

DELEGATED OFFICER REPORT

Application Ref: H/22/92745

Site Address: 89A SWAYTHLING ROAD, WEST END, SOUTHAMPTON, SO30 3AG

Case Officer: Rachael Morris

Description: Retention of existing decked area and existing fence lines
(Retrospective)

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

Planning History?	Yes ☒	No ☐
• F/08/63893 - Two storey front extension – Permit – Dec 2008		
• F/15/76569 - Two storey front & single storey rear extensions – Permit – Jul 2015		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	89 Swaythling Road. Objection (summarised). The height the deck has been installed at has resulted in adults and young children alike being at waist height. The height of the deck is visually intrusive to our property, we are now overlooked directly into our main living area and our back garden, despite having a 6-foot-high wooden fence joining our gardens. This has resulted in all our privacy being lost unless we close our curtains and not spend time in our garden.		
Parish Council:	No Comment		
Tree Officer:	No Objection		

Site Visit:	Yes ☒	No ☐
Details: 19/01/2024		

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, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that:
<u>Principle</u> The development is within the urban edge where the principle of development is acceptable.
<u>Design and layout</u> The proposed decking looks to have a similar ground level to that of the main dwelling on the side closest and then gets deeper as it moves away from the main house and into the garden. Nonetheless, the decking is placed over 30cm off the

original ground level as the garden slopes away as a result of this decking being placed outside a new rear extension. As such the original garden level was at an unpractically different level to this new extension.

- The decking itself is a suitable size in relation to the rest of the rear garden plot and allows the use of the garden more practically due to the steep level changes within the garden.
- However, as previously submitted and what is currently in place, the decking allows for unacceptable overlooking to the neighbour at no.89 Swaythling Road as the fence from no.89A's side is too low. While extending this fence from the neighbouring side would create a tall fence, it is considered this would provide a favourable experience to their private amenity space when compared to existing, as there would no longer be unacceptable overlooking.
- Therefore, the application has been amended to create a fence extension to 1.8m measured from the finished decking level, which provides the required privacy to the neighbouring property and garden. Overall, from the neighbouring side, the fence would measure 2.8m which although is recognised as a tall fence, in this case is considered acceptable in order to reduce overlooking in a steeply sloped garden.
- It is also noted that the other neighbouring property at no.87 Swaythling Road has provided tall fencing (2.6m) in order to eliminate the same issue that is present here, created by decking and steep garden levels. This was approved through application H/22/92484.

Residential amenity

- 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 or outlook.

Other material considerations

- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.

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.

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 ...		