

Application Number: H/22/93352
Case Officer: Claire Campbell-Best
Received Date: 30 June 2022
Site Address: Greywell, High Street, Bursledon, Southampton, SO31 8BL
Applicant: Mr Kenneth Ellis
Proposal: Construction of garage with ancillary first floor accommodation, rebuilding of brick boundary wall and new internal courtyard wall

Recommendation: Permit subject to conditions

CONDITIONS:

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| 1. | <p>The development hereby permitted shall be implemented in accordance with the following plans numbered: 06 Rev A, 07, 10 Rev D, 11 Rev F, B02 Rev A and L01 Rev A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> |
| 2. | <p>The development hereby permitted shall start no later than three years from the date of this decision.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990.</p> |
| 3. | <p>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 adjoining building.</p> <p>Reason: To ensure a satisfactory visual relationship of the new development to the existing.</p> |
| 4. | <p>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 residential unit.</p> <p>Reason: To protect the amenity of the adjoining residential properties and in the interest of highway safety.</p> |
| 5. | <p>The development must accord with the arboricultural report reference 211433 - AIA. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written</p> |

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| | <p>agreement from the LPA.</p> <p>Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.</p> |
| 6. | <p>Notwithstanding the submitted arboricultural information, no excavation, demolition or development related works shall take place on site until a Tree Planting Plan and Planting Method Statement, as per British Standard 8545:2014 and in line with the Trees and Development Supplementary Planning Document, have been submitted and approved by the Local Planning Authority. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority. Tree planting must take place as soon as possible after completion of the proposed development and no later than the end of the following planting season. If, for a period of no less than 10 years after planting, trees which are removed, die or become seriously damaged shall be replaced as soon as reasonably practicable with others of the same species, size and number as originally approved.</p> <p>Reason: To maintain and enhance local tree canopy cover.</p> |
| 7. | <p>Prior to the commencement of the development of the garage, a plan showing an integrated (built in) or wall mounted bat box and it's position must be submitted and approved in writing by the Local Planning Authority</p> <p>Reason: To protect bat species</p> |
| 8. | <p>Note to Applicant: This application has been flagged up as being within 50m of a record of Stag Beetle and 500m of a record of Great Crested Newts. In the unlikely event of either of these species being found during the works, they should not be harmed. Stag beetles can be moved away gently, but Great Crested Newts must be handled and relocated to suitable terrestrial habitat only by a licensed ecologist.</p> |
| 9. | <p>Note to Applicant: Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.</p> |
| 10. | <p>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.</p> |

Report:

1. This application has been referred to Committee by Councillor Tonia Craig, Councillor Steve Holes and Councillor Jane Rich because it is controversial within the locality.

Site Characteristics and Character of the Locality

2. Greywell is located to the north of High Street and to the west of Station Hill, set back by a brick wall which fronts the road and is situated in the north-east of the Old Bursledon Conservation Area. The dwellinghouse is a Grade II Listed Building constructed in the 18th century and occupies a prominent position at the top of Station Hill. According to Historic England, their listing description is as follows:

C18, 2 storeys, 3 windows. Ref tile roof over L-shaped block with gables, and hip on corner; later 'Tudor' chimneys. Walling in blue header brickwork, with red flush dressings; quoins, quoins beside windows carried through 2 floors, cambered arches (with keystones). Side elevation of 4 windows and doorway. Casements. Gate piers in brick with stone top and ball, plinth and 2 intermediate projecting bands.

3. The application site is set within a generous plot, the site is generally level with lawn and large amenity garden space to the sides and rear of the property. There are mature trees within the grounds and lining the boundary facing Station Hill. The site is enclosed by a brick boundary wall to north, east and southern boundaries.
4. The site is accessed via a recently permitted vehicular gated entrance located north of the dwelling. This leads onto a large driveway and walkway which wraps around the dwelling and is laid to gravel. Another vehicular and pedestrian gate entrance is located south-west of the dwelling. The applicant proposes to use this entrance for pedestrians only to preserve the pathway to the front of the host dwelling.
5. There is an outbuilding set back to the north-west of the dwelling and until recently, a detached double garage on a slope next to this outbuilding. The garage has been removed and the hardstanding remains.
6. The wider surroundings fall within designated countryside and the Old Bursledon Conversation Area. There are some residential dwellings nearby, however the immediate surroundings are open countryside.

