

**Planning and Rights of Way Panel 24/10/17**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

<b>Application address:</b> 63 Violet Road			
<b>Proposed development:</b> Erection of a 2 storey side extension and alterations to existing single storey extension (description amended)			
<b>Application number</b>	17/00127/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	01.02.2017	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides
<b>Referred to Panel by:</b>	Cllr B Harris	<b>Reason:</b>	Over development, out of character, reduced amenity space, impact on neighbouring properties

<b>Applicant:</b> Mr Allen Shepherd	<b>Agent:</b> Mr Jay Kumaraguru
-------------------------------------	---------------------------------

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
---	-----------------------

**Reason for granting Planning 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 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9 of the City of Southampton Local Plan Review (Amended 2015), CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and BAS1, BAS4, BAS6 and BAS7 of the Bassett Neighbourhood Plan (2016) as supported by guidance in the Councils adopted Residential Design Guide (2006) and Houses in Multiple Occupation SDP (2016).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning history

## **Recommendation in Full Conditionally approve**

### **1.0 The site and its context**

- 1.1 The application site forms one half of a pair of semi-detached dwellinghouses on the south western side of Violet Road. This property forms the end of a row of properties along Violet Road and so benefits from a side and rear garden.
- 1.2 The site is located within a predominantly residential area characterised by similar two storey pairs of semi-detached dwellinghouses. It is also in close proximity to Cantell School.
- 1.3 The application building presently appears to be occupied as a Class C4 HMO and the applicant has provided evidence that the building has been occupied as such since 2013. In order to be lawful a C4 use would have to demonstrate 4 years occupancy – as such it would appear that the Class C4 use of the dwelling is lawful in planning terms.

### **2.0 Proposal**

- 2.1 The application proposes a two-storey side extension to the existing dwelling, with a width of 3m, and is set 0.9m back from the main frontage for a total depth of 7.3m level with the rear of the property. The extension utilises a hipped roof design to match the pitch of the host dwelling, with the main ridge line set 0.25m down from that of the original dwelling.
- 2.2 The development also includes a slight alteration to the design of an existing single storey extension, with an alteration resulting in a slightly reduction in height of part of the roof but the footprint and scale otherwise remaining the same.

### **3.0 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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

### **4.0 Relevant Planning History**

- 4.1 There have been a number of applications on the site seeking to provide additional residential accommodation by the creation of additional

units/subdivision of the existing property but a number of these applications were withdrawn prior to their determination.

- 4.2 A recent application (15/02176/FUL) was refused on 29.02.2016 for 'Construction of a two storey side extension and external staircase to create 2 x two bedroom flats'. The application was refused for a number of issues (outlined more fully in **Appendix 2**). The current proposal has a significant number of differences with this previous proposal with a reduction in scale and intensity by reducing the width of the extension by 1m, removing the 3.5m two-storey extended element to the rear, removing the external staircase and no longer seeking to create separate units of accommodation.

## **5.0 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 adjoining and nearby landowners. At the time of writing the report **1** representation has been received from East Bassett Residents Association. A detailed response to the issues raised is given in section 6 below but the following is a summary of the points raised:

- Property is in use as a Class C4 HMO
- Previous applications have been refused
- Overdevelopment (out of character)
- Loss of amenity space
- Loss of parking

- 5.2 Cllr B Harris:

- Over development
- Out of character
- Reduced amenity space
- Impact on neighbouring properties

## **6.0 Planning Consideration**

The key issues for consideration are:

- 1) Principle of Development
- 2) Design
- 3) Amenity
- 4) Response to objections

### **6.1 Principle of Development**

The application proposes a two-storey extension to an existing dwelling. It has been brought to the Council's attention that the property is currently occupied as a Class C4 HMO. Having queried the issue with the applicant, they have advised that the property has historically been occupied as a Class C4 HMO and have provided evidence to that effect in the form of tenancy agreements. While a formal lawful development certificate has not been submitted, it is noted that the LPA does not currently have any evidence to suggest that the Class C4 use is not lawful. Regardless, the current application does not seek a change of use of the property, simply an extension to it. The application will be assessed on this basis. Any subsequent occupation or application for use of the property by more

than 6 tenants would need to be considered on its own merits at the time.

