

DELEGATED OFFICER REPORT

Application Ref: H/22/93834

Site Address: 3A MANCHESTER ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5DB

Case Officer: Rachael Morris

Description: Conversion of garage/summer-house to annexe with associated two-storey and first floor extensions.

Particular Site Constraints?	Yes ☒	No ☐
- Conservation Area - Within the urban edge - Tree Preservation Order(s)		

Planning History?	Yes ☒	No ☐
- Z/29650/002/00 - Extension and conversion to form two dwellings – Permit – Dec 1988 - C/30972/002/00 - Addition of rear conservatory – Permit – Mar 1999 - H/17/81520 - Replacement gabion wall and bank reinstatement – Permit – Nov 2017		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	13 Objections. 3 Comments. 2 Manchester Road. Objection (summarised). The proposal creates an entirely new dwelling. This could be divided and sold off in the future. I calculate the proposal would lead to a structure of approx. 5.5m to its highest point, in comparison to the existing 2.5m. Appeal A Ref: APP/W1715/W/20/3248893 Chalcot, York Road, Netley Abbey SO31 5DD dated 24 May 2021 relating to a two-storey development 100m away from the subject site, was dismissed by the planning inspector due to the associated massing that would be judged harmful to the character of the Conservation Area. The application would restrict the current views to Southampton Water from both Chamberlayne Road and Victoria Road. Almost every day, I see people looking towards the estuary. I believe this particular vista plays a fundamental role in defining the unique character of Netley Abbey. If it were to be sold off as a separate dwelling at a future date, it would compromise the parking. The extra vehicular traffic generated would impact on the condition of Manchester Road. York Road has more dwellings and its road is characterised with numerous potholes caused by the additional vehicular journeys attributable to the development of two contemporary blocks of flats at each corner. Clauses 4.20 & 4.21 Netley Abbey Conservation Area Appraisal and Management Proposals adopted Jan 2010 highlight "...trees make an important contribution to the special character and appearance of the conservation area...". The loss of any established trees and their root network may contribute to the destabilisation of the cliff in the proximity of the application. 3 Manchester Road. Objection (summarised). The annexe drawing shows 3 skylights on the southern side which will overlook our entire decking, garden and also enable direct views into half of our lounge, our main bedroom and partial views into our second bedroom. Lying on our bed in our main bedroom we can see directly where two, probably three, of the skylights will be located. Users of the upper floor of the annexe, if so minded, will be able to see, not just into our bedroom, but see our bed. We, therefore, object to any skylights		

being installed on the southern side of the first floor of the annexe. There is incorrect numbering on the two plans submitted on 15th and 19th September respectively. We expect corrected plans to be submitted and uploaded to the Public Register before this application progresses.

1 Manchester Road. Objection (summarised). The new building is described in the application as an annexe however with two bedrooms, a bathroom, kitchen and living space it is clearly a self-contained dwelling. All these facilities are available already in the main house which has served the previous occupants well for years so why do they need to be duplicated now? Construction work will entail excavation for foundations and services in a region of a delicate cliff structure and with mature trees nearby. These works risk catastrophic damage to both. Manchester Road is a private, unadopted road with a light surface treatment of hogging and scalping paid for and maintained by a small number of freeholders. It is already overused and deteriorates badly in wet weather resulting in extra cost and volunteer labour for this small group. The application form states that there will be no effect on the existing parking arrangements. This is not plausible as current parking in that corner of Manchester Road is restricted to two vehicles shared between 3a and the proposed annexe. The glimpse of the sea at the western end of Manchester Road that is framed by Victorian villas and mature trees provides the only glimpse of the water in the village centre and this has been very much enjoyed by inhabitants and visitors alike for many years. The single story garage of 3a already partially blocks this view and adding a second storey will diminish it to a narrow slot, barely visible from the main thoroughfare of Victoria Road.

51 New Road. Objection (summarised). The proposal is for a structure double the height of the existing structure, also expanding further northwards. This would significantly obscure the highly valued, public sea view currently enjoyed by many, looking down Manchester Road and stretching across Victoria Road, all the way up Chamberlayne Road opposite, and on, crossing New Road too.

