

Mr Sean Ernsting
The Planning Inspectorate
Room 3D
Temple Quay House
2 The Square
Bristol
BS1 6PN

Application	F/23/95271
Please ask for	Rebecca Altman
Direct dial	023 8068 8266
Working hours	Tues 9am-3pm; Wed-Fri 9am-5pm
Email	rebecca.altman@eastleigh.gov.uk

Thursday 23 May 2024

Dear Mr Ernsting

Appeal ref: APP/W1715/W/24/3339114
Appeal by: Mr Michael
Application No: F/23/95271
Description: Erection of new 3.no bedroom detached dwelling on site of existing workshop/store
Site: 17 O'Connell Road, Eastleigh, SO50 9GN

Further to your letter dated 25 April 2024, this letter sets out the Local Planning Authority's (LPA) Statement of Case in relation to the above referenced appeal.

The LPA is of the opinion that the main issues raised by the Appellant within their Statement of Case have been addressed within the Officers delegated report, which was forwarded to the Inspectorate with the Appeal Questionnaire. This letter will therefore focus on a response to specific matters raised within the Appellants Statement of Case, that have either not previously been addressed, or for which further information is required.

Reasons for Refusal

The appeal scheme was refused on the following three grounds:

1. The proposed development would result in overdevelopment of the site as the cramped spacing and the separation distances would result in an unacceptable spatial relationship with 17 O'Connell Road and harmful effect on neighbouring amenity contrary to local plan policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
2. The form and size of the proposed dwelling would not be in-keeping with the streetscene and prevailing character of O'Connell Road. The proposal fails to take proper account of the context of the site contrary to local plan policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

3. The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites from additional nutrient loading and recreational disturbance generated by the population increase resulting from the development. The application is therefore contrary to the requirements of Policies S1, DM10 and DM11 of the Eastleigh Borough Local Plan 2016-2036, The National Planning Policy Framework, and the provisions of The Conservation of Habitats and Species Regulations 2017.

Response to the Appellants Statement of Case

Amended plans

The LPA determined the application based on the originally submitted plans (ref. 685/003, dated May 2023). Whilst amended plans were submitted during the application process, the Case Officer continued to raise concerns about the amended proposals and the applicant's Agent requested that the application be determined on the basis of the original plans. The amended plans were therefore never formally accepted or consulted on.

The appellant is requesting that the Inspector considers amended plan ref. 685/003 Rev. B for this appeal. A summary of the changes between this plan and that originally submitted is set out in paragraph 3.4 of the appellants Statement of Case, but in summary comprises:

- Reduction in width of the dwelling and increase in depth;
- Mirrored design of the dwelling;
- Removal of all side windows;
- Addition of rooflight to front roof slope;
- Addition of solar panels to rear roof slope;
- Reposition of parking spaces, bin and cycle storage.

The LPA considers these amendments to result in a materially different scheme to that which was considered at the time of the application. Had this amended plan been accepted during the application process, it would have been subject to re-consultation with relevant consultees and the public, to enable a full assessment of the merits of the amendments and to ensure that interested parties were kept fully informed about the proposals. As these processes have not taken place, the LPA would request that the Inspector does not accept the amended plan and that the appeal decision is based on the plans as originally submitted.

Even if the Inspector were to accept the amended plan, it is the LPA's view that the amendments do not address the harm identified in the reasons for refusal.

The LPA would also note that a further iteration of the scheme was recently submitted as a new planning application, ref. F/24/97118. The plan submitted for this new application showed further changes including another revision to the parking layout, addition of landscaping, and a change in roof form of the dwelling. These amendments were not considered to address the main reason for refusal of the

previous scheme, relating to the impact on the character of the area, and the application was refused on 20 May 2024 (Decision Notice enclosed at Appendix 1).

Reason for Refusal 1 – relationship with and impact on No.17 O’Connell Road

As explained in the Officers delegated report, the main residential amenity concern is the impact on outlook from a bedroom and living room window on the north-west side of the rear elevation of No.17 O’Connell Road.

