

BHH – Bursledon, Hamble and Hound Local Area Committee Thursday 24 September 2020.

**Application Number:** F/20/88187  
**Case Officer:** David Huckfield  
**Received Date:** 07/07/2020  
**Site Address:** 1 – 30 Osborne Quarters, Royal Victoria Country Park, Netley Abbey, Southampton, SO31 5HX  
**Applicant:** Juno Developments (Southern) Limited  
**Proposal:** Retention of 28no. garden sheds and construction of 2no. replacement garden sheds at Nos. 2 and 7 Osborne Quarters

**Recommendation:** PERMIT Subject to the receipt of an amended layout plan showing the sheds on plots 5, 12 and 27 to be re-sited or re-orientated.

### CONDITIONS AND REASONS

- 1 The development hereby permitted shall be retained in accordance with the following plans numbered: 1 222/SHED LAYOUT, SHED TYPE A DETAILS, SHED TYPE B DETAILS. 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 sheds shall be repainted within 6 months of the date of this decision in a colour to be agreed in writing with the local planning authority. Reason: In the interests of the appearance and character of the area.
- 4 Within 6 months of the date of this decision, the sheds on plots 5, 12 and 27 shall be re-sited or re-orientated (as applicable) in accordance with the approved site layout drawing. Reason: In the interests of the appearance and character of the area.

**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.

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### Report

1. This application has been referred to Committee as it is deemed to be controversial.

## **Description of application**

2. The application seeks approval for the erection of 30no. garden sheds, which is predominantly retrospective. The sheds are finished in a light green colour and are a mixture of two different types, referred to as 'Type A' and 'Type B' within the application submission. Type A is 1.2m in width and 1.8m in depth, with it having a pitched roof and a ridge height of 2.1m. Type B is of an equal height and also of a pitched roof design but with a larger footprint, measuring 1.5m in width and 2.1m in depth. A mixture of these shed types was erected within the amenity areas of all thirty properties on the application site in varying positions, with the majority being positioned within the rear corners of the respective plots. Those at Nos. 2 and 7 Osborne Quarters were subsequently adapted to reduce their height, with the resulting stores having been the subject of separate applications for which planning permission was refused in July 2020 by the Bursledon, Hamble and Hound Local Area Committee (see section on 'Planning History' below). The application therefore seeks the retention of the remaining 28no. sheds and the erection of 'Type A' sheds at Nos. 2 and 7.
3. The garden sheds require 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 is formed of Nos 1 – 30 Osborne Quarters, which are 30no. single-storey, terraced, two-bedroom bungalows that are 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 to residential use. The blocks are of red-brick construction with slate roofs and date from the mid-19<sup>th</sup> 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.
5. 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, the size of which varies from plot to plot, with these being demarcated principally by low level fencing and privet hedging, with brick-built privacy screens also having been provided immediately adjoining the dwellings. The site is accessed via Osborne Close, which connects from Hound Road further to the north, with the entrance leading onto a central spine road that dissects the development site from north-east to south-west.

### **Relevant planning history**

7. Planning permission for the development which the application properties now form 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. In July 2020, two applications (H/20/87738 and H/20/87739) were refused by the Bursledon, Hamble and Hound Local Area Committee for the retention of garden stores at Nos. 2 and 7 Osborne Quarters. Following discussions with officers, these stores had been reduced in height (relative to the remaining sheds across the site) in order to seek to lessen their visual impact from their surroundings. The committee considered however that the stores, as a result of their siting and incongruous form and design, would appear as a discordant visual feature which would detract from the character and setting of the development. Concerns were also raised by members in respect of the lower height of the stores which they considered compromised their accessibility and usability, particularly for elderly people or those with disabilities.

### **Representations received**

10. A total of 2 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 original approval was given with permitted development rights removed to protect the buildings and adjacent land from inappropriate development and maintain an openness between the properties.
- Those who purchased properties should have been alerted to the condition in land searches undertaken prior to purchase.
- The openness has already been breached by fencing being allowed to be constructed.
- It is unclear why enforcement did not issue the appropriate notice / instruction to stop the installation when the sheds were being installed.
- The sheds are an eyesore and must be removed.
- The application for the two garden stores was unanimously refused by the LAC.
- The original plans and landscaping did not include sheds.
- The sheds are well in excess of the 900mm limit which applies to the hedges and fencing.
- Removing the sheds would not compromise the intended use of the properties or render them unfit as a home.
- The sheds should not be permitted simply because they have been unlawfully erected.
- The fact that the developer may have to pay compensation to the purchasers is not a valid planning consideration.