22 Victoria Road. Objection (summarised). The proposed 2-storey structure would spoil an important and unique viewpoint over Southampton Water which is enjoyed by residents and visitors to our historic village. The other problem is about the two large trees that are either side of the proposed building. Footings within the root zone of these trees, has the potential to damage to the root systems, leading to their decay and likely structural collapse. The trees are protected under Conservation Area legislation.

40-41 Victoria Road. Comment (summarised). We are able to view Southampton Water and the proposed development would completely obstruct this. The document includes a view of Manchester Road and states in point 3.22 "From Victoria Road there are limited views of Southampton Water, while glimpses of the water can be seen down York (should read: 'Manchester') Road... To maintain this character sub-division or extension of houses needs to be avoided." Therefore, the erection of a larger building will not only change the landscape and obstruct the view, but will also reduce the size of the garden and should be "avoided".

21 Victoria Road. Objection (summarised). The proposal has zero architectural value in a conservation zone, that likely further subdivides a plot with a building far in excess of its claimed reason as an annex and likely removing both the mature trees on the site that are highlighted in the area conservation appraisal as intrinsic to the character of the village. Construction in the immediate vicinity of the maritime sand cliffs typical of the Solent and susceptible to constant erosion. It would also cause the loss of the sightline of the water

between enjoyed by residents and visitors alike from Victoria Road and Chamberlayne Road.

2 Chamberlayne Road. Objection. The proposal is for a structure double the height of the existing structure which would significantly obscure the highly valued, public sea view currently enjoyed by the residents of Netley Abbey.

45 Victoria Road. Comment (summarised). This building will remove a large part of the current view of the water to the detriment of that charm. I am also concerned about the stability of the cliff as it is close to edge.

4A Manchester Road. Objection (summarised). No clear plan about the big Oak tree that belongs to 3a Manchester Road. Each property owns half of the road that runs along it. The length of the road that belongs to 3a is limited and I don't see how will accommodate 3 or 4 cars which is the average for two households.

1A Manchester Road. Comment (summarised). There is a right of way that runs adjacent to the garage of 3A which I do not intend to relinquish my right of way. The cliff is in an already delicate state and the construction works could cause further damage and collapse of the cliff. Manchester Road is a private, unadopted road with a light surface treatment of hogging and scalplings, which are paid for and maintained by a small number of freeholders. It is already overused and deteriorates badly in wet weather resulting in extra cost and volunteer labour for this small group. The additional vehicle numbers implied by this application can only aggravate this.

Hilvenor, Victoria Road. Objection (summarised). The proposed would really impact on Manchester Road & Victoria Road restricting views to the sea, which is very much part of the community and appreciated by the village, it's a conservation area, so would greatly feel that this would leave a negative impact. Also there would not be adequate parking for the residents in that road, demolishing a garage & creating additional housing is only going to impact on this more. Many trees have TPOs.

Barbray, York Road. Objection (summarised). The two-storey building would be detrimental to the street scene in that it would spoil the outlook of Manchester Road across Southampton Water. The site is in a conservation area and the present garage appears to be at the limit of an acceptable height to preserve the ambience of the area. The change of use of the garage and summer room to a two-storey dwelling would encourage further development which would change the whole nature of the area. It would bring parking problems. The present scenery is a feature of Netley Abbey and is not only enjoyed by the inhabitants of the area but also by visitors to the area.

5 Chamberlayne Road. Objection (summarised). The views of Southampton Water are one of the major features of Netley Abbey, and one of those views is down Manchester Road. This view is enjoyed by many that live in and visit Netley, walking down Chamberlayne Road, and would be obscured or lost if this building goes ahead. I am also concerned about the impact on cliff erosion and stability in this fragile coastal section.

Jacaranda, York Road. Objection (summarised). For all the points raised by other nearby residents, the Arboriculturist, Parish Clerk, Heritage Consultant and Ecology response, I cannot see anything from this application that is of positive benefit to either the local community or to the conservation area.

