

DELEGATED OFFICER REPORT

Application Ref: H/24/97354

Site Address: 14 KNOWLE LANE, HORTON HEATH, EASTLEIGH, SO50 7DX

Case Officer: Dorothy Hei-Tung-Hoh

Description: Conversion of garage to family visitors room (Retrospective Application)

Particular Site Constraints?	Yes ☒	No ☐
• Within Settlement Gap • Outside of the urban edge – Countryside		

Planning History?	Yes ☒	No ☐
• F/05/55597 - Erection of front porch and double car port sited in front garden - Refuse Planning Permission For - 19/12/2005 • F/12/70868 - Two storey side, single storey front and one and two storey rear extensions with addition of 3No. Front, 1No. Side, 1No. Rear dormers and roof lights following demolition of existing detached garage - Refuse Planning Permission For - 26/10/2012		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	One objection was received regarding the application, raising concerns about the significant impact on the neighbour's privacy due to the presence of separate tenants occupying the converted garage. The neighbour also pointed out that noise generated from the converted garage has affected their living conditions.		
Parish Council:	No objection.		
Ecologist:	As this is a retrospective application it is not possible to determine whether any potential bat roost features or habitat for nesting birds was affected by this work. There are records of bats nearby.		

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, S2, S5 and S6; and Development Management policies DM1, DM2, DM10, DM11, DM14, DM26 and DM30. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath (BIFOHH 25) Other guidance notes: Annexes for dependent relative supplementary planning advice

Assessment:

Site context and surroundings

14 Knowle Lane is a two-storey, semi-detached, brick-built dwelling situated on a long plot within a designated countryside area. The property features a detached garage and a separate outbuilding within its rear garden. The broader surroundings are predominantly rural, with residential dwellings located to the east, south, and north of the site. To the west, the land remains undeveloped.

Proposal

The application seeks retrospective planning permission for the conversion of the existing detached garage into a family visitors' room. Site inspections and information provided by the enforcement team have confirmed that the garage is already being used for residential purposes. The garage has been equipped with a shower room, kitchen, laundry facilities, a sitting area, and a staircase leading to a mezzanine floor currently used for storage. These facilities allow the building to be used independently from the main dwellinghouse, effectively amounting to a separate dwelling in its own right.

Principle

- The application site lies outside the urban edge within designated countryside. Here the basic principle of development is not usually considered acceptable unless for justifiable agricultural, horticultural, or recreational purposes. Strategic policy S5 of the Eastleigh Borough Local Plan (2016-2036) also restricts development in the countryside principally in order to maintain its rural character and to limit urbanisation. However, Policy DM26 of Eastleigh Borough Local Plan (2016-2036) allows extensions to existing dwellings in the countryside that are not subject to an agricultural occupancy condition and are not likely to result in the subdivision of the plot. The policy requires that new extensions do not result in the dwelling becoming disproportionate in size to its plot and neighbouring dwellings.
- The site lies within a designated Settlement Gap, as defined by Policy S6 of the Eastleigh Borough Local Plan (2016-2036). This policy aims to protect the physical and visual separation between settlements by restricting new developments that could compromise these gaps.
- The site is also part of the character area of Bishopstoke, Fair Oak and Horton Heath (BIFOHH 25) which provides the following guidance on developments and that they should ensure that:
 - i) Retain the grass verges.
 - ii) Maintain the predominant hedge plot boundaries.
 - iii) Ensure that new development relates effectively with the building features and materials prominent in existing development.
- According to the Annexes for dependent relative supplementary planning advice, the design, scale and visual impact of a proposed annexe must be appropriate to the site. The Council is unlikely to grant permission for an extension to be used as an annexe, if in other circumstances the proposal would not be acceptable. In determining a planning application for an annexe the Council will expect the proposed development to:
 - i) be subordinate in scale to the principal dwelling. An annexe capable of being made into a separate dwelling, will not be acceptable;
 - ii) be linked internally to the principal dwelling and be designed in such a way as to easily enable the annexe to be used as an integral part of the main dwelling

- at a later date. A separate external entrance to the annexe may be acceptable provided it is subsidiary to the entrance to the principal dwelling;
- iii) share a vehicular access with the principal dwelling;
 - iv) be in the same ownership as the principal dwelling;
 - v) have no boundary demarcation or sub-division of garden areas between the curtilage of the principal dwelling and the annexe;
 - vi) comply with the Council's normal design standards for extensions, and include adequate amenity space and car parking provision for the enlarged property.

