

## DELEGATED OFFICER REPORT

**Application Ref:** H/22/94265

**Site Address:** Hawthorn House, Botley Road, West End, Southampton, SO30 3HA

**Case Officer:** Summer Sharpe

**Description:** Loft conversion to form habitable accommodation with dormer windows at the front and rear (Resubmission of application H/22/93219).

|                                                                                                         |                                                |                                    |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------|
| <b>Particular Site Constraints?</b>                                                                     | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>- Within urban edge</li> <li>- Surface water flooding</li> </ul> |                                                |                                    |

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| <b>Planning History?</b> | <b>Yes</b> <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                             | <b>No</b> <input type="checkbox"/> |
| <b>Planning App no.</b>  | <b>Proposal</b>                                                                                                                                                                                                                                                                                                                                                            | <b>Decision</b>                    |
| O/08/61960               | Outline: Creation of 2 no. flats within, and alterations to existing dwelling. Construction of 3no. 2 bed dwellings. Alterations to access with widening of footpath & provision of car parking & bin storage                                                                                                                                                              | Refuse (7 July 2008)               |
| O/11/69087               | Outline: Construction of a terrace of 3no. 2 bed dwellings, conversion & alteration of existing dwelling to create 1no. 1 bed and 1no. 2 bed flats, provision of ancillary cycle & bin store, car parking & boundary treatment, following demolition of existing outbuildings and part demolition of Hawthorn House (Reserved Matters for consideration - access & layout) | Refuse (24 February 2012)          |
| H/17/82032               | Single storey side and rear extension, loft conversion with dormers front and rear including rear balcony, alterations to rear first floor fenestrations and addition of porch.                                                                                                                                                                                            | Refuse (23 January 2018)           |
| H/21/90084               | Erection of single-storey rear extension incorporating a flat roof and 3no. lantern roof lights plus installation of 2no. roof lights in existing side extension                                                                                                                                                                                                           | Permitted (11 May 2021)            |
| H/21/91967               | Retention of boundary fence.                                                                                                                                                                                                                                                                                                                                               | Refuse (10 January 2022)           |
| H/22/93219               | Loft conversion to form habitable accommodation with dormer windows at the front and rear.                                                                                                                                                                                                                                                                                 | Refuse (                           |

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| <b>Publicity:</b> | <b>Letters</b> <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Site Notice</b> <input type="checkbox"/> | <b>Newspaper</b> <input type="checkbox"/> |
| Representations:  | None received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                                           |
| Parish Council:   | No objection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                             |                                           |
| Ecology:          | <p><u>Comments 21 March 2023:</u><br/>The bat survey report submitted was for the two workshop buildings and this application is for the main house. A preliminary bat roost assessment report is required for the main house and the previously submitted report is not appropriate. This can be done at any time. Further surveys may be needed as a result of the findings of the preliminary assessment.</p> <p><u>Comments 15 December 2022:</u><br/>I have reviewed the Bat Survey Report by Hampshire Ecological Services (February 2021). This report (which was commissioned</p> |                                             |                                           |

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|                      | <p>for previous application) refers to two outbuildings, labelled building 1 (furthest to the south) and building 2 (to the north). The plans submitted for this application do not differentiate between the two buildings, but the photos of building 2 look like the building referenced in this application.</p> <p>Building 2 has been assessed as having low bat roost potential and requires one dusk emergence survey. In addition, the loft space was not accessible to the surveyor so it is possible that bats may be using this space. At least one emergence survey must be done before the application can be determined as the presence of protected species is a material consideration and the results of this survey may result in changes to the plans. If any bats are seen emerging on that survey, at least two further surveys within the same season will be required for a European Protected Species license.</p> <p>The report also states that <i>given the mobility of bats it is recommended that a walkover of the site to update the survey information is undertaken prior to the development commencing if this does not occur before the end of November 2021.</i></p> <p>A dusk emergence survey will not be able to be done until the start of the next active bat season in May 2023, but an update walkover survey can be done before May if necessary. If additional bat roost features have developed since the previous survey more than one bat activity survey may be needed. The ecological consultant, who has visited the property, will be able to provide more information about this.</p> <p>The mitigation and enhancement measures proposed in sections 5.6.2-5.6.4 and Figure 4 of the report are south and can be implemented. Swift bricks are preferable to general bird boxes if appropriate to this site.</p> <p><u>Comments 6 December 2022:</u></p> <p>There are records of bats nearby and the proposal would involve extensive work to the roof. I need to review close-up photos of the roof, flashings, soffits and fascia of the building to determine whether further survey is required.</p> <p>Biodiversity enhancements are also required. A bat box or a swift nest box might be appropriate on this site.</p> |
| Countryside & Trees: | None received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

#### Policy:

**National Planning Policy Framework**

**National Planning Practice Guidance**

**Development Plan:**

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), DM1 (General development), DM11 (Nature Conservation), and DM14 (Parking).

