

DELEGATED OFFICER REPORT

Application Ref: PN/24/98207

Site Address: 101 ARCHERS ROAD, EASTLEIGH, SO50 9AZ

Case Officer: Charlie Vallis

Description: Prior Notification for the construction of a flat roof single storey rear extension (depth 4.5 metres, height to eaves 3m and maximum height 3m), following the removal of existing rear projection (AMENDED DESCRIPTION).

Particular Site Constraints?	Yes ☒	No ☐
Urban edge		

Planning History?	Yes ☒	No ☐
PN/24/98207 – Prior Notification for the construction of a flat roof single storey rear extension – Prior Approval Refused – 04/09/2024 LDC/24/98397 – Lawful Development Certificate for a Proposed Use or Development: Construction of rear facing dormer and installation of windows to the front roof slope (Ongoing/current application received on 24/10/2024)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations: 103 Archers Road	I wish to object to this extension because it will block light coming from the south leaving me with a north-facing wall near which nothing much will grow. I love my garden and object to losing essential light and sunshine. There is already a large willow at number 99 which creates shadow but I can live with that as it is a nature-friendly tree which helps wildlife. The view from my small conservatory will consist of a wall running a further three meters down the garden. I have lived here for over fifty years and find this prospect most upsetting. There is another point to raise. Years ago when the existing extension was put up, my then neighbour took two inches of my property without my permission creating problems when the next occupant wished to erect the present fence. I am worried that taking down the existing extension will compromise my conservatory wall. I have one other concern which is that such a large extension might suggest that the property could become an HMO with all the accompanying disturbance that this would entail. These terraces are ideal family homes with large gardens and that has always been the case while I have lived here.		
Parish Council:	n/a		

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out on 23/10/2024.		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan:

The Eastleigh Borough Local Plan 2016-2036 - the most relevant policy being Development Management policy DM1.

Supplementary Planning Documents:
Quality Places.

Assessment:

Legislative Background:

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 allows for the construction of single storey rear extensions up to 6 metres in depth on non-detached properties, subject to compliance with a number of other requirements and a specified prior notification process being followed.

As stated within these regulations, where any owner or occupier of any adjoining premises objects to the proposed development within a 21 day minimum period, the prior approval of the local planning authority is then required as to the impact of the proposed development on the amenity of any of the adjoining premises. In this regard and in assessing such impact, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

This legislation was amended on 25 May 2019 by virtue of The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 to allow for the previously temporary Permitted Development rights for larger homes extensions to become permanent.

Material Considerations:

Permitted Development compliance:

The proposed rear extension is considered to conform with the provisions of Part 1, Class A of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that it:

- is not on Article 1(5) land (land in a National Park, an Area of Outstanding Natural Beauty, a Conservation Area, the Broads or an SSSI or World Heritage Site
- is single storey
- when in place, no more than 50% of the area of land around the original house (as it was first built or as it stood on 1 July 1948) would be covered by additions or other buildings.
- would not be forward of the principal elevation or a side elevation fronting a highway.
- will not be higher than the highest part of the roof.
- does not exceed the maximum height of a single-storey rear extension of four metres.
- does not exceed the maximum eaves height of an extension within two metres of the boundary of three metres.
- does not exceed the eaves and ridge height of the existing house.
- Is to be built of materials similar in appearance to the existing house.
- does not include verandas, balconies or raised platforms.

The proposal extends beyond the rear wall of the original detached dwelling by 4.5 metres (more than 3 metres but not more than 6 metres), has a height not exceeding 4 metres, and an eaves height not exceeding 3 metres within 2 metres of the site boundary.

This meets the criteria for the prior notification process however, as an objection has been received, the prior approval of the local planning authority is required as

to the impact of the proposed development on the amenity of any adjoining premises.

Residential Amenity:

The proposal sets out that, following the removal of the existing rear extension (with a depth of 3.8 metres), a single storey flat roofed extension would be constructed. Originally the new extension was proposed to be 6 metres, however, the applicant has agreed to reduce the depth to 4.5 metres. As such the extension represents an increased depth of 0.7m when compared to the existing extension.

Following the amended plans, it is now deemed that the proposal accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

- The closest neighbouring property to the extension is 103 Archers Road and as they are positioned to the North of the property, would be most likely to be impacted by the proposal in terms of light and outlook.
- The proposed rear extension would be flat roofed with a total height of 3 metres, and would be brought back to the fence line with 103 Archers Road. As such this is not considered unacceptable in terms of creating an overbearing impact or significant harm to the outlook of neighbouring properties.
- With the above point in mind and with the neighbouring conservatory being served by a glazed roof as well as side windows to the North; whilst daylight will be reduced, the loss of daylight to the conservatory and its immediate garden space would not be considered unacceptable.
- Any concerns around overlooking onto 103 Archers Road will be mitigated with a condition restricting any side windows on this elevation.
- The privacy, light and outlook of 99 Archers Road is unlikely to be affected by the proposal. This is due to the extension being single storey in nature, set back by approx. 1.5 metres from their boundary and situated to the North of 99 Archers Road.
- The host dwelling would maintain a long rear garden of approx. 27 metres in length from its rear wall. As such, the development would not represent overdevelopment of the site and would retain ample amenity space.

Other matters raised:

Potential impact to the structure of conservatory of 103 Archers Road:

- A neighbour has raised concerns that the structure of their conservatory may be compromised following the removal of the existing rear extension.
- These concerns would be a civil matter relating to the Party Wall Act (1996), and the impact on the structure would come under the remit of Building Control at Southampton City Council.

Potential for the property to be used as a House in Multiple Occupation (HMO):

- No information has been submitted as part of this application to suggest the alterations would facilitate an HMO. Permitted development rights allow for the property to be used as a small HMO for up to six people without requiring planning permission.

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 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 ☐
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The proposed single storey rear extension is considered appropriate in its size and scale, and will not have a significant detrimental impact on the amenity of neighbouring properties.

It is therefore recommended that prior approval is granted, subject to conditions.