

DELEGATED OFFICER REPORT

Application Ref: H/25/100542

Site Address: OAK COTTAGE, BROOK LANE, BOTLEY, SOUTHAMPTON, SO30 2ER

Case Officer: Charlie Vallis

Description: Conversion and extension of existing summer house in rear garden to a self-contained annex, ancillary to the host dwelling

Particular Site Constraints?	Yes ☒	No ☐
Outside the urban edge Within designated countryside Within designated settlement gap		

Planning History?	Yes ☐	No ☒
No relevant history		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None were received.		
Parish Council:	No comments received.		
Tree Officer:	Given the low risk of impact to significant trees, we raise no arboricultural objection to the proposal.		
Ecology:	This site is in a red impact risk zone for great crested newts with several ponds located on adjacent properties. There are records of bats, badgers and hedgehogs nearby. One of the photos submitted shows at least one tree next to the existing summer house and several drain covers. The rest of this area appears to be closely mown amenity lawn, with some ornamental shrubs along the rear fence. I don't see any potential bat roost features in the photos submitted with the application. The replacement tree policy should be followed. Biodiversity enhancements will be required in accord with Local Plan policy DM 11 and NPPF (December 2024) paragraphs 187d and 192 b. A bat box and a swift nest box may be appropriate for this building.		

Site Visit:	Yes ☒	No ☐
Details: 30/01/2026		

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, S2, S5 and S6; and Development Management policies DM1, DM2, DM11, DM14, DM26 and DM30.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals. Annexes for Dependent Relatives (Supplementary Advice)

Assessment:
<u>Policy and principle:</u> The application site lies outside the urban edge and within an area designated as countryside and settlement gap (serving to separate Botley and Hedge End). In this

regard Policy S6 seeks to prevent development which undermines the physical extent and/or visual separation of settlements or have an urbanising effect on the countryside, whilst Policy S5 seeks to prevent inappropriate development within the countryside to maintain its rural character and limit urbanisation.

Policy S5 makes provision for residential extensions and replacement dwellings under Policy DM26, subject to the following additional criteria:

- (a) it would not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot, or involve any extension to its curtilage;
- (b) in the case of a replacement dwelling, the proposal includes the replacement of the dwelling within the curtilage, and on the same footprint as the existing building, unless environmental and/or access benefits arise from an alternative location within the curtilage;
- (c) no additional dwellings are created.

The Council guidance on Annexes, although published under the previous Local Plan policy position, is also relevant in this assessment, in seeking to prevent the formation of an additional dwelling where that is not acceptable.

Site and surroundings:

The application site contains a semi-detached property on the western side of Brook Lane. This section of Brook Lane consists of ribbon development of dwellings set on relatively long plots, beyond which are principally areas of green fields and woodland. To the rear of the site is Hatts Copse Farm, which hosts several outbuildings and extends the built form further west than elsewhere along Brook Lane.

Design and layout:

The application proposes the erection of an annexe to the rear garden, accommodating 1 no. bedroom, a living area, bathroom and kitchen. With a total useable internal floorspace of approx. 45 sqm, the proposed annexe complies with the minimum space standard sizes under the Nationally Described Space Standards (enacted under Policy DM30) for a permanent 1-bedroom bungalow. With a bedroom and separate kitchen, bathroom and living area, the proposed annexe would also provide all of the facilities required for independent living. Given its size and the extent of its facilities, a realistic functional dependence on the main dwellinghouse is unlikely.

The proposed annexe would also be positioned approx. 39m from the main dwellinghouse, further highlighting their separation. Whilst this distance is predetermined by the location of the existing outbuilding, its separation distance from the main dwelling is significant and there is a lack of all-weather access to the main dwelling, with no path fully linking the two units. Physical and visual separation is further increased by two outbuildings and low fencing towards the centre of the garden, which separate the two sections of garden.

As the proposed annexe would share parking and access to the front and rear amenity space with the main dwelling, there is a degree of connection between the two units, further supported by the proposed use being for occasional use by family members. Although an ancillary use as an annexe may be acceptable in principle, the size of the proposal, the lack of physical and visual connection between the two units and the lack of a fully defined purpose is such that its use could not be adequately controlled by a condition, and would risk forming a separate residential unit within the countryside.

In terms of its design, whilst not in an overly prominent position from the street or public vantage points, the excessively steep and tall roof serves to make the structure more conspicuous from neighbouring properties and views. Its design is considered inconsistent with the nature, height, scale and form of other surrounding ancillary buildings in the locality out of keeping with the character of the area.

The proposals are therefore considered to be contrary to Policies S5, S6, DM1 and DM26 of the Eastleigh Borough Local Plan 2016-2036 in that the proposals would be tantamount to a new dwelling in the countryside and settlement gap, undermining the character of the countryside and separation of settlements. In addition, its design is not considered to take full and proper account of the context of the site and would have an unacceptable impact on character of the locality due to its nature, height, scale and form.

Residential amenity:

In terms of its built form, the development 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, due to its distance from neighbouring properties. The first floor window presents some overlooking concerns to neighbouring gardens, however given the limited space and proposed use for storage and a water tank, unacceptable overlooking is considered unlikely.

Other matters:

In consultation with the Council's Ecologist, the proposed annexe is unlikely to result in harm to protected species, provided the relevant precautions are followed. In addition, as outlined in the response from the Council's Tree Consultant, there will be no adverse impact upon trees or other natural features worthy of retention.

Given that the proposal has been assessed to be tantamount to a new dwelling, additional recreational pressure and nitrates impacts on the SPA cannot be ruled out.

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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, 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. In this particular instance and had the application been recommended for approval, it is considered that the applicable sustainability requirements, which relate to energy and water usage, could have been adequately covered by condition. When considering the impact of climate change, therefore, the proposed development would be expected to be resilient to its potential effects.

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 ☒

Due to the size of the proposed annexe, the level of self-contained internal accommodation and its separation distance from the main dwelling, there would not be a realistic functional relationship between the proposed annexe and the main dwelling, making the annexe tantamount to the creation of a new dwelling. This would result in an intensification of residential development and associated activity in the countryside and settlement gap, which would be harmful to the character of the area and contrary to Policies S5, S6 and DM26 of the Eastleigh Borough Local Plan (2016-2036).

The proposed development is inconsistent with the nature, height, scale and form of other surrounding ancillary buildings in the locality, and as such would be out of keeping and detrimental to the character of the area and its countryside location. As such, the proposal is considered contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the 'Quality Places' Supplementary Planning Document (2011).

By reason of the nature and amount of accommodation proposed, it is not possible to rule out additional recreational pressure impact and increased nitrates from the development on the Solent and Southampton Water Special Protection Area and therefore, in the absence of mitigation, the proposals are considered to be contrary to Conservation of Natural Habitats and Species Regulations 2017, Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).