

BHH – Bursledon, Hamble and Hound Local Area Committee Thursday 02 July 2020.

Application Number: H/20/87739
Case Officer: David Huckfield
Received Date: 06/05/2020
Site Address: 2 Osborne Quarters, Royal Victoria Country Park, Netley Abbey, Southampton, SO31 5HX
Applicant: Juno Developments (Southern) Limited
Proposal: Erection of garden store (retrospective)

Recommendation: PERMIT subject to the following conditions

CONDITIONS AND REASONS

- 1 The development hereby permitted shall be retained in accordance with the following plans numbered: 1222/01 PLOT 2, SHED DETAILS 02, SITE PLAN 03. Reason: For the avoidance of doubt and in the interests of proper planning.

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 by Councillors Airey, Craig, Cross, Holes, Manning and Rich.

Description of application

2. The application seeks approval for the retention of a detached timber garden store which was erected in March 2020. The store is finished in a light green colouring and measures 1.5m in depth and 2.1m in width, with a felted pent-style roof which slopes down from a height of 1.25m at the front to 1.1m at the rear of the structure. The store is positioned within the south-western corner of the rear garden of the application property.
3. The store requires planning consent owing to permitted development rights having been removed from the properties within the Osborne Quarters by condition 18 of the planning approval which allowed for the conversion of the buildings to residential use (F/17/82001). This permission was granted in October 2018, with the condition having been imposed to allow the local

planning authority to control future development on the site through the planning process in the interests of protecting the historic character of the buildings and their setting, as well as the amenity of the locality. As a result, any alterations or additions to the properties, including the construction of outbuildings such as timber sheds or garden stores require planning permission.

The site and its surroundings

4. The application site comprises of No. 2 Osborne Quarters, a mid-terrace, single-storey, two-bedroom bungalow, which forms part of a recent development that involved the conversion of 10.no individual blocks of former police training buildings set within the grounds of Royal Victoria Country Park into 30no. two-bedroom dwellings. No. 2 lies towards the southern corner of the development, with it fronting onto the main entrance drive into the site from Osborne Close to the east. This entrance, which connects from Hound Road further to the north, leads onto a central spine road that dissects the development from north-east to south-west.
5. The blocks are of red-brick construction with slate roofs and date from the mid-19th century, the same time as the Royal Victoria Hospital, and were originally built as married men's quarters. They were later converted to police training use in the 1980s. The buildings are of a single-storey height and simple form and are set within five consistently spaced rows. Each block has been subdivided into three dwellings as part of the development scheme and their restoration and conversion has been undertaken in a manner which is sympathetic to their original and unique character and has served to enhance their external appearance, with additions and alterations to the structures having been largely limited to minor elevational changes only.
6. Each of the properties has an area of amenity space to the rear of the building which is demarcated principally by low level fencing and privet hedging, with brick-built privacy screens also having been provided immediately adjoining the dwelling. A number of sheds / stores have been erected within the gardens of the properties across the site. These sheds were not part of the approved development and, owing to the removal of permitted development rights, they require planning permission.

Relevant planning history

7. Planning permission for the development which the application property now forms part was granted in October 2018 under planning reference F/17/82001. The full description of the approved development is as follows:

Conversion of existing ancillary police training buildings (use Class C2) to provide 30no. 2-bed dwellings (use Class C3) with associated elevational alterations, landscaping and car parking, with access from Hound Road (amended description).

8. The full wording of Condition 18 of the approval which removed permitted development rights is as follows:

(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no development permitted by Schedule 2, Part 1, Classes A to H inclusive, or Schedule 2, Part 2, Classes A to C inclusive, shall be carried out without the prior written approval of the Local Planning Authority. Reason: To protect the historic character of the buildings and their setting and in the interests of the amenity of the locality.

9. A concurrent planning application is being considered for No. 7 Osborne Quarters (H/20/87338) for a similar store to that proposed as part of this application.

Representations received

10. A total of 8 letters of objection and 2 letters of support have been received in relation to the application.

The points of objection are summarised as follows:

- The small sheds are not fit for purpose, provide inadequate storage for garden items and raise health and safety concerns due to their height.
- The sheds are visually unattractive and don't enhance the development.
- Eastleigh promotes health and wellbeing and the environment and storage should be provided for bikes.
- The shed was altered prior to the owners taking residence.
- The larger sheds are required and were part of the purchase of the property and the legal contract with the developer.
- This matter has caused stress and inconvenience for residents.
- The larger sheds are simple, traditional and in-keeping with the unique style of the development.
- The erection of the sheds has significantly impacted on the verdant and visually open characteristic of the site and its setting and the sheds are wholly out of character.
- Permitted development rights were removed in order to protect the buildings and adjacent land from inappropriate development and to maintain an openness between properties.
- It is unclear why planning enforcement did not issue the appropriate instruction to stop the installation of the sheds.
- The garden stores would have the appearance of pop up installations through the site in that they still project above the fencing and hedging.
- Permission for this development was granted because it was sympathetic to the landscape and setting. The developer knew or ought to have known that any proposal for erection of sheds would detract from the open/verdant character.