Description of Application

7. This application seeks approval to construct a triple detached garage with ancillary first floor accommodation, the rebuilding of a portion of the boundary wall to the north and east boundary and a new internal courtyard wall.

8. There is also a Listed Building Consent application that has been submitted alongside this application (L/22/93401) due to a Grade II Listed Building being within the application site. This application will also be under consideration at the Bursledon, Hamble-le-Rice and Hound Local Area Committee on 22 September 2022.
9. There are three elements to this application, they will be detailed and assessed separately:
10. Triple detached garage

Amended plans were received in relation to the detached garage. The amendments show a decrease in width by 1.2m. This amendment brings the garage down to a 24.9% increase in volume when compared to the volume of the original dwelling house.

The proposed garage now measures 12.3m in width, 6.9m in depth and 6.9m in height. The garage would have a pitched roof supported by an oak frame and posts on stone stools to the front elevation with 4no. rooflights to the front and rear roof slopes. There would be an external staircase to the north-eastern side elevation which would lead to ancillary first floor accommodation and a port hole style window. The other side elevation to the south-west would have a side access door at ground level and a further port hole window at first floor level. The front elevation of the garage at ground level would have three bays with traditional timber doors to the front, providing off-street parking. All elevations to the proposed garage would be lime wash rendered.

11. Internal courtyard wall

It is proposed to reinstate an internal wall in the courtyard. There is evidence to suggest that a wall previously existed between the house and the remaining outbuilding to the west. The proposed internal wall would be 8m in width and 1.25m in height with a pair of black metal gates which would be the same height as the proposed wall.

12. Boundary wall

It is proposed to re-build a 40m (approx.) section of the boundary wall to the north and eastern boundary. This section of the wall has been classified as dangerous by Building Control and has a significant lean towards the highway (Station Hill) which has been caused by 4no. protected trees, whose roots are causing the wall to lean over. Some parts of this section of wall have been reduced in height in order to make the wall stable and reduce the risk of collapse while the associated planning applications are under consideration. There is also a cordon in place on Station Hill for further safety measures for vehicles and pedestrians.

In order to replace this section of wall, the 4no. protected trees located directly behind the boundary wall would be removed. There is an active TPO application (T/22/93274) for the removal of the trees for the same reasons which will also be considered at the Bursledon, Hamble-le-Rice and Hound Local Area Committee on 22 September.

The proposed replacement wall would replace approx. 40m of the damaged wall. The wall would maintain the same height (2.4m) as the existing wall, including the staggered low element portion (approx. 0.64m in height) and will retain the same design features of brick piers as seen on the existing wall and other walls within the surrounding area.

Relevant Planning History

13. N/34609/000/00 – Notification of intent to fell and top Cupressus Leylandii – Raise Objection To – 30/06/1997
14. L/34609/002/00 – Listed Building Works: Elevational alterations and re-roofing of store room – Grant Listed Building Consent – 20/11/1997
15. C/04/52532 – Reduction of section of brick boundary wall – Permit – 13/12/2004
16. L/04/52369 – Listed Building: Reduction of section of brick boundary wall – Grant Listed Building Consent – 29/11/2004
17. H/21/92136 – New rear porch, replacement of small rear flat roof to pitched roof, new vehicular gated entrance, demolition of outbuildings and minor external works – Permit – 21/02/2022
18. L/21/92151 – Internal alterations, new rear porch, replacement of small rear flat roof to pitched roof, new vehicular gated entrance, demolition of outbuildings and minor external works – Granted Listed Building Consent – 21/02/2022
19. T/21/92159 – 1no. oak (T1) – fell, 1no. sycamore (T2) – fell. Replace both trees with four small leaved limes – Refuse Tree Consent – 03/03/2022
20. T/22/93274 – 1no. oak (T1) – fell, 1no. sycamore (T2) – fell, 1no. beech (T3) – fell, 1no. sycamore (T4) – fell. Structural damage to the wall is the reason for these 4 trees to be removed. Replacement planting with 8no. small leaved limes – Under consideration at BHH LAC on 22/09/2022
21. L/22/93401 – Listed Building Consent: Construction of garage with ancillary first floor accommodation, rebuilding of brick boundary wall and new internal courtyard wall – Concurrent application to H/22/93352 and under consideration at BHH LAC on 22/09/2022

