

## **(BHH, Bursledon, Hamble-Le-Rice & Hound Local Area Committee, 21<sup>st</sup> January 2021)**

**Application Number:** H/20/88626  
**Case Officer:** Rachael Morris  
**Received Date:** 28<sup>th</sup> August 2020  
**Site Address:** St Georges, Kew Lane, Bursledon, Southampton, SO31 8DG  
**Applicant:** Mr Craig Powell  
**Proposal:** Erection of Wooden Garden Studio to replace Wooden Shed and Greenhouse

**Recommendation:** Subject to the consideration of any comments received from the Old Bursledon Action Group (delegated to the Head of Housing and Development in consultation with Members): PERMIT subject to conditions

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### **CONDITIONS AND REASONS:**

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: LOC 01, BLOC 01, 3353-075-02 REVISION A, 03 and 04.

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 must be as close as possible, in type and texture to those listed in Section 5 of the application form with the colour being painted in Dulux Green Glade or in a colour that matches close to this (<https://www.dulux.co.uk/en/colour-details/green-glade>) and shall thereafter be maintained in this colour.

Reason: To ensure a satisfactory visual relationship of the new development to the existing.

4. The ground floor window on the east elevation to the rear [as marked on the approved plan 04] shall either be obscure glazed to Pilkingtons level 3 or equivalent. Once installed the window shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties.

5. The development hereby permitted shall only be used in conjunction with the existing dwelling and shall not, at any time, be used for business, commercial or industrial purposes or as an independent or ancillary residential unit.

Reason: To protect the amenity of the adjoining residential properties.

6. 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 Cllr Tonia Craig, Cllr Steve Holes and Cllr David Airey.

### **Site Characteristics and Character of the Locality**

2. The site to the south east of Kew Lane is secluded with only two other residential properties; this is the northern property, with one to the south and another to the east. These dwellings are detached with their boundaries linking to each other, made up of traditional style residential treatments including close-boarded fencing and wire fencing. The area is generally well wooded.
3. This site lies within the Old Bursledon Conservation Area with the nearest listed building being that of The Old Rectory up by the junction of Kew Lane with School Road.

### **Description of Application**

4. The application seeks the erection of a Wooden Garden Studio to replace Wooden Shed and Greenhouse. This will be sited to the back of the rear garden.
5. The overall height is approx. 3.5m from the floor level to the top of the roof apex, approx. 3.9m across its entire depth and approx. 8m across its width. The proposal is also approx. 35m away from the main dwelling and approx. 2m from the boundary of Advent Cottage.
6. The studio is proposed with wooden walls which will be painted pale green, with pale green wooden windows, part glazed pale green entrance doors and a black shingle roof tiles.

## **Relevant Planning History**

7. None

## **Representations Received**

8. 1 letter of objection raising the following points:
- The removal of a hedge has exposed a more open view to St Georges from the east neighbouring property.
  - Scale of proposal and adverse impact on outlook
  - Close siting to boundary (2m)
  - Window on the elevation facing the east neighbouring property
  - Potential for future business/residential use

## **Consultation Responses**

### Parish Council:

9. OBJECT on the following grounds:
- The development is in the Special Policy Area / Old Bursledon Conservation Area this proposal appears to have as large a footprint as the main house and is overbearing on the plot and neighbouring property.
  - There are concerns over the potential for commercial use and/or the sub-division of the plot.
  - Detrimental impact within the Conservation Area

### Built Heritage Consultant:

10. The proposed siting of this structure is at the top of the garden which is roughly half way between the host building and the main property behind next to a studio or similar at the bottom of their garden which overlaps that of St. Georges.
11. By virtue of it's position and the amount of forestation around, it is unlikely to be seen by the general public, however the proposal to paint it white will highlight it's presence if anyone has sufficient elevation to see it through the trees in autumn or winter. A darker colour would reduce this likelihood to preserve the rural idyll and not add to the whiteness already presented by the house itself.
12. The presence of a structure of this nature in this position is no problem in itself, from a conservation perspective, however the proposed colour, although under a dark roof, might well highlight its presence unnecessarily.
13. In a darker colour, I would have no problem.