32A Victoria Road. Objection (summarised). The increase in the height of the development will block the view of Southampton Water. This is a popular route for walkers heading toward RVCP and as such will adversely affect people's enjoyment of the area. The development will require the removal of trees on the site, we have

	already lost many trees in the area. The cliff is vulnerable at this part of the shore as there are no defences along this section, increased development will only add to the possibility of further collapse of the cliff at this section.
Parish Council:	To raise an objection on over-development 59.B.E, loss of privacy, loss of visual amenity, inadequate parking and concern for trees with TPO's.
Ecology:	The site is adjacent to the Solent and Southampton Water Special Protection Area and Ramsar site and mudflats and sandflats priority habitat. An ecological impact assessment and a habitats regulations assessment is required. A 15 m buffer free from all development to the edge of the cliff will be required, which may not be able to be achieved in this location. The current garage is one-storey, and the proposed annexe is 2-storey, so this proposal will involve works to the roof. There is a record of bats at a neighbouring property. Bats would not be using the conservatory/sun house but may be using the garage. There is also potential for nesting bird habitat in this area.
Built Heritage Consultant:	This application seems to have great difficulty with self-identity. The initial drawing had two versions of the existing and the wrong address, with the second drawing still showing the wrong address. While the proposal is annotated as at No.3, the heading is for No.3A. Increasing the height of this structure will block one of the few views of the sea from Victoria Road. This one down the length of Manchester Road and between the two trees. These trees are significant in the Netley landscape, and the existing building will only have shallow foundations which will need replacing to at least 1m. depth to meet building regs. and dangerously close to the trunk of the more significant tree at that. The internal design is poor with the only bathroom at the lower ground floor level when there is space to have one upstairs, enabling older people to inhabit the building. Object on grounds of severing the public sea view from Victoria Road and endangering the significant landscape feature - the tree.
Tree Officer:	There are some significant trees in close proximity to the proposed development area. These trees are either covered by a Tree Preservation Order or are protected by virtue of their location within the Conservation Area. However, no arboricultural information has been supplied, so it is not possible to assess the impact, but it is likely to be high given the proximity and the lack of proposed mitigation measures. We raise an arboricultural objection to the proposals. They are contrary to policy DM1, and the guidance provided in the Trees and Development SPD.

Site Visit:	Yes ☒	No ☐
Details: 10/10/2022		

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, DM11, DM12 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals; Trees and Development; Netley Abbey Conservation Area Appraisal and Management Proposals.

Assessment:

The development has been considered against policies DM1, DM11, DM12 and DM14 from the 2016-2036 local plan, in that:

Principle

- The development is within the urban edge where the principle of development is acceptable.
- The property is also located within the Conservation Area, covered by policy DM12, which states “Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly exceptional”.
- Within the Netley Abbey Conservation Area Appraisal and Management Proposals SPD, paragraph 3.36 states that “This is an area of distinctive villa type houses set in generous gardens that can accommodate mature trees. The houses are substantial Victorian brick-built villas with slate roofs served by two unadopted private roads – Manchester Road and York Road. To maintain this character sub-division or extension of houses needs to be avoided”.

Design and layout

- The proposed garage/summerhouse conversion to annexe with associated first floor extension would create a prominent structure within a key area of the Netley Abbey Conservation Area.
- Within the Netley Abbey Conservation Area Appraisal and Management Proposals SPD, the view from Victoria Road through Manchester Road to Southampton Water is shown in paragraph 3.22, although this is incorrectly annotated as York Road within the document.
- The proposed loss of outlook would be detrimental to the setting within the Conservation Area in which this specific view is recognised in the SPD. The loss of this view, and its replacement with a vertical built profile would not bring any form of enhancement to the locality. This would therefore be against policy DM12 which expects enhancement and development which creates harm is not to be broadly acceptable.
- A further storey on the existing garage/summerhouse would distinguish the public outlook and perceived openness to Southampton Water and as such would have a detrimental impact on the character of the area.
- An annexe development would often need to provide evidence that the proposal is reliant on the main dwelling for day-to-day activities such as socialising or cooking, often supported by a physical link. The proposed annexe includes 2.no bedrooms, kitchen, living space and bathroom. This amenity is tantamount to a new dwelling as it provides enough facility for independent living with a large degree of separateness from the main dwelling. Therefore, it is not considered this proposal would constitute an annexe accommodation. Moreover, this would not accord with the Netley Abbey Conservation Area Appraisal and Management Proposals SPD that states sub-division or extension of houses needs to be avoided.
- In addition, the proposed re-development of the ground floor would remove an existing car parking space which is required by the existing dwelling as part of their

parking provision, in an area that is locally reported to have issues with availability of parking.

