

(BHH, Bursledon, Hamble-Le-Rice & Hound Local Area Committee and 3rd December 2020)

Application Number: H/20/88728
Case Officer: Rachael Morris
Received Date: 11/09/20
Site Address: The Anchorage, Lands End Road, Bursledon, SO31 8DN
Applicant: Jess Armstrong
Proposal: Retention of detached raised summerhouse (retrospective application)

Recommendation: REFUSE PLANNING PERMISSION

For the following reasons:

1. The development, due to its design, scale and elevated nature would result in an incongruous and visually harmful feature, which would be out of keeping with, and detrimental to, the character and appearance of the surrounding area, the Old Bursledon Conservation Area, and the Old Bursledon Special Policy Area. As such the proposal is contrary to Saved Policies 59.BE, 169.LB and 179.LB of the Eastleigh Borough Local Plan (2001-2011); Draft Policy DM12 from the Submitted Eastleigh Borough Local Plan (2016-2036); the Council's Quality Places SPD; and the Council's Old Bursledon Conservation Area Appraisal and Management Proposals SPD.

Note to Applicant: The application was refused following the assessment of the following plans: BLOC 01, LOC 01 and 001. In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

1. This application has been referred to Committee because it has been called-in by members Cllr Tonia Craig, Cllr Steve Holes and Cllr David Airey.

Description of Application

2. The application seeks the retention of a detached raised summerhouse. The development is a timber clad structure built on an existing platform

within the residential garden of The Anchorage on Lands End Road. The structure is on existing stilts measuring between 1-1.6m in height. The structure on top then adds an additional 2.6m in height, totalling over 4 metres high in some places. The design has a mix of open and close sided elevations and has the appearance akin to a large treehouse. The development sits towards the end of the garden, overlooking the River Hamble.

Site Characteristics and Character of the Locality

3. The Anchorage lies in an extensive plot to the south side of Lands End Road. The site is located within the Old Bursledon Conservation Area and the Old Bursledon Special Policy Area, with the nearest listed buildings being The Jolly Sailor and Ewers to the north side of the road. The plot looks towards the River Hamble and so some views of the development will be gained from the River Hamble itself. The surrounding area generally consists of detached dwellings positioned on generous sized plots.
4. The development is currently largely screened from the house by an existing apple tree and is located approx. 45 metres away from the dwelling. The development sits to the end of the garden with the topography sloping down gently as it approaches the river. However, although visible, the river is positioned approximately 370 metres away. The summerhouse, due to the ground's slightly sloped nature, is more visible from the river than from the road, albeit the existing boundary wall does part screen the lower elements of the structure from the road. The summerhouse is an addition to the raised decking that has been in situ for many years and whilst needing permission in its own right, this is exempt from enforcement action, given its age of that element of the structure.

Relevant Planning History

- Z/17835/001/00 - REMOVE PART OF BOUNDARY WALL – Grant conservation area consent – Aug 1989
- C/17/80860 - Single storey side extension and alterations to north and east elevations following removal of conservatory, store and study – Permit – Aug 2017
- H/19/85649 - Proposed alterations and extension to existing detached garage – Permit – Jul 2019

Representations Received

5. 8 Letters of support, raising no objection.
 - The structure is built of natural materials and in keeping with its natural landscape and surroundings
 - A replacement structure
 - Would not overlook anyone

- Appropriate for gardens and family use

Consultation Responses

Parish Council

6. Object on the following grounds: The height, scale and mass of the summerhouse is detrimental to the Special Policy Area and Old Bursledon Conservation area and negatively impacts on the landscape as it is visible from the highway and neighbouring properties.

Built Heritage Consultant:

7. The proposal for a simple naturally finished softwood timber structure, shielded by the apple tree during summer in particular and masked by the branch structure during winter, at a significantly lower level than the road and top level of the garden, will not impinge to a significant degree on the setting of any buildings. The only possible 'eye catcher' would have been the window frames if painted white for example but as they are also in a natural timber finish it is not a problem.
8. From the river it appears the view of this structure is interrupted by trees and in any event being open-sided on that elevation will appear dark due to the shadow of the roof and the fact that it is made of natural materials that will weather down to a darker hue shortly. It is too some distance from the main channel.
9. The nature of this structure, its siting and distance from boundaries is fortunate in making it relatively inconspicuous to outside parties, so not intruding on either the setting of any heritage assets or disturbing the sylvan views from either the road or river. No objection.

