

Planning and Rights of Way Panel

Tuesday, 2nd June, 2020
at 4.00 pm

PLEASE NOTE TIME OF MEETING

this will be a 'virtual meeting', a link to which will be available on Southampton City Council's website at least 24hrs before the meeting

This meeting is open to the public

Members

Councillor Mitchell (Chair)
Councillor Coombs (Vice-Chair)
Councillor L Harris
Councillor Prior
Councillor Savage
Councillor Vaughan
Councillor Windle

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2020	
2 June	15 September
23 June	6 October
14 July	3 November
4 August	24 November
25 August	15 December

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

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ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

2021	
12 January	16 March
2 February	20 April
23 February	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

CONSIDERATION OF PLANNING APPLICATIONS

4 PLANNING APPLICATION - 20/00124/FUL - 50, 52A, AND 52B GORDON AVENUE (Pages 5 - 22)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Friday, 22 May 2020

Service Director – Legal and Business Operations

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 2nd June 2020 - 6pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
4	AG/SB	CAP	5	20/00124/FUL 50, 52a, 52B Gordon Av

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

AG – Andy Gregory

SB – Stuart Brooks

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 3 2011-2031
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 4

Planning and Rights of Way Panel 2nd June 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: 50, 52a, 52B Gordon Avenue Southampton SO14 6WD			
Proposed development: Single storey rear and side extension to existing HMO's at No.50 & 52b with front and rear dormers and to extend communal rooms and add 1 bedroom to No.52a [Description amended 20.05.2020 to reflect the correct number of existing bedrooms at no. 52a from the updated layout shown by the existing floor plan]			
Application number:	20/00124/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	25.03.2020	Ward:	Bevois
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Kataria Cllr Rayment Cllr Barnes-Andrews
Applicant: Dr E Fogg		Agent: Gary Bradford	

Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, H4, H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016) and Parking Standards SPD (2011).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Plans and Decision Notice for 17/02506/FUL		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 This site is located on the northern side of Gordon Avenue and comprises a two storey semi-detached pair of dwellings with access to modest sized rear garden containing a number of unprotected small trees and more established trees on the rear boundary. No. 52 is split horizontally into 2 separate flats in multiple occupation known as 52a and 52b. The properties are currently occupied as Houses in Multiple Occupation (HMO).

1.2 The applicant has confirmed that the established use of the properties are currently occupied as C4 small HMOs at 52a & 52b, and a sui generis large HMO at no. 50:-

50 – 7 bedrooms (with a spare room left vacant; see explanation in section 4)

52a – 4 bedrooms

52b – 3 bedrooms

1.3 The surrounding context is suburban residential comprising 2 storey properties of a similar style and character. There is a strong mix between owner occupied family homes and transient HMO households found in Gordon Avenue. There are no restricted street or residential parking controls in Gordon Avenue.

2. Proposal

2.1 The proposal seeks to extend these existing HMOs and internal reconfiguration to provide enlarged communal space and a net gain of 1 additional bedroom, without a change of use occurring.

2.2 This application itself is not seeking permission to change the use of the building to increase the capacity of occupants allowed to live at no. 50 (from 7 to 8 persons), nor is it determining lawful status of these properties. However, under separate application LPA ref no. 18/01696/PLDC submitted by the applicant in 2018 the Council concluded that, on the balance of probabilities, the existing use of no. 50 as a 7 person HMO is lawful. Furthermore, evidence has previously been submitted, under application LPA ref no. 17/02506/FUL, which suggests that no. 52 has been occupied as 2 flats in multiple occupation prior to March 2012.