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

- The sheds are considered a necessity for storage and it is unreasonable to suggest that items for garden maintenance be stored inside the property.
- The sheds are quaint, in keeping, muted in colour and break up otherwise boring uniformity.
- The sheds enhance the look and feel of this beautiful development.
- The sheds can only be viewed as the development is passed on the east; they cannot be viewed from any other direction.
- The backdrop to the sheds is the wooded area to the west of the development. There is therefore no openness to be interrupted.

## **Consultation responses**

### **Hound Parish Council**

11. No objection.

### **Tree Officer**

12. If the sheds have been constructed on top of the existing ground level and without slab bases, then the potential for harm would not be greater than normal residential garden use of the areas: there is a possibility of compaction under the weight of the structures and a small rain shadow created, but neither would be significant, and impossible to evidence. Therefore, we raise no arboricultural objection to the retention of the sheds.

## **Conservation Officer**

### 13. Context

This development creating small dwellings out of micro dwellings for the original hospital staff families at The Netley Military Hospital in the late 1800's retains the original buildings with some of the implicit restrictions that accompany it. The major one of these is the relatively close proximity of one block to another where even the introduction of a small shed can drastically impinge on another's outlook.

A major element in the reuse planning of these dwellings was to preserve an open feel between the blocks, this will be reduced by the presence of sheds all over the place introducing the ambience of an allotment site but with lawns to be cut a mower and few essential garden tools are a necessity which require storage.

### 14. The Proposal

The main factors in this exercise are the proximity of another's shed to one's own building and the orientation of that shed – end on there is less to see than lengthwise. In addition, a shed on the side boundary is less likely to be as intrusive as one along the bottom of the garden, particularly on the perimeter of the site.

The sheds of units 29 and 30 relative to unit 26 are particularly obtrusive - as far as possible from the owners building but then virtually in the face of no 26 – hardly fair. I would suggest any shed in this situation should be no further down the garden than half-way between the two buildings and end-on to the building.

It would be fairest to have the sheds of all perimeter properties near that boundary as currently proposed for no's 1, 9, 12, 15 and 27. For those adjacent to the spine road, that side would be preferable as shown by properties 10, 16 and 25 but not too close as shown by no 28.

### 15. Conclusion

The proposed placing of these sheds does not appear to have been done with consideration for other occupants or the clear space ethos between blocks. Given that some storage is almost essential to all properties, perhaps all sheds should be against the buildings or the mid terrace ones should only be allowed storage boxes no higher than the fencing i.e. 900mm. Holding objection.

## **The Gardens Trust**

16. We have considered the information provided in support of the application and based on this confirm we do not wish to comment on the proposals at this

stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

### **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**

17. 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**

18. 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**

19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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:

26. 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:

27. 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 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.

28. 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**

29. 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**

30. The development undertaken at the application site 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 sheds 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 policies and guidance. The fact that an application is retrospective is not itself a material consideration in the assessment of the development.

#### **Principle of development**

31. 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 22 above). The general principle of the construction of domestic outbuildings 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**

32. The development proposes the retention of 28no. detached garden sheds with the construction of 2no. further sheds at Nos. 2 and 7 Osborne Quarters to replace stores of a lower height. The sheds are generally of a light green colouring, although some do vary in shade. They are of timber construction and are located within the rear amenity areas of the application properties. As noted above, 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 are therefore material considerations in the assessment of the development for which permission is sought as part of this application, as are the previous refusals of planning permission for the smaller garden stores at Nos. 2 and 7 and the reasons for this.
33. 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.
34. The approved development did not incorporate garden sheds for the dwellings within the Osborne Quarters and the removal of permitted development rights was in this case imposed in order 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.
35. The sheds across the site have been erected without the benefit of planning permission and whilst their siting and orientation varies, the majority are positioned at the end of the gardens of the dwellings to which they relate. The combination of their siting, light green colouring and their height which exceeds that of the approved perimeter fencing and hedging, results in them invariably being visible between the blocks as seen from both within the confines of the development itself as well as from Osborne Close to the east. As a result, and as noted by the Council's Conservation Officer, they do serve to some degree to reduce the openness between buildings that had sought to be maintained as part of the conversion scheme.