Bursledon Rights of Way & Amenities Preservation Group:

10. In our view, a well-designed replacement would be more enhancing and acceptable in policy terms, than retention of the present summer house.

Asset Management:

11. No objections.

Policy Context and Designations Applicable to Site

- Outside Built-up Area Boundary
- Within Designated Conservation Area
- Within a Special Policy Area
- Adjacent listed buildings

Development Plan Saved Policies and Emerging Local Plan Policies

Eastleigh Borough Local Plan Review (2001-2011) Saved Policies:

- 1.CO (Countryside Protection);
- 9.CO (Extensions to existing dwellings in the countryside)
- 59.BE (Design criteria);
- 169.LB (Criteria for development in a Conservation Area)
- 179.LB (Old Bursledon)

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

12. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

Submitted Eastleigh Borough Local Plan 2016-2036

13. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in mid/late 2021. Given the status of the Emerging Plan, it is considered that overall moderate weight can be attributed to it. The most relevant policies are:

Strategic policies:

- S1 (Sustainable Development);

Bursledon, Hamble-le-Rice and Hound:

- BU9 (Residential extensions and replacement dwellings, Old Bursledon Special Policy Area)

Development Management policies:

- DM1 (General Development Criteria);
- DM12 (Heritage Assets);
- DM28 (Residential extensions and replacement dwellings in the countryside)

Supplementary Planning Documents

- Quality Places (November 2011);
- Old Bursledon Conservation Area Appraisal and Management Proposals (February 2012)

National Planning Policy Framework

14. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the

determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

15. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.
16. In the instance that a proposal would not preserve or enhance the conservation area then it must be perceived to have a public benefit. Referring to paragraph 195 of the National Planning Policy Framework, proposals that stand to potentially harm a designated heritage asset, in this case the Old Bursledon Conservation Area, should be refused unless a public benefit can be identified which would outweigh any harm the proposal presents.

National Planning Practice Guidance

17. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

18. Section 73A of the Town and Country Planning Act 1990 specifically provides that a granting of planning permission may relate to development that has been started before the date of the application. It should be noted that an application cannot be refused on grounds that it is retrospective and when considering the development regard must be had to Government guidance and the policies contained within the Development Plan.
19. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011. The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

20. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

21. "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Principle and Policy:

22. The site is located within the countryside, where the type of development is restricted by Policy 1.CO. However, the existing dwelling is not subject to an agricultural occupancy condition and the summerhouse will not facilitate the subdivision of the site into more than one dwelling or result in the dwelling becoming disproportionate in size to neighbouring properties or disproportionate in relation to its plot. As such Policy 9.CO makes provision for residential extensions within the countryside, where they do not materially worsen the impact of the dwelling on its immediate surroundings or the countryside in general.

23. Policy 59.BE requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

24. Policy 169.LB states that alterations and extensions to existing buildings, within the Conservation Area, will be permitted, provided particular criteria is met: the proposal preserves or enhances the character or appearance of the Conservation Area or its setting; any new building or extension does not detract from the character of the area; the mass, materials and form of the building and associated landscape features are in scale and harmony with the existing and adjoining buildings; and the materials to be used are appropriate to and in sympathy with the existing buildings and the particular character of the area.

25. Policy 179.LB states that in order to protect the special loose-knit character of Old Bursledon and to ensure the retention of existing open areas, further development will be refused within the special policy area with the exception of appropriate extensions, provided that they respect and enhance the character of the Special Policy Area.

26. Most of the criteria set out within the adopted Local Plan Policies have been carried through to the Submitted Eastleigh Borough Local Plan (2016-2036). However, Policy BU9 has revised the criteria set out in Policy 179.LB. Under Policy BU9 Residential extensions within Old Bursledon are required to not increase the total volume of the dwellinghouse by more than 25%; have regard to the impact between the development and the openness of the area; ensure the proposal is subservient to the original dwellinghouse; does not urbanise the area; and does not detract from the character of the area as viewed from the River Hamble. However, during the appeal hearings the Inspector questioned the need for this policy (including the 25% maximum volume increase) and written feedback is awaited. Therefore, at this current time, it is considered that Policy 179. LB of the adopted local plan holds more weight than Policy BU9 in the decision-making process.

