

Application Number: F/24/97376
Case Officer: Gary Osmond
Received Date: Thursday 9th May 2024
Site Address: Cherry Court, Salterns Lane, Bursledon, Southampton,
SO31 8DH
Applicant: Mr P Reilly
Proposal: Construction of 7 bedroom detached dwelling over three
levels and associated landscaping following demolition of
existing dwelling.

Recommendation: PERMIT
Subject to no material objections from outstanding
consultees.

CONDITIONS & REASONS:

- 1) The development hereby permitted shall be implemented in accordance with the following plans numbered: LOC007, JD_126_SL01 Rev C, JD_126_SL02, JD_126_FP.01B, JD_126_FP.02B, JD_126_FP.03B, JD_126_ELEV.01B, JD_126_ELEV.02B, JD_126_ELEV.03A, JD_126_ELEV.04A, JD_126_Sect.01 AA_Rev C, JD_126_Sect.02 BB_Rev C & JD_126_Sect.05 EE_Rev B.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The development hereby permitted shall start no later than three years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3) No development shall start until construction details of the following design elements and details (and samples where requested) of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
 - a) external facing materials including roof covering;
 - b) window/door frames and glazing specifications;
 - c) rainwater goods;
 - d) balcony frames, balustrades and undersides;
 - e) external timber screens/shutters;
 - f) glazing and louvered fins to central element to the southern elevation;
 - g) living wall/screen to eastern balcony elevation;
 - h) planting beds to upper ground floor garden terrace; and
 - i) photovoltaic panels and any other external plant.

The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

- 4) Notwithstanding the information submitted to date, no excavation, demolition or development related works shall take place on site until an arboricultural monitoring statement proposal, detailing supervision activity and inspections of tree protection measures, has been submitted and approved by the LPA. The approved arboricultural monitoring statement proposal must be adhered to in full and may only be modified subject to written agreement from the LPA. This condition may only be fully discharged upon completion of the proposed development, subject to submission of monitoring reports.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

- 5) The development must accord with the arboricultural report reference J1418.06. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

- 6) No demolition or construction work shall start until a Construction Environment Method Statement has been submitted to and approved in writing by the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:

- a) location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- b) arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
- c) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges].
- d) the parking of vehicles of site operatives and visitors;
- e) measures to control the emission of dust and dirt generated by demolition and construction;
- f) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
- g) provision for storage, collection, and disposal of rubbish from the development during construction period;
- h) measures to prevent mud and dust on the highway during demolition and construction;
- i) temporary lighting; &
- j) protection of pedestrian routes during construction.

Reason: To limit the impact the development has on the amenity of the locality.

- 7) No demolition or construction work shall take place, including site clearance, until an Ecological Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
- a) measures to protect bats and other protected species, including Great Crested Newts, during site clearance and demolition works;
 - b) measures to ensure wildlife does not become trapped in excavations;
 - c) measures to protect against chemical/fuel spills; and
 - d) measures to prevent contamination of surface water leaving the site.
- Reason: To protect wildlife and their habitat
- 8) No development shall start until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping [including trees and boundary treatment] and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.
- Reason: In the interests of the visual amenity.
- 9) All hard & soft landscaping, tree planting and boundary treatment shall be carried out in accordance with the approved details and to the appropriate British Standard. For a period of 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.
- Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.
- 10) No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.
- Reason: To protect the amenities of the occupiers of nearby dwellings.
- 11) No burning of materials obtained by site clearance, or any other source shall take place during the demolition, construction and fitting out process.
- Reason: To protect the amenities of the occupiers of nearby properties.
- 12) The development hereby approved shall not be occupied until privacy screen to the eastern side of the upper ground floor terrace and first floor balcony has been installed. Once installed, the privacy screen shall remain in place.
- Reason: To maintain the privacy of the neighbouring property.
- 13) Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 1995 [or any order revoking or re-enacting that order with or without modification] no development permitted by Classes A, B, C or D of Part 1 of Schedule 2 of the order shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure compliance with local plan Policy BU7 and to protect the amenities of the locality and to maintain a good quality environment.

Environment Act 2021

- 1) The development hereby approved shall not be occupied until details of how the development will achieve a biodiversity net-gain of at least 10%. The base date for measuring this improvement shall be from the date of planning approval and details shall include a timescale for the implementation of the proposed measures. The development shall be carried out in accordance with the approved details.

Reason: To accord with the Environment Act 2021, Schedule 14.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (December 2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

This application has been referred to committee by Councillors Craig and Holes.

