

DELEGATED OFFICER REPORT

Application Ref: PN/23/94721

Site Address: 313 LEIGH ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 3AS

Case Officer: Angela Rainger

Description: Prior Notification for the erection of a single storey rear extension. Depth 8 metres, Maximum height 4 metres, eaves height 2.4 metres.

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

Planning History?	Yes ☒	No ☐
No previous planning history.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Objection received from No. 311 Leigh Road– We strongly object to the single storey bungalow extension of 313 Leigh Road. We object to the planning application and its impact on our amenities on the following grounds: 1. Overlooking/loss of privacy/loss of outlook – The proposed designs show that the bungalow will be extended by a depth of 8 metres with five new ground level windows overlooking into our property from the boundary line, coupled with an additional four skylight windows also overlooking our property. Not only will we suffer loss of outlook, but the five new ground level windows will overlook into four of our ground floor level rooms including our conservatory, lounge, kitchen, and bathroom. These windows will also overlook our patio area at the rear of the house. This results in a huge loss of privacy, and it should also be noted that 313 Leigh Road's ground level is higher thereby giving an elevated look down into our property, with the skylights almost matching the height of the ones in our property. The plans are intrusive, unempathetic and instil a feeling of oppression and discomfort on all counts. There is no need for, and we do not want an unnecessary number of windows overlooking onto and into our property. 2. Overshadowing and loss of light – The proposed designs state the maximum height of the extension to be 4 metres, with drawings implying that the extension will be right up to the boundary line. This plan substantially impacts how the afternoon light falls into and on our property, with the loss of natural light significantly impacting the rear rooms of our house including the conservatory, lounge, and kitchen. In addition, the patio at the rear of the property will be overshadowed and blocked out almost completely from light in the afternoons as the sun travels west. It is not acceptable to take so much light away from areas of our property that see the most amount of activity and will ultimately impact upon one's enjoyment and wellbeing. 3. Visual overbearing impact – Given that the plans have taken maximum advantage of a single-story extension, naturally it is going to have a considerable visual overbearing impact on our property due to the dwelling at 313 Leigh Road quite literally doubling in size. The intrusive nature of the planned extension is undeniable, with the proposed plans indicating that the extension will be virtually up to the boundary line with a sloping roof. As such, its visual overbearing impact will be considerably noticeable from almost every room in our		

	house and from the garden. 4. Smell – The plans show that a kitchen will be installed against the boundary wall, however there is no indication of if, or where, an extractor fan vent might be fitted. We would not see it as acceptable to place a flue of any kind facing outwards onto our property where the kitchen is placed so close to the boundary line. We do not want residual food smells or smells of any kind being vented into our garden or rooms of our house. 5. Planning policies – As mentioned previously, the plans show that the extension will be virtually up to the boundary line. We note that building so close to the boundary will severely compromise the structural integrity of our wall and fence along the boundary. There is great possibility that the fence and wall will collapse. In the event of this occurring, liability falls with the property owner of 313 Leigh Road. In addition to the above points of objection, we want to clearly state that access will not be permitted to 311 Leigh Road to enable any future developments for 313 Leigh Road, this includes: • Parking on or across our driveway and entrance • Access to our driveway/patio/garden • Scaffolding on, or overhanging in our driveway/patio/garden • Use of our bins for waste materials
Parish Council:	n/a

Site Visit:	Yes ☒	No ☐
Site visit carried out on 22/03/2023.		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> - 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 'detached' dwellings of up to 8m 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 detached dwelling by 8 metres (more than 4 metres but not more than 8 metres), has a height not exceeding 4 metres, and a height to eaves not exceeding 3 metres within 2 metres of the site boundary and not exceeding the eaves height of the existing dwelling. This meets the criteria for the prior notification process but 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 will extend 8 metres beyond the rear wall of the original dwellinghouse, covering the full width of the dwelling, will have a pitched roof with a maximum height of 4 metres and will be positioned close to the boundary with No. 311 Leigh Road.

The development is within the urban edge where the principal of development is acceptable, however this is subject to complying with the development plan policies.

The proposed extension is a significant addition, being the full width of the original dwelling, having a depth of 8 metres which almost doubles the footprint of the existing dwelling and being positioned close to the boundary with No. 311. Due to the height, depth of the extension and close proximity to the boundary with No. 311, the extension would be clearly visible from the rear rooms, conservatory and outside patio area of No. 311 and it is therefore considered that the proposal would have a detrimental impact on the residential amenity of the neighbouring property in terms of overbearing impact and loss of outlook.

For the reasons above it is considered that the development proposed would not comply with Policy DM1 of the Eastleigh Borough Local Plan 2016-2036, which requires

development to take full and proper account of the context of the site and to be appropriate in terms of mass, scale, design and siting both in themselves and in relation to adjoining buildings.

Other matters raised:

Potential smell from cooking: An extractor fan vent has not been shown on the plans. Ventilation and extractor systems are covered by Building Regulations.

Possibility of damage to boundary treatment: If damage were to be caused to a neighbouring property, this would be a civil matter between the parties involved.

The following concerns raised would also be civil matters and not planning considerations: Parking on or across driveway/entrance, access to neighbouring driveway, patio, garden, erection of scaffolding on neighbouring property, use of neighbours' bins for waste materials.

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 ☒
Prior approval is required and is recommended to be refused.		