

# DELEGATED OFFICER REPORT

**Application Ref:** F/23/96175

**Site Address:** 63 UNDERWOOD ROAD, BISHOPSTOKE, EASTLEIGH, SO50 6FX

**Case Officer:** Gary Osmond

**Description:** Construction of five bedroom end-of-terrace dwelling, incorporating existing ground floor addition, with associated parking and external amenity space

|                                                                                                                                                      |                                                |                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------|
| <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 the urban edge</li> <li>- Adjacent to a Site of Importance for Nature Conservation (SINC)</li> </ul> |                                                |                                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                |                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------|
| <b>Planning History?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>- F/22/94422 – First floor extension and proposed 4-bedroom, two storey end-of-terrace dwelling with associated parking provision – Refused 06/07/2023 (Currently at Appeal – APP/W1715/W/23/3329598)</li> <li>- F/22/93394 - Proposed 3 Bedroom Detached Dwelling with associated parking provision – Refused 11/10/2022</li> <li>- H/17/81900 - Single storey side and rear extension – Permitted 11/01/2018</li> <li>- F/08/64127 - One and two storey rear extension – Permitted 09/01/2009</li> </ul> |                                                |                                    |

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        |                                           |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------|
| <b>Publicity:</b> | <b>Letters</b> <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Site Notice</b> <input checked="" type="checkbox"/> | <b>Newspaper</b> <input type="checkbox"/> |
| Representations:  | <p>A total of 12 representations have been received (6 in support and 6 objecting).</p> <p>Comments in support of the application highlight the lack of affordable housing in the area, which this would contribute to. As well as providing additional space for the applicant's family.</p> <p>Those objecting have raised the following issues:</p> <ul style="list-style-type: none"> <li>- Overdevelopment</li> <li>- Visually intrusive and overbearing</li> <li>- Overlooking and loss of privacy</li> <li>- Loss of light</li> <li>- Parking will end up on the road</li> <li>- Out of keeping with the area</li> <li>- Impact upon ecology</li> <li>- Restrictive covenants on the land preventing further dwellings</li> <li>- Where would current caravan and garden structures be moved to?</li> <li>- Will the current owner's poultry be staying?</li> <li>- Devaluation of neighbouring properties</li> </ul> <p>With regards to restrictive covenants and possible devaluation of neighbouring properties, these are not material planning considerations which can be taken into account when determining any planning application.</p> <p>Regarding the existing caravan and poultry, whilst keeping poultry does not require any planning approval, conditions could be imposed as part of a planning approval for the caravan to be removed, which would be required to construct the dwelling.</p> |                                                        |                                           |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bishopstoke Parish Council: | Bishopstoke Parish Council Planning Committee objects to this application on the grounds that it would constitute overdevelopment and is not in keeping with the local area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Ecology:                    | <p>Ecology acknowledges that there are differences between this application and the previous applications, however they do not change the view that the impacts on the woodland would be unacceptable as detailed on our responses to the previous applications (F/22/94422 and F/22/93394).</p> <p>A 20 m buffer measured from the canopy edge of Stoke Park Woods SINC is required to avoid disturbance to the SINC. The harm cannot be mitigated or compensated for and there are not wholly exceptional reasons to justify the resultant loss or deterioration of the habitat. It remains the view that the benefit of a single dwelling in this location would not outweigh the harm caused to the SINC/ancient woodland, the increase in physical disturbance, light pollution and shading all contributing to a significant loss of important biodiversity, which is contrary to Local Plan policy DM11.</p> |
| Trees:                      | <p>As with the previous applications, the site is adjacent to a woodland – principally hazel – which is also a SINC (we have no interest in designations and will defer to ecology on these matters).</p> <p>The proposal is slightly further away from the woodland compared to the previous proposal and the supplied report was satisfactory in demonstrating that the proposal can be achieved without significant harm to the individual trees in the wooded area.</p> <p>Therefore, we raise no arboricultural objection, subject to tree protection conditions.</p>                                                                                                                                                                                                                                                                                                                                          |
| Hampshire Highways:         | <p>No objection. Revised/extended dropped kerb is acceptable. Parking can be provided for both existing and proposed properties. No issues with vehicles reversing onto or off driveways as the crescent is an area with slow moving traffic.</p> <p>Conditions requested in relation to parking provision and construction of revised access prior to occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Southern Water:             | No objection provided consent for connection to the public network is sought and given.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Forestry Commission:        | Asked that Forestry Commission standing advice for planning application is followed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                       |                                     |                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------|
| <b>Site Visit:</b>                                                                                                                                                                    | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input checked="" type="checkbox"/> |
| The case officer knows the site well, having dealt with previous planning applications. More recent site visit photographs are also available from the last two refused applications. |                                     |                                               |

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| <b>Policy:</b>                                                                            |
| <p><b>National Planning Policy Framework</b></p> <p><b>Planning Practice Guidance</b></p> |

**Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic Policies S1, S2 and S3; and Development Management Policies DM1, DM2, DM6, DM11, DM13, DM14, DM23 and DM30.

