

DELEGATED OFFICER REPORT

Application Ref: H/24/97953

Site Address: 38 GILES CLOSE, HEDGE END, SOUTHAMPTON, SO30 2TH

Case Officer: David Huckfield

Description: First floor side extension supported on brick corner pier

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within an Established Residential Area Subject to a Tree Preservation Order (TPO 114 – Area TPO Covering All Tree Species)		

Relevant Planning History?	Yes ☒	No ☐
T/34145/000 – Crown reduction of one oak to side of property – CONSENTED (1996) T/34145/001 – Crown thinning of oak tree by 30% – REFUSED (1998) T/34145/002 – Removal of branches overhanging 41 Cudworth Mead – REFUSED (2001) T/34145/003 – Oak in garden to the side of 38 Giles Close: Crown thinning to 10% of the foliage area; and crown reduction of secondary branches overhanging 41 Cudworth Mead – CONSENTED (2002) T/06/57878 – 1no. Oak tree: Crown reduction of 1-1.5m from tips not removing branches in excess 50mm diameter to good pruning points and leave tree of good shape and form. Remove hanging branch and prune back to good pruning point – CONSENTED (2006) T/10/68319 – Crown reduction by 30% & crown thinning by 20% of 1no. Oak Tree – CONSENTED (2011) T/13/72712 – Crown lift to 5m (by removing small diameter <50mm branches only) & crown reduce the canopy growing towards 41 Cudworth Mead by 1m of 1no. Oak (T1) – CONSENTED (2013) T/13/73741 – T1 English Oak: Crown reduction and reshaping by up to 2m. to leave the tree no smaller than approximately 12 metres in height with a canopy spread of 12 metres – CONSENTED (2014) T/19/85728 – 1no. Willow – Remove branch growing at 45 degrees through fence at 38 Giles Close – CONSENTED (2019) T/20/88351 - 1 no. Oak (T1)- Reduce and reshape by 2 - 2.5 metres and remove epicormic growth. 1 no. Birch (T2) - Fell and grind the stump. 1 no. Willow (T3) - Fell and grind the stump. 1 no. Acer (T4) - Reduce and reshape by 2 metres. 1 no. Bay (T5) - Reduce and reshape by 2 metres – PART CONSENT / PART REFUSE (2020)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations	None		
Parish Council	No objection		
Tree Officer	We have no fundamental objection to the proposal. However, there is a significant, protected oak in the garden, and a birch which is slated for removal. The loss of the birch can be mitigated for with new tree planting. <i>We raise no arboricultural objection subject to the following conditions:</i>		

	<i>No excavation, demolition or development related works shall take place on site until a scaled and referenced Tree Protection Plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), is submitted and approved by the LPA. The approved tree protection plan must be adhered to in full, 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.</i> <i>No excavation, demolition or development related works shall take place on site until a Tree Planting Plan and Planting Method Statement, as per British Standard 8545:2014, detailing 1no. replacement tree, have been submitted and approved by the LPA. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority. Tree planting must take place as soon as possible after completion of the proposed development and no later than the end of the following planting season. If, for a period of no less than 10 years after planting, trees which are removed, die or become seriously damaged shall be replaced as soon as reasonably practicable with others of the same species, size and number as originally approved. Reason: to maintain and enhance local tree canopy cover.</i>
Ecology	There are records of bats near this site, however this is a fairly new-build house in a development of similar houses. From the photos available on Google maps, it is not likely to have any potential bat roost features. Please could you add the following informative to the decision notice: In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be called. Additional information is available on the Bat Conservation Trust website. Biodiversity enhancements will be required in accord with Local Plan policy DM11 and NPPF paragraph 180. A bat brick or a swift brick may be appropriate for this building. The Bat Conservation Trust recommends installing a bat brick/box at least 4m above the ground, away from artificial light sources, sheltered from strong winds and exposed to the sun for part of the day, facing south, south-east or south-west. Swift nest boxes are best positioned under the eaves or on walls facing north, northeast or north-west out of direct sunlight, five metres above the ground, with clear adjacent airspace so swifts can access them in a high-speed direct flight. Links to additional information were also provided.

Site Visit:	Yes ☒	No ☐
Details: A site visit was undertaken by the Case Officer to assess the proposals in context.		

Policy:
Legislative Background:
Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM11 (Nature conservation), DM14 (Parking).

Supplementary Planning Documents:

- Quality Places
- Residential Parking Standards
- Trees and Development
- Hedge End, West End and Botley Character Area Appraisal – The site falls within the area HEWEB 64 with the Character Appraisal (Summary Description Only):
1980s to present day terraced/detached development on loops/multi-headed cul-de-sacs on the northern edge of Wildern.

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

The development is considered to be in compliance with the requirements of policies DM1, DM11 and DM14 of the Local Plan, in that:

- The site is within the urban edge where the basic principle of development is considered to be acceptable.
- The proposed extension is proportionate in scale and complementary in design to the host dwelling, and represents a suitably subservient addition to the property which would respect both its prevailing character as well as that of its immediate surroundings.
- As a result of its siting, the extension would have no impact upon the level of amenity space or parking that is available for the dwelling which would both remain sufficient for a property of this size.
- The positioning and appropriate scale of the extension will ensure that it does not adversely impact upon the amenity of neighbouring occupiers, with the development being substantively screened by the host dwelling to the east and north and a sufficient degree of separation being afforded to the shared boundaries to the south and west, such that it will not be overbearing or adversely affect light or outlook.

Whilst the extension will contain a first floor front window that will face towards No. 39 Giles Close, it is not considered that this will result in an undue loss of privacy for its occupiers. The facing elevation of the neighbouring dwelling contains only a single upper floor window as well as a ground floor side door, the glazed element of which is obscure in each case. The latter is, additionally, afforded some further screening by the wall which marks the shared boundary. The existing boundary treatment, along with No. 38's double garage, is also considered to provide sufficient screening to prevent undue views down and into the private amenity area of No. 39.

- The site is subject to a Tree Preservation Order with the proposed development lying in close proximity to a Silver Birch tree and a substantial mature Oak Tree, both of which are positioned within the curtilage of the application property. The former of these, which lies closest to the extension, is proposed to be removed, with the Oak Tree which is situated close to the southern boundary of the site, to be retained. The Council's Tree Officer has raised no objection to the proposals, with this being subject to conditions to require appropriate replanting in place of the Silver Birch to be removed (in line with the requirements of the Council's Trees and Development SPD replacement tree policy), as well as tree protection measures for the mature Oak to ensure that it is suitably safeguarded during the undertaking of the construction of the proposed extension. These conditions will be imposed accordingly.
- Given the modern construction of the dwelling and its current condition, the Council's Ecologist has advised that it is considered to be unlikely that it would have any potential bat roost features and, as such, no formal survey work is required to be undertaken. An informative will, however, be added to the decision notice as recommended, to cover the unlikely event that any evidence of bats is found during the undertaking of the development works. There are considered to be no other likely significant ecological impacts, either on-site or off-site, including on local, national or European designated sites.

Whilst as a householder development the proposals are exempt from the mandatory requirement to provide 10% biodiversity net gain, there nonetheless remains a Local Plan policy (DM11) requirement for a net gain to still be achieved within all development and, as such and as recommended by the Council's Ecologist, a condition will be imposed to require the installation of a bat brick or swift brick in order to secure this.

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 and the development plan 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 aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. 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 and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

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:

Recommendation:

PERMIT ☒

REFUSE ☐