### Tree Officer:

No objection

Old Bursledon Action Group:

To be reported

SGN:

No Comment

### **Policy Context and Designations Applicable to Site**

- Outside Built-up Area Boundary
- Within Designated Conservation Area
- Within a Special Policy Area
- Within an area of SGN Medium Pressure

### **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**

14. 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**

15. 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-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**

16. 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.

17. 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.

18. 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**

19. 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**

20. 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 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
21. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
22. "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:**

23. The site is located within the countryside, where the type of development is restricted by Policy 1.CO. However, the studio 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. 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. However, worthy of note, Policy 9.CO does not directly apply to this studio as it is not an extension, but the policy does have relevant objectives that can be referred to during this decision process.
24. 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.

25. 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.

26. 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.

27. Referring to the Old Bursledon Conservation Area Appraisal and Management Proposals SPD it is worth noting that this proposal is located within Zone 6 of the management proposals and there are no key management approaches of relevance to this dwelling or proposal.

28. The area is subject to an Article 4 direction on properties, meaning that Permitted Development Rights have been removed for development within Class E of the Order (The Town and Country Planning (General Permitted Development) (England) Order 2015). Therefore, an outbuilding, enclosure, or swimming pool incidental to the enjoyment of the dwellinghouse that would be considered permitted development could not be built within this area. This specific development is within 2m from the boundary and so would exceed the permitted height of 2.5m for allowed development within 2m of the boundary; therefore this development would not have been permitted development if there was no Article 4 direction in place.

### **Character and appearance:**

29. The proposal's overall size is considered acceptable and would be akin to those found in larger residential garden plots, while still leaving generous amenity space and being in scale to its plot. The studio would be incidental to the main dwellinghouse within the private amenity space of the garden. The studio is not a size that would be a departure from a residential use and can sit comfortably within the generous garden plot of the house. A further use that would not be considered incidental, such as a residential unit or a business would need further planning permission and conditions are recommended to restrict such uses occurring.

30. The proposal is listed on the application form to be built of wood which will then be painted a pale green. It is noted that the main dwelling and both immediate neighbours are rendered in white. Additionally, the outbuilding at Advent Cottage is also white in colour. Therefore, the proposed green colour would help to soften its appearance in the Conservation Area which presently is heavily populated with white buildings.
31. The studio is proposed to have a darker coloured roof made of felt and roof shingles in a black shade. This proposal would reduce the outbuilding's impact on the conservation area by reducing its overall presence. Also, this contrast in colours is also seen on the surrounding dwellings and on a neighbouring outbuilding.
32. The proposed window frames are listed to be made of wood and not UPVC. This is further respecting its location in the conservation area in which the materials chosen are in harmony to its surrounding area and the associated buildings.
33. The studio would not impact on the wider Old Bursledon Conservation Area as it will be screened from public view by the verdant, sylvan character and extensive hedging that borders Kew Lane. Moreover, the proposal will maintain the open distinctiveness of this area of Old Bursledon Special Policy Area.

#### **Residential Amenity:**

34. Saved policy 59.BEvii 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.
35. The proposed rear elevational window is proposed as obscure glazed so the proposal will not directly overlook into the neighbour's private amenity space. This will be supported by a condition to ensure this is retained.

#### **Equalities Implications:**

36. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- a. A public authority must, in the exercise of its functions, have due regard to the need to:
    - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;



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

37. 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**

38. In conclusion, the proposed garden studio is suited to the host dwelling and its associated plot. The studio is modest and will be in-keeping to its surroundings. Additionally, the studio will preserve the conservation area and respect the special policy area. The recommendation is to Permit subject to conditions, and subject to the consideration of any comments received from the Old Bursledon Action Group (delegated to the Head of Housing and Development in consultation with Members).

# St Georges, Kew Lane, SO31 8DG



Department:	H/20/88626
Date: 13/01/2021	Scale: 1:1250