

DELEGATED OFFICER REPORT:**Application Ref:** F/23/95162**Site Address:** 63 CHALVINGTON ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 3DY**Case Officer:** Clare Martin**Description:** Change of use of existing detached garage to create 1no. 1 bedroom detached dwelling, addition of porch canopy and insertion of 2no. rooflights, with associated off street parking (amended scheme to previously refused application F/18/83185)

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within the New Forest SAC 13.8km buffer		

Planning History?	Yes ☒	No ☐
• F/16/78156 - Construction of replacement double garage at rear with 3no. rooflights (amended description) – Permitted (April 2016) • F/17/82202 - Change of use of existing detached garage with accommodation over to form 1no. two bedroom detached dwelling with insertion of 2no. velux windows to side – Refused (March 2017) • F/18/83185 – Change of use of existing detached garage with accommodation over to form 1no. one bedroom detached dwelling with insertion of 2no. Velux windows to side – Refused and dismissed on appeal (May 2018)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations: (summarised)	<u>Two letters of objection</u> • When the original application was granted it was conditioned that the building would not be converted to a dwelling. Why then is this application being considered? The renewed application at this property represents development by stealth. • There is a further property of similar proportions on the opposite side of Trevoise Crescent, and another at the next junction between Chalvington Road and Trevoise Crescent. All of these could be broken up into separate residential plots if the application is permitted which would materially change the character of the area.		
Parish Council: (summarised)	• Proposal would be out of keeping with the local area. • We note that the previous similar application was refused, and there appears to be little material difference in this application.		
HCC Transport Officer:	<u>No objection</u> to the proposals from a highways perspective. However, it would be requested that the Case Officer ensure the EBC Parking Standards are adhered to, and that a height restriction is placed on any length of boundary hedge that sits adjacent to the highway as outlined below.		

	Access Vehicle access into the site is achieved via a proposed drop kerb to the western side of the frontage. Whilst this is acceptable, it is noted that this is the opposite side to the existing drop kerb and as such a new drop kerb will need to be implemented, and the existing (redundant) drop kerb will need to be re-instated to full height. This will require a Minor Works S278 to be agreed with HCC prior to any works being undertaken. Vehicle access to the existing dwelling via Trevoise Crescent is obviously lost to the existing dwelling by the proposals, however a vehicle access remains from Chalvington Road. It is noted however that the perimeter hedge of the existing dwelling obscures visibility when exiting Trevoise Crescent and looking right. As such it would be requested that a condition is applied to ensure that any perimeter hedge is maintained at a height no more than 0.6m in order for required visibility splays to be achievable. Parking Whilst the proposed dwellings has the required 2 vehicle parking spaces provided, the proposals result in the loss of parking for the existing dwelling, where it appears only one vehicle parking space will be available for what appears to be a 4-bed dwelling. It would be requested that the Case Officer ensures parking for both the existing and proposed dwellings are in accordance to the EBC Parking Standards, and this is likely to require the conversion of front garden for the existing dwelling to retain the required 3 parking spaces.
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Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 7/6/23		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"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."</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Proposal and Planning History:

The application site consists of a one and a half storey detached garage which was permitted in April 2016. A year later planning permission for the conversion of the garage into an independent two bedroomed dwelling was refused under application F/17/82202. The refusal was on the basis that the proposal would be an overdevelopment of the site, out of keeping with the pattern of development and result in a poor quality living accommodation.

The application was then resubmitted as a one bedroomed dwelling under F/18/83185 and refused again due to its impact on the character and appearance of the locality. An appeal was submitted and subsequently refused with the Planning Inspector noting that the proposal would lack generous space to the front of the building that is evidenced in the surrounding properties and would be dominated by car parking. The Inspector considered that the independent residential use of the building was at odds with the prevailing character of development.

The current planning application is a resubmission of the second application to convert the garage into an independent one bedroomed dwelling, with the following changes:

- The plot width has increased by a further 1.5m and is now 12m wide. This has been achieved by taking additional garden space from 63 Chalvington Road.
- The proposed garden now sits behind two car parking spaces (rather than running the whole length of the plot). The overall size of the garden is unchanged.
- A new landscaped area has been created in front of the garage.

