

DELEGATED OFFICER REPORT

Application Ref: H/22/94244

Site Address: 20 Malcolm Close, Chandler's Ford, Eastleigh, SO53 5BL

Case Officer: Summer Sharpe

Description: Part-retrospective decking to the rear of the property with screening and steps down to ground level.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Flood Zone 2 & 3		

Planning History?	Yes ☐	No ☒
This application has been submitted as a result of enforcement action.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Parish Council:	None received.		
Environment Agency:	None received.		

Policy:
National Planning Policy Framework
National Planning Practice Guidance
Development Plan:
<u>Eastleigh Borough Local Plan 2016-2036</u> Policies: S1 (Delivering sustainable development), DM1 (General development), DM3 (Adaption to Climate change), DM6 (Surface water management), and DM11 (Nature Conservation).
Supplementary Planning Documents: Quality Places; Kingsway Character Area Appraisal.

Site Visit	Yes ☒	No ☐
5 January 2022.		

Assessment:
<u>Site & Surroundings</u> The application site comprises a two-storey mid-terraced dwellinghouse, located to the east of Malcolm Close within a small cul-de-sac. The dwelling itself is finished in red facing brick work at ground floor level and brown hanging tile at first floor level with a front sloping pitched roof (shared with the adjoining neighbours) and white upvc fenestration. The dwelling benefits from a driveway and integral garage. The site also benefits from a rear garden (east) with boundary treatment comprising close board fencing, which backs onto the west of no.22 Malcolm Close, situated within another small cul-de-sac to the east of no.'s 19 – 21 Malcolm Close. The subject of this application is partial retrospective decking within the rear garden. Due to the layout, the rear of the application site is visible within the cul-de-sac to the east of the site. The site and surrounding area experience differences in topographical levels, with the rear garden of the application site sloping away from the host dwelling (thus having a western incline). This is the same for the adjoining neighbouring properties.

The wider surrounding area comprises residential dwellings, and pockets of open green space and Hilingbury Lake further south.

Proposal

The application seeks the regularisation of decking. The decking measures approx. 0.8m in height and projects approx. 3.5m from the rear elevation of the host dwelling, spanning a width of approx. 6.4m. This is set in approx. 2.1m (allowing for steps/ access to the rear garden) from the southern boundary (with no.19) and abuts the neighbour to the norths (no.21) shared boundary. The application also proposes the addition of 0.6m fencing above the existing boundary treatment (cumulatively measuring 2.5m). To the southern part of the decking there would also be a 1.8m screen set in approx. 2.1m from the shared boundary.

Principle

The application site falls within the urban edge, whereby alterations or extensions to, or within the curtilage of residential dwellinghouses are considered to be acceptable in principle, however, would be subject to the following considerations.

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 neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application site falls within the 'Kingsway' Character Area, which requires development proposals to ensure, amongst other matters, that; *the design of new building work, including extensions, is compatible with the character of good quality adjacent properties and fits well into the overall street-scene.*

The application seeks the retention of retrospective decking and installation of fencing and a privacy screen. The proposals are considered acceptable with regard to size and scale, in relation to the host dwelling and rear garden. The decking is of timber construction, left untreated. This material is not uncommon within the vicinity, albeit predominantly used as boundary treatment. Ultimately, the proposals are considered to accord with the abovementioned policy, therefore the proposals are considered to be acceptable.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Amended plans have been submitted during the course of the application to accurately represent the changes in land levels on site. Whilst on site visit (5 January 2023) it was noted that the neighbouring properties also experienced a sloping garden and had steps to access their respective gardens.

Works had been started, but not completed at the date of the site visit. Therefore, and whilst on site visit, views into both neighbouring properties gardens were obtained. Overlooking of gardens is often unavoidable in suburban settings, however the elevated position of the decking area enabled clear views into the adjoining gardens, of no.19 and 21, above the intervening existing boundary fence. From this, it was noted that both neighbouring properties benefitted from steps to access their respective rear gardens. The amended plans shows that no.21 has a small decking area and steps measuring approx.

0.86m in height. No.19 has some steps to access their rear garden, measuring approx. 0.57m in height.

To mitigate and prevent adverse overlooking, the application proposes the addition of privacy screens. Currently, to the northern boundary with no.21 there is a 1.8m close board fence. The application proposes the addition of a privacy screen (close board fencing) to a maximum height of approx. 2.5m (when measured from the highest point of land). The existing fencing along the southern boundary measures approx. 2m in height. The privacy screen would be set back by 2.1m and would measure approx. 1.8m in height, (2.5m when measured from ground level).

To the north, the addition of close board fencing and privacy screen is considered to be acceptable. Whilst the fencing would be tall, given the existing relationship with this neighbour (both sites have decking/ steps to access rear gardens), the privacy screen is likely to be an improvement reducing overlooking to both sites. To the south, it is noted that this neighbour is on lower ground than that of the application site. The existing boundary treatment separating the sites would remain unchanged. The proposal would, however, include the addition of 1.8m privacy fence set in approx. 2.1m from the shared boundary. Whilst some overlooking could be achieved from the decking and existing boundary treatment, this is not considered to be detrimentally harmful. Further, the steps alongside the southern boundary decrease in height, thus the impact of overlooking reduces when travelling east in the application sites rear garden. The useable area of the decking is protected by privacy screens thus mitigating the harm arising in terms of overlooking to the neighbouring amenities.

Overall, and to conclude, the proposals are not considered to result in an adversely harmful impact upon the adjoining neighbouring amenities to the north or south and would therefore be acceptable.

Flood Risk

Policies DM3 and DM6 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult the Environment Agency for minor development within Flood Zone 2 or 3, however, paragraph 167 of the National Planning Policy Framework (NPPF) states all applications should be supported by a site-specific flood-risk assessment but in this instance a sequential or exception test is not required. The Environment Agency were consulted, but no response has been received. Further, a Flood Risk Assessment has been submitted as part of this application.

This application relates to a dwellinghouse which is classified as being 'more vulnerable' in the flood risk vulnerability classification set out in the National Planning Practice Guidance. However, having regard to the flood risk vulnerability and flood zone compatibility set out in Table 3 of the National Planning Practice Guidance, the development is deemed appropriate.

The application proposes to regularise the construction of decking. The application has been supported by a Flood Risk Assessment which states that the floor levels of the proposed decking would be the same as the existing dwelling. Given the nature of the proposals and having regard to the advice set out in the National Planning Practice Guidance and the scale of the development, it is not considered that the proposal would result in any increased risk of flooding on the site.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development plan 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 Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and 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 and is expected to limit impacts on climate emissions as a result of the development or its use.

Conclusion:

This application is recommended for approval, subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