## 6.2 Design

The site is a semi-detached property which forms the end of the street scene within which it sits, with the property to the north-west (no. 65) set at a different angle and with a large visual gap between the properties. On this basis it is considered that there is some potential for an extension to offer closure to the street scene but the LPA must carefully consider the visual impact of the development as a result of this prominence. This is particularly relevant given the semi-detached nature of the property.

6.3 The proposed extension is two-storey in scale and utilises a hipped roof design to match that of the original dwelling. The extension is set back from the front of the property and as a result the ridgeline is set down from that of the original dwelling. While the extension is sizable in scale it is considered that the design integrates into the overall character and scale of the host dwelling in accordance with the Councils Residential Design Guide and the Bassett Neighbourhood Plan.

## 6.4 Amenity

It is noted that previous applications on the site for extensions have been refused both with reference to the scale and impact on neighbouring properties and loss of garden for the host dwelling. The overall scale of the extension has been reduced from previous applications and no longer extends to the rear. The property retains 74 sq. m of garden space (which complies with the guidance outlined in the RDG) and is set 2.7m off the boundary to the north-west at the closest point and 4.2m off the boundary at the furthest point. On this basis and taking into account the relative orientation and layout of properties, it is not felt that the proposal will have a harmful impact in terms of the creation of an overbearing or overshadowing form of development.

## 6.5 Response to objections

At present the property is lawfully occupied as a 3-bed HMO. As a result of the proposal the potential level of occupancy would increase, however it is noted that provided the property is not occupied as a sui generis HMO (7+ people) planning permission would not in itself be needed for this change. It is noted that some ad-hoc parking is currently available for the property to the front/side with 3 vehicles often being parking on the site frontage. In accordance with the HMO SPD, the maximum parking provision for the existing 3-bed HMO is 2 spaces, which would increase to 3 for a 4-6 bed HMO. Notwithstanding that the site still appears capable of accommodating parking in a similar fashion to the current arrangement, it is noted that in order to accord with SCC parking standards a maximum of two spaces can be situated to the front of the property. A condition is recommended to secure a parking layout in accordance with these details.

6.6 The surrounding area utilises a parking permit system. The property currently has an allowance for 2 parking permits which would remain the same regardless of the outcome of the current application. On this basis it is considered that the impacts associated with potential additional on-road parking are limited. As such it is not considered that the proposal would have a harmful impact in highways terms.

## 7.0 Summary

7.1 For the reasons outlined above it is considered that the proposal extension, while significant in scale, integrates into the overall design of the host dwelling and

local area while respecting the amenities of existing and proposed occupiers. The result will increase the intensity of the existing HMO use on the site but the application has not been submitted on the basis of a change of use and this does not in itself require planning permission.

## **8.0 Conclusion**

8.1 The application is recommended for conditional approval.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a)(b)(c)(d), 2(b)(d)(f)(g), 3(f)(qq)(vv), 6(a)(b)

**17/00127/FUL for 24/10/17 PROW Panel**

### **PLANNING CONDITIONS**

#### 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 building 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. Parking (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved a parking layout plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be laid out in accordance with the agreed details prior to the first occupation of the development hereby approved and maintained as such thereafter.

Reason: In the interests of ensuring a safe development which does not have a harmful impact on highways safety.

#### 04. 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.

Informative

Occupation of the property by more than 6 unrelated people is a material change of use. The Local Planning Authority should be contacted before any such use commences and planning permission sought.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design  
CS16          Housing Mix and Type

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

SDP1          Quality of Development  
SDP5          Parking  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance

Bassett Neighbourhood Plan (2016)

BAS1          New Development  
BAS4          Character and Design  
BAS6          Houses of Multiple Occupation  
BAS7          Highways and Traffic

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
HMO SPD (2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

16/01075/FUL, Erection of a two storey side extension to create 2 x 1-bed flats  
Withdrawn, 24.08.2016

15/02176/FUL, Construction of a two storey side extension and external staircase to  
create 2 x two bedroom flats  
Refused, 29.02.2016