**Supplementary Planning Documents:**

Quality Places; and Residential Parking Standards.

**Site Visit**

**Yes** ☒

**No** ☐

A site visit was not undertaken as part of this application because this was undertaken, 30 June 2022, as part of the previously application (H/22/93219).

## **Assessment:**

### Site & Surroundings

The application site comprises a two-storey detached dwellinghouse located to the south of Botley Road. The dwellinghouse is set back from the road and is bound by a brick wall, and gates, which conceals vehicular hardstanding to the frontage. The dwellinghouse itself is finished in red facing brick work, white upvc fenestration and a pitched tiled roof.

The wider surroundings comprise residential properties and some industrial/ commercial usages. The residential properties to the south of Botley Road are generally detached and are set back from the main road. Most of these properties are served by low level brick walls fronting the pavement and main highway. The properties themselves vary, to the east of the application site properties are two-storeys or more. To the west, properties are bungalows and one and a half storey which then increase to two-storeys.

To the north of the application site Noyce Court and Bamber Close form part of the Moorgreen Hospital housing estate. This development has a strong sense of cohesion and uniformity, by the materials used and style of properties. It is noted that some of these properties include dormers, however these are not prolific and are of a modest size.

### Proposal

The application proposes front and rear dormers to create an additional bedroom (served by en-suite and dressing area) in the roof. There would be 2no. front dormers which would project approx. 2.5m from the northern roof slope. These would measure approx. 1.7m in width and approx. 1.3m in height (with a flat roof). There would also be 2no. rear dormers which would project approx. 2.5m from the southern roof slope. These would measure 2.2m in width and 1.4m in height (with a flat roof). The proposed dormers would all sit in line above existing fenestration at first floor level, and would be finished in materials to match the existing.

### Principle

The application site falls within the urban edge, whereby alterations or extensions to, or within the curtilage of residential dwellinghouses are considered to be acceptable in principle, however, would be subject to the following considerations.

### 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 neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application proposes the addition of front and rear dormers. From a site visit it was noted that there was a variance of properties within the streetscene, however there were limited examples of front dormers. The only examples which were readily visible from Botley Road were those to the north of the application site, along Bamber Close and Noyce Court. It was noted that there was only 1no. dormer per property, of a modest size and situated above 1no. window fairly close to the eaves of the respective host dwelling. This is considered to be distinctive of the character of this specific development, as this key characteristic is not reflected within the wider surroundings.

It was also noted that there is little to no uniformity along the south of Botley Road, with properties varying in terms of their storeys, and styles. Further, from a review of the streetscene and a history search, there are no front dormers along this stretch of Botley

Road. Whilst there are no front dormers along this portion of Botley Road, the introduction, subject to 'good design' is not considered to be adversely harmful upon the streetscene given the existing variety of styles and design of dwellinghouses within the vicinity.

This application has sought to amend the previously refused scheme, which proposed 2no. large pitched roof front dormers and 1no. large box rear dormer. The proposals have sought to reduce the size of the proposed front dormers, broken the large rear dormer into 2, significantly reducing the bulk/ massing, as well as altering the design. The proposals now comprise smaller more modest dormers, not dissimilar to those viewed opposite. The proposed dormers would also align with the fenestration at ground and first floor level, resulting in some cohesion and rhythm. Further, it is noted that there are limited public vantage points of the rear of the application site, therefore the rear dormers are unlikely to be as visible. Overall and to conclude, the proposals are considered to be acceptable.

#### Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The proposed 2no. dormer windows located on the northern elevation would facilitate 1 no. bedroom, with the windows specifically serving an en-suite and wardrobe. Due to the size of the proposed dormers and rooms they would serve, combined with the separation distance between other dwellings to the north (with Botley Road in between), it is not considered that this would pose any significant concern of overlooking.

The rear dormer proposes 2no. windows which would serve the bedroom. To the south is David Lloyd Leisure Centre, which is separated and screened by vegetation, to such an extent that the proposal would not have an adverse impact. It is noted that the neighbouring properties either side (east and west) could be impacted, however it is considered this would be limited as result a of the location, size and scale of the proposals. Further, this type of relationship is not uncommon within urban areas.