Residential amenity

- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.
- The proposed Juliet balcony would not overlook any neighbouring properties as this would overlook the Southampton Water.
- The proposed first floor front window would overlook the public realm and not any private amenity space. Overlooking the public realm is generally more expected and accepted.
- The proposed rooflights are above head height and are not expected to create unacceptable overlooking to neighbouring properties.

Trees

- There are some significant trees in close proximity to the proposed development area. These trees are either covered by a Tree Preservation Order or are protected by virtue of their location within the Conservation Area. However, no arboricultural information has been supplied, so it is not possible to assess the impact, but it is likely to be high given the proximity and the lack of proposed mitigation measures.
- Insufficient information has been provided to demonstrate that there will not be an adverse impact upon trees or other natural features worthy of retention.

Ecology

- The site is adjacent to the Solent and Southampton Water Special Protection Area and Ramsar site and mudflats and sandflats priority habitat. An ecological impact assessment and a habitats regulations assessment would be required in the event that this is recommended for approval.
- Moreover, a 15 m buffer free from all development to the edge of the cliff will be required, which may not be able to be achieved in this location and no evidence has been submitted to counter this claim.
- Insufficient information has been provided to demonstrate that there will be no likely significant impacts on the Solent and Southampton Water Special Protection Area, SINIC, SSSI and Ramsar site.
- Moreover, as the development would be tantamount to a new dwelling, the development would be expected to mitigate its impacts on the nutrient load upon the Solent Complex (SPA, SAC and Ramsar sites) and additional recreational pressures to the Solent and New Forest National Park (SPA, SAC and Ramsar sites) that it would create as a result of subsequent population increase.
- There is a record of bats at a neighbouring property and although bats would not be using the conservatory/sun house there is a potential that they could be using the garage. There is also potential for nesting bird habitat in this area.
- As a result of the proposal involving works to the existing roof with no survey work provided to demonstrate that bats are not likely to be affected by the works, the presence of a protected species is a material consideration and must be assessed before planning permission can be granted. The proposal would therefore likely result in an offence under the Wildlife and Countryside Act 1981 (as amended) and could result in an adverse effect on a feature of importance for wild fauna contrary to policies DM1 and DM11.

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:

Recommendation:	PERMIT ☐	REFUSE ☒
- The proposal would result in a prominent structure, detrimental to the visual outlook to Southampton Water, within the Netley Abbey Conservation Area, enjoyed by the residents of Netley Abbey. As such the proposal is contrary to Policy DM1 and DM12 of the Eastleigh Borough Local Plan Review [2016-2036]. - The proposal is considered to form an independent unit of accommodation, due to its physical size, level of facilities and failure to demonstrate a connection to the main dwelling, as such the proposal would be an overdevelopment of the site and at odds with the character and pattern of residential properties within the locality. As such the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan [2016-2036] - The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure by the population increase resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2021) and the Conservation of Habitats and Species Regulations 2017. - Insufficient information has been provided to demonstrate that the Solent and Southampton Water Special Protection Area, SINC, SSSI and Ramsar site can be protected during construction and that an appropriate 15m development-free buffer can be achievable within the site constraints. As such the proposal is contrary to Policy DM11 of the Eastleigh Borough Local Plan [2016-2036] - The proposal involves works to the existing roof which has potential to support bats which are protected by the Wildlife and Countryside Act 1981 (as amended). No survey work has been provided to demonstrate that bats are not likely to be affected by the works. The presence of a protected species is a material		

consideration and must be assessed before planning permission can be granted. The proposal would therefore likely result in an offence under the Wildlife and Countryside Act 1981 (as amended) and could result in an adverse effect on a feature of importance for wild fauna contrary to Policies DM1 and DM11 of the Eastleigh Local Plan [2016-2036].

- Insufficient information has been provided to demonstrate that there would be no adverse impact upon the existing protected trees on site. As such, the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the Trees and Development SPD (2021)