36. Whilst there is a recognition that external storage is required for the properties, a balance needs to be struck between meeting this requirement and not undermining the character of the development. Officers had therefore previously sought through discussions with the developer to reduce the height of the stores to seek to lessen their visibility, with this having resulted in the two previous applications at Nos. 2 and 7. Members of the committee however, in refusing planning permission, considered that the aforementioned balance hadn't been adequately achieved and the usability of the stores was compromised to too great a degree, with the form and smaller scale of the structures being out of character with and detracting from the development.
37. Alternative options have therefore been considered through discussions with residents, with a focus on the siting and in some cases the orientation of the current stores and whether this could be altered in order to allow for the retention of the sheds to provide more suitable external storage whilst at the same time lessening their physical and visual impacts. In a number of cases, residents have advised that they do not wish to or cannot alter the position of their respective sheds owing to either, or in some instances a combination of, the presence of trees, manhole covers, windows within buildings which could be affected, or the smaller size of some amenity areas. Some have however agreed to move their sheds to a degree or to re-orientate them. Having considered this feedback and appraised the resulting effect of these potential changes, the re-orientation of the sheds on plots 5 and 27 (such that they are end-on rather than side-on as viewed through the development) and the re-siting of the shed at No. 12 closer to the building on the western side of the plot would assist in reducing their visual impacts, with the other changes that residents have suggested being deemed to have limited benefits in this respect. An amended layout plan has therefore been requested to show this. Residents have additionally advised that they would be prepared to have the sheds across the site repainted if considered to be necessary.
38. The changes to the siting of these 3 sheds are acknowledged to be fairly limited in terms of the overall effect of the collective impact of the sheds on the development and these structures will to some degree still serve to interrupt the views between the buildings. It must also be acknowledged however that the sheds do represent what is a modest sized single domestic outbuilding with the garden of each property and that they do provide a greater level of usable external storage for residents than the alternative lower level stores. Repainting them in a more muted colour and ensuring that each was the same shade would also bring a greater degree of site-wide uniformity, which is further assisted by the limited variation in styles of the structures with them being only of two different types.
39. Further and whilst acknowledging that they are perhaps not the most ideal solution, it is also necessary to consider the expediency of formal enforcement action in the event that planning permission was to be refused and the likely success of any subsequent appeal against this decision. As part of this consideration, regard needs to be had to the fact that the sheds are not eminently visible from wider views within the Country Park and would therefore have limited effect on its overall character and that whilst the buildings

themselves have undeniable heritage value, they are neither statutorily or locally listed in their own right. The desire for a single garden shed for a domestic property is itself also not considered unreasonable, although arguably there could perhaps of been more suitable options for achieving this in this case.

40. Taking account of all of these factors and very much on balance, the level of harm arising from the development and any associated degree of conflict with the relevant development plan policies is not considered to be sufficient to warrant the refusal of the planning application and for it to be justifiably expedient or in the wider public interest for the Council to thereafter take subsequent formal enforcement action.

### **Residential amenity and trees**

41. There are no concerns raised in respect of the impacts of the development upon residential amenity or trees present on or adjacent to the site. The positioning of the sheds within the gardens of the properties when combined with their relatively modest height and scale ensure that they are not unduly overbearing for neighbouring occupiers and will not adversely affect light to or outlook from their windows or amenity areas. The sheds are also sited on timber bases which are considered relatively low impact on tree roots and no objection has therefore been raised in this regard by the Council's Tree Officer. The proposals therefore conform with Saved Policy 59.BE (parts i. and vii.) of the adopted Local Plan and the guidance contained within the Council's Quality Places SPD in these respects.

### **Equalities implications**

42. 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.

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

### **Planning obligations considerations**

44. None.

### **Other material considerations**

45. None.

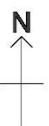
### **Conclusion**

46. In conclusion and very much on balance, whilst the sheds do invariably have some impact on the openness between the Osborne Quarters buildings which is an important element of their character, the degree of resulting harm is not considered to be such as to justify the refusal of planning permission in this particular case and the application is therefore recommended for approval subject to the receipt of an amended layout plan showing the re-sited sheds at plots 5, 12 and 27.

F/20/88187



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Date: 15/09/2020

Scale: 1:1250