2.3 This application seeks permission for the erection of a single storey rear and side ground floor extension to the existing HMO's at No.50 & 52b with front and rear/side dormers to additional accommodation in the roofspace, and to reconfigure the internal layout to extend and relocate communal rooms/bedrooms and add one bedroom to No.52a. The works primarily comprise the improvement of the communal and bedroom living facilities for the current occupiers and upgrading the quality of the housing stock. In summary these works involve:-

No. 50	No. 52a	No. 52b
<ul style="list-style-type: none">• Single storey rear extension to create larger diner/lounge space• Existing front lounge converted into bedroom 1	<ul style="list-style-type: none">• Merge bedroom and lounge to form shared kitchen & lounge space• Bedroom 1 converted to bathroom	<ul style="list-style-type: none">• Single storey rear extension to create larger diner/lounge space• Existing front lounge converted into bedroom 1

<ul style="list-style-type: none"> • Spare bedroom retained as vacant on first floor. See section 4 for explanation. 	<ul style="list-style-type: none"> • Creation of 2 additional bedrooms in the roofspace facilitated by the side and rear dormers 	
Capacity - Net gain of 0 bedrooms	Capacity - Net gain of 1 bedroom	Capacity – Net gain of 0 bedrooms

2.4 The Panel are being asked to considered the physical extensions to the building(s) and not the use, which is established and will not change, or the internal changes that don't require planning permission in any event.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. In this instance the 10% threshold test (carried out over a 40m radius) as set out in the HMO SPD is not relevant as the local concentration of properties occupied as HMOs would remain unchanged as a result of the proposal and, therefore, would not further imbalance of mix of households within a community.

3.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

4. **Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report. The 8th bedroom of no. 50 is being kept vacant by the applicant whilst awaiting the decision of the appeal lodged against the refused lawful development certificate sought to lawfully increase the number of occupants from 7 to 8 (ref no. 18/01696/PLDC & 20/00004/APLDCP started on 11.02.2020). The Council disagreed with the applicant that the change from 7 to 8 persons would not require planning permission as this would, in our opinion, represent a material change of use.

5. **Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying 35 adjoining and nearby landowners, and erecting a site notice **04.02.2020**. At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The proposal creates 15 bedrooms in just 2 properties. Overdevelopment and overconcentration of HMOs already in the local area, further imbalance of the mix and balance of owner occupiers in the community and pressure on local waste collection and poor management of waste storage. This application allows landlord to increase capacity of HMO despite controls introduced by Council to circumvent increase in HMO density. Further intensify HMO population density, in an area that is already way over the Southampton City Council's stated HMO city wide target density of 10%. (In this area HMO density is above 50%, probably nearer 70%). Instead landlords should return HMOs back to family housing to solve housing shortages. Expanding capacity of existing HMOs would not allow the rebalancing of HMOs to return to family housing to take place from the increase of student purpose built accommodation.***

Response

The works mainly involves the reconfiguration of the internal space and extension to the property to improve the communal, bathroom, and bedroom living facilities for the existing residents. The capacity of the existing HMOs minimally changes with the increase of 1 bedroom for no. 52a, where 1 additional bedroom will have a negligible impact and will not lead to any demonstrable harm. The population density and concentration of HMOs in the local community would not significantly change as a result of the proposal, so the mix and balance of households within the community will not be further imbalanced by the proposal. The Council has to consider the application on its own merits in accordance with the relevant planning policies and guidance relating to the extension of existing HMOs, and the applicant has a right to submit an application for the Council to consider. The Council does not have the legal powers to discontinue the planning rights for a HMO use where it is already established, so landlords cannot be made to revert their properties to family use.

- 5.3 ***Increased pressure to street parking demand by increasing the number of bedrooms and occupiers who are likely to own vehicles.***

Response

The properties do not currently benefit from any off-road parking. The proposal seeks to increase the capacity of all these HMOs by only 1 bedroom. In this instance, the impact from the additional parking demand is therefore not considered to result in significantly greater pressure to the street parking in the local area to the detriment of competition with local residents to park close to their homes.

- 5.4 ***The massing of the dormers and extension are disproportionate and out of keeping with the character and appearance of the building. Concerned the foundations of the building is not structurally safe to support the structure. Increased pressure to local drainage infrastructure from additional bathrooms.***

Response

Design is a material consideration in this case and the chosen roof addition affects the existing roof and will not be to everyone's liking. The elevated position within the roofscape and reasonable set back of the side and rear dormers from the front roof slope and verges of the roof would therefore not be harmful to the character and appearance of the host dwelling and street scene, whilst they mirror the existing wrap around dormers at no. 50. It should be noted that the volume size of the rear and side dormers are below the 50 cubic metre allowance for roof enlargements normally allowed under permitted development (without planning permission) for dwellinghouses. However no. 52 does not benefit from permitted development rights because it has been converted into flats. The modest size and proportions of the small front dormer, which mirrors the existing at no. 50, is considered in keeping with the character and appearance of the host building and street scene. The structural impact of the building would have to be separately assessed under Building Regulations. Whilst there is a slight increase in the living capacity of the existing HMOs, the maintenance and capacity of the local drainage infrastructure falls under the remit of Southern Water.