Description of Application

1. The application seeks consent for the construction of a new seven bedroom dwelling over three levels, together with associated landscaping, following demolition of the existing dwelling on site. The current proposal being considered is a slightly amended version of what was originally submitted.
2. The application is accompanied by the following reports and technical assessments which can be viewed on the Council's website [here](#) together with the proposed plans and drawings:
 - Design & Access Statement
 - Heritage Statement
 - Landscape & Visual Appraisal
 - Ecological Report
 - Arboricultural Impact Assessment

Site Characteristics and Character of the Locality

3. The application site sits on the outside of the sharp corner halfway along Salterns Lane in a part of the lane which is very mixed in terms of property

sizes, ages and architectural styles. It lies outside the urban edge and is within the Old Bursledon Conservation and Special Policy Areas.

Neighbouring development is almost entirely residential in nature, with the surrounding area being made up of predominantly detached dwellings on generous plots separated by mature boundary planting and trees.

4. The application site is triangular in shape, with its northern point being where the site is accessed from Salterns Lane. It follows the natural topography, being fairly level at the northern (top) end of the site before sloping down towards the river in a south-easterly direction. The north-eastern boundary is the longest boundary which runs down the slope to the railway line, which is in a cutting at this point. The boundary is marked by a line of mature trees and shrubs. The south-eastern boundary is formed by the railway line and is open to views towards the River Hamble and the opposite bank of the river. The final western boundary follows a sunken lane which runs down the natural slope, over a railway bridge, to the river where there are a number of houseboats.
5. The existing house is a sizable two storey dwelling originally dating from around the 1960s. It appears to have been extended to the southern end in the early 1970s to form a garage and ancillary annex accommodation. The house is predominantly finished in a cream coloured render with a light coloured stone-clad finish to the lower levels. The roof is of a low pitch and finished in basic concrete tiles. The 'street' side of the dwelling is quite austere in its appearance, having minimal windows and sitting at a slightly lower level than the driveway, following the natural topography of the site. Albeit much of the dwelling is screened from public view by the mature evergreen hedge to the street frontage. The rear elevation in contrast is much more open, with large horizontal windows and a first floor covered balcony, all taking in the views of the river and beyond. Whilst not an unattractive property, it is of no great architectural merit, rather tired in appearance and does little to complement and enhance the surrounding conservation area.

Relevant Planning History

6. The site has very little in terms of planning history, with the most relevant application to that now being considered being a withdrawn application for a similar proposal, albeit of a quite different design.
 - F/23/96152 – Construction of five bedroom detached dwelling over three levels, together with topographical changes to the rear garden, following demolition of existing dwelling – Withdrawn January 2024
 - Z/18534/000/00 – Bungalow and garage – Refused April 1978
 - WIR2033000100 – Alterations and additions – Approved May 1970

Representations Received

7. A total of 13 representations from 12 properties were received to the originally submitted proposals, all but one objecting to the proposals for the following reasons:
 - Size and style of dwelling not appropriate for the conservation area.
 - Would impact views from the river and Salterns Lane.
 - Present building should not be demolished.
 - Design is too boxy.
 - Flat roofs are not characteristic of the area.
 - Proposals are much larger than existing dwelling.
 - Contrary to size limits of Policy BU7.
 - It would set a precedent for similar proposals elsewhere.
 - Urbanisation of the conservation area.
 - Loss of privacy to neighbouring properties.
 - Impact upon trees.
8. The one representation in support of the application is from an immediate neighbour to the application site who highlights that the existing dwelling is in a poor condition and does little to enhance the conservation area. The proposed design will be no larger when viewed from Salterns Lane and will add to the existing mix of design currently visible from the river.
9. Following submission of slightly amended proposals, neighbours were reconsulted but at the time of writing no further comments have been received. The formal re-consultation period ends on 28th August and the committee will be updated on any responses received at the local area committee.

Consultation Responses:

10. **Heritage Consultant** – No objection.
11. “The revised application, while still having three floors, does by clever manipulation give the impression on the street side of only having two, which is further enhanced by the use of two main materials, the lower of which is very dark and thus retreating, looking like a plinth. The lighter main cladding material looks like vertical timber cladding, which is well placed in this wooded environment.
12. Both of the end elevations are well articulated to significantly reduce the apparent bulk of the structure, which certainly appears less than the initial proposal and, in both cases, carries the timber cladding round from the front over the same dark base. The grey panelling of the central projecting emphasis is more evident from these angles, but shadowing and articulation of other elements reduces that impact to acceptable levels.