Overall and to conclude, the proposals are not considered to have an adverse impact upon the amenities of the neighbouring properties and would therefore be acceptable in this regard.

#### Highway Safety & 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. The Residential Parking SPD sets out the relevant parking provisions for dwellinghouses, which are dependent upon the amount of bedrooms.

The application site is currently a 3no. bedroom dwellinghouse, which requires 2 no. off-street parking provisions. The property benefits from a driveway to the frontage and to the western side of the dwellinghouse, thus being able to provide the necessary parking provisions.

The proposed floor plans show an additional fourth bedroom in the roof, thus would increase the off-street parking provisions to 3. The existing parking arrangements would remain unchanged and would be able to accommodate the additional parking provision. As such, the proposals are considered to be in accordance with the abovementioned policies and would be acceptable.

#### 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.

The Council's Ecologist has advised that there are records of bats nearby, thus they requested up close photos of the roof, soffits, fascia and flashing. Subsequently, a Bat Survey Report was submitted (dated December 2020). The Council's Ecologist reviewed this and noted that the building was assessed as having low bat roost potential and required one dusk emergence survey. They also noted that the loft space was not accessible to the surveyor so it is possible bats could be using the space. A dusk emergence survey will not be able to be done until the start of the next active bat season (May 2023), but an updated walkover survey can be done before May if necessary. If any bats are seen emerging on that survey, at least two further surveys within the same season would be required for a European Protected Species license. However, they did note that the mitigation and enhancement measures proposed in sections 5.6.2-5.6.4 and Figure 4 of the report would be acceptable.

The report also stated that *given the mobility of bats it is recommended that a walkover of the site to update the survey information is undertaken prior to the development commencing if this does not occur before the end of November 2021*. This bat report was dated December 2020, whereby this planning application was received by the LPA November 2022. It is therefore considered that the applicant would have had sufficient time to be aware that a walkover would have been required as a minimum and to collate the necessary information prior to submitting any planning application. Further, within consultation response of H/22/93219 the Council's Ecologist stated:

*There are records of bats nearby, so close up photos of the roof, soffits, fascia and flashing around any existing windows are needed. I also need to check photos of the inside of the loft.*

In March 2023, the Council's Ecologist provided comments noting that the bat survey report submitted was for the two workshop buildings and this application is for the main house. A preliminary bat roost assessment report is required for the main house and the previously submitted report is not appropriate. This report can be undertaken at any time. Further surveys may be needed as a result of the findings of the preliminary assessment. This information has not been submitted within this application. Given that bats are a protected species, the lack of information in this regard would therefore warrant reason for refusal.

However, as noted within the previous application, the proposed rear dormers could benefit from 'permitted development (PD)'. The applicant would be advised that the works, regardless of whether they were being undertaken via 'PD' would still need to accord with The Wildlife and Countryside Act 1981 (as amended). As such, if a bat roost is present and is; obstructed, damaged or destroyed, this would be a criminal offence.

An informative will be imposed to advise the applicant of these matters.

#### Other Matters

The Council's Ecologist originally requested additional information to demonstrate whether bats were or were not present, following the receipt of the bat survey (dated December 2020), they confirmed that a bat survey would be required. This was requested in March 2023. The LPA have chased this information for 6 months whereby it has not been provided. The agent has been advised that if the Council did not receive the additional information by a certain date the application would be refused on the basis of lack of information. The LPA consider that the applicant knew additional information would be

required in this regard prior to the submission of this current application, however still allowed sufficient time to be able to provide this information. 6 months have now passed and no information has been provided. Should bats be found on site, the next available bat season would be May 2024, which would further delay the application. As such, given the lack of communication recently and the lack of information forthcoming, the LPA will determine the application as submitted.

#### **Equalities Act:**

Section 149 of the Equalities Act 2021 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.

#### **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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

#### **Conclusion:**

#### **Reason for Refusal:**

The proposal involves works to the existing roof which has potential to support bats, which are protected by virtue of the Habitats and Species Regulations (2019). Insufficient information has been provided to demonstrate that bats are not likely to be affected by the works, and therefore the works are unlikely to be granted a license by Natural England. The proposal would therefore be likely to result in an offence under the Habitats and Species Regulations (2019). The proposal is therefore contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the National Planning Policy Framework (2023).

Recommendation:

**PERMIT** ☐

**REFUSE** ☒