- 5.5 ***Loss of privacy and outlook to neighbouring occupiers due to overlooking from dormers.***

Response

It has been assessed in section 6.4 of the report that the privacy of the neighbouring occupiers will not be adversely affected by direct overlooking.

- 5.6 ***Poor living conditions for occupiers of bedrooms in roof dormer with inadequate ventilation when the room heats from sun in south facing sealed shut window.***

Response

It has been assessed in section 6.4 of the report that the accommodation will provide acceptable living conditions for the future occupiers.

- 5.7 ***Extension works risk the loss of valuable trees in the rear garden which provide important screening, visual amenity and valuable environmental benefits regarding pollution.***

Response

The trees are unprotected whilst their size and species are not considered to provide high sufficient amenity value to be worthy of retention. There is a reasonable level of clearance from the rear/side ground floor extension between the more established trees on the rear boundary of the property.

Consultation Responses

- 5.8 **SCC Highways** - The Highway's Officer has not commented on the proposal at the time of writing the report. A verbal update will be provided to the Panel at the meeting.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:

- Design and Effect on Character;
- Residential Amenity & Living Conditions of Future Occupiers;
- Parking Highways and Transport

6.2 **Design and Effect on Character**

- 6.2.1 The appearance of the proposed extensions to the roof and ground floor are considered to be a significant improvement in design compared to the concerns raised under the previously refused application to extend the HMO at no. 52 decided in 2018 (ref no. 17/02506/FUL), given that the size of the dormers and extension were massively disproportionate to the character and appearance of the host dwelling (the plans are shown in **Appendix 3**).

- 6.2.2 The style of properties within Gordon Avenue are mainly characterised by 2 storey semi-detached Victorian villas with distinctive hipped roof profiles. The siting and scale of the massing of the proposed roof dormers to the side and rear slopes of no. 52 are similar in appearance to those already existing at no. 50. The bulk of the proposed dormers are well set back from the slope of the front roof and the edges of side and rear roof eaves and ridge line, whilst the modest scale proportions of the front dormer ensures that their addition does not over dominate the character and appearance of the host dwelling. It is evident from the existing dormers at no. 50, that there would be limited visibility of the similarly existing dormers at no. 52 when looking up towards the roof scape from the street level. This is given their elevated position behind the front roof slope. That said, the volume size of the side and rear dormers would normally fall under the permitted development allowance of 50 cubic metres (Part 1 Class B of the General Permitted Development Order), however, the properties no. 52a and 52b are flats so they do not benefit from householder permitted development rights which is why permission has been sought. Officers feel it would be unreasonable to resist the change on this technicality.

6.2.3 The mass and bulk of the proposed ground floor extensions, which wraps around the rear and sides of the semi-detached pair, are modest in scale and subservient to the size of the host dwelling and, therefore, are not considered to adversely affect the character and appearance of the local area.

6.3 Living Conditions of Existing & Future Occupiers

6.3.1 The residential amenity of the neighbouring occupiers would not be adversely affected by the proposed side and rear extensions given the modest scale of the single storey massing and the reasonable set back from the neighbouring boundaries. This would maintain adequate access to outlook and light for the occupiers of the adjacent properties on either side at no. 48 and 54. The side facing windows at ground and first floor level (bathroom windows) can be installed as obscure glazed and fixed shut up to 1.8m above the internal floor level to avoid direct overlooking of the neighbour's privacy. This is with exception to bedroom 3 of no. 52b which shall remain clear glazed to provide a decent outlook for the bedroom. Although the bedroom window will sit closer to the boundary wall, there would not be a significantly greater loss of privacy to the neighbouring occupiers at no. 54 as a result. This is given the overlooking relationship that already occurs from the existing bedroom window and mitigation from the screening provided by the existing boundary wall.

