

BIFOHH – Bishopstoke, Fair Oak and Horton Heath Local Area Committee Thursday
29 June 2023.

Application Number: F/22/94422
Case Officer: Alex Webb
Received Date: Wednesday 21st December 2022
Site Address: 63 Underwood Road, Bishopstoke, Eastleigh, So50 6fx
Applicant: Gary Chaffey
Proposal: First floor extension and proposed 4-bedroom, two storey end-of-terrace dwelling with associated parking provision

Recommendation: **GRANT PLANNING PERMISSION with the following conditions:**

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans referenced: 400_07_A, 400_08_A and 400_09_A.
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall start no later than three years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. **No development shall start** until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).
4. **The development hereby approved shall not be occupied** until the provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.
Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy DM14 of the Eastleigh Borough Local Plan (2016 – 2036).
5. **No development shall start on site until** the access, including the footway and/or verge crossing shall be constructed in accordance with the approved plans.

Reason: To provide satisfactory access and in the interests of highway safety in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016 – 2036).

6. **No development shall start on site until** a Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) The provision of long-term facilities for contractor parking;
 - (b) The arrangements for deliveries associated with all construction works, loading/unloading of plant and materials, and carting away of materials;
 - (c) Location of temporary site compounds, construction material, and plant storage areas;
 - (d) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail;
 - (e) measures to minimise dust, noise and vibration.
- Demolition and construction work shall only take place in accordance with the approved method statement.
- Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).
7. **No development shall start** until a landscape design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping including trees, boundary treatments, landscape buffer planting along the east boundary fence and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standards.
- Reason: In the interests of biodiversity, the visual amenity of the locality, to safeguard the amenities of neighbouring residents and to minimise additional load to the surface water drainage system and maintain recharging of ground water to benefit the proposed soft landscape in accordance with policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036).
8. **No development shall start** until details of a sustainable drainage system, including details for the sustainable disposal of surface water and disposal of foul sewerage, have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for its implementation and a management/ maintenance plan for the lifetime of the development [including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.
- Reason: To ensure satisfactory drainage for the development in accordance with policies DM2, DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036).

9. **The dwelling hereby permitted shall not be occupied** until a bat brick and swift brick have been installed on the south facing gable end of the new dwelling, beneath the projecting soffit.

Reason: In the interest of biodiversity in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036).

10. **The dwelling hereby approved shall not be occupied** until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first occupation of the development.

Reason: To mitigate the nitrates and phosphates impacts arising from the development upon the European protected Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 and Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036).

11. **Prior to the occupation of the dwelling hereby approved**, supporting information to confirm the predicted mains water consumption will achieve a maximum level of 110 litres/person/day shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details

Reason: To support a comprehensive approach to high quality design across the site and to achieve water efficiency in accordance with Policy DM2 of the Eastleigh Borough Local Plan (2016 – 2036).

12. **Prior to the occupation of the dwelling hereby approved**, evidence that the dwelling complies with Part M4(2) standard (Accessible and adaptable dwellings) of the building regulations for new build residential development (or future equivalent), shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the development meets higher national access standards in accordance with policy DM29 of the Eastleigh Borough Local Plan 2016-2036

13. No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwellings in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).

14. The development must accord with the arboricultural report reference WT 012-23 AIA. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA.
Reason: To retain and protect the existing trees which form an important part of the amenity of the locality in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).
15. There will be no pedestrian access from the boundary fence line to the woodland beyond. Any permanent fencing that is erected at the property boundaries must have periodic holes (measuring 13cm by 13 cm minimum) at its base to allow the movement of animals, such as hedgehogs, to promote habitat connectivity and extended foraging ranges.
Reason: In the interest of protecting and enhancing biodiversity in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036).
16. No vegetation clearance shall occur on site during the bird nesting season [between 1st March & 31st August] unless supervised by an appropriately qualified ecologist. If any active nests are found, they must be left undisturbed with a suitable buffer (ca. 5m) until nestlings have fledged and left the nest.
Reason: To avoid disturbance of breeding and nesting birds or damage to their nests in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036).
17. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 1995 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A, B, C, D, E of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.
Reason: To maintain a good quality environment in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).

