

DELEGATED OFFICER REPORT

Application Ref: H/24/97912

Site Address: DERRY DACY, PEEWIT HILL, BURSLEDON, SOUTHAMPTON, SO31 8BL

Case Officer: Claire Campbell-Best

Description: Side and rear extensions and raising of roof to provide first floor accommodation, first floor side facing balcony and temporary changes to existing ground levels (Part Retrospective) (Amended Plans)

Particular Site Constraints	Yes ☒	No ☐
Within Designated Countryside Within the Settlement Gap		

Planning History	Yes ☒	No ☐
Reference Number	Description	Decision
H/24/97366	Side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels (Part Retrospective) (Amended Description)	Refuse – 28/06/2024
F/23/94651	Erection of replacement dwelling	Refuse – 30/03/2023
F/22/93421	Erection of replacement dwelling	Refuse – 06/09/2022

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None were received		
Bursledon Parish Council:	No Objection		
Ecology:	<u>Comments</u> <u>Updated comments received 23/10/24:</u> I have reviewed the Preliminary Ecological Appraisal report by Ecosupport (February 2023). This PEA was done before the extensive site clearance activities which appear to have occurred between February 2022 and March 2023. According to the UK Habs site map (September 2022) at the end of the report approximately 75% of the site had been vegetated before clearance activities. This is confirmed by the aerial photos on Google Earth and Google Maps. The September 2024 photo shows bare earth, a February 2023 photo shows bare earth, piles of soil, building materials and the site cleared of vegetation with a large orange digger and the March 2022 photo shows vegetation almost everywhere except for the buildings. If habitat is cleared before an application is submitted, the baseline habitat value of the site will be taken to be its biodiversity value immediately before the carrying on of the activities, as per Schedule 14 of the Environment Act 2021. The PEA assessed the site to have • Moderate potential for roosting bats in dwelling • Potential for foraging and commuting Badgers • Low potential for reptiles (would have been higher before site clearance and habitat loss)		

- Low potential for Hazel Dormouse (would have been higher before site clearance and habitat loss)
- High potential for breeding and nesting birds
- Negligible potential for great crested newts

Bats- The Phase II Bat Surveys and Mitigation Report by Ecosupport (August 2023) recorded bats foraging and commuting across the site, but no emergences from the house at that time. In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be informed. Additional information is available on the Bat Conservation Trust website at <https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/ive-found-a-bat-during-works>.

The lighting recommendations given in the report are appropriate and shall be implemented. The report recommends one bat brick/box to be built into the new dwelling, however the PEA report (6.2.2.2) recommends two bat bricks/boxes, which will be required. The Bat Conservation Trust recommends installing a bat brick/box at least 4 m 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 (<https://www.bats.org.uk/our-work/putting-up-your-box>)

The location of the proposed bat brick/boxes and any exterior lighting must be shown on an elevation plan. The bat bricks/boxes must be located in a dark area, away from light spill from windows and away from exterior lighting.

Badgers- The recommendations in section 6.3 area appropriate and must be incorporated into a precautionary working method. A walkover badger survey by a suitably qualified ecologist is required up to 1 week before the start of any ground works to ensure that badgers have not been active on site. If any new holes are found, they need to be monitored, and appropriate ecological precautions need to be taken. If any badgers or evidence of badgers is found on site, all work must stop, and Natural England and a suitably qualified ecological consultant must be called for advice.

Reptiles- The report recommends a suite of reptile presence/absence surveys; however, these can only be done during the active reptile season (usually in April, May and September, and in suitable temperatures. Since the presence of protected species is a material consideration this would need to be done before determination. If any reptiles are found on site, all work must stop, and Natural England and a suitably qualified ecological consultant must be called for advice.

Hazel dormice and retained woodland- The suitable dormouse habitat on site has already been disturbed. All retained woodland including the root protection zones of the trees and shrubs must be protected during construction by suitable fencing. Section 6.5 provides information in case trees must be removed; this would need to be discussed with the LPA ecologist and the LPA tree officer before any tree work. If any dormice or their nests are found on site, all work must stop and Natural England and a suitably qualified ecological consultant must be called for advice.

Nesting birds- No further vegetation clearance has been proposed, however if this changes, vegetation affected by the proposal must be cleared outside of nesting bird season (which is usually late February-

August inclusive). If this is not possible, a suitably qualified ecologist must check for nesting birds no more than 48 hours before vegetation clearance. If evidence of an active bird's nest is found before or during the works, work must stop and a 5m buffer must be erected around the nest to protect it from disturbance until after the chicks have fledged and left the nest. A swift brick has also been proposed as a biodiversity enhancement in the new dwelling.