27. Referring to the Old Bursledon Conservation Area Appraisal and Management Proposals SPD it is worth noting that this proposal is located within Zone 1 of the management proposals.

Character and appearance:

28. The development proposal seeks to retain a detached raised summerhouse that has already been erected within the residential garden. The garden and the associated dwellinghouse is located within the countryside, the Old Bursledon Conservation Area and the Old Bursledon Special Policy Area.

29. For a structure that is ancillary to the dwellinghouse, the structure is large in its size, set within a generous plot. However due to its height at approx. 4.2 metres in some elevations and overall dimensions, together with its utilitarian appearance, the building is of a scale that is less domestic in its appearance but more of something akin to a structure found within a commercial yard or nature reserve. Its elevated nature, in which the stilts create a raised platform, results in the development being noticeable from public vantage points from both the road and the river.

30. It is noted that while the materials will weather making the summerhouse soften into its environment over time, the current appearance of the wood makes the summerhouse visible and stands out from the pebble-dash/concrete materials visible on the house and the other outbuildings on site. This property forms a prominent

location at the top of Lands End Road and should therefore set an example of suitable development within the conservation area and the road.

31. The design of the summerhouse is insubstantial and appears makeshift and as a result does not take account of the context of the site and the locality of the area or the presumption to seek high-quality design. The proposal is remote in the setting of the garden and as a result can be seen clearly to conflict against the character of the house and has a stark presence on its own in the garden. Although the development is mostly new, it has a temporary feel and appearance to it with its part open sided design atop stilts, accentuated by the drop in topography at this edge of garden location.
32. However, when referring to Policy BU9, the proposal is not believed to increase the size of the dwellinghouse as this summerhouse is not entirely enclosed and therefore offers no internal floorspace.
33. The general character of the area is stated within the Old Bursledon Conservation Area Appraisal and Management Proposals SPD under paragraphs 4.68 and 4.69. The properties tend to be within large plots with an open character and intensification of development along the south-west side of Lands End Road would have a negative impact on this part of the road. Development will be discouraged that intensifies development along the southwest side of Lands End Road harming the open character and the retention of the open land between existing buildings will be sought.
34. Although set at a distance from the River Hamble, the topography, elevated nature and visible character of the summerhouse diminishes the open character of the plot and erodes the open land between buildings, as seen from the river.
35. The proposal is contrary to saved policies 59.BE, 169.LB and 179.LB, as previously mentioned, due to its elevated nature on raised stilts, and the fact that it does not sit modestly within the plot and is a jarring feature within its setting. This development possesses little architectural merit and is not of a high-quality design; therefore, this summerhouse does not contribute towards the character of the area.
36. The use of the natural materials would eventually allow the proposal the opportunity to blend in with its environment over time as it is weathered.

However, this is not considered to mitigate the overall design of the development, and its potential harm to the area. Additionally, although it is mentioned in the report and by the built heritage consultant that the development is shielded by an apple tree from the north elevation, this is not a satisfactory reason to accept a proposal. Screening cannot be relied on to remedy poor design as vegetation is variable throughout the year, arguably has no permanence as it can be easily removed or reduced and has variability due to its nature as a living thing.

37. Referring to saved policy 9.CO, the summerhouse is within a large garden and is in part screened from the Lands End Road by a garden wall. It is however visible above the wall and the presence of a large structure will be clear.

38. Therefore, the proposed summerhouse development is inappropriate in its design due to its scale, elevated nature, poor architectural merit and remoteness from the dwellinghouse. The location of the site within the conservation area requires a high-quality design in order to preserve or enhance the designation. This summerhouse does not achieve this fundamental goal and is detrimental to the character of the Conservation Area. As a result, it is not believed the proposal either preserves or enhances the Conservation Area and does not respect the Special Policy Area.

Residential amenity:

39. Saved policy 59.BE vii requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes. In addition the 'Quality Places' SPD seeks to ensure that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

40. The development does not overlook any neighbouring properties and is in an isolated location whereby there will be no loss of privacy. It therefore accords with saved policy 59.BE vii and the Quality Places SPD.

