearance of the dwelling, it is considered in this specific instance that given the unusual siting of the application site, resulting minimal impact on the character of the street scene and the personal circumstances of the applicant, that the proposed development would not be significantly harmful to warrant the refusal of this application.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments