

DELEGATED OFFICER REPORT:**Application Ref:** PN/25/99571**Site Address:** 14 TORWOOD GARDENS, BISHOPSTOKE, EASTLEIGH, SO50 8PD**Case Officer:** Alexandra Stone**Description:** Prior Notification Application Under Class AA for an additional storey on the principal dwelling only and new fenestration to front and rear elevations only.

Particular Site Constraints?	Yes ☒	No ☒
- Within Urban Edge		

Planning History?	Yes ☒	No ☐
Z/13579/009/0F – Permit – 11/04/1979 Amended road layout and change of house types in respect of 49 approved dwellings Z/19937/000/00 – Permit – 17/10/1979 Re-siting of 6ft. boundary wall as shown on approved plan to new position Z/19937/001/00 – Permit – 03/02/1984 Ground floor extension F/15/75829 – Permit – 11/03/2015 Single storey side and rear extension, and erection of 1.8 metre boundary fence H/25/99330 – Refuse Planning Permission – 04/06/2025 Erection of first floor with associated alterations including new fenestration		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>Objection</u> <u>9 Sunningdale Close (Summarised):</u> The extension would be intrusive and overbearing, causing overlooking. The design is out of character for the area. The property has already been extended, the additional bedrooms would cause more parking issues. <u>3 Torwood Gardens (Summarised):</u> The extension would be over development and not in keeping with the character of the area. Would cause loss of privacy and overshadowing. <u>2 Abbotsbury Road (Summarised):</u> Not inkeeping with the character of the area, would set a precedence to allow others to do the same.		
Parish Council:	Bishopstoke Parish Council Planning Committee agreed to object to this planning application because the planned changes would overlook adjoining properties. They would also like to comment that, if the planning application is approved, the height of the height of the additional storey should be checked to ensure that it complies with regulations.		

Site Visit:	Yes ☒	No ☐
Details:		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:

The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class AA grants planning permission for the addition of;

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

subject to certain exceptions, limitations and conditions.

Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are:

AA.1. Development is not permitted by Class AA if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class [F19G,] M, [F20MA,] N, O, P, PA or Q of Part 3 of this Schedule (changes of use);*
- (b) the dwellinghouse is located on—*
 - (i) article 2(3) land; or*
 - (ii) a site of special scientific interest;*
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;*
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;*
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;*
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—*
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or*
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;*
- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—*
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or*
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;*
- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—*
 - (i) 3 metres; or*
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;*
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse;*
- (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or*
- (k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.*

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Policy:**National Planning Policy Framework
Planning Practice Guidance**

Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this Prior Approval application, the LPA must take into account any representations made to it on the proposals by neighbours or by relevant consultees and must have regard to the NPPF where relevant to the subject matter of the Prior Approval. The NPPF re-iterates that planning law requires that applications for planning permission be determined in accordance with the development plan, and consequently those policies of the adopted Local Plans that are relevant to the subject matter of the Prior Approval are cited here and have been taken into consideration in the assessment of the application.

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are:

Strategic policies: S1 and S2;

Development Management policies: DM1, DM5, DM8, DM13 and DM14.

Area Policy: E3 (1aii)

Supplementary Planning Documents:

Quality Places & Residential Parking Standards

Eligibility:

Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are:

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Assessment:**Eligibility**

The bungalow is located on a corner plot within Toorwood Gardens. The bungalow has previously had a number of single storey extensions.

The application is for the addition of a second storey to the bungalow.

The requirements as set out in Part 3 of Schedule 2, Class AA are set out as follows;

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

The proposed plans show that the second storey would sit above the original dwelling with roof formation as is the existing.

The applications complies with the conditions set out in the GDPO as follows;

- a) The dwelling house has not been granted a change of use of the dwelling.
- b) The dwelling is not located on Article 2/3 land or site of scientific interest.
- c) The dwelling was constructed around 1978, therefore complies with the condition of not being constructed prior to 1st July 1948 or after 28th October 2018.
- d) The dwelling is a bungalow therefore has not been enlarged by one or more storeys above the original dwelling house.
- e) The highest part of the development would be 7m, not exceeding the maximum 18m.
- f) To highest part of the roof would measure 2.45 increase, keeping within the maximum 3.5m. The property is a bungalow and not attached.
- g) The bungalow is not attached and so not relevant.
- h) The internal floor to ceiling measurements are 2337mm with the lower floor being 2367mm, therefore not higher and in compliance with the condition.
- i) The additional storey is constructed within the principal part of the original dwelling house.
- j) There would not be visible support structures on the exterior of the dwelling
- k) The development is within the curtilage of the property.

As the development complies with all elements of the GDPO as per the above, the development would be considered as permitted development.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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.

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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the 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, 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. 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.

Conclusion:

Recommendation:

GRANT CONSENT ☒

REFUSE ☐

Comments ...