

DELEGATED OFFICER REPORT

Application Ref: H/22/93714

Site Address: 20 MERRIELEAS CLOSE, CHANDLER'S FORD, EASTLEIGH, SO53 2FP

Case Officer: Claire Campbell-Best

Description: Ground and first floor extension and raising of roof to front, alterations to fenestration and single storey rear extension (amended plans and description)

Particular Site Constraints	Yes ☒	No ☐
Nature Conservation – SSI Impact Zone, River, SAC, SPA and Ramsar Airport Safeguarding Zones MOD Safeguarding Zone Tree Preservation Area Southern Water 2m Buffer - Foul		

Planning History	Yes ☒	No ☐
Reference	Description	Decision
Z/06842/002/00	Front, side and rear extensions including an increase in ridge height and rear facing former windows	Refuse – 13/08/2002
Z/06842/004/00	Erection of single storey side and rear extension and conservatory to rear, following demolition of existing garage and conservatory	Permit – 03/04/2003

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1no. further objection received 12/12/2022 from Notice 1 form being served (summarised):</u> • Privacy and noise concerns • Sense of enclosure • Fire risk from unprotected glass • Window to window proximity is less than the recommended guidance (9m) • Contrary to local plan policy with regards to overlooking in amenity space • Proposed windows do not comply with building control requirements • Current occupiers may not open windows but future occupants may not <u>2no. objections on amended plans received 26/10/22 (summarised):</u> • Amendment of the 3no. proposed windows to obscured glazed and top hung opening does not resolve visibility and sound concerns • Privacy would still be compromised • Continuing boundary dispute and encroachment concerns regarding windows and existing guttering onto neighbouring boundary • Future development at 21 Merrieleas Close would be limited due to window installation <u>2no. objections on submitted plans (summarised):</u> • Object to the 3no. windows to the side elevation due to privacy concerns		

	• Boundary dispute and encroachment concerns regarding windows and existing guttering onto neighbouring boundary • Visibility and sounds concerns • Proposed windows will prevent any planting, hedging or future development at 21 Merrieleas Close • Concerns on how machinery/materials/scaffolding would get into the back garden and cause disruption to no. 21. LPA Response: Land/boundary disputes and problems arising from the construction period are not considered to be planning matters. The plans submitted with this application and the Planning Officer's site visit confirmed the proposed windows and existing guttering would not encroach onto the neighbouring boundary and Certificate B of the application form and a subsequent notice to adjoining landowners was not required. As a result, the land/boundary dispute is considered to be a civil matter. Building Control have been consulted as part of this application and they have provided advice. The window size requirement and openings will be a Building Control matter. The other points raised in the neighbour representations will be covered in the assessment below
Chandlers Ford Parish Council:	No comments received
Building Control:	In response to the neighbour's objections: There is no requirement for a window to be 1m from the boundary. However, any unprotected area of wall (ie a window that is not fire rated) within 1m of a boundary should be limited to 1m² (so 1m x 1m including frame) and separated by min 4m from another window of similar size along the same wall. Openings of less than 0.1m² have less restrictions. This is chiefly to prevent fire spread. So bedroom 2 window might need to be reduced to 1m² in size. I'm assuming any window on the boundary would open inwards to avoid trespass and to enable cleaning. LPA Note: The agent and applicant have been notified of the window openings to avoid encroaching and Building Control will cover this matter
Ecology:	<u>Comments following requested site photos received 24/10/2022:</u> I have reviewed the site photos. Other than a single slipped soffit vent I don't see any potential bat roost features. Please could you add the following informative to the decision notice: 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. <u>Comments received 03/10/2022:</u>

	This proposal involves works to the roof and there are records of bats very close to the site. Please could you send me some close-up photos of all aspects of the house, including the soffits, fascia, flashings and the areas around the roof windows. Biodiversity enhancements are required. Built-in bat and swift nest boxes might be appropriate. The Bat Conservation Trust recommends installing a bat brick/box at least 4 m above the ground, away from artificial light sources, sheltered from strong winds and exposed to the sun for part of the day, facing south, south-east or south-west. (https://www.bats.org.uk/our-work/putting-up-your-box) Swift nest boxes are best positioned under the eaves or on walls facing north, northeast or north-west out of direct sunlight, five metres above the ground, with clear adjacent airspace so swifts can access them in a high-speed direct flight. (https://www.swiftconservation.org/Nestboxes%26Attraction.htm)
Trees:	Despite an active TPO covering part of the site, the only significant trees are a suitable distance away from the proposed development area. Therefore, we raise no arboricultural objection to the proposals.
Southern Water Services:	It appears that the developer is intending to build close to a public foul sewer which is crossing the building site. Building over a "public sewer" is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building close to the sewer. In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; Prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.
Natural England:	No comments received

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 20/10/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> 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.

Assessment:
<u>Site and Proposal</u> Merrielee Close is a cul-de-sac accessed from Merrielee Drive and contains detached bungalows on good sized plots set back from the road. Many of the bungalows have been altered/extended to provide first floor accommodation resulting in mixture of design and

character within the Close. The site is within the Chandlers Ford and Hiltingbury Character Area.

20 Merrieleas Close is a detached bungalow built of buff yellow brick with a tiled hipped roof, set back from the road by a driveway and front garden. The site is enclosed by a low-level boundary wall to the front and south-western boundary shared with the neighbour (no. 21) and fencing/hedging to the rear.

This application seeks approval for a ground and first floor extension and raising of roof to the front of the property, a flat roofed single storey extension and the insertion of 3no. windows to the south-western elevation.

The ground and first floor element would comprise of 2no. additional bedrooms and the existing third bedroom on the ground floor would be reconfigured to contain a lobby area and stairs. The single storey rear extension would be located on the south-western elevation and would be accessed from the existing kitchen and dining room. The rear extension would allow for a larger, open plan kitchen/dining/family arrangement and would be served by a roof lantern, a set of bi-folding doors to the proposed rear elevation and a 1no. high level window to the side (south-west) elevation.

There would be a further 2no. windows inserted into the existing side (south-west) elevation of the main dwelling to serve the proposed lobby area and existing second bedroom.

Amended plans were received on 26 October 2022 which show the 3no. proposed windows to the south-western elevation as obscure glazed with top hung openings.

Principle

The development is within the urban edge of Chandlers Ford where the principle of development is acceptable provided it complies with policies DM1, DM2, DM11 and DM14 of the Development Plan.

Design and Layout

The design of the proposed ground and first floor and associated roof raising, single storey rear extension and fenestration is suited to the host dwelling in terms of its form, scale and appearance.

The proposed rear extension is a modest addition and would be sited to the rear of the property. It would not be visible from public vantage points and would not alter the appearance of the street scene.

While it is acknowledged the ground and first floor element is sited to the front of the host dwelling, the proposal would fill in a recess and would not project beyond the principal built line of the host dwelling. The raised roof to the front would have the same ridge height as the main dwelling, the overall roof height to the property would remain the same.

The first floor element has a gabled ended design, with a half hipped roof, respecting the design features of the host dwelling. Upon the site visit, it was noted some of the bungalows within Merrieleas Close have been extended to the front with similar gable ended projections. Additionally, as the bungalows have been altered over time, there is no overall uniformity within the close. Therefore, the proposals are considered to be in keeping within the surrounding wider area and would not cause any significant visual harm.

The development would not be an overdevelopment of the site and a sufficient rear garden would remain.

Residential Amenity

Policy DM1 of the Adopted 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.

Considerable weight needs to be given with regards to what can be carried out under permitted development and without the need for formal planning permission, and as such ground windows to side elevations can be inserted without planning consent and do not require any obscured glazing or top hung opening restrictions. This is a material consideration that has been considered in the assessment of the proposed 3no. windows to the south-western elevation.

It is acknowledged the proposed 3no. windows would directly face the kitchen window and garden to 21 Merrieleas Close and the concerns with regards to loss of privacy and overlooking have been noted. Amended plans were received to show all 3no. windows would be obscured glazed with top hung openings to the side elevation. After liaising with Building Control, they advised the window serving the bedroom cannot be obscured glazed as it is the only source of light for a habitable room and as a standard window can be inserted without planning permission, it would be unreasonable to insist this window is obscured glazed, additionally a single obscured bedroom window would not pass building regulations. Therefore, a condition will be imposed to obscure the window serving the lobby and kitchen/diner only to retain an element of privacy. It is acknowledged there is no boundary treatment between nos. 20 and 21 due to a boundary dispute but it is understood once the boundary line established, a fence will be erected which will help to retain the neighbour's privacy. The comments with regards to potential noise disturbance are noted, however, such noise could occur through normal use of a domestic dwelling and cannot be controlled in any way via the planning process. Should unacceptable disturbance occur, this can be dealt with via more suitable Environmental Health legislation.

The front and rear extensions would not project any closer to the adjoining neighbour (no. 21) and the separation distance between the dwellings would remain the same. Additionally, the rear extension would be mostly screened by the boundary treatment to the rear with the majority of the proposed glazing (bi-fold doors) directly faces the rear garden to the application site to prevent any overlooking.

Overall and to conclude, the proposals are not considered to have a detrimentally harmful impact upon the amenities of no. 21. Therefore with the material consideration and the recommended conditions applied, the proposal would accord with the above abovementioned policies.

Highways Safety and Parking

The application site is currently a 3no. bed dwellinghouse, which requires 2no. off-street parking spaces. This is provided by the driveway.

The proposal would result in a 4no. bed dwellinghouse which would require 3no. off-street parking spaces as set out in the Residential Parking Standards SPD. Whilst no parking plan has been submitted as part of this application, it is noted the front garden could be utilised to provide the additional parking space required and it is considered there is sufficient off-street parking spaces within the site.

Other Material Considerations

The adjoining neighbour has raised concerns there is a boundary dispute and the application site and proposals would encroach onto the neighbouring boundary. As a result, Certificate B has been signed as part of this application and adequate notice has been served to the neighbouring occupier (no. 21 Merrieleas Close). As this neighbour has placed an objection, the applicant will be advised by informative that any land/boundary/encroachment concerns are a civil matter.

The neighbour concerns regarding future development have been noted. In response to any potential boundary treatment to the shared neighbouring boundary, fencing/hedging could potentially be installed under permitted development in order to further protect the privacy of the neighbouring amenity. Any planning applications submitted by the occupants of no. 21 will be assessed on its own merit and in accordance with national and local planning policies. This application cannot be refused on the basis a nearby neighbouring property may wish to develop their property in the future.

Southern Water were consulted upon due to the proposal being site close to a foul sewer and they recommended a pre-commencement condition whereby no development should take place until measures as advised by Southern Water have been taken to protect public sewers. The Agent has agreed to this pre-commencement condition via email.

There will be no adverse impact upon trees or other natural features worthy of retention and there are no likely significant impacts on the SPA.

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.

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: This application is recommended for approval, subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