Representations Received

22. One letter has been received in response to the application which was a comment relating to the garage:
- The garage plan should specifically state the space above the garage should not be used for living accommodation.
 - This could result in a new house being approved on the site or it may be let separately to the main house
 - The local plan states that no new buildings will normally be approved in the conservation area. If the space above the garage was living accommodation this would contravene that regulation

Consultation Responses

23. Bursledon Parish Council

Proposed garage

There are concerns due to this property being located in the Bursledon conservation area the proposed triple garage with office accommodation upstairs may be outside the permitted 25% and the upstairs accommodation may represent business use and that the intended use could be changed to living accommodation thus leading to sub-division or an Air B&B, neither of which is deemed appropriate in the conservation area.

Proposed replacement of boundary wall

Bursledon Parish Council consider this is more complicated than normal as the owner has been served notice by Hampshire County Council over the dangerous state of the wall. The wall is a significant Bursledon brick structure in the conservation area which forms a boundary containing four locally popular protected trees whose roots are causing the wall to lean over. All of these issues suggest that it is not a simple case of the replacement of the wall and a way forward needs round table discussions to find an appropriate and supportive way forwards.

No further comments on amended plans were received.

24. Historic England

Advised Eastleigh Borough Council to seek the views of the Built Heritage Consultant with regards to this application.

25. Built Heritage Consultant (Summarised) 27/07/2022:

The garage block – Placed in the already agreed position next to an existing outbuilding and over the site of a previous dilapidated timber garage, this three bay structure, consisting of garages with office/store in the roof space above, will be in keeping with both the stature and

quality of the main house. Using the same roof tiles as the house but with rendered elevations denoting its lesser importance in the pecking order, its position will serve to enhance the delineation of the 'service' yard that would normally have been in place for horses, carriages and trades people for a house of this stature.

New internal courtyard wall – There is evidence to suggest that a wall previously existed between the house and the remaining outbuilding to the west of the house, affording not only definition but an element of shelter from the north, to provide a back yard to the house. Re-instatement of this wall with a pair of gates will provide separation of the 'below stairs' area to the north from the 'above stairs' area to the south and west of the main building.

Front boundary wall - This has been leaning out ever more perilously for years and has now reached the dangerous stage requiring action. Evidence of cement mortar proves the wall is not historic but as the building is listed this is included and it is a notable feature of the conservation area as highlighted in the conservation area appraisal.

Conclusion.

These additions and replacement will enhance the setting and usability of Greywell and in the case of the boundary wall, the wider setting of the conservation area.

No objection.

Comment on amended plans received 29/08/2022

No objection and no further comment required.

26. **EBC Trees**

Arboricultural Documents

Arboricultural report reference 211433 – AIA

Comments

I have combined the two applications into a single consultation response because, from an arboricultural perspective, they are the same.

Firstly, we have no arboricultural issues with the garage element of the proposal. The above arboricultural report adequately demonstrates that this element can be achieved without significant harm to retained trees.

Unfortunately, there are some arboricultural impact from the reconstruction of the listed wall to the front of the property. The rebuilding of the wall would result in a number of significant trees being removed. This is hugely disappointing, but our hands may be tied as the proposal appears to be justified through the requirement to reinstate

the listed wall and the greater necessities of the character of the conservation area. From an arboricultural perspective we would obviously object to such tree loss, but recognise that there may be an overwhelming requirement to preserve the wall from a heritage perspective. It should also be noted that there is an active TPO application for the removal of the trees for the same reasons (T/22/93274).

Ultimately, if preservation of the character of the conservation area takes precedence over the trees, we would like to see detail of replacement trees and numbers that reflect our tree preplacement policy contained within the Trees and Development SPD.

