

DELEGATED OFFICER REPORT

Application Ref: F/24/97694

Site Address: By The Way, Burnetts Lane, Horton Heath, SO50 7DG

Case Officer: David Huckfield

Description: Change of use from 3no. 1-bedroom flats to 1no. 4-bedroom dwellinghouse to include conversion of existing garage.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area		

Relevant Planning History?	Yes ☒	No ☐
• Z/29771/000 – Single storey rear extension – PERMIT (02/10/1987) • Z/29771/001 – Single storey front extension – PERMIT (15/08/1991) • Z/29771/003 – Outline: Erection of detached dwelling with integral garage in rear garden – REFUSED (05/04/2002) • Z/29771/004– Outline: Erection of detached dwelling with integral garage in rear garden and reduction in size of existing bungalow – GRANTED (02/01/2003) • Z/29771/005 – Erection of detached two storey dwelling with integral garage with front, side and rear facing dormer window following reduction in size of bungalow – PERMIT (23/06/2003) • Z/29771/006 – Alterations and extensions to create a two storey dwelling with front and rear facing dormer windows following partial demolition of existing bungalow – PERMIT (28/08/2003) • F/05/54846 – Construction of 4no. 1 bed flats and demolition of exiting bungalow – REFUSED (06/10/2005) – DISMISSED ON APPEAL (13/10/2006) • F/05/55841 – Construction of 3no. 1 bed flats following demolition of existing bungalow – PERMIT (F/05/55841) • Enforcement Appeal Ref: APP/W1715/C/18/3195638 – The carrying out of development without planning permission – conversion of garage to provide 1no. 1 bedroom flat – APPEAL DISMISSED (Enforcement Notice upheld as corrected and varied) (03/01/2019)		

Site Visit:	Yes ☒		No ☐
Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations Received:			
None			
Consultation Responses (Summarised):			
Fair Oak and Horton Heath Parish Council	No comments received		
Hampshire County Council Highways	As the application is for 5 dwellings or less, and there is no required change of vehicle access onto a classified road, Hampshire County Council's Highway Standing Advice should be referred to in the first instance, in particular the planning authority should consider the parking arrangements. This can be viewed via the following link: https://www.hants.gov.uk/transport/developers/consultation		

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 Saved 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), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath (adopted January 2008). The site lies within the Character Area 'BIFOHH 29' with the appraisal document setting out the following principles for new development:
 - Maintain the predominant deep building setbacks to the east of Burnetts Lane in order to retain/ reinforce the existing levels of on-plot planting.
 - Ensure that the materials applied in new development are similar or complementary to those prominent in existing development.

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 application is considered to comply with the relevant local and national planning policies for the following reasons:

- The site lies within the urban edge and within an established residential area, with individual two-storey dwellings being the prevalent form of development within the immediate locality. The conversion of the existing apartment block into a single, four-bedroom dwelling is therefore considered to be acceptable in principle and would be in-keeping with the character of its surroundings.
- The proposals involve relatively minimal changes to the exterior of the building, with these incorporating the replacement of the existing garage doors with windows and the partial enclosure of the apron area to the front of the garage. These works, which are to facilitate the conversion of the garage into a kitchen diner and allow access to it from the property's hallway, will have limited impact on the exterior of the building and, providing matching materials are used, will be visually complementary to its appearance.

- In terms of amenity and with regards to the future occupiers of the development first of all, the proposed property would meet the requirements of the Nationally Described Space Standards for a two-storey, four-bedroom dwelling and would thereby provide sufficient space for its residents to live comfortably. Habitable rooms would also enjoy acceptable levels of light, outlook and privacy.

The existing external area to the rear of the property is proposed to be enclosed by a 2m high close boarded fence in order to provide for a private garden space for the dwelling. Whilst this space is below the size requirement stipulated within the Council's Quality Places SPD for an area equivalent to a minimum of 60% of the floor area of the property to which it relates (it is approx. 45%), it is nonetheless a reasonable size garden in itself at approximately 110sqm and would be of a shape and layout that would allow for sufficient usability for its future residents. On balance, therefore, it is considered that this space is acceptable in this instance. It is, however, considered reasonable to remove permitted development rights from the dwelling to ensure that an appropriate and proportionate external area is maintained and a condition will therefore be imposed in this respect.

With regards to the impact on neighbouring occupiers, as the overall form of the building will be substantively unchanged with the only external works being very modest in scale and any additional windows proposed being at ground floor level, it is not considered that the development will have an increased or unacceptable level of impact upon the amenity of neighbouring occupiers.

- The access arrangements to the property will remain unchanged with these being from Burnetts Lane to the east by way of an entrance point which is shared with the dwelling to the rear, 'Sour Grapes'. In terms of parking, this is available on the site frontage and whilst there are currently only 2 spaces formally marked out, the area could physically accommodate 3 vehicles and as the property will revert to a single dwelling, there is no issue in terms of vehicles blocking each other in to achieve this level of capacity. Accordingly, there is considered to be no conflict with the requirements of the Council's Residential Parking Standards SPD in this respect. There is also ample space to the rear of the dwelling for the necessary bin and cycle storage to be accommodated.
- As the application involves the conversion of an existing building with limited external works (which would be below 25sqm) the development is exempt from the mandatory requirement to achieve 10% biodiversity net gain. Given the modern nature of the construction of the building as well as the limited external works which include no alterations to the property's roof, there are no other on-site ecological concerns. In addition, and as the proposals would result in a net reduction in the number of residential units, there will be no anticipated additional impacts upon European protected sites or other off-site designations.

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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted 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. In this particular instance and had the application been recommended for approval, it is considered that the applicable sustainability requirements, which relate to energy and water usage, could have been adequately covered by condition. When considering the impact of climate change, therefore, the proposed development would be expected to be resilient to its potential effects.

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.

Recommendation:

PERMIT ☒

REFUSE ☐