6.3.2 The limited view of the elevated position of the proposed side and rear dormers within the roofscape would not visually dominate the outlook of the neighbouring occupiers at no. 54 or result in excessive overshadowing during the day. The privacy of the neighbouring occupiers would not be directly overlooked by the dormers given that the side facing windows will be obscured glazed and fixed shut, and the overlooking from the rear facing windows would be at an oblique angle across the most private usable garden of no. 54 (this area is adjacent to the back wall of their house). The back to back separation distance of 48m between the adjacent Dorchester Court/Soberton House, backing on to the site from Westwood Road to the north-west, is sufficient to maintain adequate privacy, whilst the rear space overlooked by the dormers is a rear parking forecourt.

6.3.3 The capacity of the HMO properties will effectively be increased by only 1 bedroom (no. 52a increases from 4 to 5 bedrooms so still within use class C4), where the building works are primarily to reconfigure the internal space to improve the quality of the communal lounge and kitchen facilities, and increase bedroom sizes. The applicant has provided sectional plans of the accommodation in the roofspace proposed at no. 52a that demonstrates adequate headspace to ensure that bedrooms 3, 4 and 5 are not overly cramped. That said, the internal layout of the roofspace is identical to no. 50 which was observed by the case officer to provide acceptable living conditions when assessed on site. Although bedrooms 3 and 5 in the roofspace are served by fixed shut windows (north and west orientation), they have adequate ventilation from another openable window. The occupiers will also have access to communal living space to provide additional amenities.

6.4 Parking highways and transport

- 6.4.1 The properties do not currently benefit from any off-road parking. The proposal seeks to increase the capacity of the site(s) by only 1 bedroom. In this instance, the impact from the additional parking demand is therefore not considered to result in significantly greater pressure to the street parking capacity in the local area and, therefore, would not adversely increase competition with local residents to park cars close to their homes in the local area.
- 6.4.2 The Highway's Officer has not commented on the proposal at the time of writing the report, however, it is considered that the minimal amount of trips generated and street parking demand associated with the HMO use would not arise in an adverse impact to highways safety. A verbal update will be provided to the Panel at the meeting.

7. Summary

- 7.1 The proposal to extend and reconfigure the properties to create improve and enlarged communal space would positively benefit the occupiers by improving their living conditions. Whilst the proposal would slightly increase the capacity of no. 52a from 4 to 5 bedrooms within the existing class C4 use (up to 6 persons allowed), this would have a negligible impact in terms of intensification of use of the property and the design and scale of the proposed extensions would not adversely affect the amenity of the neighbouring occupiers and would be sympathetic to the character and appearance of the host dwelling. Furthermore, without a change to the mix and balance of households, with only a slight increase to capacity of no. 52a, the proposal would not adversely affect the character and amenity of the local area.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

(a) (b) (c) (d) 2. (b) (d) 4.(f) (qq) (vv) 6. (a) (b)

SB for 02/06/20 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)
The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Materials to match (Performance Condition)
The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the extension hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.
Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. Hours of work for Demolition / Clearance / Construction (Performance)
All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:
Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 to 13:00 hours
And at no time on Sundays and recognised public holidays.
Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenities of the occupiers of existing nearby residential properties.

04. Obscure Glazing (Performance Condition)
All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied.

This is with exception to the side facing dormer windows of no. 52a which shall be fixed shut (full height) and obscure glazed; and the ground floor window of bedroom 3 serving no. 52b which shall be clear glazed.

The windows shall be thereafter retained in this manner.
Reason: To protect the amenity and privacy of the adjoining property.

05. Retention and provision of communal spaces (Performance)
Prior to the first occupation of the extensions hereby approved, the communal spaces shall be provided for the occupants in accordance with the approved plans. The rooms labelled kitchen, lounge/dinning, bathroom, W/C, utility on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers on a shared basis whilst in HMO use.
Reason: To ensure that a suitable level of communal facilities are provided for the residents and to limit the number of bedrooms to ensure that the use remains as existing.

06. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

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

POLICY CONTEXT

Core Strategy – (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation SPD (Adopted - May 2016)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

Relevant Planning History

20/00004/APLDPC Awaiting Decision from Planning Inspectorate
Appeal lodged for refused Lawful Development Certificate 18/01696/PLDC

18/01696/PLDC Refused 30.07.2019
Application for a lawful development certificate for a proposed 8 bed HMO (House in Multiple Occupation) (Sui Generis)

18/01052/PLDC Refused 19.06.2019
Application for a lawful development certificate for the proposed use as a 5 bed HMO

17/02506/FUL – Refused 24.04.2018
Erection of part 2-storey, part single storey extensions with dormer windows to 2x C4 houses in multiple occupation (HMO)

17/02506/FUL/35783



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Kingston Studio
Gary Bradford
29 Oak Road
Dibden Purlieu
Southampton
SO45 4PH

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Erection of part 2-storey, part single storey extensions with dormer windows to 2x C4 houses in multiple occupation (HMO)**

Site Address: **52A Gordon Avenue, Southampton, SO14 6WD**

Application No: **17/02506/FUL**

For the following reason(s):

01.Intensification of use

The proposal would result in the creation of a 9 bedroom HMO and the increased level of intensification of use from the additional comings and goings of occupiers and visitors to these flats would harm the amenity of the neighbouring occupiers in relation to the noise disturbance associated with the activities of the more intensive use. The proposal would therefore be contrary to policy SDP1(i) and H4(ii) of the Local Plan Review (March 2015 amended). This is contrary to the aims of paragraphs 17 and 58 of the NPPF.

02.Out of character

The siting, design, size, scale, mass and bulk of the proposed extensions and the roof pitch and form in relation to their non-cohesive design and lack of integration with the appearance of the host building would be harmful to the local character and visual amenity of the area contrary to policies SDP7(iv), SDP9(i) of the Local Plan Review, and CS13 of the Core Strategy (March 2015 amended) as supported by the relevant design guidance set out in section 2 of the Residential Design Guide Supplementary Planning Document (September 2006). This is contrary to the aims of paragraphs 58 and 64 of the NPPF.

03.Loss of Residential Amenity

The combined siting, bulk and mass of the proposed rear ground and first floor extensions would be harmful to the residential amenity of the neighbouring occupiers in relation to the loss of outlook and natural light serving adjacent habitable spaces contrary to policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section 2 of the Residential Design Guide Supplementary Planning Document (September 2006). This is contrary to the aims of paragraphs 17 and 58 of the NPPF.

04.Poor Residential Environment

The layout of the internal and external residential living environment would create poor living conditions to the detriment of the existing and future occupiers by reason of:-

- a. The poor and cramped side facing outlook of the ground floor kitchen area stays as it was, however, this now serves a bigger flat with more occupiers making use of the space. Although the space has been enlarged through the re-configuration, in my mind, this would be a worsening of the quality of the communal space being provided to the occupiers of flat 52a;
- b. No roof sections of the rooms in the roofspace for flat 52a have been provided to enable a full assessment of the quality of the living space. In particular, the living space of bedrooms 3 and 4 appear to have cramped headroom due to the sloping ceilings and a limited floor area of the useable living area;
- c. The closer proximity of bedroom 2 window of flat 52b to the common boundary would significantly increase the enclosure of the bedroom creating a gloomy and cramped outlook for the bedroom;
- d. No privacy screening within the communal garden space has been used to protect the privacy of the ground floor lounge of flat 52b;
- e. The north facing outlook of bedroom 3 of flat 52b is unduly enclosed by the long flank wall of the 2 storey extension so this would create a dark and cramped outlook for this space.

As such, the proposal would be contrary to policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by paragraph 2.2.1 of the Residential Design Guide Supplementary Planning Document (September 2006). This is contrary to the aims of paragraphs 17 and 58 of the NPPF.

05.Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).