13. The river-facing elevation is the full three storeys but again is well broken up by a combination of the receding dark plinth topped by generous planting and the upper floors predominately timber shutters, again to provide recession into the wooded surroundings, with just a little grey cladding framing the almost central projecting feature.
14. This proposed replacement dwelling, while modern and not to every one's taste, is a far more appropriate solution than some of the others in the lane over the last twenty years and replaces a previous structure that was of its time but never really fitted in.
15. The generous use of timber is a great help in assisting the building to fit into the wooded surroundings and the apparent size has been reduced to minimise its impact on its environment. No objection."
16. **Landscape** – Comments awaited.
17. **Winchester & Eastleigh Design Review Panel** – (Comments on original submission)
18. "The position of the site and views available from it make it very special, and the desire to maximise these views is acknowledged. It is also acknowledged that the site lies within a part of the Old Bursledon Conservation Area where the scale and architectural style of dwellings is relatively mixed. Notwithstanding, the starting point of any proposal should be a thorough analysis of the site and its context, which should then be used to drive the final design. The Panel were glad to see that this had been undertaken and that the design presented was influenced by this analysis.
19. It was also noted that the advice previously provided by the Panel in January has been taken on board in terms of simplifying and rationalising the design, particularly in relation to the river facing rear elevation. This is a striking elevation which is almost entirely glazed, and some reservations were expressed with regards to excessive solar gain and how the dwelling would be viewed from the river, especially at night when the large central glazed window in particular would be highly visible. Whilst the desire to maximise views of the river are understood, this must be balanced with the need to protect the wider visual amenity of the locality from potentially urbanising impacts.
20. This is a matter which will need to be further considered, with one possible solution being the inclusion of movable external screens/shutters or louvres which could provide solar shading, thermal retention, and additional visual interest to the elevation.
21. Another element which it was suggested be further considered was how the large central glazed window on the riverside elevation would be constructed. This would be a very large single sheet of glass, which may not prove to be feasible. As such, if any framing is required for this opening, it could

significantly alter the appearance of the elevation, although the possible inclusion of louvered fins may assist with this.

22. The proposed internal and external layout were considered appropriate and logical. The proposed dwelling is no closer to the side boundaries of the site and the use of existing site levels means that the three floors proposed are feasible. The use of a darker facing material and smaller glazed openings at the lower ground floor level, together with the intended additional landscape planting in front of the elevation will assist in lessening the visual height of the building when viewed from the river, appearing as a two storey building rather than three.
23. The front 'street' elevation was considered to work well and would be further enhanced by the proposed new landscape planting within the frontage. It was suggested that some of the strong timber element of this elevation could be brought around to the rear river facing elevation, perhaps via the previously suggested moveable screens. If well crafted, these could enhance the 'nautical' aesthetic in a subtle manner.
24. Overall, this revised version of the scheme was considered to be a significant improvement over that previously presented, albeit some reservations as to the visual impact upon the wider landscape at night remains. However, it was acknowledged that this could be addressed with further design development, ideally prior to the application being approved rather than through conditions. Equally, it would be useful to agree construction details of particular elements, such as balconies, eaves/gutter details, etc."
25. **Ecology** – The supporting ecological appraisal show that the property has negligible bat roost potential, and no nesting birds were found. The site is in a red impact risk zone for great crested newts, but this was not considered in the appraisal. It is advised that any shrub clearance required is supervised by a qualified ecologist and that suitable ecological protection measures are undertaken during demolition and construction, which can be secured by condition.
26. As the site exceeds 0.5 hectares in size, there is also a requirement for a 10% biodiversity net gain to be demonstrated.
27. **Trees** – No objection
28. The site contains a number of trees and falls within the Conservation Area. Most of the trees are around the edge of the site.
29. As with the previous application, the supplied arboricultural report is generally satisfactory at this stage and demonstrates that the trees can be retained and protected. The only significant change appears to be the additional encroachment into the RPA of T2 because of the requirement for parking places.

30. There is probably a need for more detail regarding arboricultural supervision as the details provided in Appendix 1 are somewhat generic. Therefore, we raise no arboricultural objection, subject to conditions requiring details of tree protection measures to be submitted and approved prior to commencement.
31. **Environmental Health** – No objection subject to the submission and approval of a Construction Environment Management Plan prior to construction.
32. **Bursledon Parish Council** – Comments awaited.
33. **Old Bursledon Action Group** – Objection. The proposals do not accord with the requirements of Policy BU7. Its size, scale and design are not in keeping with the objectives of the conservation and special policy areas and would allow an unacceptable precedent for similar future proposals.

Policy Context:

Designations Applicable to Site

- Outside the Urban Edge
- Within the Old Bursledon Conservation Area
- Within the Old Bursledon Special Policy Area

Eastleigh Borough Local Plan 2016-2036

Strategic Policies:

- S1 (Delivering sustainable development);
- S2 (Approach to new development);
- S5 (New development in the countryside); and
- S8 (Historic Environment).

Development Management Policies:

- DM1 (General criteria for new development);
- DM2 (Environmentally sustainable development);
- DM3 (Adaption to climate change);
- DM6 (Sustainable surface water management);
- DM11 (Nature conservation);
- DM12 (Heritage Assets);
- DM14 (Parking);
- DM26 (Residential extensions and replacement dwellings in the countryside);
- DM30 (Internal spaces standards for new residential development); and
- BU7 (Residential extensions and replacement dwellings, Old Bursledon Special Policy Area).

