

DELEGATED OFFICER REPORT

Application Ref: H/24/97525

Site Address: 104 MAGPIE LANE, EASTLEIGH, SO50 9LW

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retrospective Application for an outbuilding at the rear of the property for residential purposes.

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within Established Residential Area • Within Built-up Area Boundary • Within the Special Policy Area (The Aviary Estate, Eastleigh)		

Planning History?	Yes ☐	No ☒
There does not appear to be any planning history relating to the site.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	One objection was received from an adjacent neighbour, raising concerns about overlooking and loss of privacy.		
Parish Council:	Eastleigh Town Council objects to this application due to the size of the garden building not being appropriate for ancillary dwelling status.		

Site Visit:	Yes ☒	No ☐
Details: 21 st June 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; policy E10; and Development Management policies DM1, DM2, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisal for Eastleigh (ELAC 24)

Assessment:
<u>Application site</u> The application property is a two-storey, semi-detached dwelling. The front garden has been transformed into a parking area, and a driveway to the side provides access to the rear garden. The site falls within the Aviary Estate Special Policy Area, where the housing exhibits a number of rustic architectural features that have remained largely unaltered over time.

Proposal

The application seeks retrospective planning permission to retain an outbuilding situated at the left bottom of the rear garden. During the site visit, it was observed that the outbuilding is finished in light grey cladding and there is a pergola and decking area at its front. The outbuilding serves as a one-bedroom accommodation, with the left portion designated for storage.

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.
- The site is within The Aviary Estate Special Policy Area. Under Policy E10 from the Eastleigh Borough Local Plan 2016-2036, development including extensions will not be permitted unless all the following criteria are met:
 - i) the size, scale, architectural style, materials and detailing of the proposals closely reflects the character of the existing development; and
 - ii) the open spaces identified on the policies map are retained and their settings are not adversely affected.
- In addition to these policies, the site is also part of the character area of Eastleigh (ELAC 24), it is recommended that the predominant plot width, continuity in building line, and semi-mature planting is maintained.

Layout, design, and impact upon the character of the area

- 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 application site falls within the Aviary Estate Special Area, where the architectural character is relatively strong, and therefore any alterations or additions to the property must closely reflect the existing development's character. Since the outbuilding is located at the rear of the property, it is not visible from public vantage points. As such, it is considered that this structure does not impact the street scene or the overall character of the area.
- The outbuilding is visible from neighbouring properties, but such structures at the rear garden are quite common in this area. Moreover, the materials and colours used for the outbuilding are also considered typical and unobtrusive, ensuring that the outbuilding does not appear as an incongruous feature within the local context.
- Regarding size and scale, the outbuilding is modest and only marginally exceeds what is permitted under development rights. Additionally, the site retains a good-sized amenity space, suggesting that the outbuilding does not constitute overdevelopment.

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.

- Given its rear location and the separation distance from adjacent neighbours, it is not considered that the outbuilding will cause any loss of light, loss of outlook, or overshadowing to neighbouring properties.
- Concerns raised by the neighbour regarding loss of privacy and overlooking have been carefully noted. In planning terms, the outbuilding itself does not create privacy or overlooking issues, as there are no windows that directly face the neighbour's property. For the extended decking area at the front of the outbuilding, it is important to note that this element is not part of this application. Additionally, the Local Planning Authority has no control over where individuals choose to sit within their own garden, and thus cannot justify refusing the application based on this concern.
- It is acknowledged that the outbuilding is currently being used as a one-bed bedroom. However, it is noted that the structure lacks a kitchen, WC, and laundry facilities that would enable it to be used entirely separately from the host dwelling. However, due to the site's unsuitability for subdivision into two separate dwellings, a condition will be imposed to restrict the outbuilding from having any facilities that would allow it to function independently from the main house.

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.
- The addition of a bedroom may require an extra parking space. However, it was observed during the site visit that the existing driveway and frontage of the house can accommodate more than three cars, which already meets the maximum number of required parking spaces. Therefore, there are no concerns regarding parking provision for this application.

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.

Recommendation:

PERMIT ☒

REFUSE ☐