**Supplementary Planning Documents:**

Quality Places; Residential Parking Standards; Character Area Appraisals; Trees and Development; Biodiversity.

**Assessment:****Policy & Principle:**

The application site lies within the urban edge and within an established residential area. As such, the basic principle of development is acceptable, with any formal planning approval being dependent on the particular details of that proposed and how well it accords with the relevant policies of the adopted Local Plan.

In this instance the main policy is DM1, which requires any new development to be of a high quality design which takes appropriate account of the site constraints and character of the locality. In addition it requires the impact upon neighbouring occupiers and uses to be minimised, as well as providing an appropriate quality of environment for future occupiers. Other relevant policies are highlighted where relevant below.

**Previous Applications & Reasons for Refusal:**

As set out above, the site has some related planning history in the form of two previously refused applications for new dwellings – F/22/93394 & F/22/94422.

The first (F/22/93394) was for a detached two storey dwelling which was refused for the following reasons:

- 1. The proposed development would result in overdevelopment of the site as the cramped spacing and the separation distances would result in an unacceptable relationship with neighbouring properties and effect on neighbouring amenity contrary to local plan policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.*
- 2. The position of the proposed dwelling in the plot would not be in-keeping with the prevailing character of the area. The proposal fails to take proper account of the context of the site contrary to local plan policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.*
- 3. The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites from nutrient loading from the development. The application is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, The National Planning Policy Framework, and the provisions of The Conservation of Habitats and Species Regulations 2017.*

The second application (F/22/94422) was for an attached two storey dwelling which would have extended the existing terrace – not dissimilar to that currently proposed. Whilst recommended for approval by officers, it was refused by the local area committee for the following reasons:

- 1. The proposed development would have a detrimental impact on integrity of adjacent Stoke Park Woods SINC and ancient woodland due to the proximity from the woodland boundary resulting in the increase in physical disturbance, the blocking of a linear feature used by protected species, light pollution and shading all contributing to a significant loss of important biodiversity which is contrary to*

*policy DM11 of the Local Plan.*

2. *The level of garden provision for the proposed new dwelling would be out of keeping with the existing pattern of development and, due to the awkward shape and resultant overshadowing by adjacent trees, would have a harmful impact on the amenity of future occupiers contrary to policy DM1 of the Local Plan and the guidance set out in Quality Places SPD.*

This second refusal is currently the subject of a planning appeal which was submitted in September, with the official start date having just been received from the Planning Inspectorate. As such it is still likely to be some time before an appeal decision is received.

In the absence of an appeal decision to provide guidance on this second refusal, the reasons for refusal will form a significant material consideration in determining this latest planning application. As such, it needs to be demonstrated that the integrity of the adjacent SINC will not be harmed, and that the now proposed private amenity space is of an acceptable quality in terms of its size, shape and level of shading by trees.

### **Proposals:**

The application seeks consent for the construction of an attached, two storey five bedroom dwelling which would involve the demolition of an existing ground floor extension, together with associated parking and external amenity space to serve the new dwelling. In addition to this main element of the application, it is also proposed to construct a modest first floor addition, which would provide a fourth bedroom to the existing dwelling.

In terms of overall size and scale of the combined extensions to the existing dwelling and the proposed new dwelling, that currently proposed is not dissimilar to the last refusal. The main changes being:

- The scale of extensions to the existing dwelling have been significantly reduced, now only looking to extend to the rear at first floor, rather than to both the side and rear of the previous scheme.
- Demolition of the existing single storey side extension, allowing the proposed new dwelling to begin from the front corner of the original dwelling rather than the extension. This results in the proposed dwelling being pulled forward by approximately 1.8 metres, giving a slightly larger rear garden.
- An increase in bedrooms from four to five, with a subsequent increase in floor area from approximately 115 square metres to 142 square metres.
- Revisions to the proposed new plot boundaries as a result of the revised design but also to give a larger rear garden, increasing from 101 square metres to 146 square metres.
- Revisions to elevations as a result of the revised floor plans.