Note to Applicant: Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Note to Applicant: In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be informed. Additional information is available on the Bat Conservation Trust website at <https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/ive-found-a-bat-during-works>

Note to Applicant: During construction any excavations or open pipes must be covered at night or fitted with a small mammal escape ramp (a rough board slanted at a shallow angle) to prevent hedgehogs from becoming trapped. If

hedgehogs are found they should not be handled but be left to move away on their own to a place of shelter. *If a hedgehog is found during development and/or there are welfare concerns, the British Hedgehog Preservation Society can be contacted for advice and guidance on 01584 890 801*

Note to Applicant: The new vehicular access would require the provision of a dropped kerb to the highway and obtain permission from Hampshire County Council and a Section 171 Licence will be required to excavate the highway.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

This application has been referred to Committee because it has been called in by Cllr Parker-Jones, Cllr Tidridge and Cllr Dean.

Description of Application

1. The application is for a first-floor extension to 63 Underwood Road and the erection of a two-storey end-of-terrace dwelling with associated parking provision.
2. The extension to the existing dwelling would result in a 5-bedroom mid-terrace property with an internal floor area of approx. 162m². A new casement window would be provided at first floor level on the front elevation and a set of French doors with a Juliet balcony would be provided at first floor level on the rear elevation to serve the new bedrooms. The majority of the private amenity space would be to the rear (north east) with 3 allocated parking spaces and a bin store to the front (south west) of the site. The existing access would be utilised.
3. A further two-storey 'wrap-around' side extension would provide an additional 4-bedroomed, end-of-terrace dwelling. It would have an internal floor area measuring 114m² and internal storage space greater than 2m². There would be side and rear private amenity space totaling approx., 99m². A parking area providing three allocated parking spaces, a bin store and cycle store would be located to the front of the property.
4. The new dwelling would be accessed through the formation of a new vehicular access and additional dropped kerb to the front (west) boundary of the site.

5. The design would incorporate gabled rooflines, casement windows and a canopy porch. The dwelling would be constructed of red brick with brown roof tiles to match the surrounding properties. The windows would be white UPVC.
6. The application is accompanied by the following reports and technical assessments:
 - Arboricultural Report – ref. WT 012-23 AIA
 - Nutrient Budget Calculator

Site Characteristics and Character of the Locality

7. The site is located on the north east side of Underwood Road, within the built-up area of Bishopstoke. It is surrounded by residential properties to the north, west and south and Stoke Park Wood lies to the east, which is a designated Site of Importance for Nature Conservation (SINC) and ancient woodland Underwood Road is characterised by semi-detached and terraced dwellings of a similar design and style.
8. No 63 Underwood Road is a 3-bedroom, end of terrace dwelling. It is two-storey and of a modern design, set in a triangular plot. To the south is No. 65 Underwood Road, another two-storey end of terrace property. The front elevation faces south with residential amenity space to the front, rear and side. There is a 1m high close board fence along the west and south boundaries of the front amenity area with a pedestrian and vehicular access point with 1m high timber gates, adjacent to the existing pavement.
9. An additional 1.8m high close board timber fence and 1.8m high timber gates separate the southern half of the site, which contains a mobile home structure which houses chickens/ducks. It lies parallel with the rear garden to no. 65 Underwood Road.

Relevant Planning History

- F/22/93394 - Proposed 3 Bedroom Detached Dwelling with associated parking provision – Refused 11/10/2022
- H/17/81900 - Single storey side and rear extension – permitted 11/01/2018
- F/08/64127 - One and two storey rear extension – permitted 09/01/2009

Representations Received

10. 10 representations received, including 8 letters of objection and 2 letters of support, which are summarised as follows:
11. Objections

Highways, Access and Parking

- additional traffic flow – occupiers/visitors/delivery vans
- adverse implications on local parking - properties rely on public road parking and dropping the kerb will result in loss of two public parking spaces
- parking provision layout inadequate in terms of practical usage
- already congested with parking
- problems for utility services accessing the road
- future residents could create a front garden area and park vehicles on road
- parking shown may not be used to full effect by future occupiers

Residential Amenity

- back garden length/shape - not in compliance with Quality Places SPD
- overbearing impact on the privacy of the neighbouring property
- results in shadowing and unnecessary loss of light.
- overlooking garden/windows – breach/loss of privacy

Impact on Character of the Area

- overdevelopment – crammed into small space
- inappropriate for the area
- disproportionate increase in built form
- remaining garden significantly reduced - not in keeping with the surrounding design and layout
- impact on the local amenity
- effect on mass and scale and forms - unacceptable relationship with neighbouring properties
- changing the landscape and blocking the forest view