Samuel Fox
Planning & Development Manager

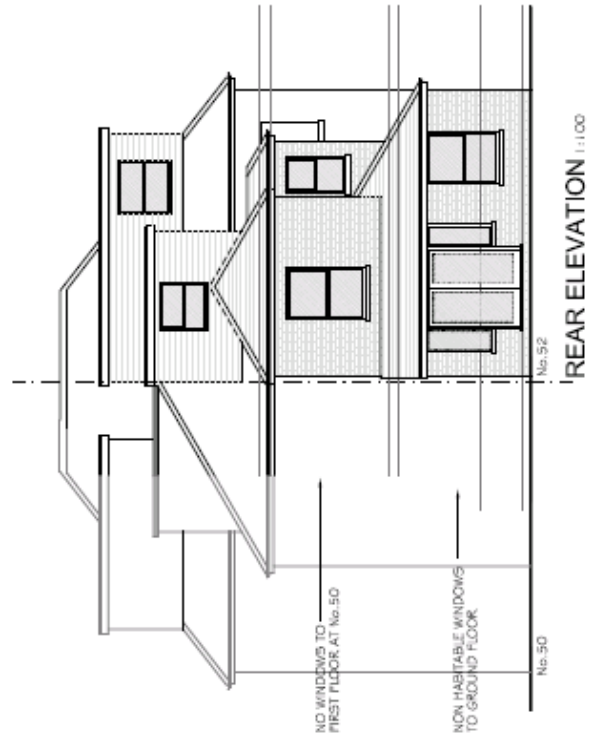
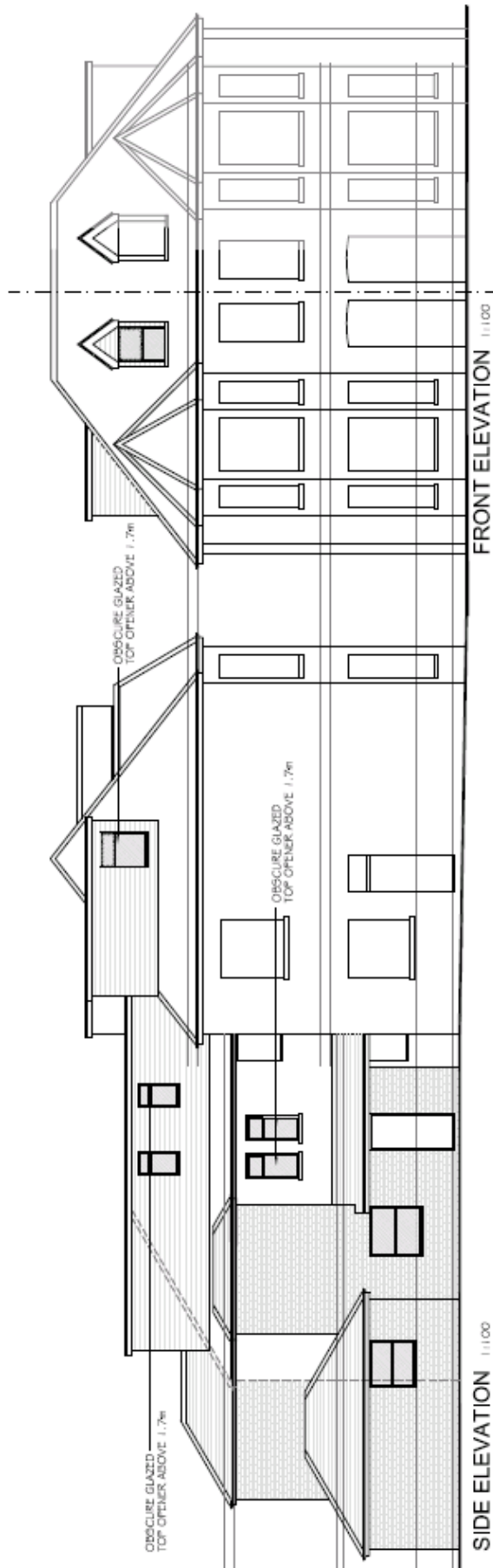
24 April 2018

For any further enquiries please contact:
Stuart Brooks

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Date Received:	Status:
232.03		Proposed Plans	27.02.2018	Refused
232.07	Revision A	Proposed Plans	27.02.2018	Refused
232.08		Proposed Plans	27.02.2018	Refused
232.09		Elevational Plan	27.02.2018	Refused