Assessment:

Principle

The application site lies within the urban edge where the basic principle of development is considered to be acceptable, subject to the details complying with the relevant planning policies.

Character and Appearance

The site is within a residential area that is characterised by a mixture of traditional two storey houses and bungalows fronting the highway in good sized plots. Whilst the proposal has made improvements to the original scheme, by landscaping the frontage and reducing the long line of car parking, it does not address the fundamental reason for refusal.

The existing garage was originally permitted on the basis that it functions as an ancillary structure to the main dwelling and its size and design very much appears as a domestic garage/ outbuilding within the street scene. The alterations to the building, including removing the garage doors and replacement with domestic features would emphasise the independent nature of the proposed dwelling. The proportions of the converted dwelling and its plot size would be much smaller than those of the surrounding houses and bungalows and therefore appear out of character with the more spacious pattern of development within the locality.

The Planning Inspector makes this point within paragraph 7 of the appeal decision where it states... *"I acknowledge that the garage has previously been considered acceptable in respect of its effect on the street scene. However, that scheme was considered on the basis of an ancillary structure in association with the main dwelling. The appeal scheme proposes a materially different use, such that it would impart a character different to that of the garage. Most notably, the appeal scheme would be viewed as a separate and stand-alone development that would, in my view, appear cramped when viewed within the context of the surrounding dwellings."*

Living Conditions

In April 2022, the Council adopted its new local plan which introduced Policy DM30 requiring new and converted dwellings to comply with the nationally described space standards. The standards require a minimum of 58m² of internal gross floor space to be provided for two storey dwellings. In this case, the proposed garage conversion would only provide 50m² floor area, which excludes any space under 1.5m high such as under the roof eaves. The proposal therefore fails to meet the nationally described space standards.

This lack of internal space is most apparent in the bedroom and bathroom on the first floor, which is contained within the garage's roofline and its height is restricted by the building's fully pitched roofline. The first floor living accommodation is further hampered by the high rooflights, which provides a more limited outlook making the space feel more enclosed. Overall, the proposed residential conversion would result in a cramped and poor-quality internal living environment for the new residents.

Other Considerations

- The dwelling would be created from converting an existing garage and as such the structure would not have an additional impact on the light or outlook of the neighbouring properties. The proposal would introduce rooflights onto eastern and western side elevations of the building, although these could be obscured glazed where they are less than the required 20m to main windows in the neighbouring dwellings. The proposed bedroom would retain a clear glass window on its front elevation.
- A private garden has been provided at the side of the converted dwelling, with cycle and bin storage. The garden is 38m², which is of a sufficient size to meet the council's external amenity space standard of 60% of the dwellings floor area (as set out within Quality Places SPD). The existing house would retain a garden of approximately 155m², which also meets the Council's amenity space standards albeit it the existing house would have one of the smaller gardens within the locality.
- The proposal provides two off road car parking spaces for the converted garage with access off Trevoise Crescent. A further three spaces are provided on the frontage of the existing house with access off Chalvington Road. Albeit these car parking spaces could be better arranged to provide easier access served by an enlarged dropped kerb. The proposal accords with the Residential Parking Standards SPD.
- There will be no adverse impact upon trees or other natural features worthy of retention.

Impact of SPA:

Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within this catchment area are likely to result in additional visitors and potential damage to the New Forest. In order to mitigate for these impacts the developer would need to pay a contribution towards the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funds a ranger post in the New Forest). No contribution has been received to date.

Nutrients

The site is within the impact zone for nitrogen and phosphorus, which has been shown to have a determinantal impact on the water quality of the River Itchen and the Southampton and Solent Water Special Protection Area. A nutrient budget has not been submitted for the development (which as a new dwelling would likely show a positive output for nitrogen and phosphorus). No mitigation has been provided for the likely increase in nutrients caused by the housing development.

As such the proposal is likely to have a detrimental impact on the Special Protection Area, both in terms of recreational disturbance and an increase in nutrients.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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, development plan and emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted 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.

Conclusion:

Recommendation:

PERMIT ☐

REFUSE ☒

Comments ...