### **Previous Reasons for Refusal:**

Both reasons for refusal of the previous application were a result of the proposed site layout, or more specifically the position of the proposed dwelling in relation to the woodland behind the site.

### **Garden Space:**

That now proposed has pulled the dwelling forward by approximately 1.8 metres and revised the proposed boundary between the existing and proposed plots. This results in the rear elevation being just under five metres away from the rear boundary. Whilst a substantial improvement in comparison to the previously refused scheme, it is still in very close proximity to the woodland edge. As a rule of thumb, ideally rear gardens should be around ten metres deep, or deeper when facing north (Quality Places SPD, page 30). A lesser depth can be acceptable when the width and orientation of the garden would ensure that a reasonable quality amenity space would still be provided. However, in the case of that proposed for No.63, a five metre depth is not considered sufficient. Whilst

facing east, the narrow garden space would be shaded for much of the day by either the woodland to the east, or the dwelling itself, only receiving direct sunlight for a very short period around midday. It is acknowledged that there is a small area to the south of the dwelling. However, at only three metres wide, this would provide little scope for a wide range of activities likely to take place within the garden of a five bedroom family dwelling. Whilst larger than the previously refused scheme's garden, the shape and proportions of that proposed are still considered to be impractical and does not overcome the concerns in relation to the amenity of future occupiers of the development.

Part of the proposals include coppicing of trees along the woodland edge, in order to provide more natural light to the proposed garden. However, these trees are outside of the applicant's ownership and control. As such, there is no guarantee that this work will take place, or that consent for future works would be granted by the Forestry Commission who own and control the land. Even if consent is granted, coppicing of these trees does not overcome the concerns as to the usability of the garden and its appropriateness for the size and nature of dwelling proposed.

In addition to the concerns in terms of usability, whilst it is accepted that the overall garden area exceeds the minimum requirement of 60% of the dwelling's floor area, it would still be substantially smaller than the average size garden of neighbouring properties. As such it would still be out of keeping with the prevailing pattern of development in the locality where gardens are of a much larger size and far more useable proportions.

As such, it is not considered that this revised scheme has overcome the second reason for refusal of application F/22/94422.

#### Impact on SINC:

The other reason for refusal of F/22/94422 related to impact upon Stoke Park Woods, which is a designated Site of Importance for Nature Conservation (SINC). The reasons given for this were: the proximity of the proposed dwelling to the woodland edge and its associated garden and the resulting increased disturbance; the physical presence of the dwelling, which would block clear access to and from the woods by protected species (bats); together with increased light pollution; and shading of the woodland edge.

Whilst the revised position of the proposed dwelling 1.8 metres further away from the boundary with the woodland would likely improve the concerns of shading to some degree, it would still physically block access to the woodland, and likely result in the same levels of light pollution and general disturbance to the woodland. This is again the opinion of the Council's Ecology Officer, who has raised an objection to the proposals.

Without evidence to the contrary – the application not being supported by any form of ecological assessment – it has not been demonstrated that this previous reason for refusal has been adequately addressed or that these concerns can be overcome in an acceptable manner. As such this will again form a reason for refusal.

#### **Design, Street Scene and Area Character:**

In terms of design and appearance, that proposed is not an elegant design solution and would do little to enhance the street scene. However, it is accepted that design and appearance can be subjective, and that this was not a reason for refusal of the previous not dissimilar scheme, albeit that scheme was elevationally more attractive and less obvious as a separate dwelling when viewed from the street. As such, it would be unacceptable to consider refusing the application on the grounds of design, street scene or area character.

#### **Amenity:**

##### Neighbouring occupiers:

The main amenity concerns raised by objectors relate to privacy, light and outlook/visual intrusion. Notwithstanding the submitted elevations, which show a small window at first floor to the southern elevation of the proposed dwelling – which is presumed to be

included in error based on the proposed first floor layout – it is not considered that there would be any adverse or unacceptable overlooking or loss of privacy to any neighbouring properties, due to the orientation, proximity and relationship between that proposed and existing dwellings. If recommended for approval a condition limiting first floor windows to the southern elevation or requiring them to be obscure glazed could be applied.

For the same reasons relating to orientation, proximity and the relationship between dwellings, it is not considered that there would be any adverse loss of light to neighbouring dwellings or gardens.