If you are minded to approve the application, then we would request the following conditions be applied:

The development must accord with the arboricultural report reference 211433 - AIA. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

Notwithstanding the submitted arboricultural information, no excavation, demolition or development related works shall take place on site until a Tree Planting Plan and Planting Method Statement, as per British Standard 8545:2014 and in line with the Trees and Development Supplementary Planning Document, have been submitted and approved by the Local Planning Authority. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority. Tree planting must take place as soon as possible after completion of the proposed development and no later than the end of the following planting season. If, for a period of no less than 10 years after planting, trees which are removed, die or become seriously damaged shall be replaced as soon as reasonably practicable with others of the same species, size and number as originally approved.

Reason: To maintain and enhance local tree canopy cover.

27. EBC Ecology

This application has been flagged up as being within 50 m of a record of stag beetle and 500 m of a record of Great Crested Newts. The addition of a stag beetle log pile habitat in an undisturbed area of the garden would be a suitable biodiversity enhancement.

As there is already a known bat roost on the property, a bat brick could be built into the new garage. I don't think that the proposal would affect these species but please could you add the following informative to the decision notice:

This application has been flagged up as being within 50 m of a record of Stag Beetle and 500m of a record of Great Crested Newts. In the unlikely event of either of these species being found during the works, they should not be harmed. Stag beetles can be moved away gently, but Great Crested Newts must be handled and relocated to suitable terrestrial habitat only by a licensed ecologist.

28. Southern Water Services

Southern Water requires a formal application for any connection to the public foul sewer to be made by the applicant or developer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

29. Hampshire County Council Highways (Summarised):

Having reviewed the application there is no objection from a highways perspective, subject to the application of a condition

Access:

Whilst the visibility from the proposed vehicle access does not conform to full visibility standards, (and gates are not set back from the highway by a standard minimum of 6.0m) it is noted that it sits on a section of Station Hill which has a closure to through traffic approximately 70m to the north, that is single width and serves only two dwellings. As such, speeds would be anticipated to be minimal, as would passing traffic. Given this, the access would be acceptable in this specific case.

Proposed Garage:

Whilst the garage is acceptable from a highway perspective, providing enclosed parking without compromising the driveway space to enable on site turning and forward gear access and egress, there are concerns as to what the garage (and first floor accommodation) could be utilised for - other than just the parking of vehicles. If for instance, the first floor

space were to be used for commercial purposes (office) and the garage below for storage (commercial), then an increase in vehicle trips and the use of the site by larger delivery vehicles could occur. This would not be welcomed due to the nature of High Street. As such, it would be requested that the following condition is applied.

Condition:

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 residential unit.

Reason: To protect the amenity

30. **Bursledon Rights of Way and Amenities Preservation Group**

No comments received

31. **Hampshire County Council Access Development Officer (Rights of Way)**

No comments received

32. **Hampshire Gardens Trust**

No comments received

33. **The Gardens Trust**

No comments received

34. **Old Bursledon Action Group**

No comments received

Policy Context and Designations Applicable to Site

- Outside the urban edge – Countryside
- Within Old Bursledon Special Policy Area
- With Old Bursledon Conservation Area
- Listed Building (Grade II)
- Tree Preservation Order(s)
- Greyladyes Park (Historic Park)
- RAMSAR/SAC

Development Plan Local Plan Policies

Adopted Eastleigh Borough Local Plan (2016-2036)

The most relevant policies are:

Strategic policies:

- S1 (Sustainable Development);
- S5 (New development in the countryside);
- S8 (Historic Environment).

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM11 (Nature Conservation);
- DM12 (Heritage Assets)
- DM14 (Car Parking);
- DM26 (Residential extensions and replacement dwellings in the countryside).

Special policies:

- BU7 (Residential extensions and replacement dwellings, Old Bursledon Special Policy Area).

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Character Area Appraisal for Bursledon, Hamble-le-Rice and Hound (January 2008)

National Planning Policy Framework

35. At the 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.

National Planning Practice Guidance

36. 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

37. 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 Adopted Eastleigh Borough Local Plan (2016-2036) 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.

38. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to principle, amount of development, character and appearance, its impact upon the Old Bursledon Special Policy Area; impact upon residential amenity and other material considerations.