Hampshire Minerals and Waste Plan

- Policy 15 – Safeguarding of Mineral Resources.

Supplementary Planning Documents

- Old Bursledon Conservation Area Appraisal and Management Proposals (February 2012);
- Quality Places (November 2011);
- Trees and Development (April 2022);
- Residential Parking Standards (January 2009); and
- Biodiversity (December 2009)

National Planning Policy Framework

34. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise. A deliverable five-year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies.
35. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

36. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal:

Development Plan and / or Legislative Background

37. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the policies of the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013. The NPPF and

the Planning Practice Guidance constitute material considerations of significant weight.

38. Conservation Area:

39. The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

“In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

Policy & Principle

40. The application site lies outside the urban edge where the principle of further development is not usually considered to be acceptable. However, Policies S5 and DM26 do allow for residential extensions and replacement dwellings in the countryside provided certain criteria are met (see below). Also of relevance are Policies DM1, DM12 and BU7.
41. In relation to residential extensions and replacement dwellings Policy S5 directly refers to the need for proposed development to accord with the requirements of Policy DM26, which states that *“The extension or replacement of a permanent dwelling in the countryside will be permitted subject to the general development criteria and transport policies of the Local Plan and provided: the extension or replacement dwelling will not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot, or involve any extension to its curtilage”*.
42. Policy DM1 requires new development to have no unacceptable impact upon the “amenities of new and existing residents; the character and appearance of urban areas, the countryside and the coast”, make efficient use of the site, as well as “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 with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.” It goes on to state that “Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area”.
43. Policy DM12 relates to heritage assets, which include nationally and locally listed buildings, as well as conservation areas, and states that:
- “Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly*

exceptional. Development which involves the demolition or destruction of any part of other heritage assets will not be permitted unless its removal or replacement would enhance or better reveal the significance of the asset."

44. Policy BU7 relates specifically to the Old Bursledon Special Policy Area and states that:

"Residential extensions and replacement dwellings in the Old Bursledon Special Policy Area as defined on the policies map will be permitted provided they:

- a. do not increase the volume of the original dwelling (as existing when the conservation area was first designated in 1982) by more than 25%. Further extension beyond this limit will not be permitted;*
- b. have regard to the impact of the development on the space between buildings and the openness of the area, ensuring that the character of the undeveloped landscape between buildings is conserved and enhanced;*
- c. do not create a dwelling disproportionately larger than the one that is being extended or replaced;*
- d. are subservient to and in proportion to the existing building in form, scale and design;*
- e. do not contribute to the cumulative urbanisation of the area; and*
- f. are not otherwise detrimental to the character of the area as viewed from the River Hamble."*

45. In principle therefore, the demolition and construction of a replacement dwelling is acceptable provided that proposed accords with the various requirements of the above policies.

Proposals

46. The application proposes demolition of the existing dwelling and its replacement with a new seven bedroom property spread over three floors. The design is contemporary in nature, made up of two canted 'wings' and an off-centre central portion which sits slightly higher than the main roof and projects to the front and rear. The northern elevation onto Salterns Lane is two storeys in scale, consisting of a dark coloured brick finish below vertical timber boarding to the first floor level. The elevation has a very simple but strong appearance, punctured by small square high-level windows to the lower level and longer vertical openings within the timber cladding. This is all topped by a zinc finished roof with a deep projecting eaves detail, which also acts as a rain gutter. The central element is also finished in zinc/metal, which projects from the elevation to form a covered entrance porch to the large front door below and is the most obvious design feature in an otherwise quite 'private' elevation.
47. The dwelling is entered at the upper ground floor level, which provides the main sitting room, a bar/kitchen and a study in the larger of the two wings, and a games room and guest suite in the smaller wing. Vertical circulation is provided in the central angled portion of the building, which includes large

landing/gallery areas which can be used for various purposes. At first floor level are four further bedrooms, including a master suite, all with access to an external covered balcony with views towards the River Hamble.

48. The bottom, or lower ground floor, provides the main kitchen/dining/family space in the larger of the two wings, which opens out to a garden level patio. The smaller wing provides two further bedrooms, again which open onto the garden. The central projecting element sits slightly higher at this level and accesses the garden via a formal external staircase.
49. The eastern and western side elevations continue the simple design of the front northern elevation, with dark brick to the lower levels and timber cladding to the first floor. However, the elevations evolve and become more open as they approach the rear southern elevation, which is intentionally far more open and lighter in its architectural form and appearance. In contrast to the front elevation, the rear garden elevation is predominantly glazed, with all main habitable spaces able to take advantage of the available views towards the garden and river beyond. This elevation has a far more horizontal aesthetic, with the large areas of glazing broken up by movable timber screens/shutters. Again, the most striking element of the elevation is the central portion which forms a large glazed 'archway' projecting from the rear elevation.
50. The rear elevation also incorporates extensive planting beds/troughs between the lower and upper ground floor levels, which would be in addition to further new landscape planting at garden level around the edge of the patio space. It is also proposed to provide a 'green wall' to the eastern elevation, which is intended to provide privacy and soften the visual impact of the dwelling upon the immediate neighbour to the east. Extensive new landscaping, including tree planting, is proposed to the site frontage.