Other Matters

- Brownfield use questioned and not lawful
- restricted covenants on the land
- proximity to the woodland
- Impact on wildlife
- additional amenity services - problems on already stretched drainage and energy services to the road
- oversaturation of new residents
- proposed property close to existing houses
- negative impact on neighbourhood morale/desirability of the area
- photograph in Design and Access Statement not indicative of reality and report is therefore misleading

12. Support

- no issues with proposal
- provides adequate off-road parking
- will appear as an improvement

- any ecological impacts would be mitigated
- in-keeping with existing development
- more housing needed in the Borough

Planning Officer Response

13. The objections raised are noted and will be considered in the assessment section along with the following responses:

- The Local Planning Authority has a duty to consider all planning applications submitted against the prevailing planning framework.
- Existing covenants are not a planning matter, this is a civil matter to be resolved outside of the planning process.

Consultation Responses (summarised)

Environmental Health – Comment

14. For protection of neighbouring dwellings, we advise the applicant to prepare and submit a Construction and Environmental Management Plan for approval prior to commencement of works. This should be appropriate and proportionate and reference Best Practicable Means and the Control of Pollution Act 1974, and how neighbours will be consulted prior to the works commencing and how complaints about harm or adverse impact to amenity will be received and considered, and a commitment to remedial action being in place within 24 hours.

Ecology – Objection

15. The ecological comments are summarised below:

- Site adjacent to Stoke Park Wood SINC, designated 1B/Cii. A 20 m buffer free from development should be provided to protect the SINC. Records of bats, slow worms and hedgehogs in area and close to site.
- The proximity of existing development from SINC boundary would not have been allowed under current guidelines.
- Extending the building closer to the SINC boundary is contrary to Local Plan policy DM11.
- No potential bat roost features on the roof, single storey extension or the static caravan.
- The presence of chickens in the garden and lack of appropriate habitat. Chickens would also eat any potential hedgehog prey species, so not likely that hedgehogs or slow worms would be using site now.
- There are no trees that could be considered veteran in this part of the woodland however, all trees and associated root protection areas and soil and fungi are important in the context of the ancient woodland SINC. There is potential for direct impact on tree roots.
- The woodland most likely to be impacted is considered to be of high interest for biodiversity.

- Given the orientation and proximity of the proposed dwelling to the woodland edge it would have the potential to inhibit growth of ground flora (bluebells and other ancient woodland indicator species) through increased shading
- Future biodiversity benefits from restoration of the derelict coppice in that area could be compromised by shading from the proposed dwelling.
- The proposed dwelling could result in increased light spill into the woodland from both internal lighting and external lighting (i.e. security lights) during future occupation. This could impact the faunal assemblage, disrupt natural patterns of light and dark, disturb invertebrate feeding, breeding and movement, potentially impact on the circadian rhythm of birds and affect the feeding behaviour of current and potential species of bats and their use of commuting routes
- The proposed dwelling location would present a physical barrier on the woodland edge which could disrupt species using this linear feature both now and potentially in the future.
- Biodiversity enhancements will be required. A bat brick and a swift brick may be appropriate for this building. Adding flowering plants would also enhance the site.

Trees – No Objection

16. The site, including the woodland, has been visited several times. The multiple hazel stools in the vicinity are of a significant size (girth) and age, and there is a large ash tree in close proximity to the boundary fence of the property. A tree report was produced in response to concerns which included tree works outside of the red line and it should be noted that those works are not part of the proposal. The tree officer is happy with the report and no objection raised subject to a condition imposed requiring works to be carried out in accordance with the submitted arboricultural report.

Landscape and Urban Design - Comments

17. Summarised:

- The application probably meets the 60% size standard in the guide - garden space should also be configured in a way that allows for a variety of uses.
- Garden not configured in a way which creates a reasonable area of open space in one place which would be flexible for a variety of uses for a family house and will be heavily shaded - the Quality Places guide doesn't specifically address the issue of gardens being shaded by existing trees.
- Prefer a smaller extension, perhaps extending to 5 m from the southern boundary- this would then provide a well configured and very sunny garden space to the south of the extension.
- The building line is well respected by the proposal and the general position of the development (if not it's full extent) is acceptable.

