

Application Number: H/20/89081
Case Officer: Richard Castro-Parker
Received Date:
Site Address: 16 KINGSWAY GARDENS, CHANDLER'S FORD,
EASTLEIGH, SO53 1FE
Applicant: Mr Mark Read-Jones
Proposal: Partial infill of existing cover area

Recommendation: **Permit**

CONDITIONS AND REASONS:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: 01 Rev E. Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour and texture those used on the existing building, unless otherwise agreed by the Local Planning Authority in writing. Reason: To ensure a satisfactory visual relationship between the new development and the existing.

Note to Applicant: 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 Cllr. Grajewski is a near neighbour to the site.

Site Characteristics and Character of the Locality

2. The application site is situated on Kingsway Gardens in Chandlers Ford. The application property is a 2 storey dwelling in an existing residential area within the Urban edge. Along Kingsway Gardens there are a variety of 2 storey dwellings and flats featuring a variety of external materials.

Description of Application

3. Partial infill of existing covered area and internal alterations, the latter can be carried out without requiring planning permission. The only external changes proposed are the addition of a door, window and appropriate brick/blockwork to the front elevation, which would enclose the existing covered area to the front of the dwelling.

Relevant Planning History

4. 16 Kingsway Gardens:
 - Z/38317/001/00 - Construction of two storey side extension following demolition of existing garage and utility room (amended design)
 - Z/38317/000/00 - Construction of two storey side extension following demolition of existing garage and utility room – Permitted

Representations Received

5. None Received

Consultation Responses:

6. Tree Officer: No objection:

Despite the presence of a large, mature oak to the rear, the proposed development – due to its position and size – will not be impactful. Therefore, we raise no arboricultural objection to the proposal.

Policy Context and Designations Applicable to Site:

- Within Urban Edge
- Within Established Residential Area
- Aviation Safeguarding (not applicable to proposed development)
- Tree Preservation Order trees on site (to rear)
- Within HRA Screening Area – River, SAC, SPA, Ramsar

Development Plan Saved Policies and Emerging Local Plan Policies

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

- 59.BE (Design criteria)
- 104.T (Off-highway parking)

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

7. 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

8. 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 late during 2021. Given the status of the Emerging Plan, it is considered that overall considerable weight can be attributed to it. The most relevant policies are:

Development Management Submitted Eastleigh Borough Local Plan 2016-2036:

- DM1 (General Development Criteria)
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);

Strategic Policies:

- S1 (Delivering sustainable development)

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);

National Planning Policy Framework

9. 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. A deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.
10. 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.

National Planning Practice Guidance:

11. 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:

12. 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.
13. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011
14. The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Principle:

15. The site is located within the urban edge where the principle of development is accepted, subject to the details of the proposal meeting the relevant planning policy.

16. The application site falls within an HRA Screening Area – River, SAC, SPA, Ramsar. However, as the proposal is for alterations to an existing dwelling within the Urban Edge no HRA screening has been carried out.
17. Policy 59.BE of the Local Plan 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, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Assessment of proposals:

Design, Appearance, Scale and Density

18. The partial infill of the existing covered area encloses an area that is, currently used for off-road parking. The only external changes proposed are the addition of a door, window and appropriate brick/blockwork to the front elevation,. The proposal would not extend beyond the walls of the existing dwelling and would not have a detrimental impact on the wider area subject to assessment of the proposed external materials.

Materials:

19. The applicant has stated in part 5 of the application form that external materials that are to be used are as follows:

- Walls: Existing – Brick Proposed Brick

They also note that further details can be found on plan submitted plan number 01 rev E. It is noted that full material details are not indicated on the plan. It appears as if it is intended to use cladding. Officers consider that matching brickwork would be acceptable. Following discussions with the Agent/Applicant matching brickwork is to be used. As such a materials condition will be imposed upon any grant of planning permission insuring matching materials are used. Therefore, it is considered that the proposed materials would be acceptable and would not have a detrimental impact on the imitate or wider area and streetscene.

Residential Amenity:

20. Saved policy 59.BE requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.
21. The infilling of a covered area to the front portion of the dwelling it would not lead to the footprint of the dwelling being extended past the foremost part of the existing front elevation and would not cause detriment to the residential amenity of adjoining properties.

Access, Parking and Highway Safety

22. The NPPF supports the adoption of local parking standards for both residential and non-residential development.
23. The proposal would not lead to an increase in the number of bedrooms over that of the existing 3 bed dwelling. 3 parking spaces are shown on the submitted plans.
24. It is considered that 3 cars could be parked off-road. Additionally, as there are no parking restrictions along Kingsway Gardens parking could be accommodated safely on road.
25. From the above assessment it is considered that the proposals would comply to Saved Policy 104.T of the current Local Plan 2001-2011, Policy DM13 The Submitted Local Plan 2016-2036 and The Council's Parking Guidelines SPD 2009.

Drainage and Flood Risk:

26. The front of the application site, including the covered area, carport, is hard surfaced and it is considered that enclosing this area as proposed would not have a detrimental impact on either flooding or flood risk.

Ecology and Trees:

27. There is a TPO tree in the rear garden. Given that the proposal would not increase the footprint of the dwelling to the rear it is considered that the proposal would not have a detrimental impact upon it. Additionally, the council's Tree Officer has commented and does not object to this application or recommend and conditions be imposed upon any grant of planning permission.

Other material considerations:

Equalities Implications:

28. 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.

29. 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:

30. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The Climate Change and Environmental implications of this application and their proposed mitigations have been considered.

Conclusion:

31. In conclusion of the assessment above, the proposal is considered to be in accordance with to the National Planning Policy Framework, saved policy 59.BE and 104.T of the adopted Local Plan Review 2001-2011, policy DM1 of the Submitted Eastleigh Borough Local Plan 2016-2036, and the Quality Places Supplementary Planning Document (2011)

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