- No sheds would have been permitted as part of the original plans and there is no reason why that decision should change simply because they have been unlawfully erected.
- The need for permission was clear and the sheds were erected on all properties in breach of the condition.
- The matter of whether the new residents have misunderstood the shed position is a matter for the purchasers to take up with the vendor. It is not a valid planning consideration.

The matters raised in support of the application are as follows:

- They are in keeping with the surroundings of the country park and the uniformity and enhance the look and feel of a good community spirit.

Consultation responses

Hound Parish Council

11. Objection on the grounds that the development is in breach of the original planning conditions and to report the remaining outbuildings to Enforcement.

Tree Officer

12. From the photographs, it appears that the shed has been erected on a raised plinth. If this is the case, then it is unlikely to have done any significant harm to the roots of existing trees. Therefore, no arboricultural objection is raised to the structure's retention.

Response to representations and consultations

13. Some of the representations made on the application refer to the matter of residents having the agreement of the developer for sheds to be erected within their gardens and/or this being allowed within their deeds. Covenants or private agreements between the developer and the purchaser or occupier of the property are not planning matters and, whilst the local planning authority are sympathetic to the owners of the dwellings within the development who may have had the sheds or garden stores installed within their gardens by the developer in good faith, these matters are not therefore material to the determination of this application. As noted above, the sheds were not part of the approved plans for the conversion of the buildings to residential use and owing to permitted development rights having been removed from the properties, any outbuildings including the sheds erected within the development require planning permission which has not been obtained.
14. In respect of the objection of Hound Parish Council, the garden store has been erected in breach of condition 18 of planning approval F/17/82001. The current application seeks to remedy this breach by way of seeking planning permission for its retention. The other sheds that have been erected within the gardens of properties within the Osborne Quarters are currently subject to review by the Council's Planning Enforcement Team.

Policy context: relevant designations applicable to site

- Outside Built-up Area Boundary
- Within Designated Countryside
- Within Designated Local Gap
- The site is subject to a Tree Preservation Order (TPO 824 – All Tree Species)
- Within Grade II Listed Park and Historic Park and Garden (Royal Victoria Country Park)

Legislative provisions, development plan saved policies, emerging local plan policies, SPD's and National planning policy

Legislative provisions

15. 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

16. The Development Plan is the starting point for the consideration and determination of this application and this comprises of the Saved Policies within the Eastleigh Borough Local Plan Review 2001-2011 (adopted May 2006). Accordingly, the application must be assessed against those that are relevant to the proposals.

The Eastleigh Borough Local Plan Review 2001-2011

17. The Eastleigh Borough Local Plan Review 2001-2011 (the adopted Local Plan) was adopted in May 2006. In November 2008, the Council submitted a list of proposed Saved Policies to the Secretary of State with a request that they be saved until they could be replaced by a new Local Development Framework. The policies detailed below were saved and are considered to be of relevance to the development proposals.
18. Saved Policy 1.CO seeks to protect the countryside from inappropriate development and states that planning permission will not be granted for development outside of the urban edge unless: it is necessary for agricultural, forestry or horticultural purposes and a countryside location is required; it is for an outdoor recreational use; it is essential for the provision of a public utility service or the extension of an existing education or health facility; or, it meets the criteria of in the other policies of the local plan.
19. Saved Policy 3.CO states that planning permission will only be permitted for appropriate development in a local gap if it cannot be acceptably located elsewhere and it would not diminish the gap, physically or visually.

20. Saved Policy 9.CO allows for extensions or alterations to existing dwellings within the countryside subject to a number of criteria being met. These include that: i. the dwelling is not subject to an agricultural occupancy condition; ii. the development is not likely to facilitate the subdivision of the property into more than one dwelling; iii. the extension does not result in the dwelling becoming disproportionate in size to neighbouring properties or disproportionate in relation to its plot; and, iv. the design of the extension does not materially worsen the impact of the dwelling on its immediate surroundings.
21. Saved 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, that development has a satisfactory means of access and layout for vehicles, cyclists and pedestrians, makes provision for refuse and cycle storage and avoids unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise, disturbance and fumes.
22. Saved Policy 174.LB relates to alterations or extensions to listed buildings. Whilst the Country Park is not itself a building, given its listed status in its own right, the criteria of this policy are considered to apply in respect of the requirement for development to not have a detrimental impact on the setting of the heritage asset.
23. Saved Policy 177.LB relates to development proposals within historic parks and gardens and states that planning applications for development which would be detrimental to or adversely affect the character, appearance, features or setting of an historic park or garden, will not be permitted.

