

Case No: SDNP/20/04774/HOUS
Proposal Description: (Retrospective) Construction of 2no. Outbuildings, shed & decking
Address: Staddlestones, High Street, Soberton, Southampton, Hampshire, SO32 3PN
Parish, or Ward if within Winchester City: Soberton Parish Council
Applicants Name: RR & DR J & L Pye
Case Officer: Miss Hannah Harrison
Date Valid: 3rd November 2020
Recommendation: Approval



General Comments

This application is reported to the Planning Committee due to the number of representations that have been received contrary to the Officer's recommendation.

1 Site Description

Staddlestones is a two storey detached dwelling located within the southern part of the village of Soberton and the South Downs National Park. The application site extends to approximately 1.21 hectares. Access to the property is from the south via a side track.

The dwelling is constructed of brick with plain clay roof tiles and white uPVC windows. A boundary wall runs along on the front facia constructed of brick and flint. The plot was once 3 cottages but was knocked through to create one large dwelling (no records found). The plot also holds 2 detached garages, domestic outbuildings, a tennis court and a paddock.

2 Proposal

This planning application seeks permission for (retrospective) construction of two outbuildings, a shed and decking area.

3 Relevant Planning History

- 84/01296/OLD - Construction of tennis court and erection of fencing – APPROVED
- 87/01003/OLD - Two storey rear extension – APPROVED
- 91/00813/OLD - Single storey rear extension – APPROVED
- 07/00236/FUL - (AMENDED PLANS) Rear extension to form garages and garden store kitchen extension; new roof lights to the rear; alterations to access - APPROVED
- SDNP/19/00790/HOUS – Demolition of garage/store/workshop, rear single storey extension, side porch, front porch and metal shed.
Proposed construction of canopy over front door, single storey rear extension, installation of a roof light over staircase, construction of a double garage to replace metal shed. – APPROVED

4 Consultations

Parish Council Consultee

Planning condition requested

This is a retrospective application for elements of development constructed without permission and not permitted under permitted development rights. The Parish Council are concerned that more development may take place on the site without an application. We feel it appropriate that as a condition for the approval that Permitted Development Rights should be removed from within the red line boundary. Such a condition will require local consultation prior to the submission of a planning application for any new works.

WCC - Landscape:

No landscape issues are raised.

5 Representations

The application has received 13 objections (12 households) with the following comments submitted:

- Domestication of agricultural land
- Visual impact
- Setting a worrying precedent for future development
- The style and architecture of the outbuildings do not adopt any look or character to the adjoining properties
- Visible from neighbouring properties and Meon Valley Trail
- Request to remove Permitted Development Rights to stop any more retrospective construction

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) , updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Achieving well-designed places

- NPPF15 - Conserving and enhancing the natural environment

Paragraph 2 states that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Development Management Policy SD31 – Extensions to Existing Dwellings and Provision of Annexes and Outbuildings

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 1
- General Policy 3

8 Planning Assessment

Background

The outbuildings in question for this application have been present on site since spring 2018.

Principle of development

The application is seeking planning permission for three retrospective outbuildings that were constructed in 2018 without planning permission. It is noted that one of the three outbuildings falls within Permitted Development Rights as stated under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E.

Policy SD31 of the SDNP Local Plan applies. The purpose of this policy is to avoid the over-extension of existing dwellings and the adverse impact that this

has on the character and appearance of both settlements and the countryside. This policy relates to the extension of existing houses and the provision of new annexes and outbuildings across the National Park. Within the broad principles set out in Policy SD31, proposals will be expected to be of a high standard of design and compliance with any size limits will not alone be sufficient in itself to secure planning permission. Proposals should respect local character and complement the scale, height, massing, appearance and character of the existing dwelling. With respect to the size of extensions and annexes the Authority will generally seek modest proposals which increase the Gross Internal Area (GIA) of the existing dwelling by approximately 30%.

The purpose of Policy SD31 is to ensure that small and medium dwellings are protected within the National Park. Small and medium dwellings are depicted by having an internal floor area of 120sqm or less as of December 2002.