Great crested newts- Great crested newts have been considered in the report and scoped out due to lack of suitable habitat, however if any great crested newts are found on site, all work must stop, and Natural England and a suitably qualified ecological consultant must be called for advice.

A toolbox talk on protected species and precautionary working methods delivered by an Ecological Clerk of Works (EcOW) is required for all site operatives. A precautionary working method for protected species must be provided and can be conditioned.

Biodiversity net gain

Local plan policy DM11 and NPPF paragraph 180 require no net loss of biodiversity and at least some net gain.

The amended proposed site plan by Vivid Design Studio (Rev A, September 2024) proposes new native hedge and tree planting with new wildflower meadow planting after the area of residential curtilage has been restored to original ground levels with new topsoil installed. The grassland near the hedgerow should be planted with a specific hedgerow mixture (similar to Emorsgate EH1). The wildflower meadow mixture should be of local provenance. In addition to wildflower meadow an area of mixed scrub must be created along the woodland edge to replace some of the bramble scrub habitat lost to the development. It should be managed with a scalloped edge and a variety of heights to provide a range of light and temperature conditions for reptiles and invertebrates. The composition of the new topsoil should be low in nutrients and appropriate for wildflower meadow creation. A Landscape Environmental Management Plan will be required and can be conditioned. This will include planting specifications, soil and seed mix specifications, and management schedules to ensure that these enhancements are maintained in appropriate condition and provide resources for wildlife.

These enhancements, together with the proposed bat and swift nest bricks built into the new dwelling will provide some biodiversity net gain and comply with DM 11 and NPPF 180.

Surface water drainage information has not been provided with this application. Since this is a replacement dwelling the existing surface water drainage system can be used, however since the proposed dwelling is larger, additional volume would be collected. Rain water harvesting, water butts and rain garden planters should be considered.

Original comments received 07/08/2024:

This site is in a red impact risk zone for great crested newts. There are records of common lizards, slow worms, and adders nearby. There are records of bats, hazel dormouse, harvest mouse and badgers very close to this site. Nesting birds are also likely to be

	present. There are records of common lizards and badgers to the northwest... Bare soil, remains of a fire, tyre marks, dead vegetation and rubble provided evidence that the land had been cleared in advance of a previous application. Potential nesting bird and reptile habitat may have been destroyed. The sheds would provide shelter for nesting birds. The site should also be checked for signs of badgers and hedgehogs. Invasive species, such as the bamboo shown in the original photos, may have been spread. Aerial photos showed this as a vegetated plot. There is a pond to the south of the site which may provide amphibian habitat. There is a green corridor to the east of the site. This corridor is connected to the Peewit Hill SINC and the Windhover Netley Common South SINC. Additional development in this area would cause an unacceptable level of disturbance to the SINC. The photo of the house on Google maps (July 2023) shows a very large area at the front of the house cleared to bare ground, which was done before the previous application. I have reviewed the Phase II Bat Surveys and Mitigation strategy report by Ecosupport (August 2023) which is labelled draft not for submission but has been submitted for this application. The report refers to a PEA which has not been submitted with this application or with the previous application. The Phase II Bat Survey report is still valid, however I need to review the original PEA report which triggered the Phase II Bat Survey report. Although bats have now been considered, as stated in the response to the previous application, insufficient information has been provided to demonstrate that the proposed development will not cause adverse harm to the biodiversity interests of the site and nesting birds, common lizards, and badgers which are protected by virtue of the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). Until this information has been provided it is not possible to determine whether the proposal conforms to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2020. Biodiversity enhancements (some biodiversity net gain but not 10%) will be required in accord with Local Plan policy DM 11 and NPPF paragraph 180. A bat brick and a swift brick may be appropriate for this building. A bat brick has been recommended in the Phase II bat survey report. Wildlife sensitive lighting guidelines as described in section 5.1.3.1 should be implemented.
Hampshire County Council Countryside Services:	<u>No Objection</u> Informatives have been advised and are detailed in full in the Countryside Services consultation response.
Hampshire County Council Waste and Minerals:	No comments were received.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out on previous planning application H/24/97366		

Policy:
National Planning Policy Framework

Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11, DM14 and DM26.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals for Bursledon, Hamble-le-Rice and Hound.

Assessment:

Site and Surroundings

The application site is located at the end of Peewit Hill, a no-through road, and contains a modest one storey bungalow set within a generous plot. The dwelling is positioned well back from the road and is screened by a combination of hedging and trees, making it mostly visible only when standing directly outside the site.

A large portion of the site, particularly to the front and side of the property, has been cleared to bare ground in preparation for intended development, with ground levels temporarily raised. Additionally, there are several outbuildings to the rear of the site, one of which is currently under construction.

The surrounding area is designated as countryside, with detached chalet bungalows located to the east and agricultural land to the north. To the west of the site lies Junction 8 of the M27, providing significant road access to the surrounding area.

