

# DELEGATED OFFICER REPORT

**Application Ref:** H/23/96549

**Site Address:** 1 KESTREL ROAD, EASTLEIGH, SO50 9LJ

**Case Officer:** Dorothy Hei-Tung-Hoh

**Description:** Erection of two-storey side and rear extensions to facilitate an annexe.  
Demolition of the existing garage and erection of new single storey garage (Re-submission of H/23/95973).

| Particular Site Constraints?                                                                                                                                                                                                               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
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| <ul style="list-style-type: none"> <li>• Within the urban edge</li> <li>• Within Established Residential Area</li> <li>• Within Built-up Area Boundary</li> <li>• Within the Special Policy Area (The Aviary Estate, Eastleigh)</li> </ul> |                                         |                             |

| Planning History?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
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| <ul style="list-style-type: none"> <li>• Z/07670/001/00 - Erection of garage at rear - replacement of smaller garage - Permit - 08/06/1981</li> <li>• F/06/56246 - Proposed extensions comprising two storey side extension, two storey rear extension and single storey front extension forming terraced housing comprising of 2No. 1 bed houses and retention of existing 2 bed house - Refuse Planning Permission For - 06/04/2006</li> <li>• F/07/61876 - Erection of 2 storey side and rear extensions. Single storey front extensions. Conversion to 2 no 2 bed dwellings - Refuse Planning Permission For - 08/02/2008</li> <li>• F/09/64590 - Two storey rear extension, single storey side extension and front porch - Permit - 27/04/2009</li> <li>• H/23/95973 - Erection of two-bedroom dwelling attached to the side of the existing property. Two-storey rear infill extension. Demolition of existing garage and erection of new single storey garage reposition to 90 degree. Alterations to fenestration (AMENDED DESCRIPTION) - Withdrawn By Applicant - 23/11/2023</li> </ul> |                                         |                             |

| Publicity:        | Letters <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                | Site Notice <input type="checkbox"/> | Newspaper <input type="checkbox"/> |
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| Representations:  | No comments were received.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                                    |
| Parish Council:   | No objection.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                      |                                    |
| Ecologist:        | No objection on grounds of ecology.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |                                    |
| Asset Management: | No response is required from Asset Management Consultations for planning application (H/23/96549).                                                                                                                                                                                                                                                                                                                                                                         |                                      |                                    |
| Southern Water:   | It appears that the developer is intending to build-over a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over the sewer. |                                      |                                    |

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|  | <p>The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water.</p> <p>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.</p> <p>Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.</p> |
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| <b>Site Visit:</b>                    | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| Details: 5 <sup>th</sup> October 2023 |                                                |                                    |

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| <b>Policy:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>National Planning Policy Framework</b><br/> <b>Planning Practice Guidance</b></p> <p><b>Development Plan:</b><br/> The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; policy E10; and Development Management policies DM1, DM2, DM11 and DM14.</p> <p><b>Supplementary Planning Documents:</b><br/> Quality Places; Residential Parking Standards; Character Area Appraisal for Eastleigh (ELAC 24)</p> <p><b>Other guidance notes:</b><br/> Annexes for dependent relative supplementary planning advice</p> |

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| <b>Assessment:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>The application property is a three-bedroom, two-storey dwelling located at the end of a row of four terraced properties. The property occupies a trapezoid plot, featuring a substantial side garden currently utilised for parking purposes. There is also a detached garage in the rear garden. The front boundary comprises a low brick wall topped with tall hedges. The site falls within the Aviary Estate Special Policy Area, where the housing exhibits a number of rustic architectural features that have remained largely unaltered over time. This application is a resubmission following the withdrawal of application H/23/95973, which proposed a non-subservient structure and the creation of a separate unit of residential accommodation on the site, rendering it unsupportable. The current resubmission still seeks planning permission for a two-storey rear extension, a two-storey side extension, and the construction of a new garage following the demolition of the existing one. It is considered that the current scheme remains substantially similar to the previous withdrawal scheme, thus failing to adequately address the concerns previously raised. Therefore, it is recommended for refusal.</p> <p><b><u>Principle</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> |

- The site is within The Aviary Estate Special Policy Area. Under Policy E10 from the Eastleigh Borough Local Plan 2016-2036, development including extensions will not be permitted unless all the following criteria are met:
  - i) the size, scale, architectural style, materials and detailing of the proposals closely reflects the character of the existing development; and
  - ii) the open spaces identified on the policies map are retained and their settings are not adversely affected.
- In addition to these policies, the site is also part of the character area of Eastleigh (ELAC 24), it is recommended that the predominant plot width, continuity in building line, and semi-mature planting is maintained.
- According to the Annexes for dependent relative supplementary planning advice, the design, scale and visual impact of a proposed annexe must be appropriate to the site. The Council is unlikely to grant permission for an extension to be used as an annexe, if in other circumstances the proposal would not be acceptable. In determining a planning application for an annexe the Council will expect the proposed development to:
  - i) be subordinate in scale to the principal dwelling. An annexe capable of being made into a separate dwelling, will not be acceptable;
  - ii) be linked internally to the principal dwelling and be designed in such a way as to easily enable the annexe to be used as an integral part of the main dwelling at a later date. A separate external entrance to the annexe may be acceptable provided it is subsidiary to the entrance to the principal dwelling;
  - iii) share a vehicular access with the principal dwelling;
  - iv) be in the same ownership as the principal dwelling;
  - v) have no boundary demarcation or sub-division of garden areas between the curtilage of the principal dwelling and the annexe;
  - vi) comply with the Council's normal design standards for extensions, and
  - vii) include adequate amenity space and car parking provision for the enlarged property.