Staddlestones has an internal floor area significantly larger than the 120sqm stated above and would therefore be deemed as a large dwelling. Although the 30% limitations may not apply in this case, the application proposal will be assessed on the design, scale and impact on the local area and National Park.

Policy SD5 of the SDNP Local Plan applies. The purpose of Policy SD5 is to ensure that all development is of the highest possible design quality which reflects and respects the exceptional quality of the natural, agricultural and built environment of the National Park. Proposals should adopt a landscaped design approach.

Design, scale and impact on the character of the area

As stated above, one of the three outbuildings falls under Permitted Development. The text in the GPDO states:

“Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.”

Nevertheless, due to the attention that this application has attained, the proposal will remain to address all three buildings and the decking area.

The retrospective outbuildings have been constructed in natural materials, such as timber cladding, and have mono-pitched roof forms that sit almost flat. The structures are of a contemporary form, with the use of large glass panelling on the main garden room, protruding the roof beyond the building line to form an open porch feature. The structures have been in situ since 2018 and have been used for ancillary domestic uses, such as a garden room and storage. Due to the landscape levels within the plot, the buildings have been placed on the best flat areas of the site, however this has resulted in the buildings being set further away from the main dwelling- another reason why planning permission is required. Nevertheless, the buildings are within close proximity to one another and other associated buildings on site, such as the

detached garage and rear garden access via the side lane running along the South boundary line.

The largest of the three structures is located along the southern boundary of the site, near the rear garden access. This building has been used as a garden room and includes a decking area placed directly in front. The decking has been constructed to follow the garden contours which has resulted in one elevation appearing to be level with the grass and the other to be stepped over three shallow tiers.

The other two buildings are placed next to one another directly opposite the garden room but close to the base of a neighbouring garden (Hillside). The same features have been used including the protruding roof form and clad exterior. These buildings also have a small decking area in front with two shallow steps following the landscape contours.

It has been noted by objectors that the buildings can be seen from the Meon Valley Trail, located far west of the main dwelling. Upon measuring the distance on WCC Maps from the trail to the nearest structure (the largest of the three), the trail and building appear to have 133 metres between them. Not only this extensive distance between them, the landscape contours of the site and substantial mature hedging and trees would not only screen part of the buildings, but also make it difficult to have clear views from the Public Right of Way.

The visual appearance, siting and scale of the buildings are not seen to be adversely impacting the National Park or surrounding area. The applicant has built the structures to ensure they are low level in height and located within the site to avoid overbearing or overshadowing impacts. The materials chosen will naturally weather over time and do not appear to be prominent within the setting. The structures and associated decking areas are seen to comply with Policies SD31 and SD5 of the SDNP Local Plan.

Impact on residential amenity

The retrospective buildings are not considered to have an adverse impact on the amenities of neighbouring parties. The location of the buildings have been chosen to ensure neighbouring parties are not subject to any overbearing or loss of light issues. The structures are low level, no glazing is facing towards other properties and they have been constructed in natural materials to ensure they appear in keeping with the local area.

Land Use

It has been noted in many representations that the land to which the outbuildings have been constructed on is agricultural land. In 1984 a tennis court and associated fencing was constructed on the same land and remains to this day. Should this land have been agricultural, the application would not have been approved. It is also noted, prior to this application being submitted, an Enforcement Officer has confirmed that the land is not agricultural and is residential. As such, findings would conclude that the construction of the outbuildings are on permitted land for such development.

9 Conclusion

The retrospective outbuildings and decking area are considered to comply with local and national planning policies and are therefore recommended for approval.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The outbuildings hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the dwelling known as Staddlestones and shall not be used or occupied separately or severed thereafter.

Reason: To safeguard the amenities of the local area and to ensure that the outbuilding is used only in connection with the existing dwelling.

Informatives

1. Crime and Disorder Implications

It is considered that the proposal does not raise any crime and disorder implications.

2. Human Rights Implications

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

3. Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

4. In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

14. Proactive Working

The application was acceptable upon submission. No further action was required.

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans - LOCATION PLAN			29.10.2020	Approved
Plans – EXISITNG BLOCK PLAN	1533/02		29.10.2020	Approved
Application Documents – DESIGN AND ACCESS STATEMENT			29.10.2020	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.