Principle and Policy

39. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design and siting.
40. The application site lies outside the urban edge within designated countryside. Here the basic principle of development is not usually considered acceptable unless for justifiable agricultural, horticultural or recreational purposes. Strategic policy S5 also restricts development in the countryside principally in order to maintain its rural character and to limit urbanisation.
41. However, Policy DM26 of Eastleigh Borough Local Plan (2016-2036) allows extensions and outbuilding to existing dwellings in the countryside that are not subject to an agricultural occupancy condition and are not likely to result in the subdivision of the plot. The policy requires that new extensions and outbuildings do not result in the dwelling becoming disproportionate in size to its plot and the neighbouring dwellings.
42. Policy BU7 relates to the Old Bursledon Special Policy Area, designated to protect an area of low-density housing, woodland, open fields, and salt marshes adjacent to the River Hamble, served by narrow country lanes with well-established hedgerows, banks, walls and trees. The Old Bursledon Special Policy Area includes the Conservation Area. The policy states that residential extensions and replacement dwellings in the Old Bursledon Special Policy Area will only be permitted provided they:
- (a) do not increase the volume of the original dwelling (as existing when the conservation area was first designated in 1982) by more than 25%. Further extension beyond this limit will not be permitted;

- (b) have regard to the impact of the development on the space between buildings and the openness of the area, ensuring that the character of the undeveloped landscape between buildings is conserved and enhanced;
- (c) do not create a dwelling disproportionately larger than the one that is being extended or replaced;
- (d) are subservient to and in proportion to the existing building in form, scale and design;
- (e) do not contribute to the cumulative urbanisation of the area; and
- (f) are not otherwise detrimental to the character of the area as viewed from the River Hamble.

43. The application site contains a Grade II Listed Building Greywell. Therefore, the policy requirements and criteria in Policy DM12 are relevant. The policy states that the proposed development within the setting of a heritage asset will be permitted provided it does not harm or detract from the significance or special interest of the asset and sustains and enhances its special character and qualities.

Impact on the Listed Building

44. The proposal affects a Listed Building or its setting and section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:

“In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State shall have regard to the desirability of reserving the building or its setting or any features of special architectural or historic interest which it possesses.”

45. The proposals have been set out in the Heritage Statement and the Built Heritage Consultant was consulted upon and raised no objection to the proposed works stating the proposed additions and replacement wall will enhance the setting and usability of Greywell. There is a concurrent application L/22/93401 which will also be considered at the BHH Local Area Committee which will consider the impact of the proposals from a heritage perspective.

Conservation Area

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

“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”.

47. As noted, the Built Heritage Consultant has no objections to the proposal in and has advised the proposals will enhance the setting and the wider setting of the conservation area.

Layout, design and impact upon the character of the area:

48. The Old Bursledon Conservation Area is designated because of its aesthetic value. The Local Planning Authority will seek to achieve a high standard of design when considering planning applications in this area, with a view to enhancement of its character. In assessing the development, account will be taken of the visual impact of an extension upon the Old Bursledon Conservation Area. This, in turn, allows an assessment as to whether the heritage asset would be harmed or enhanced by the proposed development.

49. As set out previously, the proposal has three elements which will be considered below:

50. Triple Detached Garage

The design of the proposed detached garage is suited to the host dwelling and application site in terms of its form, scale and appearance. The proposed garage would appear subservient to the host dwelling and due to the materials and design, the development would not harm the Listed Building within the application site.

The proposed garage would be positioned next to an existing outbuilding and over the site of a previous garage. The proposal would have 3 bays consisting of garages with a home office/store in the roof space, accessed by an external staircase to the side elevation.

The Built Heritage Consultant as raised no objection to the garage element of this proposal and has advised the proposed garage would be in keeping with both the stature and quality of the main house. The proposed roof tiles to the garage would match the host dwelling and would have rendered elevations denoting its lesser important in the pecking order, its position will serve to enhance the delineation of the 'service' yard that would normally have been in place for horses, carriages and trades people for a house of this stature. This addition will enhance the setting and usability of Greywell.

As noted, the proposed garage would be sited in the same location as the previous garage, which is set back from the host dwelling and the highway. The application site is set within a generous plot, the proposed garage could be accommodated without significantly diminishing the sense of space around it. A substantial private amenity space would remain once development is completed.

The proposed garage would be visible from the street scene; due to the set back and existing relationship, the garage would be in keeping with

the host dwelling and surrounding area as it would not cause any visual harm and would respect the character of the host dwelling.

Policy BU7 allows properties to extend or construct outbuilding by up to 25% of the volume of the original dwelling, in order to retain the loose knit and spacious character of the Old Bursledon Special Policy Area. Greywell has not been extended and the property remains its original size. The proposed garage would be a modest addition to the application site. Greywell has a total volume of 1408 cubic metres, the proposed garage would have a total volume of 351 cubic metres and would result in a percentage increase of 24.9%. The total increase in volume would therefore not exceed the 25% limitation set out in policy BU7.

51. Internal courtyard wall

The proposed internal courtyard wall is assumed to replace an internal wall thought to be located between the host dwelling and the outbuilding to the west. The proposed wall would be located in the original place and would be connected to the host dwelling and the outbuilding. The wall would have a pair of black metal gates that would be similar in colour and appearance to that of the vehicular and pedestrian access gates in place on the front boundary to the application site.

This element of the proposal is a modest addition and minor in scale and height. The visual impact would be screened by the newly constructed curved boundary walls and vehicular access gates and would only be partially visible within the public realm on a small portion of Station Hill.

This proposed courtyard wall would give the application site definition and the re-instatement of this wall would provide separation; there would be a back yard to the main house and an element of shelter from the north and would re-introduce a historical character feature to the application site and would be in keeping with the wider surrounding conversation area.

52. Boundary Wall

A section of the current front boundary wall to the north and east of the application site as noted, has a significant lean towards the highway (Station Hill) and as a result, the owner has been served notice by Building Control over the dangerous state of the wall. Parts of this section of wall have already been reduced in height as a safety measure to improve its stability as the wall was at risk of collapse.

It is proposed to replace this section of the wall with a 'like-for-like' wall. It would have the same height, materials and brick pier design features

as seen on the existing wall (before the height reduction due to safety measures).

As noted, the re-building of the boundary wall in the same location would involve the removal of 4no. protected trees. The Arboricultural Impact Assessment submitted with this application states if the wall were to be removed and reconstructed in its current position, it would be unviable as the wall would encroach into the footprint of the tree and would significantly damage its root bowl. Furthermore, with the trees still in place, any replacement wall would display the same lateral movement and lean, resulting in the same unstable structure which is currently being exhibited with the existing wall.

Therefore, in order to re-build a replacement wall, it has been demonstrated by the applicant the wall cannot be re-built without the removal of the protected trees.

The existing wall is a notable feature to the application site and within the surrounding area of the Old Bursledon conservation area and it is considered the replacement wall will preserve and enhance the application site and the wider setting of the application site

Residential Amenity

53. The proposed detached garage contains 4no. rooflights to the front and rear roof slopes and 2no. port hole windows to the side elevations. The front facing rooflights would face the public realm where an element of overlooking can be tolerated. The front rooflights would overlook a detached garage/outbuilding within the curtilage of Vine Cottage. This building has no visible windows directly facing the proposed garage. The rooflights to the rear overlook countryside where there are no immediate neighbours. The port hole windows to the side elevations would look directly into the garden of the application site. In addition, the rooflights are high level and any overlooking would be minimal and as such there would be no concerns with regards to any loss of privacy with regards to nearby neighbouring amenity.
54. Concerns have been raised by Bursledon Parish Council and a neighbour that the first floor to the proposed garage could be used as living accommodation and could effectively be used as a separate dwelling or an Air B&B.
55. The agent has confirmed the first floor accommodation will be ancillary to the host dwelling and will be used as a home office/store. The submitted proposed floor plans show no kitchen or bathroom facilities would be installed within the garage, further maintaining the link between the garage and host dwelling. In order to protect the amenity of the adjoining residential properties, a condition will be applied to ensure the proposed garage shall only be used in conjunction with the

existing dwelling and shall not be used for business, commercial or industrial purposes or as an independent residential unit.

56. As a result of the existing relationship with the neighbouring properties, the proposed detached garage, internal courtyard wall and the boundary wall replacement is considered to not have an adverse impact upon the neighbouring amenities. As such the application accords with the amenity requirements of Policy DM1 of the Adopted Eastleigh Borough Local Plan (2016-2036) and the Council's 'Quality Places' SPD.

Access, Parking and Transport Matters

57. Policy DM14 of the Adopted Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety / traffic management.
58. The host dwelling has 6no. bedrooms, for a property this size, 3no. off-street parking spaces would be required as set out in the Residential Parking Standards SPD. The driveway within the curtilage of the application site has ample parking to provide these parking spaces. Additionally, the proposed garage would provide a further 3no. enclosed spaces and as such there are no concerns with the site provided the adequate number of off-street parking provision.
59. Hampshire County Highways were consulted upon due to the proposed garage and replacement boundary wall and have raised no objections to the proposals. With regards to the proposed garage, while it is acceptable from a highway perspective and would provide enclosed parking without compromising the driveway space to enable on site turning, Hampshire Highways did raise concerns as to what the garage could be utilised for.
60. Hampshire Highways advised, if the first floor space were to be used for commercial purposes, such as an office and the garage below used for commercial storage, then an increase in vehicle trips and the use of the site by larger delivery vehicles would occur. This would not be welcomed due to the nature of the High Street. As noted, a condition would be applied to ensure the proposed garage shall only be used in conjunction with the existing dwelling in order to ensure highway safety is maintained.

Drainage and Flood Risk

61. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for

any new connection to the public foul sewer to be made by the applicant or developer.

Ecology

62. The application site has been flagged up as being with 50m of a record of stag beetles and 500m of a record of Great Crested Newts and there is a known bat roost on the host dwelling.
63. The Council's Ecologist has confirmed the proposals would not affect these species but in the unlikely event of either species being found during the works, they should not be harmed. Stag beetles can be moved gently away but Great Crested Newts must be handled and relocated to suitable terrestrial habitat only by a licensed Ecologist.
64. It has also been advised by the Council's Ecologist that a bat brick could be built into the gable end of the proposed garage and this would be controlled by condition.

Trees

65. The Tree Officer was consulted due to the replacement boundary wall being in close proximity to 4no. protected trees. The Arboricultural Report 211433 – AIA submitted with the application advised the re-building of the wall in the same location would result in a number of significant trees being removed.
66. The Tree Officer has confirmed the proposal appears to be justified with the requirement to reinstate the dangerous boundary wall and for the greater necessities of the character to the wider conservation area.
67. As the applicant has demonstrated the wall cannot be rebuilt without the removal of the 4no trees. Section 14(1)(a)(vii) of the TPO Regulations (Town and Country Planning (Tree Preservation) (England) Regulations 2012) states that where tree work is necessary to enact a planning permission, that tree work is exempt. Therefore, a decision in the householder and listed building planning applications may have a bearing on the trees subject to the TPO application T/22/93274.
68. The Tree Officer acknowledges there may be overwhelming need to preserve the wall from a heritage perspective. Ultimately if preservation of the character of the conservation area takes precedence over the trees, EBC Trees would request details of replacement trees and numbers that reflect the tree replacement policy contained within the Trees and Development SPD and this would be controlled by condition in order to maintain and enhance local tree canopy cover to the local area.
69. To conclude, it is considered the re-building of the boundary wall will ensure the preservation and enhancement of the wider conservation

area. The conservation element of the wall outweighs the loss of the protected trees. A planning condition would be applied to ensure replacement trees are provided, and the details of the replacement trees would be submitted and approved by the Local Planning Authority in accordance with the Trees and Development SPD in order to retain the existing tree canopy to the local area once the proposed wall has been completed.

Sustainability Measures and Climate Change:

70. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

71. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted Local Plan, as is an assessment of climate impacts.

72. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

Equalities Implications:

73. 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.

74. 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

75. In conclusion, the proposals would enhance, preserve and maintain historical design features of the application site and the surrounding area. The proposal does not contribute towards the cumulative urbanisation of the area is not otherwise detrimental to the character of the area and would not have a significantly harmful impact upon the amenity of the neighbouring residents.

76. The loss the 4no. protected trees is necessary in order to replace the boundary wall as it would enhance the appearance in the wider conservation area in Old Bursledon.

77. The proposal is considered to accord with the relevant policies of the Eastleigh Borough Local Plan (2016-2036), and to guidance contained in the Councils adopted SPD and to the National Planning Policy Framework 2021 (the Framework).

78. It is recommended to permit the application subject to conditions.

