

DELEGATED OFFICER REPORT

Application Ref: PN/23/94989

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

Case Officer: Sarah Douglas

Description: Prior Notification for the erection of a single storey rear extension (depth 6 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 ☐
PN/23/94721 - Prior Notification for the erection of a single storey rear extension. Depth 8 metres, Maximum height 4 metres, eaves height 2.4 metres. Prior Approval Refused – 29/03/2023.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations: 311 Leigh Road	We write in connection with the above planning application. We have examined the plans available, and both know the address very well. We strongly object to the development proposed under the above Prior Notification. We object to the planning application and its impact on our amenities on the following grounds: 1. GROUNDS FOR OBJECTION: Loss of amenity/loss of outlook The proposed rear extension is very significant in scale and out of proportion with the existing dwelling and other adjacent properties, increasing the existing footprint by nearly 75%. Its proposed siting within 20cm of our existing boundary, height and raised elevation relative to our property, would create an overbearing presence, dominating our garden and over-shadowing our patio, kitchen window, lounge window, and conservatory, thereby adversely affecting our amenity, outlook, use and enjoyment of these spaces. This conflicts 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. 2. GROUNDS FOR OBJECTION: Loss of light The site of the proposed extension is elevated approximately 20cm relative to our property, and though the proposed eaves height is stated as 2.4M the effective height is 2.6M relative to our property at the boundary, and 4.2M at the ridge, casting significant shadow across our patio, kitchen window, lounge window, and conservatory for much of the day. The 6M depth of the proposed extension would exceed the recommended 45-degree angle allowed in the horizontal plane relative to the centre of our kitchen window and approaches the 45-degree recommended vertical angle, as prescribed by Policy DM1 of Eastleigh Borough Local Plan 2016-2036 and Quality Places Supplementary Planning Document. This reduction in direct sunlight would also significantly reduce the passive solar gain currently enjoyed by virtue of our rear facing kitchen window, lounge window, and conservatory. 3. GROUNDS FOR OBJECTION: Loss of privacy The proposed development incorporates the formation of two new window openings in the existing dwelling flank wall that forms the		

	direct boundary with our property. These proposed new openings are directly opposite our bathroom window and directly over-look our property, significantly encroaching on our privacy. Furthermore, the siting of the new rear extension, directly adjacent to the boundary alongside the entirety of our rear patio and conservatory, incorporates two further side-facing windows, which again significantly encroach on our privacy, enjoyment and use of these spaces. In addition to the above grounds for objection, we also have further concerns relating to smell and nuisance. The element of the rear extension proposed that is directly adjacent to our rear boundary and rear building line, incorporates a new kitchen for which no ventilation provision has been specified. Since this would be required under Building Regulations, we can only presume it would have to vent directly over or above our patio area and kitchen window. The new side windows in the existing dwelling, the proposed extension, and extensive use of rooflights would also potentially pose a light nuisance at night, as a consequence of their direct line of sight into our property, conservatory, garden, loft conversion, and side bathroom window. The Eastleigh Borough Local Plan 2016-2036 and Quality Places Supplementary Planning Document are very specific regarding the matters raised above, notably that: • All new development should not have an unacceptable impact on, and where possible should enhance residential amenities of both new and existing residents; • Take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. • New development will be assessed to consider its impact on residential amenity. This covers the amenity of existing residents living at or near the development and also the amenity of new residents. Residential amenity covers a variety of issues including overlooking, loss of daylight, loss of outlook, noise, fumes and dust and the impact of floodlighting and security lighting. • New development should be designed to respect the residential amenity of existing and new occupiers and all dwellings should have adequate private amenity space. We consider that the proposed development is excessive in scale, given its proposed siting, and the proposed design does little to mitigate the significant, material adverse impacts on our enjoyment, wellbeing, and use of our property. Further to all points raised above, 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 Please could you confirm receipt of our objection to this development, and we look forward to your comments and views on the above matters raised.
Parish Council:	n/a

Site Visit:	Yes ☒	No ☐
Site visit carried out on 22/03/2023 (under application PN/23/94721).		

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 '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 6 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 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 detached single storey bungalow and although the extension is deep at 6 metres the design of the extension is considered to be suitable to the host dwelling in terms of its form, scale and appearance with a ridge height lower than that of the host dwelling. There are a mixture of dwelling types in the area and many have been previously extended, including the properties either side of the application site.
- The property has a long rear garden of approx. 40 metres so the development would not be an overdevelopment of the site and would retain ample amenity space.
- Following the recent refusal of prior approval for a single storey rear extension, this current submission has reduced the depth of the extension from 8 metres to 6 metres and set in the extension by 0.8m from the boundary with No. 311 Leigh Road. It is considered that the development now 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. A condition will be added to the decision notice requiring windows to the southeast elevation facing number 311 to be obscure glazed and non-opening in order to safeguard this neighbour's privacy and prevent any unacceptable overlooking.
- There is a distance of approximately 3 metres between 313 and 311 at the closest point, widening to approximately 6 metres to the conservatory of number 311. The proposed extension complies with the daylighting test requirements and will not significantly impact on the loss of light to neighbouring properties due to the separation distance.
- The rear garden is fairly level, and there is screening in the form of a mixture of wooden fencing and hedging between the neighbouring properties. Whilst it is accepted that the extension will be visible from number 311 Leigh Road, due to the single storey nature and eaves height of 2.4 metres, this is not considered to be unacceptable in terms of creating an overbearing impact or significant harm to their outlook in such a residential setting.

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.

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 ☐
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The proposed single storey rear extension is considered appropriate in its size, scale and design and will not have a significant detrimental impact on the amenity of neighbouring properties.

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