

Sean Ernsting  
The Planning Inspectorate  
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|                |                               |
|----------------|-------------------------------|
| Application    | F/23/95162                    |
| Your           | APP/W1715/W/23/3330250        |
| Reference:     |                               |
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19<sup>th</sup> March 2024

Dear Mr Ernsting

**Town and Country Planning Act 1990**  
**The Town and Country Planning (Development Management Procedure)**  
**(England) Order 2015**

|                        |                                                                                                                                                                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Appeal By:</b>      | Mr N Sansome                                                                                                                                                                                                                                      |
| <b>Appeal No:</b>      | APP/W1715/W/23/3330250                                                                                                                                                                                                                            |
| <b>Application No:</b> | F/23/95162                                                                                                                                                                                                                                        |
| <b>Description:</b>    | Change of use of existing detached garage to create 1no. 1 bedroom detached dwelling, addition of porch canopy and insertion of 2no. rooflights, with associated off street parking (amended scheme to previously refused application F/18/83185) |
| <b>Site:</b>           | 63 CHALVINGTON ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 3DY                                                                                                                                                                                         |

1. With reference to the above planning appeal and the Appellant's submitted appeal statement, the Local Planning Authority (LPA) are of the opinion that this statement raises no significant new issues or evidence and as such would ask that the appointed Inspector treats the delegated officer report and consultee responses, which were submitted with the appeal questionnaire, as the LPA's statement of case together with the following comments.

### **Reason for Refusal 1 (Character and Appearance):**

2. The Appellant's statement highlights changes made to the plot size and external layout since the previous dismissed appeal (F/18/83185) and these changes have been acknowledged by the LPA within the Officer's delegated report. Their statement also goes onto compare plot size to those of nearby dwellings.
3. However, it is the LPA's view that the appeal development does not address the whole reason for refusal. A key consideration being the size and design of the building itself, which has the appearance of a domestic outbuilding. It is the LPA view (and that of the previous Planning Inspector) that the changes associated with converting the building into an independent dwelling would result in the structure being out of keeping with the nearby residential properties and detrimental to the character and appearance of the locality.
4. This point is made in paragraph 7 of the previous appeal decision *"I acknowledge that the garage has previously been considered acceptable in respect of its effect on the street scene. However, that scheme was considered on the basis of an ancillary structure in association with the main dwelling. The appeal scheme proposes a materially different use, such that it would impart a character different to that of the garage. Most notably, the appeal scheme would be viewed as a separate and stand-alone development that would, in my view, appear cramped when viewed within the context of the surrounding dwellings."*

### **Reason for Refusal 2 (Living Conditions):**

5. The Appellant asserts that the LPA incorrectly applied the nationally described internal space standards and should have considered the principle and reasoning behind the standards. However, it is unclear from the Appellants statement why the two storey, one bedroomed, appeal development doesn't fall within the minimum gross internal floor area set out within table 1. The standards do not make any distinction between converted and new buildings, which both result in new residential accommodation.
6. No compelling reason has been given by the Appellant as to why the proposed residential conversion should not be subject to the nationally described internal space standards and indeed compliance with these standards is required by Policy DM30 of the Eastleigh Borough Local Plan.
7. The Appellants statement goes onto calculate the floor area of the appeal development without the circulation space, stating this would be 46.5m<sup>2</sup> (in excess of the 39m<sup>2</sup> required for a one bedroomed flat). However, the appeal development is for a two storey building and the stairs/ landing are required to

access the second floor. Therefore, the appeal development falls below the 58m<sup>2</sup> minimum gross internal floor set out within the standards.

8. The Appellant's statement also notes that it is not usual for bedrooms to be provided within roof spaces, which the LPA accepts. However, in this case the first floor bathroom and bedroom already have a small floor area and being located within the roof slope means that much of the space is not usable as living accommodation (as it would be under 1.5m in height). As such it is the LPA view that the appeal development would result in a cramped and poor-quality internal living environment for the new residents.

### **Reason for Refusal 3: (Special Protection Area):**

9. The Planning Inspector's attention is drawn to the Officer's report, which explains the impact the development would have on the New Forest, River Itchen and Solent Complex Special Protection Areas, in terms of an increase in nutrients and recreation disturbance. The Appellant has stated they would accept a condition to secure the appropriate mitigation package for these impacts.

#### Increase in Nutrients

10. In line with Natural England's guidance, the LPA would expect a nutrient budget (which is likely to show a positive nitrogen output) and details of a mitigation package to be submitted with the appeal application. No such information has been submitted, which is required upfront to enable the decision maker to complete their obligations under The Conservation of Habitats and Species Regulations. The Agreed mitigation package would then need to be secured either through a planning condition or via a unilateral undertaking. No legal agreement has been submitted for the appeal development.

#### Recreational Disturbance

11. While the Appellant has indicated their acceptance to provide mitigation towards the New Forest recreational disturbance mitigation strategy, no upfront contribution has been received and no unilateral undertaking has been submitted. As such this contribution has not been secured as part of the appeal.

### **Conclusion**

12. The LPA respectfully request that the Inspector upholds the reasons for refusal and dismisses the appeal. However, should the Inspector be minded to grant

permission, the LPA would ask that the conditions attached in Appendix A are included as part of any approval.

Yours faithfully

A handwritten signature in black ink, appearing to read "N Parker", written over a horizontal line.

Nicholas Parker  
Planning Manager