The LPA considers the appellants assessment of this matter to be somewhat contradictory, indicating at one point that they do not consider there to be an adverse amenity impact, but then outlining how the impact could be overcome, by either creating more separation between the buildings or carrying out works to the existing dwelling as outlined in paragraph 6.11 of the appellants Statement of Case. The works to the existing dwelling would result in the bricking up of the rear windows in question along with other alterations to improve light and outlook through to the living room. This is new information which was not available to the LPA at the time of the application and it is understood that these works have not yet taken place. However, it is acknowledged that if those windows were blocked up, then the issue relating to this reason for refusal would no longer be of relevance.

As the situation currently stands, the LPA maintains this reason for refusal. However, should the Inspector consider the appeal scheme to be otherwise acceptable, it may be possible to secure the alterations to the existing dwelling by condition, although the LPA does not consider this to be an ideal solution.

Reason for Refusal 2 – impact on the character of the area

A description of the site and surroundings is set out in the Officers Delegated Report. The key point to note is that O’Connell Road has a fairly distinctive character, with semi-detached properties set at angles on the corners of adjoining roads, and a generally spacious feel to development. Whilst a number of properties along O’Connell Road have outbuildings to their sides, there are no other examples of infill 2-storey houses similar to this appeal proposal.

A key element of the appellants case rests on the presence of similar infill development on Spencer Road, which adjoins O’Connell Road to the east of the appeal site. The two nearest infill houses are located adjacent to No. 2 Spencer Road (which itself is adjacent to the appeal site), and No.1 Spencer Road. Whilst these examples are close to the appeal site, it is important to note that they form part of the visual character of Spencer Road, which has a different pattern of development to O’Connell Road with a mix of semi-detached and terraced housing and a less spacious feel. The plots of land where the infill houses have been constructed were also wider than that of the appeal site, allowing the new dwellings to sit more comfortably within their settings and maintain an appropriate relationship with neighbours.

Every application must be determined on its own merits, taking account of the specific characteristics of the site and surroundings. Whilst the LPA fully acknowledges the presence of the infill development on Spencer Road, this is not considered to justify the appeal proposal, which would be on a smaller site and on a different road with a different visual character. For the reasons outlined here and in the Officers delegated report, the LPA would request that the Inspector upholds this reason for refusal.

Reason for Refusal 3 – mitigation of impacts on protected sites

As explained within the Officers Delegated Report, there is a requirement for all new residential development within the Borough to demonstrate that it would have no adverse impact on the integrity of European protected sites. The relevant sites that could potentially be impacted by this development would include:

- River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI);
- Solent and Southampton Water Special Protection Area (SPA) and Ramsar site;
- Solent Maritime Special Area of Conservation (SAC);
- New Forest SPA, SAC and Ramsar Sites.

As identified in the Officers delegated report, the potential impacts resulting from the development would relate to increased nutrient output into protected waters and increased recreational pressure on the New Forest. The Council has developed mitigation strategies to offset these impacts, which are available for applicants to use. Further details of the mitigation strategies are set out on the Council's website via the following links:

[Recreational disturbance \(eastleigh.gov.uk\)](http://eastleigh.gov.uk/recreational-disturbance)

[Nutrient Neutrality \(eastleigh.gov.uk\)](http://eastleigh.gov.uk/nutrient-neutrality)

Whilst the appellant has acknowledged the requirement to mitigate these impacts in paragraph 6.3 of their Statement of Case, no indication is given as to how this mitigation would be achieved (e.g. whether they intend to utilise the Council's mitigation strategies or other forms of mitigation), and no legal agreement has been provided. On the basis of the information currently provided, the LPA therefore maintains that the development would have an adverse impact on the integrity of protected sites, as per reason for refusal 3.

Conclusion

For the reasons outlined within this letter and the Officers delegated report, the Local Planning Authority respectfully requests that the appeal is dismissed.

Should the Inspector be minded to allow the appeal and to grant planning permission, the LPA would request inclusion of the conditions outlined in Appendix 2.

Please contact the Case Officer, Rebecca Altman, should any further information be required.

Yours sincerely

A handwritten signature in black ink, appearing to read "N Parker", with a horizontal line underneath the name.

Nicholas Parker
Planning Manager