

DELEGATED OFFICER REPORT

Application Ref: X/25/99650

Site Address: 14 OAKWOOD ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 1LU

Case Officer: Dorothy Hei-Tung-Hoh

Description: Variation of Condition 1 and Removal of Condition 4 of planning permission H/23/95276 (Amended description)

Particular Site Constraints?	Yes ☒	No ☐
• Within the Urban Edge • Within Established Residential Area • Within Built-up Area Boundary • Within Character Area - Hiltingbury Road West		

Planning History?	Yes ☒	No ☐
• Z/03954/003/00 - Two storey front and side extensions - Permit - 07/03/1996 • F/07/60125 - Two storey rear extension and single storey rear extension with balcony - Withdrawn By Applicant - 07/06/2007 • H/20/87448 - Two and single storey rear extension, first floor front extension single storey front extension, new entrance with glass canopy, raised patio to the rear, integral garage conversion - Permit - 20/05/2020 • H/23/95276 - Two and single storey rear extension. First floor front extension. Single storey front extension. Raised patio to the rear. Internal alterations. New porch. Alterations to fenestration (Amended description) - Permit - 31/07/2023 • H/25/99093 - Single storey side extension for workshop/garage - Permit - 15/05/2025		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Following receipt of revised plans to vary Condition 1, a further 14-day re-consultation was undertaken. Across both consultation periods, one representation in support and two objections were received. The supporter considers that requiring a fence measured 2.0m from the raised patio level is excessive, disproportionate and out of keeping with typical boundary treatments in Hiltingbury. They add that existing planting provides adequate screening, and that erecting such a structure would be impractical and unduly costly. Objectors oppose the removal of Condition 4, noting it was imposed in 2020 and re-imposed in 2023 specifically to protect No.16's privacy and amenity. They state that the raised patio now enables overlooking that did not previously occur and maintain that reliance on non-evergreen/seasonal planting on the neighbour's land is inadequate and unreliable (seasonal, discontinuous and outside the applicant's control), with no viable alternatives proposed. They further argue that the raised patio projects beyond the general rear building line and is used for entertaining and garden access, thereby exacerbating privacy and noise effects. They also consider that removing the		

	condition would undermine the planning authority's safeguards and public confidence.
Parish Council:	No comments received.

Site Visit:	Yes ☒	No ☐
Details: 14 th July 2025.		

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals (Chandler's Ford and Hiltingbury – Hiltingbury Road West)
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Assessment: <u>Site context and surroundings</u> 14 Oakwood Road is a detached, two-storey dwelling within the Hiltingbury Road West character area. The plot is generous with a good-sized rear garden, reflecting the prevailing pattern of large family houses on sizeable plots, many of which have been extended over time. The spacing between houses opposite contributes to a spacious, open character. Within the past five years, permission has been granted for several extensions and alterations to the main house, as well as a raised rear patio. Not all consents have been implemented; works undertaken to date are predominantly to the rear, including the raised patio. <u>Proposal</u> The application was initially submitted to remove Condition 4 of permission H/23/95276. During a recent site visit, it was observed that the raised patio has been constructed on a reduced footprint and set further from the shared southern boundary, and that certain elements depart from the approved drawings. For example, the side door is in a different position, and a new front window has replaced the former garage door. To regularise these changes, the application has been broadened to vary Condition 1 (approved plans) so that the approved drawings reflect the as built and proposed arrangements. For the avoidance of doubt, this application does not re-open the principle of development approved under H/23/95276 and cannot be used to authorise a fundamentally different scheme. If granted, it would result in a new planning permission with an updated set of conditions. In determining the application, the Local Planning Authority must consider whether the development remains acceptable without the condition, or with it varied. The assessment is set out below in more detail. <u>Policy and Principle</u> The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable
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and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance.

- The site is also part of the character area of Chandler's Ford and Hiltingbury (Hiltingbury Road West) which provides the following guidance on developments and that they should ensure that:
 - i) sufficient garden depth and area is retained by existing or replacement dwellings, commensurate with their size and character, which can accommodate appropriate tree planting in keeping with the character of existing plots
 - ii) no healthy mature trees would be felled or likely to be damaged
 - iii) the design of any new building work, including extensions, is compatible with the character of adjacent good quality properties and fits well into the overall street-scene
 - iv) the existing building line along street frontages is respected

Layout, design, and impact upon the character of the area

- 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 neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
- The variations sought under Condition 1 are modest and do not increase the overall scale or massing of the host dwelling. The principal elevation is largely unchanged from its pre-approval appearance, with no additional built form beyond the replacement of the former garage door with a window and the single-storey side addition approved under H/25/99093, which has already been found acceptable in design and character terms. The new front window is a modest fenestration change that sits comfortably within the elevation, reflecting the pattern and materials of the existing windows. There is no conflict with the Hiltingbury Road West character guidance, and no harm to the street scene.
- The side door has been repositioned slightly but remains on the side elevation. Given its modest scale and limited visibility from the public realm, this amendment has no material effect on the building's external appearance or the street scene.
- To the rear, the previously approved two-storey extension and dormer have been omitted, leaving only the single-storey rear addition. This simplifies the rear elevation and reduces visual bulk. Given its rear location, it is not visible from public vantage points and therefore has a very limited visual impact.
- The raised patio has been reduced in width and set further from the shared boundaries, rather than spanning the full width of the dwelling. A clear-glazed balustrade has also been installed along the edge. These changes are considered sympathetic and maintain a light appearance. The patio remains screened from Oakwood Road and continues to sit comfortably within the rear garden, with ample amenity space retained. The reduced footprint does not harm the character of the host dwelling.
- The Hiltingbury Road West area accommodates a range of property styles, many of which have been extended or altered. The changes at 14 Oakwood Road are less extensive than those previously approved under H/23/95276, and the resultant dwelling sits comfortably within the established pattern of development. Accordingly, the variations to Condition 1 are acceptable in design terms and comply with relevant local design policies and guidance.