Layout, Form, Scale & Design

51. The position of the proposed dwelling would be slightly further into the site than the existing house by approximately four metres. However, given the large size of the site, it is still located at the top end of the site and still lies behind the notional building line formed by other development which faces towards the river. Ample space is still available for the rear garden and site frontage to accommodate the intended new landscaping, as well as parking.
52. Setting the dwelling a little further back into the site also means that it will be set a little lower than the present house, given the natural slope of the application site. This set back position, and lower starting level would result in the dwelling appearing no higher than the existing dwelling when viewed from Salterns Lane despite being over three storeys in comparison to the existing dwelling's two. Equally, whilst being very slightly wider than the existing dwelling – by approximately a metre – the setback, lower level and angled footprint of the proposed dwelling will again make it appear no larger than the present house when viewed from Salterns Lane.

53. The main issue raised by almost all who have objected to the application is in relation to the form, scale and design of that proposed. These concerns principally relate to the flat roof and 'boxy' form of the building, which is quite different to the more traditionally pitched roof form of surrounding development. This is being seen more often with proposals in Old Bursledon and may be an unintended consequence of the volume restrictions placed upon new development by Policy BU7 (see below). Notwithstanding, there is nothing in policy terms preventing new development from being flat roofed, provided the overall design is of a high quality and appropriate for the context of the site and surrounding area.
54. Other concerns raised are the proposed three storeys and that there are no other properties in the locality of this scale. However, as has been discussed above, the dwelling's design makes use of the site's natural change in levels, which other properties have taken advantage of where it has been available to them. It is also the case that there are other properties locally whose accommodation stretches over three levels, albeit the third level tends to be within the roof space or via a split-level layout due to topography. In terms of overall general scale, that proposed for Cherry Court is not dissimilar to nearby properties such as 'River Barn' or 'Rivermead', albeit it is accepted that these properties are of a much more traditional architectural style and form.
55. With regards to the scheme's proposed contemporary style, it is acknowledged that it is quite different to the majority of immediate surrounding development. However, more contemporary architecture is not entirely out of keeping with what is a very mixed part of the conservation area, with a number of other examples in the area. The issue therefore is whether that proposed is of an appropriate architectural quality, and whether it has taken appropriate account of the site's context and that of the surrounding area.
56. As has been highlighted in the above response from the Winchester and Eastleigh Design Review Panel, together with that of the Council's Heritage Consultant, the scheme now under consideration has been appropriately influenced by a thorough detailed analysis of the application site and that of the surrounding area. Whilst the design of that proposed is contemporary in nature, this is not to say that it does not appropriately respond to the site. Indeed, it has been demonstrated through the detailed supporting information and comparison drawings that the site's constraints and opportunities have been used to develop a well-considered and logical scheme which makes best use of the site whilst trying to minimise its visual and physical impact upon the site and wider locality.
57. As a piece of architecture, that proposed is considered to be of a high quality design which is comparable to that of other development within the immediate locality and the wider conservation area. As such it is considered to accord with the requirements of Policy DM1 of the adopted Local Plan, together with the Council's 'Quality Places' Supplementary

Planning Document. Notwithstanding, the final quality of the scheme will be very dependent upon the final finish, materials and architectural detailing of the scheme. As such, a condition requiring details of materials and various architectural elements to be submitted and approved by the LPA prior to construction is recommended in order to ensure the final development is of the quality currently envisaged.