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

- The main issue in this application is whether the site is an appropriate location for the proposed garage conversion to become a residential unit, considering the local policies concerning development in the countryside. Policy S5 of the Eastleigh Borough Local Plan (2016-2036) outlines that within the countryside, only specific types of development are considered appropriate, and these must be consistent with maintaining the rural character and should not lead to the creation of new, independent dwellings that could disrupt the openness of the countryside. Policy DM26 of the Eastleigh Borough Local Plan (2016-2036) further highlights that extensions and conversions in the countryside must not result in the subdivision of the plot.
- The converted garage is a detached, self-contained structure, physically separated from the main dwelling. It now includes facilities typically associated with independent living, such as a kitchen, bathroom, and laundry, making it capable of functioning as a separate dwelling. Despite the applicant's claim that the garage is intended for occasional family visits and accepting that a condition could be applied to limit the use of the converted garage, how this building is used would, in reality, be very difficult for the Local Planning Authority to control. This raises significant concerns about the potential for the garage to be used as an independent dwelling in the future. Moreover, the site is not of sufficient size to accommodate a new dwelling, given the requirements for adequate amenity space, parking, and adherence to internal space standards. The proposal therefore fails to comply with Policies S5 and DM26, which avoid the subdivision of plots in the countryside.
- In addition, the Annexes for Dependent Relatives Supplementary Planning Advice recommends that applications for annexes should clearly demonstrate the occupants' dependency on the main dwelling and that it is not possible to provide satisfactory care within the existing premises. No such evidence has been provided in this case, which results in further doubt on the suitability of the garage conversion as an ancillary annexe rather than an independent dwelling.
- In conclusion, the proposal potentially creates an independent dwelling in countryside where such development is inappropriate and fails to demonstrate any dependency on the main dwelling. Therefore, the application cannot be supported and is recommended for refusal.

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.
- The Nationally Described Space Standards (NDSS) set out the minimum space requirements for new residential development, while the Council's Quality Places Supplementary Planning Document (SPD) provides guidelines on the necessary external amenity space for residents. It is evident that the converted garage fails to meet the minimum standards outlined in both the NDSS and the SPD. The lack of

adequate internal and external space means that those living in the converted garage would not enjoy a good quality of life as defined by these standards. The proposal therefore fails to comply with Policies DM1 and DM30.

- Regarding the impact on neighbouring amenities, while no issues of overshadowing, loss of light, loss of outlook, or loss of privacy, the absence of a well-considered design process for new residential dwelling raises concerns about the overall impact on the surrounding properties.

Ecology

- Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
- The Council's Ecologist has noted that, as this is a retrospective application, it is not possible to determine whether any potential bat roost features or habitats for nesting birds were affected by the proposal.
- In addition, if that proposed is considered as an independent dwelling, there will also be a requirement to provide mitigation for the development's impact upon the Solent and New Forest Special Protection Areas from increased wastewater and recreational disturbance. No mitigation has been secured and as such the development fails to comply with the requirements of Policy DM11.

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 site has sufficient space to accommodate three cars, which meets the maximum parking requirement for a residential property of this size. Therefore, there are no concerns regarding parking provision.

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:

Reasons of refusal

- The converted garage, due to its separate position from the main house, combined with the facilities provided, fails to demonstrate any dependency on the host dwelling, thereby creating an independent dwelling within the countryside. The proposal is therefore contrary to Policy S5 and DM26 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2023).
- Due to its inadequate size and poor layout, the development fails to meet the minimum Nationally Described Space Standards and is therefore contrary to the requirements of Policy DM30 of the Eastleigh Borough Local Plan (2016-2036).
- The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policies DM1, DM10 and DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