Emerging Local Plan Policies

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014:

24. 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.

The Submitted Eastleigh Borough Local Plan 2016-2036:

25. Following the Submitted Eastleigh Borough Local Plan 2011-2029 being found unsound, the Council has prepared the Submitted Eastleigh Borough Local Plan 2016-2036. The Plan has been subject to public consultation (Regulation 19), the period for which ran from 25 June until 8 August 2018, and has subsequently been submitted to the Secretary of State for examination (on 31 October 2018), with hearings having commenced in late 2019 and concluded in January 2020. The Council has recently received the Inspector's written feedback on the Plan. Given the status of the Plan, it is considered that

moderate weight can be afforded to the policies within it.

26. Within this plan, the site remains within the countryside and gap, with the relevant policies of the plan essentially echoing the requirements of those of the adopted local plan as listed above. They are not therefore considered to affect the recommendation put forward.

Supplementary planning documents / associated guidance

- Quality Places

National Planning Policy

27. At a 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 Practice Guidance provides additional guidance in support of the Framework and should be afforded weight in the consideration of planning applications.

Assessment of proposal

Retrospective applications

28. The development undertaken at the application property requires planning permission owing to permitted development rights having been removed from the dwellings within the Osborne Quarters as part of the original planning consent for their conversion to residential use. This permission was not obtained prior to the garden store being installed and is now being sought retrospectively. In the interests of clarity, national planning guidance requires that such applications are considered and determined in the normal way and therefore they should be assessed against the requirements of the development plan and associated national and local planning policy and guidance. The fact that an application is retrospective is not itself a material consideration in the assessment of the development.

Principle of development

29. The application site lies within designated countryside within the adopted Local Plan where there is a general presumption against new residential development (Saved Policy 1.CO). Saved Policy 9.CO however allows for extensions or alterations to existing dwellings within the countryside subject to a number of criteria being adhered to (see paragraph 18 above). The general principle of the construction of a domestic outbuilding is therefore considered to be acceptable with any planning approval being subject to the specific proposal being appropriate in terms of its siting, scale and appearance, as well as in respect of its impacts upon the character of its surroundings. These matters are considered below.

Layout, design and impact on the character of the area and residential amenity

30. The development proposes the retention of a detached garden store of timber construction which is situated within the rear amenity area of the application property. The condition which removed permitted development rights from the dwellings within the Osborne Quarters was imposed to protect the historic character of the buildings and their setting and in the interests of the amenity of the locality. These matters therefore are significant material considerations in the assessment of the development for which permission is sought as part of this application.
31. Prior to their conversion, a key characteristic of the Osborne Quarters buildings and their setting was identified to be the verdant and visually open spacing that existed between the blocks, with this being interspersed with trees of a range of species. As approved, the development scheme for the conversion of the buildings to residential use achieved what is considered to be an appropriate balance between providing for a suitable and viable use for the buildings whilst at the same time not detracting from their prevailing character or that of the Country Park itself. The way in which the amenity space for each property was laid out and demarcated was an integral component of this, with each area having a non-intrusive brick built privacy screen adjacent to the respective property's patio area and the remainder of the amenity space being surrounded by a low-level (900mm) natural timber picket fence and privet hedging to provide for defensible space whilst maintaining the open and unimpeded views through the development.
32. The approved development did not incorporate garden sheds for the dwellings within the Osborne Quarters. Whilst it is recognised that a certain level of storage is required for the maintaining of the domestic gardens, the removal of permitted development rights was in this case imposed to allow for such future development to be controlled by the local planning authority through the planning process to ensure that any such outbuildings or structures, or indeed any other development, are appropriate and do not detract from the unique character of the properties or their setting. This notably includes the spacious and open vistas which have prevailed between the rows of buildings which are referred to above.
33. The garden store at No. 2 the Osborne Quarters that is the subject of this application is, on balance, considered acceptable in this regard. The structure is modest in scale and size and whilst its height would project to a degree above the perimeter fencing and hedging that surrounds the property's garden, this is not excessively so or such as to be visually intrusive or to detract from the setting of the property, the Osborne Quarters buildings more widely, or their setting within the designated heritage asset of Royal Victoria Country Park. The development will also not physically or visually diminish the local gap and there will be no undue resulting harm to trees on or adjacent to the site.
34. Taking account of the above factors, the development is considered to be acceptable in terms of its layout, design and impact upon the character of the area and thereby accords with Saved Policies 9.CO, 59.BE, 174.LB and 177.LB of the adopted Local Plan.

35. In addition, there are no concerns raised in respect of the impacts of the development upon residential amenity. The positioning of the store within the property's garden when combined with its modest height and scale ensure that it is not unduly overbearing for neighbouring occupiers and it will not adversely affect light to or outlook from their windows or amenity areas. The proposals therefore conform with Saved Policy 59.BE (vii.) of the adopted Local Plan and the guidance contained within the Council's Quality Places SPD in this respect.