Street Scene & River Views

58. As has been discussed above, the visual size of the proposed dwelling will be very similar to that of the existing Cherry Court when viewed from Salterns Lane, due to its slightly setback and lower position within the application site. Elevationally, whilst the materials proposed do differ from the existing, that proposed actually being more muted in colour than the current cream render, the elevations are not dissimilar in their simple form and minimal window openings. Whilst flat roof in form, the roof of the existing dwelling is not overly prominent due to its low angled pitch, so plays little part in the overall street scene. Notwithstanding, the proposed scheme includes a grey zinc finished roof and deep eaves detail, rather than a parapet detail which would appear much higher and harsher.
59. In terms of views from Salterns Lane therefore, that proposed will not be dissimilar to the present building when viewed through the site entrance and from longer views along the lane in either direction. In addition, the proposed new landscape planting to the site frontage will soften views of the dwelling through the site entrance and would be an enhancement over the existing situation.
60. With regards to the proposed new dwelling's impact upon views from the adjacent sunken lane which leads down to the river, that proposed would be no closer to the lane than the existing dwelling, which is presently visible above the timber boundary fence. This will remain the case with that proposed, albeit the building will be a little further along the boundary. Whilst differing in appearance, the visual impact and physical presence of the proposed scheme would be very similar to the present situation. Again, this can be softened through the introduction of additional boundary planting.
61. Further down the lane, there are views of the site from the bridge which crosses the railway line. From this lower level, views of the existing dwelling are interrupted by boundary trees and planting, but more so due to the site's topography, with the edge of the existing levelled area of lawn forming a ridge in the land which screens much of the bottom of the dwelling. Whilst that proposed is positioned a little further into the site, this ridge will still interrupt views from the railway bridge, screening the lower ground floor level entirely and giving the impression that the dwelling is only two storeys.
62. Whilst the appearance of the dwelling would obviously differ from that of the existing, again these elevations are relatively comparable in terms of

the large areas of glazing, and tonally are not dissimilar, albeit the proposed timber screens and terrace planting will provide a much softer feel to the existing dwellings bright rendered finish. Again therefore, whilst views from the railway bridge will be different to that at present, the overall impact of that proposed in terms of general visual and physical impact would be comparable to the existing situation and can be further enhanced through new landscape planting.

63. The final and perhaps most important view of the site is that available from the river and the public footpath which runs along its opposite bank. Cherry Court is one of a very few properties within Old Bursledon which benefit from more open views of the River Hamble. In turn, this means that they are also visible from the river. As such, any significant proposals for these sites need to very carefully consider the impact upon these important public views, as they will influence the character of the conservation and special policy areas.
64. Photographs have been provided by at least one objector showing how the existing property is visible from the river and footpath. However, that provided has been taken using a high-powered lens which has been zoomed in very close to the site from 700 metres away. In reality, this is not how the site is viewed with the human eye. Whilst the site is clearly visible from the river, it forms one small part of the overall view, being seen as one of a number of dwellings against a much more prominent backdrop of trees and woodland. In general views the existing dwelling does not obviously stand out, despite its bright rendered finish and significant areas of glazing, albeit it is clearly visible when looking specifically for it, but only along a very confined section of the river directly opposite the site.
65. Concerns that the three storey height of the proposed dwelling when viewed from the river would make it appear excessively large and prominent were initially shared by officers. However, following extensive discussions this has been carefully considered and taken on board in the design. As discussed above, the lower ground floor level of the dwelling is to be finished in a dark coloured brick and has less glazing than the upper two floors. The lower and upper ground floor levels are also separated by terrace planting, which would be complimented by further planting at garden level around the dwelling. This combination of dark recessive material finishes, and extensive planting will act to hide the lower ground floor within the long range views available from the river, or at least substantially lessen its visibility. As such, the dwelling would be seen as a two storey property in general views from the river and opposite bank.
66. To address concerns of potential glare off the extensive glazing, and the visibility of the dwelling at night where internal lights would be visible from the river, the scheme has been amended to include a series of movable timber louvered screens to the upper two levels of the southern elevation. These can be moved back and forth as required, to provide shade from the sun, and/or privacy, as well as providing a dynamic elevation which changes through the day. These screens, together with the louvred

horizontal fins across the glazed central section of the elevation and covered balconies, will substantially reduce or even eliminate any glare during the day and lessen/soften the impact of internal lighting at night.

67. The design features set out above demonstrate that the potential impact of the proposed scheme upon important views from the river have been carefully considered and have been addressed in an appropriate manner which will lessen the visual impact of that proposed.

Area Character & Impact upon Conservation and Special Policy Areas

68. As set out above, the application site lies within the Old Bursledon Conservation and Special Policy Areas where Policies DM12 and BU7 apply.

Listed Buildings:

69. Policy DM12 relates to heritage assets which include conservation areas as well as nationally and locally listed buildings. The application site is not adjacent to any nationally or locally listed buildings, the nearest being 'Walnut Tree Cottage' which sits on the corner of Kew Lane and Salterns Lane some distance away from the site with other development and mature trees intervening between the sites.

Demolition:

70. DM12 also states that "Development which involves the demolition or destruction of any part of other heritage assets will not be permitted unless its removal or replacement would enhance or better reveal the significance of the asset." Whilst the current Cherry Court is not listed, it nonetheless forms part of the conservation area, meaning that the impact of its demolition upon the conservation area must be considered. As has been mentioned above, the existing dwelling dates from the 1960s, so does not form any part of the more historic core of the conservation area and is of no great architectural merit. As such, its demolition raises no concerns in relation to adverse impact upon the conservation area, particularly given its intended replacement is considered to be of a far higher architectural quality.

