

DELEGATED OFFICER REPORT

Application Ref: F/25/99379

Site Address: 5 FRYERN CLOSE, CHANDLER'S FORD, EASTLEIGH, SO53 2LF

Case Officer: Gregg Chapman

Description: Erection of 1.no 2-bedroom dwelling and sever land from 5 Fryern Close

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

Planning History?	Yes ☐	No ☒
Details ...		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	15 letters – objection; • Out of keeping and Overdevelopment. Will turn into a terrace. • Amenity Impacts - Loss of light, Overlooking, Proximity to boundary. • Highway, Parking, and Traffic concerns including emergency access and including during construction • Site has been neglected. Informed that the applicant would be building a single storey extension not a new dwelling. • Insufficient Garden Area • Precedent and planning history of area. • Drainage and Infrastructure Concerns. • Noise and dust from construction. • Will devalue property.		
Parish Council:	No response received		
HCC Highways	No objection		
Natural England	Objection - As submitted, we consider it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site from increased recreational disturbance. The impacts are also likely to affect the features of the associated Sites of Special Scientific Interest which underpin the above habitats site designations.		
Ecology	Objection - inadequate information provided on potential for protected species such as bats, great crested newts and hedgehogs. The small sites metric is not valid due to several errors and omissions. A surface water drainage plan is also required.		

Site Visit:	Yes ☒	No ☐
Details: 10/06/2025		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u>

- S1 (Delivering sustainable development);
- S2 (Approach to new development);
- DM1 (General criteria for new development);
- DM2 (Environmentally Sustainable Development)
- DM6 (Sustainable surface water management and watercourse management);
- DM11 (Nature conservation);
- DM13 (Transport);
- DM14 (Parking);
- DM23 (Residential development in urban areas);
- DM29 (Dwellings with higher access standards);
- DM30 (Internal space standards for new residential development).

Supplementary Planning Documents:

- Quality Places;
- Residential Parking Standards;
- Trees & Development;
- Biodiversity;
- Character Area Appraisals.

Assessment:

Principle:

Within the urban edge, the principle of development is acceptable. Development is expected to meet the policies within the local plan, most notably policy DM1 which sets out the general criteria for new development.

Design, Appearance and Layout:

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

Fryern Close is characterised by its consistent pattern of two-storey semi-detached pairs of dwellings, which form a well-established and coherent streetscape. This prevailing character is a key element of the area's identity, with uniform building forms, regular spacing, and harmonious proportions contributing to a strong sense of place. While there are a small number of two-storey side extensions within the Close, these remain ancillary to the primary dwellings and do not disrupt the established rhythm of semi-detached pairs. The current proposal to introduce an additional attached dwelling, thereby forming a terrace of three, would be out of keeping with the established character of Fryern Close.

The resulting terrace would undermine the consistent pattern of semi-detached housing and would appear incongruous within the streetscene. Furthermore, the proposed dwelling would be the widest of the three units (7.1 metres where the other two properties are 6.3 metres, and with a ridge length of 7.1 metres, where the current ridge of each property is only 2.6 metres)(extending the overall ridge length by 140%), further exacerbating its visual dominance and disrupting the existing balance of form and scale. This would be contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016–2036), which requires new development to respect the character and appearance of urban areas and be compatible in terms of mass, scale, layout, design and siting. The proposal fails to take full and proper account of the local context and would result in a form of development that is incompatible with the established character of the area.

Residential Amenity:

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS). Policy DM30 of the Local Plan requires that all new dwellings meet the NDSS as a minimum.

The application proposes a two-storey 2no. bedroom dwelling with 86.5 sqm floor space, whereby the NDSS requires 79 sqm. From the plans submitted, the proposed dwelling accords with national and local policy with the internal floor space.

In addition, and as set out within the Council's Quality Places Supplementary Planning Document (SPD), the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. From the submitted plans, the proposed outdoor private amenity space is approximately 149 sqm which exceeds the floorspace of the dwelling. Therefore, the garden space is sufficient and accords with council guidance.

Neighbouring Amenity:

Policy DM1 of the Eastleigh Borough Local Plan 2016–2036 requires that all new development should avoid having an unacceptable impact on the residential amenities of both new and existing residents, and should, where possible, enhance them.

The neighbouring property most likely to be affected by the proposed development is 4 Fryern Close. Currently, the nearest upper floor window facing towards this property (excluding the adjoining semi-detached pair) is at 5 Fryern Close, located approximately 19.2 metres away. Due to the layout and orientation of the properties, the line of sight between habitable rooms is oblique rather than direct, thereby limiting any significant overlooking. While 5 Fryern Close does have a more direct view of the rear garden and patio area of 4 Fryern Close, the distance and angle lessen the impact.

