

DELEGATED OFFICER REPORT

Application Ref: H/23/96568

Site Address: 9 NORMAN GARDENS, HEDGE END, SOUTHAMPTON, SO30 4AW

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retrospective application: Retention of a one-bedroom annexe
(AMENDED DESCRIPTION)

Particular Site Constraints?	Yes ☒	No ☐
• Within Established Residential Area • Within Built-up Area Boundary		

Planning History?	Yes ☒	No ☐
• F/17/79791 - Single storey front extension - Permit - 21/03/2017		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	A total of 8 comments and objections were received from 3 different representatives. Concerns have been raised regarding potential overlooking, loss of privacy, visual impact, overdevelopment of the site, and potential noise impacts on neighbouring properties. Furthermore, there is concern regarding the intended use of the annexe.		
Parish Council:	<u>1st Consultation</u> No objection. <u>2nd Consultation</u> Object on the basis of overdevelopment. It was noted that the description does not match the type of building proposed.		

Site Visit:	Yes ☒	No ☐
Details: 2 nd January 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, DM2, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisal for Hedge End, West End and Botley (HEWEB 71)

Assessment:
9 Norman Gardens is a detached bungalow situated at the end of a cul-de-sac, featuring an L-shaped footprint and a catslide roof. The property sits upon a plot with a gentle

downward slope from southeast to northwest. The immediate vicinity is predominantly residential, comprising detached bungalows. The current application seeks retrospective planning approval for the replacement of the previous outbuilding with a new structure in the rear garden. Upon consultation with the applicant, it has been clarified that the proposed new building is intended for use as a 1-bedroom annexe. Throughout the assessment process, a concern regarding property ownership in relation to the application property was raised. To ensure procedural compliance, it is requested that the new ownership certificate be submitted. Subsequently, the application has undergone an additional 21-day re-consultation period. During the site visit, it was noted that the structural construction of the new outbuilding has largely completed but the interior and exterior finishes are yet to be done.

Principle

- 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.

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.
- The new outbuilding in the rear garden measures approximately 4.1m in depth, 6.3m in length, and 2.8m in height, featuring a flat roof design and cladding with natural-coloured timber. It occupies a similar position to the previous outbuilding, albeit larger in size. From a public viewpoint, it does not visible from the street scene, ensuring no adverse impact on the street scene or the area's character.
- While visible from neighbouring properties, the impact is not deemed detrimental enough to warrant refusal. Despite a perceived increase in bulk compared to the previous outbuilding, the new structure actually has a lower height and only slightly larger dimensions. Therefore, it is not considered excessively intrusive, despite its current unfinished state which will be improved following completion of the works. Once clad in timber matching the existing fence colour, it is anticipated to become less visible, further diminishing its visual prominence. Additionally, the use of timber cladding, matching the existing fence, is considered a good measure to integrate the structure into the surroundings.
- Regarding the concerns of overdevelopment, it is considered that the proposed development does not constitute overdevelopment, as the site retains a usable garden. Furthermore, the rear garden has accommodated an outbuilding for some time, and the new structure only marginally increases its footprint compared to the previous one.

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 proposed outbuilding will serve as an annexe. The applicant has confirmed that it will only be used occasionally, and the submitted floor plan indicates the absence of full kitchen appliances, suggesting its functional connection to the main

dwelling. Therefore, it is deemed unlikely that the annexe would operate as a separate residential unit. To further mitigate this possibility and prevent on-site subdivision, two conditions will be imposed to restrict its use. These conditions specify that the annexe shall only be used in conjunction with the existing dwelling or by a dependent relative of the occupiers of the existing dwelling. Additionally, the annexe shall not be sold off, occupied or used as an independent unit of accommodation. Furthermore, the annexe shall not at any point include facilities to allow for independent use, such as a laundry facilities or kitchen appliances. It is considered that the occasional use and lack of full housing facilities will help alleviate concerns regarding noise disturbance to neighbouring properties.

- Regarding concerns of overlooking and loss of privacy, it is acknowledged that these are valid considerations. However, following a site visit and examination of the proposed windows, it was observed that the lounge window in the annexe does not intrude significantly and primarily overlooks the rear garden of the application property. In terms of the bedroom window, there will be glimpses of the top of the neighbour's conservatories but does not provide sight into the habitable areas or rear gardens of neighbouring properties, especially those at 8 Norman Gardens, 3 Tudor Gardens, and 4 Tudor Gardens. However, to safeguard the amenity and privacy of neighbouring properties and ensure a satisfactory visual relationship, a condition will be imposed to provide screening. Prior to the first use of the development, additional screening in the form of trellis, no less than 0.3m in height, shall be fixed to the top of the existing southwest boundary. This measure is considered sufficient to minimise the possibility of unintended overlook and enhance the sense of privacy for adjacent neighbours.
- Additionally, given its location and the distance separating it from adjacent neighbours, the new outbuilding is not considered to result in overshadowing or loss of light for neighbouring properties.

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. There are no likely significant impacts on the SPA.

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.
- While the annexe may result in the occasional need for one additional parking space, it is considered that the site can accommodate up to three cars, meeting the maximum required number of parking spaces. Additionally, given the site's location at the end of a cul-de-sac, it is unlikely to generate harmful impacts on the highway or surrounding traffic flow. Therefore, the new outbuilding is not considered to pose significant challenges in terms of parking provision or highway safety.

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:

- Permit subject to conditions.
- While acknowledging the valid concerns regarding the intended use and increased size of the new outbuilding, the site visit has revealed that these concerns, such as overlooking and visual impact, are not considered detrimental to a degree that would justify refusal. It is important to note that the new outbuilding is only slightly larger than its predecessor, and any remaining concerns can be effectively mitigated through the imposition of suitable conditions. Therefore, on balance, the proposed development is deemed acceptable. Additionally, it is anticipated that once the structure is clad, it will assimilate into its surroundings.

Recommendation:

PERMIT ☒

REFUSE ☐