- Landscape condition recommended to ensure the front garden of the new property should only have hard paved surface for a maximum of 40% of the area. The front garden of number 63 should only have hard paved surface for a maximum of 55% of the area. The existing unsightly and extensive close boarded fencing to the side of the property should also be removed and replaced with low walls to match the general existing character. The boundary line to the rear of number 65 to the south may have a taller brick wall to maintain privacy. This could change to a close boarded fence in line with the extension frontage and to the woodland boundary.

Southern Water – Comment

18. A formal application for a connection to the public foul sewer should be made by the applicant or developer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Natural England - Objection/Comment

Deterioration of the water environment – Objection

19. As submitted Natural England consider it will have an adverse effect on the integrity of the River Itchen SAC from the impact of Phosphates.

Ancient Woodland, ancient and veteran trees - Comments

20. This site is within close proximity to ancient woodland priority habitat within Stoke Park Wood Site of importance for Nature Conservation (SINC).
21. You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF.
22. Natural England advise best practice is employed during the construction phase to avoid impacts on the SINC and woodland. For example, a Construction Environmental Management Plan (CEMP) can be submitted to and approved in writing by the council's ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats

Bishopstoke Parish Council - Objection

23. The council objects to this application on the grounds that there is not a sufficient buffer provided for the ancient woodland.

Hampshire County Council Highways - No Objection

24. In regard to application F/22/94422, there is no objection to the proposals from a highway perspective, subject to the conditions being applied should a permission be granted by the case officer.

25. Access to three parking spaces for both the existing and proposed dwellings is provided via an existing drop kerb for the existing No. 63, and via the construction of an additional drop kerb for the proposed dwellings.

26. This is acceptable; however, the applicants should be made aware that subject to any planning permission that may be forthcoming from EBC as Local Planning Authority, additional permission will be required from HCC as Highway Authority for the drop kerb works to take place.

Policy Context and Designations Applicable to Site

- Within Built-Up Area Boundary
- Within Established Residential Area
- Adjacent to Stoke Park Wood SINC and Ancient Woodland

Eastleigh Borough Local Plan (2016-2036)

Strategic Policies

- S1 (Sustainable Development);
- S2 (Approach to New Development);
- S3 (Housing Locations);

Development Management Policies

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM4 (Zero or low carbon energy);
- DM3 (Adapting to Climate Change);
- DM6 (Sustainable surface water management and watercourse management);
- DM8 (Pollution)
- DM10 (Water and Waste Water);
- DM11 (Nature Conservation);
- DM12 (Heritage Assets);
- DM13 (Transport);
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);
- DM29 (Dwellings with Higher Access Standards);
- DM30 (Internal Space Standards).

Supplementary Planning Documents

- Trees and Development (December 2021)
- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);
- Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath (December 2007)

Planning Policy Framework

27. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise. A deliverable 5-year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies.
28. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be considered, so that development responds to the different opportunities for achieving sustainable development in different areas

Planning Practice Guidance

29. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

30. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Principle:

31. The site is located within the urban edge where the principle of new residential development is acceptable, providing the development accords with the relevant planning policies. The proposed extension and new dwelling would make efficient use of the site, which is within a sustainable location close to local shops and the public transport network. In this regard the proposal is in line with local plan policies DM1 & DM23 of the Eastleigh Borough Local Plan and the provisions of the National Planning Policy Framework.
32. The latest position on the Government- required 5-year housing land supply. The published figure for August 2022 confirms that the Council currently has a 5.1 year supply. The addition of urban windfall sites, such as the proposal, makes a small but important contribution to the to the council's housing land supply.

Design and Layout

33. The site is located within Bishopstoke, Fair Oak and Horton Heath Character Area number 9 where the positions of buildings within plots are characterized as *"Terraced/semi-detached. Mainly front-on, but skewed along Underwood Road"* in the Character Area Appraisal (2009). The proposed external appearance of the extension and new dwelling would match the existing. The new dwelling would have similar design characteristics to those in the locality including the casement window configurations and provision of a canopy porch. The gable end style roof would match with nos. 63 and 65 Underwood Road
34. The previous application was for a detached 3-bedroom dwelling with associated parking provision and was refused due to the position of the proposed dwelling and failure to take proper account of the context of the site, the resultant overdevelopment of the site, the effect on neighbouring amenity and lack of the required mitigation to offset the impacts of the development on the European protected sites from nutrient loading.
35. This application seeks to address these issues by the creation of a new 4-bedroom dwelling by extending the existing and forming a new end-of-terrace property. The existing built form would continue in a similar format from the south east elevation around to the south, parallel with the boundary to the south.
36. The private amenity space provision would be to the side and rear of the proposed dwelling and would be greater than 60% of the proposed floorspace in accordance with the Quality Places SPD (2009). Whilst concerns have been raised regarding the configuration of the garden, it is not within 30° of north and there are no mature trees along the section of woodland edge immediately adjacent to the site. The details of