The proposed additional dwelling would reduce the separation between upper-floor windows and 4 Fryern Close to approximately 15.1 metres. Although the angle between facing rooms would remain limited, minimising any significant inter-visibility between interiors, the relationship between the new windows and the private outdoor amenity space of 4 Fryern Close would materially change.

The upper floor of the proposed dwelling would include a bedroom and a bathroom (with obscure glazing) facing towards 4 Fryern Close. The reduction in distance and increased directness of view would introduce a greater sense of overlooking, particularly towards the patio and the area immediately adjoining the rear of 4 Fryern Close. This change is likely to create a perception of reduced privacy and could reasonably deter use of the outdoor space, thereby causing demonstrable harm to residential amenity.

As such, the proposal is considered to conflict with Policy DM1, due to the unacceptable impact on the enjoyment and privacy of the rear garden of 4 Fryern Close.

The proposal indicates that a permitted development extension would be erected to 5 Fryern Close. As a matter of fact, this does not exist. There is not certainty that it would be carried out, never the less, it does demonstrate the extent of rear development that the Government allow for without planning permission. It is considered that the rear outcrop of the proposed development, which is indicated to match the intended permitted development extension at 5 Fryern Close would not cause significant harm to the amenities of 5 Fryern Close whether or not such a permitted development extension were erected.

There would be some additional loss of light to the rear garden of 4 Fryern Close, particularly in the Summer, but this would be for a relatively short period, and not significantly in excess of the shadow that would be cast by the existing dwelling at 5 Fryern Close in the morning hours, and 4 Fryern Close itself in the afternoon hours.

It is considered that no other neighbouring properties would be significantly detrimentally affected by the proposed development.

Parking and access:

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

The proposed dwelling would be served by a driveway serving 2 no car parking spaces, provided off the highway to serve the 2 no bedroom dwelling. The existing dwelling access and parking provision would be reduced to two spaces. This is in accordance with the council's Residential Parking SPD.

In terms of layout, HCC Highways have confirmed that this is acceptable with the oversized driveway areas allowing for early turning manoeuvres to start, and compensate for the lack of road width at this section of Fryern Close.

Should permission have been recommended, conditions requiring the access layout to be provided and maintained together with visibility splays, and the provision and retention of parking spaces, would be imposed. This can ensure compliance with policy DM13 of the EBLP.

Drainage:

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

A suitable SuDS drainage system (permeable gravel and a soakaway) is proposed. The Council's Ecologist advises that soil testing may be required in respect of the soakaway. Whilst this is noted such drainage matters specifics are addressed through Building Control legislation.

Nonetheless, if permission had been recommended a condition would have been imposed to require confirmation of the exact details for foul and surface drainage prior to the commencement of development.

Ecology

Policy DM11 requires planning applications, to protect, conserve and enhance all international, national and local nature conservation designations; and networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas and Priority Biodiversity Links, watercourses, wetland complexes, woodland trees, and trees and hedgerows important to biodiversity and local character; and facilitate their adaptation to climate change wherever possible; and seek a net gain of biodiversity on all development sites.

The application site lies predominantly within a green Impact Risk Zone for great crested newts, with its western edge falling into an amber risk zone. There are also known records of bats in the wider area, along with nesting swifts and hedgehogs in close proximity to the site.

The proposal involves alterations to the existing roof, yet no ecological information has been provided regarding the potential for the site to support protected species. Preliminary bat roost appraisal, including an internal loft inspection, is required to assess any potential impact on bat populations, in line with standing advice from Natural England.

While a Baseline Habitat Condition Assessment has been submitted (Arbtech, April 2025), this report describes the grassland on site as modified and in poor condition. However, it also acknowledges that over 20% of the site is covered by scrub in the southwestern corner—an area that may provide suitable habitat for nesting birds, hedgehogs, reptiles, and amphibians. Without further ecological assessment and mitigation measures, the proposal fails to demonstrate compliance with Policy DM11 in respect of biodiversity protection and enhancement.

Biodiversity Net Gain

The application site has an area of 265 m² and, in accordance with statutory requirements, must demonstrate a minimum of 10% Biodiversity Net Gain (BNG). A Small Sites Metric was submitted with the application to assess BNG compliance. However, the submission fails to meet national validation standards and contains a number of significant errors and omissions. The net gain for area habitats within the flawed report is recorded as -27.27%, falling significantly short of the mandatory 10% gain.