Area Character:

71. As set out in the 'Old Bursledon Conservation Area Appraisal and Management Proposals' SPD, the application site lies within Zone 8, which is characterised as being an area of mixed residential development, including some unsympathetic modern additions. However, it does highlight the positive contribution that the undeveloped land between dwellings provides in retaining "the primarily rural character of the conservation area." As such, it requires the extension or replacement of any dwellings to not result in "a dwelling disproportionately larger than the one that is being extended or replaced." This requirement is reiterated in Policy DM26, which

relates to residential extensions and replacement dwellings in the countryside, together with criterion b. & c. of Policy BU7.

72. As discussed above, whilst different in design and appearance, the visual impact of that proposed would be no greater than the dwelling which it would replace. Equally, its general footprint and position within the application site is comparable, meaning that the spacing between it and neighbouring dwellings is not impacted. In these regards, that proposed is considered to accord with the relevant requirements of Policy DM26, as well as criterion b. & c. of Policy BU7.
73. Looking at the other criterion set out by Policy BU7; criterion d is only relevant to extensions. Criterion e. requires any new development to “not contribute to the cumulative urbanisation of the area”. This is something which is also picked up within the ‘Old Bursledon Conservation Area Appraisal and Management Proposals’ SPD, which highlights such features as ornate gated entrances and removal of hedge boundaries. That proposed for Cherry Court does not propose to make any alterations to the existing site entrance or to the existing dense laurel hedge which fronts Salterns Lane and provides a good degree of privacy. Any future proposals for new gates over a metre in height would be subject to granting of planning permission as part of a separate planning application. With regards to urbanisation of the area, that proposed raises no concerns.
74. Criterion f. of BU7 relates to the character of the area when viewed from the River Hamble, which as discussed in detail above, that proposed is not considered to have any detrimental impact upon.

Volume:

75. The final element of Policy BU7 is criterion a. which limits the resulting volume of any extended or replacement dwelling to no greater than 25% of the volume of the original dwelling, or as it was in 1982 when the conservation area was designated. Any volume increase over this will not be considered acceptable.
76. Looking at the planning history of Cherry Court, whilst the house has been enlarged since it was originally built in the 1960s, the enlargement took place in the early 1970s. Other than a few applications relating to tree works within a conservation area, there is no record of the dwelling having been enlarged after designation of the conservation area in 1982. This appears to be a reasonable assumption when looking at the present dwelling. That being the case, officers are confident that for the purposes of Policy BU7, the existing volume of the current dwelling can be used as the starting point for calculating any volume increase of that proposed over the existing.
77. Volume calculations have been provided in support of the application which have been reviewed by officers to corroborate the figures stated. Whilst not

coming to exactly the same figures, the differences are very marginal and have a negligible impact upon the final volume calculations.

78. The calculations provided give a total volume of the existing dwelling to be 1,232 cubic metres, with the volume of the proposed dwelling being 1,480 cubic metres. This equates to an increase of just over 20%.

$$(1,480 - 1,232) / 1,232 = 0.203 \text{ which equates to } \mathbf{20.3\%}$$

Even when taking into consideration possible discrepancies in measurements, this still leaves a comfortable margin of error before the 25% limitation is reached. As such, it has been demonstrated that the proposed dwelling accords with the volume limitation set out by Policy BU7.

79. Some of those who have commented upon the proposals have questioned the volume calculations provided by the applicant, stating that they should not have included the loft space and garage of the existing dwelling as these are not habitable spaces. This is not an unreasonable argument, but the wording of Policy BU7 does not specifically state what should or should not be taken into account when calculating the volume of a dwelling, or whether detached outbuildings should be included in the calculation. Without guidance to the contrary, officers are of the view that the policy requires the total volume of a dwelling to be taken into account, which can include loft spaces and garages if they are physically attached to the dwelling. Equally, this is also the case when calculating the volume of the resulting dwelling, in order to ensure a consistency of approach.

Area Character:

80. To conclude in relation to the proposal's impact upon the character of the Old Bursledon Conservation and Special Policy Areas, that proposed is considered to have no greater visual or physical impact. Whilst differing in appearance to the existing dwelling, that proposed is considered to be of a far higher architectural quality to that which it would replace, which in turn could be considered as an enhancement of the area. As such, that proposed is considered to accord with the requirements of Policies DM1, DM12, DM26 and BU7 of the adopted Local Plan, together with those of the 'Quality Places' and 'Old Bursledon Conservation Area Appraisal and Management Proposals' Supplementary Planning Documents.