amount of hard and soft landscaping to the front of the existing dwelling and new dwelling are to be agreed through a pre-commencement condition requiring the submission of a landscape design scheme.

37. The minimum gross GIA requirements for a 4-bedroom 2-storey dwelling under local plan policy DM30 and the nationally described space standards is 106m² (for up to 6 bed spaces). The proposed dwelling would have a GIA of 114m² and can provide 5 bed spaces. It would therefore meet the requirements
38. The first-floor extension to the existing property would continue the existing roof form and design along to the south east side of the property, above the existing single storey side extension to provide two further bedrooms. This would then link to the proposed new dwelling. The extension is considered acceptable and proportionate in design terms in accordance with local plan policy DM1. The resultant internal floor area would also meet the requirements of local plan policy DM30 and the nationally described space standards.
39. Overall, the proposal is considered to create an acceptable living environment for existing and future occupants. The design of the extension and new dwelling is considered to fit in with the existing street scene and the building line is respected. As such the proposal would be in-keeping with the residential character of the area and would respect the existing pattern of development in accordance with local plan policy DM1.

Residential Amenity

40. The proposed alterations to the existing dwelling would not result in any adverse impact on the amenity of any future occupants of the proposed dwelling or the existing occupants of No. 61 Underwood Road. The new opening at first floor level on the rear elevation would be to a Juliet balcony to limit the potential for overlooking and protect the rear private amenity space to the proposed new dwelling. The extension and new dwelling would not impact on No. 61 Underwood Road due to separation distance between the proposed works, being located on the south and south east side of the site.
41. The location and orientation of the proposed new dwelling would result in a satisfactory relationship with No.63 Underwood Road. Whilst the bi-fold windows serving the lounge on the side (south east) elevation would be lost, the bi-fold windows on the rear (north east) would remain and therefore there would be sufficient levels of natural light entering this habitable space. The outlook from the south west elevation would remain. The new dwelling would also not extend beyond the rear elevation of No.63, therefore would not result in overshadowing to the remaining garden area.

42. The new dwelling would be visible from the rear of No. 65 Underwood Road and increase the amount of two storey development on this part of the site. However, the new dwelling would be set back a further 1.1m from the boundary fence with No.65 compared to the mobile home currently in this location (3m total setback). There would also not be any windows at first floor level in the side (south) elevation of the new dwelling. Views from the lounge doors at ground floor level would be restricted by existing 1.8m high close board boundary fencing. This, combined with the separation distance, is considered to reduce any potential impact from overlooking and any overbearing effect.
43. Overall, it is considered that the proposal would not have an unacceptable impact on the amenity of existing residents by way of a loss of light, outlook or overlooking in accordance with local plan policy DM1.

Trees and Ecology

44. The tree officer raised no objection subject to the proposed works being carried out in accordance with the submitted arboricultural report and tree protection plan, which is to be secured through condition. In terms of the root damage to existing trees, it is noted that there is no objection from the tree officer with regard to the impact on the amenity value of the trees and tree protection is welcomed. The proposal would therefore meet the requirements of policy DM1 and the Trees and Development SPD (2021) in respect of trees.
45. A response to the ecologist's objections was provided by the applicant and considered in relation to the ecological impacts on the adjacent SINC and ancient woodland and the planning balance. Local Plan Policy DM11 seeks to protect, conserve and enhance all areas of international, European and national conservation interest.
46. Criteria 1 a. of policy DM11 sets out how the Council will work with developers and will determine planning applications to protect, conserve and enhance all national and local nature conservation designations; and networks of natural habitats and features important to biodiversity and local character; and facilitate their adaptation to climate change wherever possible. The application includes protection measures and biodiversity enhancements which are considered to protect, conserve and enhance the SINC and ancient woodland along with the existing natural habitats and features found within the woodland itself. The proposal also includes design features to increase energy efficiency and reduce water consumption.
47. Criteria 1 c. of policy DM11 states that the Council will seek a net gain of biodiversity on all development sites (including sites for redevelopment) through the protection, enhancement and connection of existing and provision of new habitats and features of nature conservation interest compatible with the native biodiversity characteristics of the Borough,