Proposal

This application seeks approval for the construction of side extensions either side of the host dwelling, a rear extension together with the raising of the roof which would be pitched, incorporating front and rear dormer windows to provide first floor accommodation. The eastern side elevation proposes a first floor balcony which would be enclosed with a glass balustrade. The development is proposed to be finished predominately with facing brickwork.

The application also seeks permission for the retrospective approval of temporary ground level changes surrounding the property during the intended building works to the site. The ground levels have been raised between 450mm to 1000mm due to the site's topography. When building work is complete, the ground levels will be restored to the existing levels with landscaping proposed.

As part of the application, the agent has submitted two sets of proposed plans. The first set outlines the proposed development as described above, while the second set illustrates what could be constructed under the applicant's permitted development rights.

It is acknowledged that single storey side extensions to either side of the host dwelling, as well as a rear extension, could be built without the need for formal planning consent, resulting in an extensive ground floor footprint. Additionally, it is accepted that the outbuilding currently under construction appears to fall within the applicant's permitted development rights and, when completed, will not require further planning approval.

Background on previously refused planning applications

The site has been the subject of two previous full planning applications for replacement dwellings (F/22/93432 and F/23/94651), both of which were refused. These applications were refused primarily due to concerns regarding their design, excessive massing, scale,

and size. It was determined that the proposals would result in an unduly prominent and visually obtrusive form of development, which would have a harmful urbanising impact on the countryside location.

In addition, a householder application (H/24/97366) was submitted in May 2024. This application was similar in terms of its proposal to the current application. However, the design and scale of the proposal in this householder application was still considered excessive in relation to the original dwelling and the countryside setting. As a result, the application was refused for these reasons.

The current application has sought to address the concerns raised with the previous refusal by reducing the scale of the proposal. However, the concerns have not been fully alleviated when considering the scale and size of the original dwelling and the countryside location. Despite the reductions made, the proposed development still remains excessive and out of character with the modest nature of the original property and its rural surroundings.

As a result, the application is recommended for refusal, with the detailed reasoning for this decision outlined below in this report.

Principle

The application site lies outside the urban edge and is within designated countryside. Here, the basic principle of development is not usually considered acceptable unless for justifiable agricultural, horticultural or recreational purposes, or for residential extensions as supported by Policy DM26. Strategic Policy S5 also restricts development in the countryside principally in order to maintain its rural character and to limit urbanisation.

The site also lies within a settlement gap between Hedge End and Bursledon. Strategic Policy S6 restricts development within the settlement gaps unless the development does not undermine the visual separation of settlements and would not have an urbanising effect detrimental to the character of the countryside or the separate identity of the adjoining settlements.

Policy DM26 of the Eastleigh Borough Local Plan (2016-2036) allows extensions and minor works to existing dwellings in the countryside that are not subject to an agricultural occupancy condition and are not likely to result in subdivision of the plot. The policy requires that new extensions would not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot.

Character and Appearance

Derry Dacy is a modest one-storey bungalow, characterised by its flat roofed single storey projections, giving the property a low-profile appearance within the surrounding countryside area. The bungalow sits comfortably within its plot, well-spaced from neighbouring properties to the west, namely Glendale and Longacre. These neighbouring properties also maintain a low profile while achieving first floor habitable accommodation.

The development proposed in this application is considered to be disproportionate to the size and scale of the existing dwelling and does not resolve the concerns expressed in previous applications with regards to the mass and scale of the proposals. Given the small and modest nature of the original bungalow, the scale of the proposed development would be at odds with its original character and in turn the surrounding countryside character. The proposed development would be contrary to Policy DM26, which restricts new development in the countryside.

Policy DM26 aims to ensure that new developments in rural areas respect the scale, form, and character of the existing built environment. In this case, the proposed development is considered excessive in relation to the original dwelling, raising concerns about its potential visual impact and urbanising effect on the countryside setting.

The agent has stated that this application has been significantly reduced from the previously refused householder application. However, it is important to note that the previous application was deemed entirely inappropriate and should not be used as a baseline for determining the current proposal.

The correct baseline to compare the proposed development with should be the original dwelling, a modest and low-profile bungalow. The current proposal, while reduced from the previous refusal, still represents a significant departure from the scale and character of the original dwelling. This proposed development would ultimately cause harm to the countryside location, impacting the rural character and visual amenity of the area.

It is also acknowledged that the adjacent buildings are larger than the existing dwelling and the site is situated on a large plot, however, these factors alone should not justify the degree of expansion proposed. The scale of the development should be assessed based on its appropriateness to the original dwelling, its surroundings, and its impact on the countryside setting. The plot size and larger buildings close by do not, in themselves, warrant a disproportionate expansion of the property. The primary focus should remain on ensuring the proposal is in keeping with the character of the area and preserves the modest and low profile nature of the original dwelling and mitigating any negative impact on the countryside.