### **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.

Upon reviewing the resubmission scheme, it is evident that the proposed two-storey rear extension and new garage would have minimal visual impact, particularly considering they would not be visible from the street scene. Therefore, this assessment would primarily focus on the proposed two-storey side extension, intended to accommodate a one-bedroom annexe.

In terms of design, the two-storey side extension, by nearly doubling the width of the original building, could potentially function as a separate dwelling. Moreover, the addition of an extra entrance door on the front elevation would give the impression of another terraced house within this row of dwellings. It was noted during the site visit that each terraced house in this row maintains a symmetrical appearance, with the main door centrally positioned and two ground floor windows on either side. As such, the introduction of a separate entrance door on the front elevation of the proposed side extension would disrupt this balance, creating an incongruous element.

While the proposed two-storey side extension would replicate the existing roof form and utilise matching materials, its substantial size and lack of subservience to the host building, without setbacks or a sufficient drop from the main roof, are considered not to

respect the original house and would result in a significant elongation of the entire row of terraced dwellings. Despite the presence of tall hedges along the front boundary, effectively screening the front elevation of the dwelling, the top of the house remains visible from the street scene. Consequently, this row of terraced dwellings would still present a significant elongation when compared with other rows of terraced houses within this area, contributing to a deviation from the established pattern of development. This deviation would further compromise the overall character and visual harmony of the Aviary Estate Special Policy Area. The existing rustic architectural features, which have been carefully preserved over time, contribute to the unique identity of the area. Given the special policy area's strong character, any new development should closely align with the existing character, which is not fully achieved in this proposal.

Paragraph 134 of the NPPF states 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance documents. In conclusion, the substantial size of the two-storey side extension, along with its non-subservient design and introduction of an additional entrance door, would disrupt the symmetry and balance of the row of terraced dwellings, adversely impacting the established character of the Aviary Estate Special Policy Area. Therefore, it is recommended that the application be refused.

### **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.

The application site is unsuitable for subdivision into two separate dwellings due to insufficient external amenity space. While the submitted floor plan indicates that the kitchen and bathroom are shared with the host building, establishing a linkage between the annexe and main dwelling, the substantial size of the two-storey side extension and the provision of a separate entrance still raises concerns regarding the potential subdivision of the annexe into an independent dwelling. Although a condition could potentially restrict the occupants of the proposed annexe, there remains a significant risk of independent occupation and future subdivision of the plot. Given this uncertainty, it is deemed inappropriate to rely solely on planning conditions to control the use. This uncertainty also raises concerns about the long-term implications for the area and its effects on neighbouring properties.

Moreover, the Annexes for dependent relative supplementary planning advice recommend that applications for annexes should demonstrate the occupants' dependency on the main dwelling and the inability to provide satisfactory care within the existing premises. However, no evidence has been provided to support these criteria in the proposal. This lack of documentation raises further concerns regarding the potential for the annexe to become a separate dwelling.

### **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 property is located in a residential part of Eastleigh. Flemming Park and the Monks Brook corridor provide some habitat of raised interest for foraging bats, but there are no records directly relevant to this proposal. As such, the Ecologist raised no objection on grounds of ecology. On this basis the proposals would not be contrary to Policy DM11 (Nature Conservation). In the extremely unlikely event that a bat is found should permission be granted, works should stop immediately, and Natural England informed.

### **Trees and landscaping**

The site does not contain any trees offered protection by a tree preservation order. Furthermore, the proposal has been deemed not to be in conflict with any trees or landscape features of particular amenity to the area.

### **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 are no concerns regarding the parking provision, as there is ample space at the front and side garden for parking.

### **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:**

Reasons for Refusal

The proposed two-storey side extension, due to its substantial size, non-subservient design, and introduction of an additional entrance door, would disrupt the symmetry and balance of the row of terraced dwellings, adversely impacting the established character of the Aviary Estate Special Policy Area. The proposals are therefore contrary to Policies DM1 and E10 of the Eastleigh Borough Local Plan (2016-2036), the Character Area Appraisal for Eastleigh (2008), and the contents of the National Planning Policy Framework (2023).

Recommendation:

**PERMIT** ☐

**REFUSE** ☒