having regard to local geodiversity and soils. The biodiversity enhancements proposed include the provision of a bat brick and swift brick which would be secured through condition. The applicant is also proposing to provide a narrow, landscaped buffer of indigenous, insect-friendly plants along the rear boundary fence line of the new dwelling. This would ensure there would be no direct access to the woodland. This would also be secured through condition.

48. Criteria 4 and 5 of policy DM11 states that development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on Site of Importance for Nature Conservation (SINC), on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that:

a. there are no alternative solutions;

There is no other suitable alternative site within the applicant's ownership and the location of the proposed dwelling would have the least impact in design terms.

b. the adverse effects are unavoidable;

The ecologist raised concerns over the impact on the ecological value of the trees in respect of future development of the trees and the understorey, from potential shading and light pollution. During the site visit the conditions of the bank (forming the woodland edge) path and inner woodland were considered. Hazel and bluebell species were evident along the stretch of bank, to the rear of 63-99 Underwood Road as well as ancillary domestic structures. Many properties also offer direct access through to the woodland from the rear gardens. The existing conditions appear to have resulted in a difference in woodland type and the quality of ground cover on the bank compared to that on the east side of the path and stream. Vegetation thins out on the bank and is denser and more mature as you move further east. The erosion of the pathway through frequent use has also caused damage and separated the bank from the rest of the woodland. This bank area forms a relatively small proportion of the overall woodland cover. Existing trees and understorey appear to be continuing to develop despite current constraints.

It was clear, and the Council's ecologist agrees, the bank and woodland edge in this area has already been impacted. The bank results in quite a slope down towards the pathway. Whilst the new two-storey dwelling could cast additional shade, it would be further from the boundary than the existing single storey mobile home and due to the slope, there would be less impact on the ground cover on the bank as it moves further east. The mobile home positioned directly adjacent to the boundary fence and bank and the existing

shadow cast from this structure is in closer proximity to the woodland than the proposed two storey new dwelling.

The existing mobile home would be removed and the impact in terms of additional shading and light spill would not be significantly greater.

c. measures are taken to mitigate or, as a last resort, compensate for the adverse effects;

Protective measures for trees are proposed, as set out in the arboricultural report reference WT 012-23 AIA and are to be conditioned. Further protective measures are to be agreed through the submission of a Construction Environment Management Plan which would prevent encroachment into the SINIC during the construction phase and this would also be secured through condition.

d. there is an overall biodiversity net gain; and

as set out above, biodiversity enhancements are proposed to ensure there is an overall biodiversity net gain.

e. if there are any residual adverse effects which cannot be avoided, mitigated or compensated, the benefits of the development must clearly outweigh the adverse effects on the nature conservation value of the site and any broader impacts on national and local designations.

The development would meet an identified need for housing where land supply is constrained. The site is available and as proposed is considered to be used the most effectively. This benefit is considered to have considerable weight. There is currently unsuitable habitat for bats, slow worms and hedgehogs due to the current condition of the site and the enhancements could improve the habitat for these species.

49. Criteria 6 states that development will not be permitted if it results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy. As set out above, there could be some impact from artificial light spill and shading from the proposal however the effects are considered to be comparable to the existing effects from the mobile home and existing built form found in the locality. Given there is no alternative solution in terms of the proximity and orientation of the proposed dwelling to the woodland, the effects are considered to be unavoidable. Further biodiversity enhancements are proposed and are considered to be a suitable compensation strategy.

