

DELEGATED OFFICER REPORT

Application Ref: H/26/101125

Site Address: 161 KINGSWAY, CHANDLER'S FORD, EASTLEIGH, SO53 5BY

Case Officer: Katie Lasham

Description: Erection of a pergola.

Particular Site Constraints?	Yes ☒	No ☐
Within urban edge Tree Preservation Orders on site Flood Zone 2 Amber/red zone for great crested newts		

Planning History?	Yes ☒	No ☐
There are a number of previous planning applications at this site, but of most relevance is: <i>T/24/97438: 2no. Sweet Chestnut (T58 and T59) - Both require suckers removing from the tree trunk below the main canopy to help the growth and overall health of the tree.</i> Consent for tree works May 2024.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	No Comment		
Trees:	No objection: TPO tree is not considered to be harmed as pergola is to be fixed to existing patio, therefore not disturbing the root protection area.		

Site Visit:	Yes ☒	No ☐
Details: 29 April 2026		

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; Character Area Appraisals; Trees and Development SPD.

Assessment:
<u>Summary of site and proposal</u> The application site is within a residential area of Chandlers Ford, where properties are large in scale and set on expansive plots with spacious gaps between each dwelling. The area is verdant in character with well-established large trees set to the forecourt and rear of properties along this road, with a number of these trees protected by a Tree Preservation Order (TPO). No.161 Kingsway is a large two storey dwelling with a large garden set just away from the junction where Kingsway meets Hocombe Road. Several TPO trees are within the front and rear garden of the property, including sweet chestnut trees, a larch tree, an oak tree and TPO woodland spanning across the rear curtilage of the site.

The application seeks planning permission for the erection of a pergola to the rear garden. The dimensions of the pergola are 3.1m in height, 3.3m in length and 3.9m in width and comprise a hipped steel roof, four corner posts and a heavy-duty cedar frame, stained light brown. The posts are to be anchored down by powder coated steel anchoring plate and it is to be connected to the existing patio slabs, therefore not disturbing the soil or roots below. A sweet chestnut TPO tree is in immediate proximity of the proposed development, with the canopy of the tree located directly above the proposed location of the pergola.

Principle of development

The development is within the urban edge where the principle of development is acceptable, in accordance with Policy S2 of the Local Plan.

Impact on character and appearance of the area

Policy DM1 of the Local Plan requires all development to respect and where possible enhance the character and appearance of the area, taking full account of mass, scale, materials, layout, density, design and siting both and in relation to adjoining buildings, spaces and views.

The pergola is located to the rear garden area of the property and will be shielded from prominent view of the street scene, as it is somewhat screened by the dwelling and is set well back from the front curtilage. The pergola is light weight in structure and comprises timber posts with a hipped roof with the material in keeping with the surrounding treed character of the area, further minimising its visual impact on the surrounding area. At 3.1m in maximum height, 3.3m in length and 3.9m in width, it is also of an acceptable scale to ensure the character of the area is safeguarded. There are no proposed alterations to the TPO tree as part of this application, with the tree canopy set much higher than that of the maximum height of the pergola, so the visual amenity and retention of the TPO tree preserves the verdant character of the road.

For the reasons outlined, the scheme preserves the character and appearance of the area, in accordance with Policy DM1 of the Local Plan.

Impact on residential amenity

Paragraph 135(f) of the NPPF and Policy DM1 of the Local Plan requires all development to preserve the amenity of neighbouring residents and where possible enhance it to provide a high standard of amenity for existing and future occupiers.

The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light, overshadowing or outlook and there will be no harm by way of overbearing impacts. Although the pergola is set on the properties side boundary in the rear garden, it is set a sufficient distance away from the neighbouring dwelling to ensure there is no significant harm to their residential amenity. It is also of an appropriate scale and height to not appear unduly impactful on the neighbouring occupier at no.25 Hocombe Road.

The scheme therefore ensures the amenity of neighbouring occupiers is safeguarded in all regards, in accordance with Policy DM1 of the Local Plan.

Impact on trees and ecology

Policy DM11 requires proposals to protect, conserve and enhance habitats including trees that are important to biodiversity and local character. The Trees and Development SPD seek development to not involve the loss of trees that add to the value of the character of the area, for their appearance or for biodiversity, unless they can be replaced with features of equivalent or enhanced value.

The tree officer has been consulted on the proposal as there is a tree covered by a Tree Preservation Order located in immediate proximity of the proposed pergola. The proposed location of the pergola would be directly underneath the canopy of the TPO tree. The tree officer raises no objection as the area of the proposed pergola is already laid to patio, and the method of construction will be to affix the legs to the existing hardstanding, ensuring there is no significant risk to damage to tree roots. A condition has been added to the proposal to ensure that the pergola is fixed to the surface of the patio rather than causing soil disturbance.

The pergola is considered to safeguard the longevity and health of the sweet chestnut TPO tree, there is also not considered to be any harm to ecology or wildlife as part of the proposal as there is no damage to existing habitats proposed. For these reasons, the scheme is in accordance with aims of Policy DM11 of the Local Plan and the Trees and Development SPD.

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; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications

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

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:		
Recommendation:	PERMIT ☒	REFUSE ☐
Comments ...		