

DELEGATED OFFICER REPORT

Application Ref: H/23/94938

Site Address: 21 OAKWOOD WAY, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HJ

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retention of outbuilding erected at the rear garden with raised platform and veranda

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within Established Residential Area		

Planning History?	Yes ☒	No ☐
• H/20/88443 - Raising of roof to provide second floor living accommodation, addition of side dormer windows and single storey front extension - Withdrawn By Applicant - 30/09/2020 • H/21/91625 - Two storey and single storey rear extensions, Two storey and single storey front extension with addition of balcony, attached side storage area. - Permit - 12/01/2022 • H/22/92851 - Retention of swimming pool and fence, plus erection of new wall and boundary fence - Permit - 23/06/2022		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Four letters of representations were received to the application. 3.no of these were objections and 1.no was a comment. The representees raised the following issues and concerns: • Noise • Smells • Fire risk • Drainage • Precedent • Visual impact • Loss of privacy • Impact on trees • Overdevelopment • Green roof system • Excessive footprint +60% • Very close to the boundary • Not in keeping with the surrounding properties • Should not be erected before planning approval		
Parish Council:	No comments received		
Tree Consultant:	No objection because 1) the ash is not within the conservation area and is not the subject of a TPO; 2) the tree does not provide significant public amenity; and 3) the tree is showing signs of ash dieback, which would limit its life. The fact they retained the tree is irrelevant.		

Ecologist:	I have reviewed the site photos and there appears to be a brown plastic pipe running between the unfinished outbuilding and the block wall. This could be some sort of drainage system. I don't think an ecological report will provide any additional information, but the tree officer may be able to help.
Southern Water:	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. Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

Site Visit:	Yes ☒	No ☐
Details: 8 th June 2023		

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 Appraisal for Bursledon, Hamble-le-Rice and Hound (BHH 34)

Assessment:
The application property is a two-storey detached dwellinghouse located to the south/west of Oakwood Way. The dwellinghouse is set back from the road by a driveway and front garden. It is noted that the site is subject to a southern incline, whereby the dwellinghouse is on raised ground when compared the road and the rear garden also slopes up away from the dwelling. Over the years, two-storey, and single storey rear extensions, swimming pool, as well as front extensions with balcony have been added to provide additional accommodation. The surrounding area comprises residential dwellinghouses, however these are of a variance of design and appearance. The application seeks retrospective planning permission to retain an outbuilding with raised platform and veranda at the rear garden. The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that: <u>Principle</u> • The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance. • The site is also part of the character area of Bursledon, Hamble-le-Rice and Hound (BHH 34) which provides the following guidance on developments and that they should ensure that: i) Maintain the importance of the open green space and semi-mature/mature broadleaved planting at the centre of Oakwood Way in any new development

ii) Maintain a uniformity in building heights

- Section 73A of the Town and Country Planning Act provides for retrospective planning applications to be made in respect of development which has been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with some planning condition to which it was subject. It is not an offence to carry out works without the required planning permission unless a Notice has been served on the unauthorised development because it is expedient to do so. When unauthorised development is carried out the Council can and has in this instance request that the persons submit a retrospective planning application to regularise the works.

Character and Design

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, 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 in terms of mass, scale, layout density, design, and siting.
- The outbuilding is deemed acceptable in principle in this location. Firstly, its location at the rear garden ensures that it does not have any adverse effects on the street scene, maintaining the overall character and aesthetics of the area. Despite its significant size, the use of a flat roof design minimises its scale and visual impact, blending it harmoniously with the surroundings.
- The outbuilding is not considered to result in a separate dwelling as there are no additional accesses apart from the front vehicle access. It was also noted from the site visit that the rear garden retains an adequate size, avoiding any concerns of overdevelopment.

Impact on Residential Amenity

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- While the height of the outbuilding is slightly higher than the existing boundary treatment and the neighbouring properties may have a glimpse of the outbuilding, the design elements ensure that the outbuilding does not create an imposing presence. Furthermore, the separation distance between the properties, in conjunction with the existing boundary treatment, also ensures the impacts to neighbours are minimal and inconsequential.
- The intended use of the outbuilding is anticipated to be limited to specific times or occasions. This means that any potential impact on the neighbours is expected to be temporary and infrequent. A condition will be imposed to explicitly restrict the use of the outbuilding.
- The neighbour's perspective in respect of the retrospective application is noted. However, it should be noted that each application is determined on a case-by-case basis on its own merit, whereby it should be understood that the current scheme does not set an undesirable precedent for future application.
- Other issues raised by neighbouring residents relating to odour and fire risk are not material planning considerations, and therefore are either subject to separate legislation outside of the planning remit or are civil matters and cannot be taken into account in the planning assessment of this proposal.

Ecology

- Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
- After reviewing the site photos, the Council's Ecologist advised that there appears to be a brown plastic pipe running between the unfinished outbuilding and the block wall. This could be some sort of drainage system. She also advised that an ecological report will not provide any additional information and therefore no further survey is required for this application.

Trees and landscaping

- The roof of the building is encircling the tree and the deck and the base of the building behind the tree both go right up to the base of the tree. As such, the Council's Tree Consultant has been consulted as part of this planning application. It was confirmed that the tree is low value and not a constraint on development (i.e., a category "c" tree), as well as does not provide significant public amenity. Therefore, he did not object to the current proposal.

Highways and Parking

- Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.
- There appears to be provision for 5 no. vehicles. The application site is to be therefore able to provide sufficient parking in accordance with policy and SPD thus being acceptable in this regard.

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, 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.

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:

- Subject to conditions
- Notwithstanding the scheme is retrospective this does not impinge on the planning merits of the scheme in the decision-making process. Furthermore, while there may be a slight glimpse from neighbouring properties, it is not considered harmful or intrusive; any potential effects on neighbours are within acceptable level. The application can be recommended for approval.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments