

DELEGATED OFFICER REPORT

Application Ref: H/24/96806

Site Address: 7 HARDINGS LANE, FAIR OAK, EASTLEIGH, SO50 8GL

Case Officer: Claire Campbell-Best

Description: Single storey rear extension to replace existing conservatory and erection of 2.6m high timber fence along part of the southwestern boundary

Particular Site Constraints	Yes ☒	No ☐
Within Urban Edge Public Rights of Way Buffer – Footpath and Bridleway Tree Preservation Order (117-E) south of the site Great Crested Newts – Amber Zone		

Planning History	Yes ☒	No ☐
Application No.	Description	Decision
Z/16357/002/00	Erection of three dwellings with garages and construction of access	Permit – 19/12/1979
Z/16357/001/00	Three detached houses and garages	Grant Outline Permission – 18/07/1979

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None received		
Fair Oak Parish Council:	No Comment/No Objection		
Ecology:	This site is in an amber impact risk zone for great crested newts and there are records of bats, hedgehogs, and stag beetles nearby. A precautionary working method to protect hedgehogs, terrestrial great crested newts and stag beetles will be required. If any vegetation clearance is required it must either be done outside the nesting bird season (which is considered to be March through August), or only after a check for nesting birds by a suitably qualified ecologist. Any excavations must be covered at night or fitted with a small animal escape ramp to prevent animals becoming trapped. New fencing must have at least two openings (13 x 13 cm minimum) to allow free passage of small animals such as hedgehogs through the garden. Biodiversity enhancements will be required. A bat box and a swift nest box may be appropriate for this building.		
Trees:	No objection		
Access Development Officer (PRoW):	No objection subject to the following condition: No vehicles (including builder's and contractor's) machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the public right of way at all times. Reason: To protect the Public Right of Way		
Hampshire Gardens Trust:	No comments received		

The Gardens Trust:	No comments received
--------------------	----------------------

Site Visit:	Yes ☒	No ☐
Details: 06/03/2024		

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 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; Bishopstoke, Fair Oak and Horton Heath Character Area Appraisals.

Assessment:

Site and Surroundings

The application site contains a detached two storey dwelling with a rear conservatory and decking located on the southern side of Hardings Lane. The property is set back from the road by a hardstanding driveway and a fully enclosed garden to the rear. A Public Right of Way runs parallel along the southwestern boundary, this boundary encloses the rear garden to the site and is marked by a 2m high timber fence. The surrounding area is predominately residential and features dwellings of differing styles and age. A vehicle workshop lies directly west to the site.

Proposal

This application seeks approval to replace the existing rear conservatory with a single storey rear extension for the erection of a 2.6m high timber fence along part of the southwestern boundary.

The proposed extension would be mostly sited over the footprint of the existing conservatory, It would be the same depth (4.75m) but would be slightly wider (4.2m) and lower in height (3.3m). The extension would comprise a family room served by a set of bi-fold doors to the rear elevation and 2no. fully glazed panel windows to the side (east) elevation. This would have a flat roof and be finished in materials that would match the host dwelling.

The 2.6m timber fence would be installed part way along the southwestern boundary, spanning a width of 13.4m, starting midway from the host dwelling and ending at the end of the decking within the rear garden. The proposed fence would provide privacy to the occupants of the dwelling when using the decking within the private garden space. The proposed fence would measure 2m from the decking.

Principle

The application site falls within the urban edge, whereby alterations or extensions to, or within the curtilage of residential dwellinghouses are considered to be acceptable in principle, however, would be subject to the following considerations.

Design and Layout

- The design of the single storey rear extension and boundary fence is suited to the host dwelling in terms of its form, scale and appearance. This replaces an existing conservatory of a similar scale and would be respectful to the host dwelling due to the use of matching materials.
- At the time of the site visit it was noted some of the surrounding properties in the locality have been extended to the rear. The proposed extension is considered to be in-keeping with the existing development within the area.
- The proposed extension due to its location and its close proximity to a Public Right of Way would be visible within the public realm. However due to the single storey nature and the current development in place, the proposed extension is not expected to be unduly dominant when compared to the existing situation.
- The proposed 2.6m fence is acknowledged as a tall structure, however, the fence at this height would be sited roughly mid-way along the southwestern boundary, set well back from the highway spanning 13.4m in width. Overall, this boundary spans approximately 39m, all of which is fenced with a maximum height of 2m. Therefore, the width of the proposed fencing is considered modest and would not be unacceptably dominant within the locality.

Residential Amenity

- The neighbours most impacted as a result of the proposal would be the neighbour to the east, no. 5 Hardings Lane and the vehicle workshop to the west.
- The proposed rear extension proposes 2no. fully glazed panel windows to the eastern side elevation that would face the conservatory and rear garden of no. 5. While this does raise privacy and overlooking concerns, it is important to note the existing conservatory has windows in a similar location. On balance, it is considered the side facing windows would not cause any unacceptable harm when considering the current relationship. Additionally, the fence between the boundary and hedging found close to the neighbour's conservatory would provide sufficient screening.
- The proposed fence would provide screening to the occupants while using the decked area in the rear garden from both the Public Right of Way footpath and the vehicle workshop west of the site. The fence would measure 2m from the decking and is considered adequate screening to the occupants. The vehicle workshop does have east facing windows, however, these windows appear to serve and office and waiting area which are adequately distanced from the boundary (12m). Due to this separation distance and that this unit is non-residential, the proposed fence is not expected to impact upon about this building to a detrimental degree.
- The Public Right of Way would not be impacted upon, the proposed fence would be visible but would not enclose the footpath and affect the footpath in such a manner that it would not useable. A condition will be applied to ensure the Public Right of Way is protected during construction works.
- Therefore, 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.

Ecology

- Ecology were consulted upon due to the site falling within an amber zone for Great Crested Newts. The Council's Ecologist has recommended a precautionary working method in order to protect small mammals and bird. This, as well as biodiversity enhancements will be recommended by way of informative.

Other Matters

- 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.

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: This application is recommended for approval, subject to conditions

Recommendation:

PERMIT ☒

REFUSE ☐