

DELEGATED OFFICER REPORT

Application Ref: F/24/97455

Site Address: 42 WELLBROOKE GARDENS, CHANDLER'S FORD, EASTLEIGH,
SO53 1TN

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retrospective application for outbuilding on maisonette grounds

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

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

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Two objections have been received concerning this application. The primary concerns raised include issues of overlooking, loss of privacy, and the invasive feeling neighbours might experience when individuals occupy the outbuilding.		
Parish Council:	No comments were received.		

Site Visit:	Yes ☒	No ☐
Details: 9 th July 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 Appraisals.

Assessment:
<u>Site Context:</u> 42 Wellbrooke Gardens is a first-floor semi-detached maisonette. The rear garden of this semi-detached dwelling is shared between the application property and its neighbour, 41 Wellbrooke Gardens. The portion of the garden belonging to 42 Wellbrooke Gardens is situated at the rear. The garden is predominantly paved, with minimal planting and shrubs located along the eastern boundary. There is a side access path that leads directly to the garden, and a gate at the rear boundary provides access to a parking area.
<u>Proposal:</u> The application seeks retrospective planning permission to retain an outbuilding within the

garden. The outbuilding is constructed from timber and sits on a raised timber decking. It features a gable roof with two windows and doors on the south elevation. The dimensions of the outbuilding itself are approximately 2.1m in width, 1.5m in depth, and 2.2m in height. The raised decking measures 2.4m in width, 2.4m in depth, and 0.2m in height, resulting in a total structure height of 2.4m.

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.

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 outbuilding is situated in the rear garden, it is invisible from Wellbrooke Gardens, thereby ensuring the street scene remains unaffected. During a site visit, it was noted that the roof of the outbuilding extends above the boundary fence, making it visible from the rear parking area. However, given that the rear parking area is not a busy public space or a main street, the visibility of the outbuilding does not significantly detract from the overall street scene to warrant refusal.
- Neighbouring properties in the vicinity also feature garden sheds and outbuildings, indicating that the outbuilding does not appear as an incongruous feature within the local context. Moreover, it is considered that the materials and colours used for the outbuilding are typical and unobtrusive.
- While the garden size is relatively small, which is characteristic of a maisonette, the outbuilding does not dominate the garden space and therefore is considered acceptable in terms of scale and size.

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 causes any loss of light, loss of outlook, or overshadowing to any neighbouring properties.
- The concerns raised by neighbours regarding loss of privacy and overlooking have been duly noted. Some neighbours may feel that the presence of individuals in the outbuilding is invasive. However, the Local Planning Authority has no control over where individuals choose to sit or stay within their domestic garden. Even in the absence of an outbuilding, individuals could occupy the same area, thus making it unjustifiable to refuse the application based on this concern.
- While the outbuilding is in close proximity to 41 Wellbrooke Gardens' domestic garden, it was noted during the site visit that the shared boundary fence separating the two gardens has some planting along it, which provides screening and helps obscure the direct view into their garden.

- Furthermore, considering the modest size and scale of the outbuilding, it is unlikely that individuals would use it for overnight accommodation. This reduces the potential for the outbuilding to function as an independent unit, which could otherwise raise concerns about increased noise and disturbance.

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 outbuilding is not intended to serve as an additional bedroom, and therefore does not require extra parking space. Additionally, it does not encroach upon the rear parking area, eliminating any concerns regarding 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.

Recommendation:

PERMIT ☒

REFUSE ☐