Notwithstanding the failure to meet standards and errors/emissions, the applicant indicates an intention to purchase credits from a provider, but has not indicated which specific site/scheme that is within their control, or confirmed that they are on the national register. It is, however, noted that National credits are the fallback position, and are anticipated in the event that the provider scheme is not completed. However, as a result of the errors and omissions, it cannot be known how many credits are required, and there is not certainty that 10% gain would be achieved. The application is contrary to policy DM11 of the Eastleigh Borough Local Plan 2016–2036.

SPA Mitigation

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites.

Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review. They raised an objection, but only to the Council's New Forest Mitigation. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites.

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes

'nitrate credits' available to developers to buy, with funding being secured during the planning application.

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact.

As a result of the application being for refusal, the required mitigation is not secured and the proposal is contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, Paragraphs 180 and 186 of the National Planning Policy Framework, and the provisions of The Conservation of Habitats and Species Regulations 2017.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation per residential unit to offset the impact upon the New Forest National Park, which was covered within the HRA. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation, which could be secured via an upfront payment under Section 106 of the Town and Country Planning Act 1990. As the application is for refusal, this has not been progressed, and thus in the absence of a legal agreement would not be mitigated. A reason for refusal in this respect is necessary and is included together with the above referenced nutrient impacts.

Other material considerations

Sustainability Measures and 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.

The proposed dwelling is well located within a 5-minute walk to the closest bus-stop which has routes to Winchester, Southampton City Centre and Eastleigh; and a 5-minute walk of an array of shops. Furthermore, a condition ensuring the dwelling does not use more than

110 litres per person/day could be applied, in the event that permission were to be recommended to reduce residential mains water consumption.

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.

Planning Balance and Conclusion

Although the proposal would provide one additional dwelling in a sustainable location—contributing modestly towards housing supply at a time when the Council cannot demonstrate a five-year housing land supply—the benefits of the scheme are limited due to its small scale.

In contrast, the proposal would cause significant and demonstrable harm to the character of the area, the privacy and amenity of neighbouring residents, and the natural environment. The application fails to address key environmental requirements by not securing mitigation for impacts on European protected sites from increased recreational pressure and nutrient loading, lacking sufficient ecological assessment to demonstrate protection of existing biodiversity, and failing to provide adequate or reliable evidence to meet the statutory requirement for 10% Biodiversity Net Gain.

When applying the tilted balance in accordance with paragraph 11(d) of the NPPF, the adverse impacts of the development significantly and demonstrably outweigh the benefits. As such, the proposal does not constitute sustainable development and planning permission is therefore refused.

Other Non-Planning Matters

Some objectors have raised concerns that they were previously informed the applicant intended to build a single-storey extension rather than a new dwelling. While such concerns are understandable, the planning system is required to assess the proposal that is formally submitted, not any earlier intentions or informal discussions. Personal assurances or verbal indications by an applicant carry no legal weight in the planning process. The current application must be considered on its own merits, and previous expectations about the nature of the development cannot be treated as a material planning consideration.

Concerns have also been expressed regarding the potential for the proposed development to reduce the value of neighbouring properties. However, the effect of a planning application on property values is not a material planning consideration. The planning system operates in the public interest and does not take into account private financial matters.

Third party concerns regarding precedent and planning history elsewhere are noted. However, each planning application must be determined on its own merits, taking into account the current planning policies, material considerations, and specific site circumstances. While the planning history of the site or nearby sites may provide context,

it does not bind the Local Planning Authority in its decision-making unless directly relevant and material to the current proposal. The concept of 'precedent' in itself is not a determinative planning consideration.

Concerns about noise and dust generated during construction are acknowledged, but these are short-term impacts and are not considered sufficient grounds to refuse planning permission. Such matters fall under environmental health controls and can be managed through the use of appropriately worded conditions, such as requiring a Construction Management Plan (CMP) to mitigate impacts on neighbouring occupiers during the construction phase.

Issues raised in relation to drainage and infrastructure have been considered. The application site is not located within a designated Flood Zone or identified surface water flood risk area, and as such it is not subject to flood risk constraints requiring formal consultation with the Lead Local Flood Authority. Furthermore, matters relating to the design and capacity of on-site drainage systems (e.g., foul and surface water disposal) fall within the remit of Building Regulations, which are managed separately under the Building Control regime, although as set out above, details of the approach could be secured through condition if permission were recommended.

Concerns regarding existing problems with the local sewerage network are acknowledged; however, it is not the responsibility of the applicant to resolve existing deficiencies in public infrastructure. The maintenance, operation, and capacity of the public sewer system is the statutory responsibility of the relevant water authority.

Conclusion:		
Recommendation:	PERMIT ☐	REFUSE ☒
Comments ...		