It is also noted that the application has been complicated by the partial construction of elements that fall within permitted development rights. The Local Planning Authority has recognised the fallback position and has attempted to negotiate a design solution that could incorporate these elements while also reducing the bulk and massing of the proposed extensions.

However, the agent has chosen not to pursue this approach, which would have allowed for a more modest, balanced and acceptable design that would align more closely with the character of the original dwelling and its countryside surroundings.

Turning to the temporary ground level changes considered as part of this application, during the site visit, it was observed that the ground was bare and much of the vegetation and greenery had been removed, resulting in a visually degraded environment. Sectional plans have been submitted to show that the ground level changes would be restored upon the completion of building works. The site plan also indicates that landscaping and planting would be introduced to reinstate greenery to the site, which is considered appropriate mitigation to overcome the current unsightliness of the plot. However, as this application is deemed unacceptable in terms of design and scale in relation to the host dwelling, the finer details of a landscape management plan have not been requested.

In regard to the impact on the settlement gap, while the proposed dwelling is larger in size compared to the host dwelling, it is not considered that this would overly compromise the settlement gap in terms of its visual or physical impact. The development is not considered to erode the space between Bursledon and Hedge End to a noticeable or detrimental degree.

In conclusion, due to its design, scale, massing, and size, the proposal is considered excessive and visually intrusive. The development would notably present as a more urban feature in comparison to the modest character of the host dwelling, and as such, it would have a detrimental impact on the prevailing character of the countryside. The excessive scale and massing would be at odds with the rural setting, causing harm to the visual amenity and countryside character. Therefore, it is concluded that the proposal is not acceptable in its current form and would result in an adverse impact on the surrounding environment and is recommended for refusal.

Residential Amenity

The neighbour most impacted as a result of the proposal would be the immediate neighbour to the west, Glendale. Between the shared boundary there is extensive mature hedging and currently, there is a 9.9m separation distance between the two dwellings.

The proposal would result in a 4.7m (approx.) separation distance between the Derry Dacy and Glendale. This distance is considered reasonable and is not expected to negatively impact the outlook or light to Glendale. Although the rear extension projects further than the rear built line of Glendale, it is set further in from the shared boundary and remains single storey in nature. As a result, the impact on the outlook and light for Glendale is not anticipated to be significant. Additionally, the side elevations of both properties facing each other do not feature any first-floor windows. Therefore, there are no concerns regarding overlooking or loss of privacy between the two dwellings.

The east facing balcony would be positioned away from Glendale and would directly face the garden of the site and Junction 8 of the M27. As such, there are no concerns regarding overlooking or loss of privacy in relation to the proposed balcony. Its orientation and siting ensures that it does not intrude on the privacy of neighbouring properties.

To conclude, while there are design concerns, ultimately, the development is considered to be in accordance with the guidance set out in the 'Quality Places' SPD. There will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light, or outlook.

Highways Safety and Parking

The proposals would result in a five-bedroom property, which requires three off-street parking spaces as outlined in the Residential Parking Standards SPD. The site plan indicates that the parking area to the front of the dwelling would be able to accommodate the necessary spaces. As such, there are no highway or safety concerns associated with the proposed development.

Ecology

The application was accompanied by a draft Phase II Bat Survey and a Preliminary Ecological Appraisal. Both assessments were reviewed by the Council's Ecologist. In response to these assessments, the Ecologist recommended the submission of a landscaping management plan and a reptile presence/absence survey which would need to be carried out prior the determination of the application. In addition to this, the Ecologist requested pre-commencement conditions to secure precautionary working methods to protect wildlife species during the development process.

Had the application been acceptable in terms of design and scale, these additional details would have been requested and reviewed. However, as it is currently not possible to determine whether wildlife will be adequately protected during the proposed works, the application is deemed contrary to Policy DM11 of the Eastleigh Borough Local Plan. This will form an additional reason for refusal of the application.

Other Matters:

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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Reasons for Refusal:

1. The proposed development by reason of its scale, massing, size and design would represent a disproportionate addition to the original single storey dwelling leading to an undesirable intrusion into an area of designated countryside, to the detriment of the character and appearance of the locality. The application is, therefore, contrary to Policies S5, DM1 and DM26 of the Eastleigh Borough Local Plan (2016-2036), the Council's 'Quality Places' Supplementary Planning Document and provisions within the National Planning Policy Framework.
2. Insufficient information has been provided to demonstrate that the proposed development will not cause adverse harm to the biodiversity interests of the site and species, including reptiles which are protected by virtue of the Wildlife and Countryside Act (1981). The proposal is therefore contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.