50. Criteria 7 also states that *buffers free from development will be provided to designated sites to avoid/mitigate impacts, including recreational impact and impacts on edge habitats, and to maintain dark skies*. The policy commentary to local plan policy DM11 provides further explanation on the size of SINC buffers and states that *“the appropriate size of buffers free from development will be considered on a site by site basis and informed by the results of surveys undertaken for each proposed development”*. The presence and location of existing development in the local context and wider surroundings in relation to the edge of the SINC and ancient woodland are a key consideration in this instance. Standing Advice has been strengthened to exclude residential gardens as being part of any buffer zone, however there are many gardens, ancillary outbuildings and access roads within the current ideal buffer zone. The benefit from the proposed enhancements, removal of the existing mobile home and the potential fall-back position in terms of extensions to the existing dwelling that could be constructed under permitted development also provide unique circumstances in this case.
51. In terms of light pollution, the presence of development already in close proximity to the SINC buffer is already having an impact. The previous application H/17/81900 which allowed for the existing roof lights to the rear and side of No.63 Underwood Road have also been considered. Given the existing conditions and the first-floor rear windows of the proposed dwelling to be further from the woodland edge than the existing rear window of the mobile home, the impact is considered to be no worse than the existing arrangement.
52. Whilst the proposed new two-storey dwelling would have an impact on the adjacent SINC and woodland, it would not result in significant harm compared to the presence of existing dwellings and activity taking place along the woodland edge. On balance, notwithstanding the objection from ecology, the proposal is not considered to undermine the integrity of the SINC and ancient woodland in accordance with the relevant criteria of local plan policy DM11.

Access, Parking and Transport Matters:

53. There is an existing vehicular access and dropped kerb serving nos 61 and 65 Underwood Road. A new vehicular access and driveway arrangement would be provided for the proposed dwelling and there is sufficient space to the front (west) of the site to provide the necessary on-site parking spaces for both properties, in accordance with the Residential Parking Standards SPD (2009). The new dwelling would result in a small increase in vehicular movements compared to existing, but this is not considered to result in any adverse impacts on the local highway network.
54. No objection is raised from the highway officer subject to the provision of a dropped kerb to the highway to serve the new property and the

necessary permission from Hampshire County Council to excavate the highway. The proposal is therefore not considered to pose an unacceptable highway safety risk.

Impact on Special Protection Areas

55. In the absence of mitigation the proposal is considered to result in a significant impact on a European Protected site (SPA, SAC or Ramsar). An HRA (Habitat Regulations Assessment) Screening Matrix and Appropriate Assessment Statement was prepared and submitted to Natural England for this development as it falls inside the designated zone of impact.
56. Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the quality of water entering the Solent catchment area through nitrification. As such all development for additional housing are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development is required to achieve nutrient neutrality for nitrogen and phosphates.
57. To mitigate for the increase in nutrients the developer intends to purchase nitrate and phosphate credits from the Eastleigh Borough Council scheme, which takes land out of agricultural uses and creates recreational spaces thus reducing the nutrient output of the land. The developer will need to provide evidence of this mitigation via a pre-occupation condition.
58. Whilst Natural England have unresolved concerns in relation to the Council's Phosphate Offset Scheme and the total number of Phosphate credits available, the Council has confidence in the scheme and does not agree with the concerns raised.
59. Should the application be approved, with Natural England's objection, then the Council will need to advise Natural England of its decision and give them a 21-day notification period. As such a condition will be imposed to ensure that that development does not start before the 21-day notification period has been completed, as required by Section 28(6) of the Wildlife and Countryside Act (1981).

Other material considerations

Sustainability Measures and Climate Change:

60. 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.

61. 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.
62. 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.
63. When considering the impact of climate change, the proposed development would be 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.
64. The new dwelling would be designed to maximise energy through the increased efficiency of the building fabric and this would be enforced through current building regulations. It would also incorporate water saving measures to ensure mains water consumption is no more than 110 litres/person/day which would be imposed through condition.

Equalities Implications:

65. 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.

66. 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

67. The principle of the new residential development is acceptable and planning policy encourages the efficient use of sites within sustainable locations.

68. The extension and proposed dwelling are considered to create acceptable living environments for existing and future occupants.

69. The proposal would be in-keeping with the residential character of the area and existing pattern of development. It would not have an unacceptable impact on the amenity of existing residents by way of a loss of light, outlook or overlooking in accordance with local plan policy DM1.

70. Whilst the proposed new dwelling would have a potential impact on the adjacent woodland SINC on balance, having regard to the existing development on site, the condition of the woodland SINC immediately adjacent the site and the proposed biodiversity enhancement measures the proposal is not considered to undermine the integrity of the SINC and ancient woodland in accordance with local plan policy DM11.

71. The application is therefore recommended for permission.

F/22/94422



Address: 63 Underwood Road, Bishopstoke,
Eastleigh, SO50 6FX

Date: 07/06/2023

Scale: 1:1250