With regards to visual intrusion and loss of outlook, whilst it is accepted that the neighbouring property to the south of the application site may be on marginally lower ground, and that the construction of a sizeable two storey dwelling within the neighbouring garden will negatively impact outlook from the neighbouring property and its garden, the proximity and relationship between the two is such that it would be hard to argue in planning terms that the proposed dwelling would have an adverse or detrimental impact sufficient to warrant a reason for refusal in this respect.

**Future occupiers of the development:**

Concerns in relation to the proportions, orientation and general useability of the proposed rear garden for the new dwelling have already been set out above, and are considered sufficient on their own to warrant a reason for refusal.

In relation to other amenity issues, the floor area of the dwelling exceeds the minimum standards set out by Policy DM30 of the Local Plan. General privacy would be acceptable, with no adverse overlooking from existing neighbouring dwellings. Outlook and light at the front of the dwelling is acceptable, although there are reservations as to the quality of natural light and outlook from the rear of the dwelling due to the close proximity of the adjacent woodland, albeit not to the extent that a reason for refusal could likely be justified.

**Parking, Access & Highways:**

The submitted site layout plan demonstrates that three off-road spaces can be provided for both the existing and proposed dwelling on their frontages. This will accord with the minimum requirements of the Council's 'Residential Parking Standards' SPD.

Hampshire Highways have raised no objection to the proposals and are happy that the existing dropped kerb can be extended in an acceptable manner. Equally, no objection has been raised in relation to vehicles needing to reverse on to or off the driveways, given this part of Underwood Road is a relatively quiet low speed area.

Some concerns have been raised by objectors with regards to existing and future residents parking on the street rather than on their property frontage, which appears to currently be the case. Whilst these comments are noted, there is no planning requirement for occupiers to park on their frontage, only to demonstrate that off-street parking provision can be provided. Notwithstanding, were the application to be approved, conditions would be imposed requiring off-street parking provision to be put in place and useable for both dwellings prior to occupation of the proposed dwelling.

**Trees & Nature Conservation:**

Whilst no arboricultural objection has been raised by the Council's Tree Consultant, the supporting arboricultural report showing that the proposed dwelling can be constructed without causing adverse harm to adjacent trees, the concerns set out above in relation to the impact of these trees upon the amenity of future occupiers of the development remain.

Equally, the concerns in relation to impact and disturbance upon the adjacent SINC and protected species which use it have not been adequately addressed, as set out above.

#### Nitrates & Phosphates:

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 Itchen and Solent catchment areas through nutrification. As such all developments 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 application site would use the Chickenhall Lane wastewater treatment works, which discharges into the River Itchen. As such the proposed development is required to achieve nutrient neutrality for both nitrogen and phosphorus. Eastleigh Borough Council does have a scheme which takes land out of agricultural uses and creates recreational spaces, thus reducing the nutrient output of the land. This scheme would be available to the applicant, although they have not confirmed if they intend to make use of this scheme or provide another form of mitigation. In either case, no mitigation has been secured and will therefore form a further reason for refusal.

#### Recreational Disturbance:

The site lies outside the 13.8km catchment area for the New Forest Special Protection Area and 5.6km catchment area for the Solent Bird Aware Scheme. As such, no mitigation is required in terms of wider recreational disturbance resulting from the development.

#### Habitats Regulations:

Any proposed residential development in this area will have a likely impact upon The Solent SPAs. As such, an Appropriate Assessment under the Habitats Regulations needs to be completed and reviewed by Natural England if the LPA is minded to approve an application. However, as the intention is to refuse the application, no assessment has been undertaken.

#### **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 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.

Little information has been provided in relation to any specific environmental sustainability measures proposed, although PV roof panels are shown on the proposed elevations.

**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** ☒

Whilst the revisions to this latest scheme compared to that previously refused are noted, they are not considered sufficient to have adequately overcome the previous reasons for refusal. This is principally due to the inability of the site to be able to accommodate a new dwelling due to its restricted size and shape, as well as its relationship with the adjacent woodland.

These concerns relate to the proposed new dwelling, rather than the modest first floor extension to the rear of the existing dwelling, to which there is no objection. However, whilst this element of the application is acceptable, it is not possible to approve this element on its own. As such, the application is again recommended for refusal for the same reasons as the previous planning application, with the addition of failure to secure mitigation towards the nutrient impact of the development upon water quality and the Solent SPAs, which was mistakenly not included in the previous refusal.