Equalities implications

36. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states that:

(1) 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; and
- (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.

37. It is not considered that this application raises any equality implications.

Planning obligations considerations

38. None.

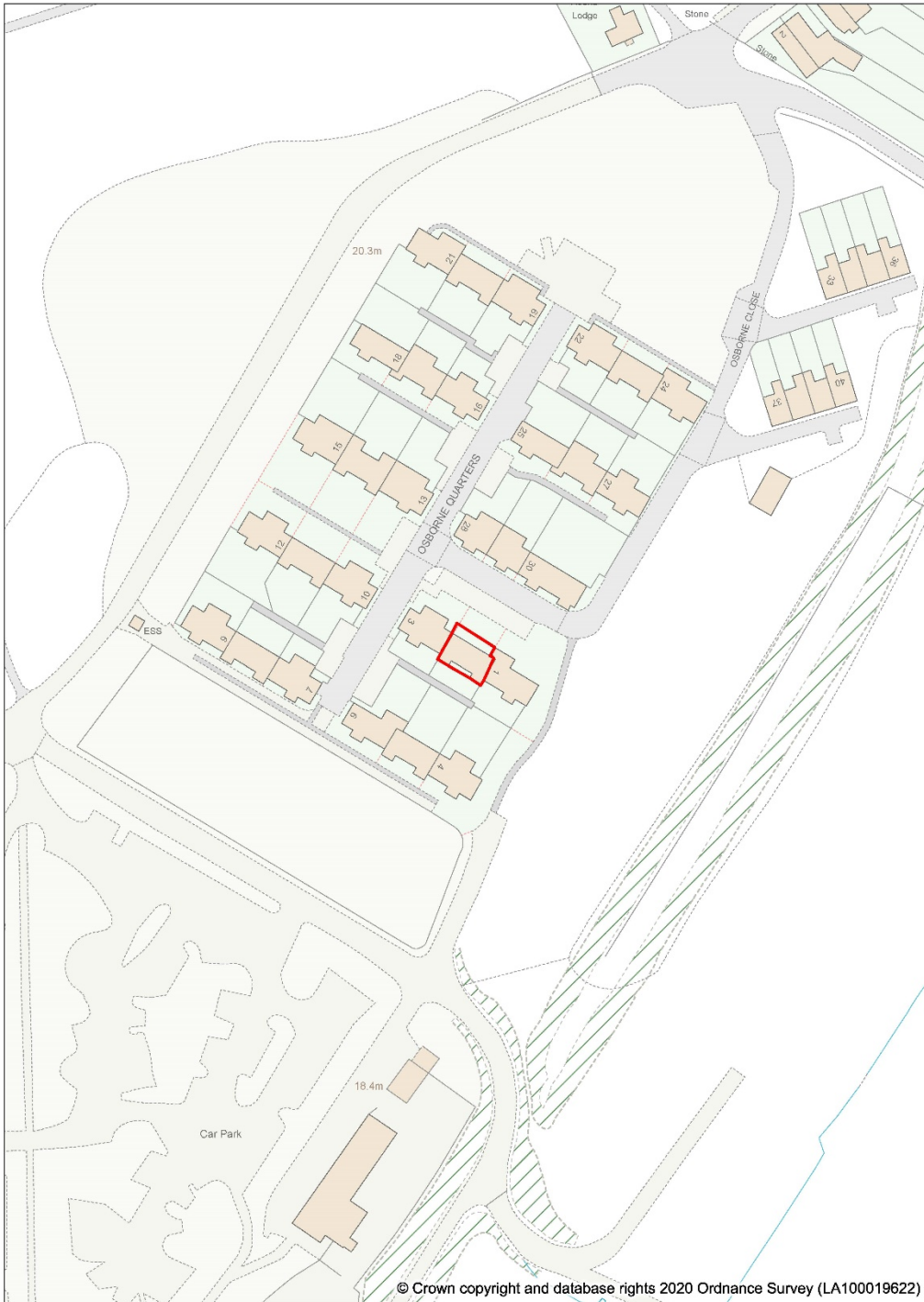
Other material considerations

39. None.

Conclusion

40. In conclusion, the development is considered to be acceptable and accords with the requirements of the relevant local and national planning policies and adopted supplementary planning guidance, with the garden store being modest in scale and appropriate in terms of its form and, on balance, its height which is such as to allow for the provision of usable garden storage for the occupiers of the property whilst at the same time respecting the openness between the Osborne Quarters buildings which is an important and integral characteristic of their setting. It is therefore recommended that planning permission be granted.

H/20/87739



Address: 2 Osborne Quarters, Royal Victoria Country Park
Netley Abbey, Southampton, SO31 5HX

Date: 23/06/2020

Scale: 1:1250