Amenity

81. Some concern has been raised by an immediate neighbour regarding overlooking and loss of privacy from the proposed first floor balcony on the southern elevation. In planning terms, the level of overlooking would not be sufficient to warrant any concern. Notwithstanding, the scheme has been amended to include a planted screen/green wall along the eastern side of the balcony in order to prevent any potential overlooking into the neighbouring property's garden.

82. From a planning perspective, the proximity, orientation and relationship between immediate neighbouring properties and the proposed dwelling at Cherry Court is such that there would be no unacceptable loss of privacy, light or outlook. In these regards, the application meets the requirements of Policy DM1 and the Council's 'Quality Places' Supplementary Planning Document.
83. Other potential issues of disturbance could result from undertaking the demolition and building works. Whilst some degree of disturbance is inevitable with any building works, impact upon the amenity of neighbours and the wider area can be controlled via suitable conditions, such as the requirements for a construction management plan to be submitted and approved prior to works commencing, and restricted working hours.
84. In terms of amenity for future occupiers of the proposed dwelling, that proposed more than meets the minimum requirements in terms of dwelling and garden sizes.

Access, Parking & Highway Matters

85. The site access would remain unaltered, and the existing parking area would be retained. On-site parking would more than exceed the minimum requirements of the 'Residential Parking Standards' SPD, and there would be no change to the average number of vehicle movements associated with a single domestic property. As such the proposals are considered to accord with Policies DM1, DM13 and DM14 of the adopted Local Plan.

Trees

86. All trees within a conservation area are subject to a greater degree of protection than those outside, with the exception of those covered by a specific Tree Preservation Order. Whilst there are a number of trees which form parts of the site boundaries, the supporting arboricultural assessment which has been submitted in support of the application demonstrates that the development can be constructed without adverse impact upon any trees, provided suitable protection measures are put in place. Details of these measures can be secured and approved via a planning condition.

Nature Conservation

87. The application is supported by an ecological report which has assessed the existing property for bat roost potential. This demonstrates that the property has negligible potential. However, as has been highlighted by the Council's Ecologist, the report has not picked up on the site being within a red risk zone for Great Crested Newts. Notwithstanding, the potential of the proposed development harming newts is likely to be very low, albeit precautionary measures during site clearance are recommended. This can be secured via condition.

88. A further issue picked up by the Council's Ecologist is that the site, at 0.54 hectares in size, is just over the 0.5 hectare threshold for the development to provide a biodiversity net gain of 10%. This is relatively new legislation requirement which would not usually come into effect for a replacement dwelling and is only relevant in this instance due to the large size of the application site and has not been fully addressed within the application submission. Notwithstanding, the application site and the proposed development has ample potential to achieve a 10% biodiversity net gain, which can be required via condition.
89. With appropriately worded planning conditions the proposed development will meet the requirements of Policy DM11 of the adopted Local Plan.

Sustainability Measures and Climate Change

90. 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.
91. 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.
92. 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.
93. When considering the impact of climate change, the proposed development would be expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use. In this regard, it has been highlighted that refurbishment and modernisation of the existing dwelling should be considered rather than demolition and rebuild, in order to prevent the release of embodied carbon. Whilst this is a not unreasonable observation, this must be balanced against the longer-term energy use of the building.

94. The applicant has considered refurbishment of the existing dwelling, but has ruled this out for various reasons, including cost and their family's requirements. Presently, the existing dwelling lacks the levels of insulation required of modern development and would require substantial work on top of urgently required structural, electrical and heating works to bring the dwelling close to modern standards. Even then it is unlikely to be as efficient as a newbuild property and the required works may well result in visual harm to the building and in turn the surrounding conservation area.
95. Conversely, the proposed replacement dwelling would be constructed to a much higher standard in terms of insulation and energy efficiency. It also includes built in passive features such as covered balconies and louvred screens to prevent overheating and limit the need for artificial ventilation or air-conditioning, as well as other sustainable features such as PV panels, rainwater harvesting, etc which will further improve the efficiency of the dwelling.
96. Whilst refurbishment of the existing dwelling may be an option available, ultimately there is no planning policy requirement for the existing building to be retained. Notwithstanding, that proposed has demonstrated that the issue of sustainability has been considered and incorporated into the design from the beginning. As such, that proposed is considered to accord with the requirements set out in Policies DM2, DM3 and DM6 of the adopted Local Plan.

Other Material Considerations:

Equalities Implications

97. Section 149 of the Equalities Act 2010 created the public sector equality duty and states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

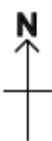
- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

98. 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 specific equality implications.

Conclusion:

99. The proposed replacement dwelling is considered to accord with, and acceptably meet the requirements of the various relevant policies of the adopted Local Plan and SPDs. As such the application is recommended for approval subject to the conditions set out above.

F/24/97376



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Date: 27/08/2024

Scale: 1:1250