

DELEGATED OFFICER REPORT

Application Ref: PN/23/94628

Site Address: 10 ARDINGLY CRESCENT, HEDGE END, SOUTHAMPTON, SO30 2TF

Case Officer: Sarah Douglas

Description: Prior Notification for the construction of a single storey rear extension with roof lantern (depth 3.50m, height to eaves 3.00m and maximum height 3.40m)

Particular Site Constraints?	Yes ☒	No ☐
Within Urban Edge Within Established Residential Area		

Planning History?	Yes ☒	No ☐
Z/28343/000/00 – Residential, open space, roads and footpaths with community centre and school (amended proposals). Grant Outline Permission – 14/04/1987. Z/38343/001/00 – Residential, open space, roads and footpaths (duplicate application). Withdrawn by Applicant – 17/11/1986. Z/28343/002/00 – Outline: Residential development with associated public open space, landscaping, roads and footpaths. Withdrawn by Applicant – 06/102/1985. Z/28343/008/00 – Reserved Matters: Construction of 161 dwellings and garages with roads and sewers to serve. Approve the Reserved Matters – 17/01/1989. Z/28343/015/00 – Reserved Matters: Substitution of house types on plots 50-52 and 62-64 (inclusive) (outline permission ref. 28343). Approve the Reserved Matters – 18/03/1992. Z/28343/018/00 – Amendment to Condition 2 under reference no. 28343 dated 16/04/87 to extend period for submission of reserved matters until 16/04/1996. Permit – 15/04/1993. Z/28343/023/00 – Variation to condition 2 of planning permission 28343/0 to enable an extension of time for submission of reserved matters until 16/04/1999. Permit – 03/07/1996.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Objection received from No. 24 Ardingly Crescent– • Impact to the sightline from the rear of the property at ground and first floor level. • Lack of privacy. • Impact of light from the roof lantern. • Exposure of extension above fencing.		
Parish Council:	n/a		

Site Visit:	Yes ☒	No ☐
Site visit carried out on 08/03/2023.		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 - The most relevant policy being Development Management policy DM1.

Supplementary Planning Documents:

Quality Places.

Assessment:**Legislative Background:**

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 allows for the construction of single storey rear extensions for 'attached' dwellings of up to 6m in depth subject to it conforming with a number of other requirements, and a specified prior notification process being followed.

As stated within these regulations, where any owner or occupier of any adjoining premises objects to the proposed development within a 21 day minimum period, the prior approval of the local planning authority is then required as to the impact of the proposed development on the amenity of any of the adjoining premises. In this regard and in assessing such impact, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

This legislation was amended on 25 May 2019 by virtue of The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 to allow for the previously temporary Permitted Development rights for larger homes extensions to become permanent.

Material Considerations –**Permitted Development compliance:**

The rear extension is considered to conform with the provisions of Part 1, Class A of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that the proposed enlargement:

- is not on Article 1(5) land (land in a National Park, an Area of Outstanding Natural Beauty, a Conservation Area, the Broads or a World Heritage Site)
- is not on a SSSI site
- is single storey
- covers no more than 50% of the area of land around the original house (as it was first built or as it stood on 1 July 1948) would be covered by additions or other buildings.
- there will be no extension forward of the principal elevation or side elevation fronting a highway.
- will not be higher than the highest part of the roof.
- does not exceed the maximum height of a single-storey rear extension of four metres.
- does not exceed the maximum eaves height of an extension within two metres of the boundary of three metres.
- does not exceed the eaves and ridge height of the existing house.
- materials to be similar in appearance to the existing house.
- does not include verandas, balconies or raised platforms.

The proposed single storey extension extends beyond the rear wall of the original 'attached' house by 3.50 metres (more than 3 metres but not more than 6 metres), has a height not exceeding 4 metres, and a height to eaves not exceeding 3 metres within 2 metres of the site boundary. This meets the criteria for the prior notification process, as stated as an objection has been received the prior approval of the local planning authority is therefore required as to the impact of the proposed development on the amenity of any adjoining premises.

Residential Amenity:

The proposed single storey rear extension is considered acceptable and complies with policies DM1 of the Eastleigh Borough Local Plan 2016-2036 in that:

- The development is within the urban edge where the principle of development is acceptable.
- The property is a modern end of terrace two storey dwelling and the design of the extension is considered to be suitable to the host dwelling in terms of its form, scale and appearance.
- The garden is of a reasonable size and the development would not be an overdevelopment of the site, and would retain sufficient amenity space.
- The development accords with the guidance as set out in the Quality Places SPD in that there will not be a significant unacceptable impact on the amenity of adjacent properties in terms of loss of privacy, light or outlook. The proposed extension being a further 0.5 metre in depth beyond that which can be carried out under permitted development rights.
- The proposed extension complies with the daylighting test requirements, and will not significantly impact on the loss of light to neighbouring properties, in particular the adjoining property at No.12 Ardingly Crescent.
- The rear garden is fairly level, and there is screening in the form of 1.8m high fencing to all boundaries of the rear garden. Whilst it is accepted that 1.1m to the flat roof of the extension will be on view above the fence line, (the roof lantern being set in from the front and sides), this is not considered to be unacceptable in terms of creating an overbearing impact on neighbouring properties in such a residential setting. The neighbour at No. 24 who has raised concerns over this issue is at a distance of 18m from the proposed extension and it is considered this would not cause significant harm to their outlook.
- It is accepted that there will be light emission from the roof lantern which sits atop the flat roof and this is a consideration, however within such a residential setting it is not considered to cause an unacceptable impact on neighbours' amenity, and would not be significantly different from other forms of development such as a conservatory of which there are many examples within the area.

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 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, 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 reduce/limit impacts on climate emissions as a result of the development or its use.

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 proposed single storey rear extension is appropriate in its size, scale and design and will not have a significant detrimental impact on the amenity of neighbouring properties by way of overlooking, loss of privacy, light emission from the development, or overbearing impact.

It is recommended that 'prior approval is required and approved.'