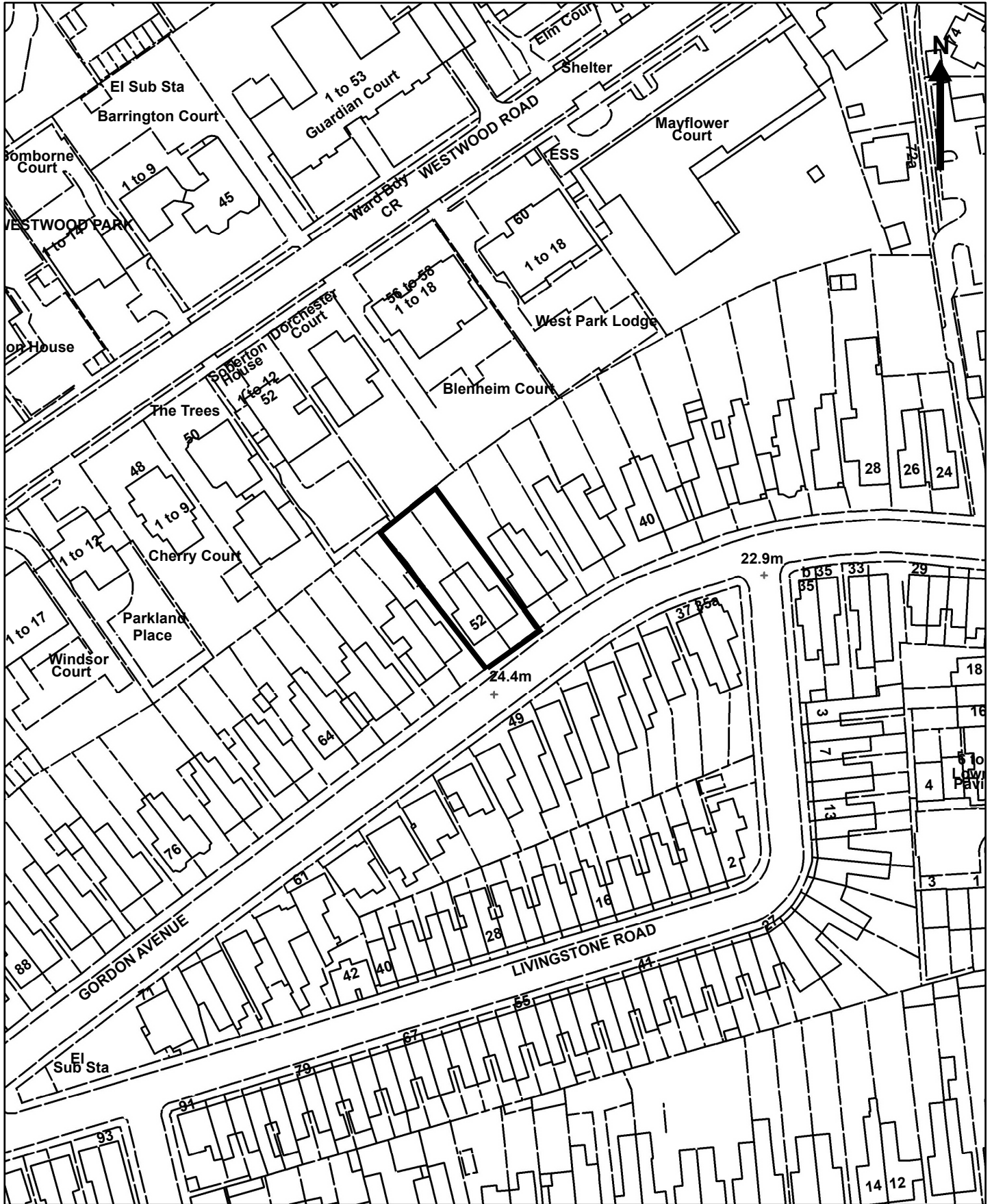


REV.	DATE	DESCRIPTION
1	12/12/17	NO. 50 HAS BEEN COMPLETED. ALL WRITTEN DESCRIPTIONS ONLY. NUMBER TO CORRECT DRAWING NUMBER TO CORRECT DATE. NUMBER TO CORRECT DATE OF WORKS.
		
PROPOSED		
52a & b GORDON AVENUE SOUTHAMPTON		
DATE	SCALE	NO. DRAWING
12/12/17	1:100	232.09



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