Equalities Implications:

41. 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;

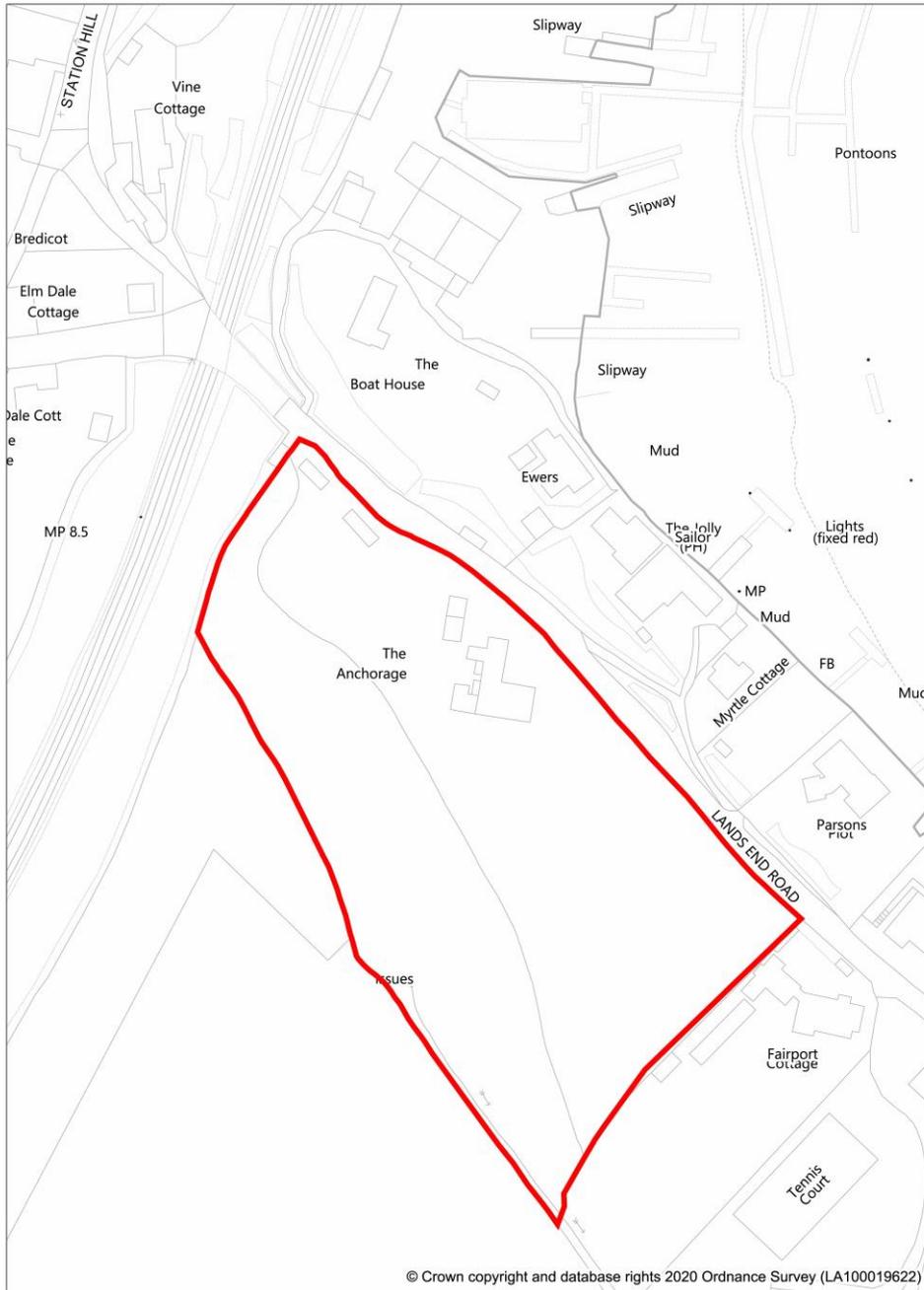
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

42. 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

43. The proposed development, due to its design, scale and elevated nature, would result in an incongruous and visually harmful feature, which would be out of keeping with, and detrimental to, the character and appearance of the surrounding area, the Old Bursledon Conservation Area, and the Old Bursledon Special Policy Area.

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Address: The Anchorage, Lands End Road
Bursledon, SO31 8DN

Date: 24/11/2020

Scale: 1:1250