Impact on residential amenity

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- The key consideration is whether the proposal preserves the amenity and privacy of neighbouring occupiers, particularly 16 Oakwood Road to the south.
- **Front window:** The new front window replaces the former garage door and faces Oakwood Road, where views are already part of the public realm. It does not introduce overlooking of any private garden areas or neighbouring habitable rooms.
- **Side door:** The relocated side door is at ground-floor level on the south elevation. It incorporates obscure glazing and faces the front/driveway area of No. 16, where a high level of privacy is not ordinarily expected. Existing boundary treatment further limits views. As an access door rather than a primary window, it is not likely to facilitate sustained viewing towards the neighbour. The fenestration changes therefore have very limited effect on neighbour privacy and do not harm amenity.
- **Built form:** This application does not increase the approved built mass or projection relative to H/23/95276. Accordingly, no additional overshadowing or overbearing effects arise beyond those previously found acceptable.
- **Raised patio and boundary treatment:** The raised patio provides an elevated platform from which some views towards adjoining gardens are possible. The question is whether the extent and nature of those views amount to an unacceptable loss of privacy such that the previously imposed solid fence (Condition 4) remains necessary.

In the 2020 decision, a 2.0 m solid boundary fence was required because No. 16's garden is relatively shallow, and there was concern that the raised patio could allow views into its private garden. Condition 4 was therefore imposed to raise the boundary treatment to avoid undue harm and was re-applied in 2023.

For the as-built scheme now before the Local Planning Authority, the patio footprint is slightly reduced and is set further from the shared boundary than previously shown, reducing the area from which views could occur. From the site visit, any views towards No. 16 are oblique and do not afford a clear, direct view into any habitable rooms. The existing boundary fence, together with trees and planting, provides a level of screening. The 2023 officer report (H/23/95276) also noted that minimal overlooking was expected given these existing screens, although the condition was imposed as an additional safeguard. While it is acknowledged that the trees and planting lie within the neighbour's garden and are seasonal, this assessment does not only rely on that vegetation as mitigation. Even discounting it, the patio's reduced width, increased set-back, and oblique viewing angles mean any views would be brief and would not amount to an unacceptable loss of privacy.

Furthermore, a degree of mutual garden overlooking in a residential context is common. Given the reduced patio width, the increased separation from the shared boundary, and the likely pattern of use, it is unlikely that occupants would stand at the southernmost edge of the patio for extended periods. Any views into No. 16's garden sitting out area would therefore be brief rather than sustained. Such views would be no greater than those available from typical first-floor windows and would often be less intrusive. On balance, the overlooking from the raised patio, without the Condition 4 fence, does not reach a level of material harm that would justify refusal.

It is acknowledged that No. 16 strongly disagrees and considers their privacy to be compromised. These concerns have been given careful consideration. However, the potential views are neither direct nor unreasonably intrusive, and the existing boundary treatment provides a reasonable degree of screening. Retaining and enforcing the fence condition might further reduce overlooking, but the patio surface now sits approximately 0.78m above the garden level; a 2.0m screen measured from patio level would therefore present as about 2.8m. A solid boundary fence of that apparent height would be markedly higher than typical domestic fences and would likely appear unduly dominant and enclosing, with adverse effects on outlook (and potentially light) to the neighbour. While the existing occupiers at No. 16 may not object to such a solution, the amenity of future occupiers must also be taken into account.

- **Noise:** Normal domestic use of a rear patio, such as sitting out, is typical of residential areas and is not expected to give rise to undue noise disturbance. Removal of Condition 4 may marginally reduce any screening effect but given that only a short length of fencing was required, any difference would be negligible. Should any exceptional noise issues arise, they would be more appropriately addressed as a civil matter or by Environmental Health under separate legislation.
- Having regard to the as-built patio (smaller footprint and increased separation), existing boundary treatment and the oblique nature of views, the impact on No. 16's living conditions is limited and not materially detrimental. The privacy of the most sensitive areas is largely maintained, and any garden views are brief and within the range ordinarily experienced in a residential setting. On balance, the removal of Condition 4 is acceptable in amenity terms.

Other Matters

- The proposal does not alter highway/parking provision or trees interests compared with H/23/95276, and no new issues arise. These matters remain as previously addressed.

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, 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.

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:

The proposed variations are modest, regularise the as-built scheme, and cause no harm to the character of the area. The development would not give rise to unacceptable impacts on neighbouring amenity. In particular, the raised patio, given its reduced width, increased set-back and oblique views, does not warrant retention of the fence requirement. On balance, varying Condition 1 and removing Condition 4 of H/23/95276 is acceptable, and a new permission should be granted subject to the updated conditions.

Recommendation:

PERMIT ☒

REFUSE ☐