**REFUSAL REASON: LOSS OF A FAMILY HOME**

*The proposed scheme would result in the net loss of an existing dwelling capable of providing accommodation as a family unit (as defined by the LDF Core Strategy). The retained residential accommodation does not meet the specification of a family home as set out in policy CS16 (2) of the Core Strategy by failing to provide a genuine three bedroom unit with direct access to useable private amenity space of a sufficient size that could satisfactorily accommodate a family and, as such, reduces the opportunity for families to live in this part of the City. The proposal is therefore contrary to policies CS16 (2) of the adopted Local Development Framework Core Strategy Development Plan Document (Revised 2015); and saved policy SDP1 (i) of the adopted City of Southampton Local Plan Review (March 2015) and fails to contribute towards a mixed and balanced community as set out as good practice within the National Planning Policy Framework (NPPF - 2012)*

**REASON FOR REFUSAL - Overdevelopment**

*The level of site coverage (with buildings and hardstanding) and excessive density level which has been proposed is considered to be symptomatic of an overintensive use of the site, coupled to an overdevelopment of the site with buildings and hardstanding, which is out of character with the established pattern of development within Violet Road. As such the proposal is contrary to saved policies SDP1(i), SDP7(iii)/(iv), SDP9(i) and H2(iii)/(vii) of the City of Southampton Local Plan Review and Core Strategy policy CS5 and CS13 as supported by the guidance as set out in paragraph 3.2.4, 3.2.5 and 3.9.2 of the Council's approved Residential Design Guide SPD and policies BAS1, BAS3, BAS4 and BAS5 of the emerging Bassett Neighbourhood Plan (publication version) 2015.*

**REASON FOR REFUSAL: Inappropriate Design and Character**

*The proposed design would fail to establish a high quality, context sensitive development in this location. Specifically, this would be by reason of:*

*(a) The excessive scale and bulk of the two storey extension would result in an incongruous and overbearing form of development which would fail to achieve a subordinate relationship with the recipient dwelling and which would be at odds with the prevailing character of the surrounding area.*

*(b) The proposed external staircase would fail to relate sympathetically with the recipient property and may lead to amenity concerns in terms of overlooking and noise.*

*The proposed development would have a poor quality design which would be out of keeping with the character of the surrounding area. As such the development would be contrary to Policies SDP7 (ii),(iii) and (iv), SDP8 (i) and (v), SDP9 (i) and (iv) of the adopted City of Southampton Local Plan Review (March 2015); policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (Revised 2015); and paragraphs 2.3.1, 2.3.2, 2.3.7, 2.3.9, 2.5.8, 3.7.7, 3.7.8, 3.9.5, 3.10.2, 3.10.4, 3.10.5, 3.10.6 and 3.10.7 of the adopted Residential Design Guide SPD (September 2006).*



#### *REASON FOR REFUSAL - Poor Residential Environment*

*The layout of the development, due to its contrived arrangement, fails to provide an attractive and acceptable living environment for future occupiers. Specifically, this is by reason of:*

*(a) Insufficient privacy for the side facing window serving the bedroom within the ground floor unit due to its proximity to a side access.*

*(b) Insufficient privacy for the rear facing window serving the kitchen / living room within the ground floor unit due to its proximity to a shared amenity area to the rear.*

*(c) The provision of an unacceptable access to the first floor unit via an external staircase (see previous reason for refusal).*

*(d) The provision of an insufficient amount of high quality, private, usable external amenity space for occupiers of the ground and first floor unit and the retained 3 bed dwelling.*

*This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policies SDP1(i)(iii), SDP16(ii), H5(iii) and H7(ix) of the adopted Amended Local Plan Review (March 2015); and paragraph 2.2.1, 4.4.1 and 4.4.3 of the adopted Residential Design Guide SPD (September 2006).*

#### *REASON FOR REFUSAL: Residential Amenity*

*The excessive scale and bulk of the 2 storey extension built so close to the common boundary would have an overbearing impact and result in an increased sense of enclosure within the rear garden of no.65 Victoria Road. This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policy SDP1(i) of the adopted Amended Local Plan Review (March 2015); and paragraph 2.2.1 of the adopted Residential Design Guide SPD (September 2006).*

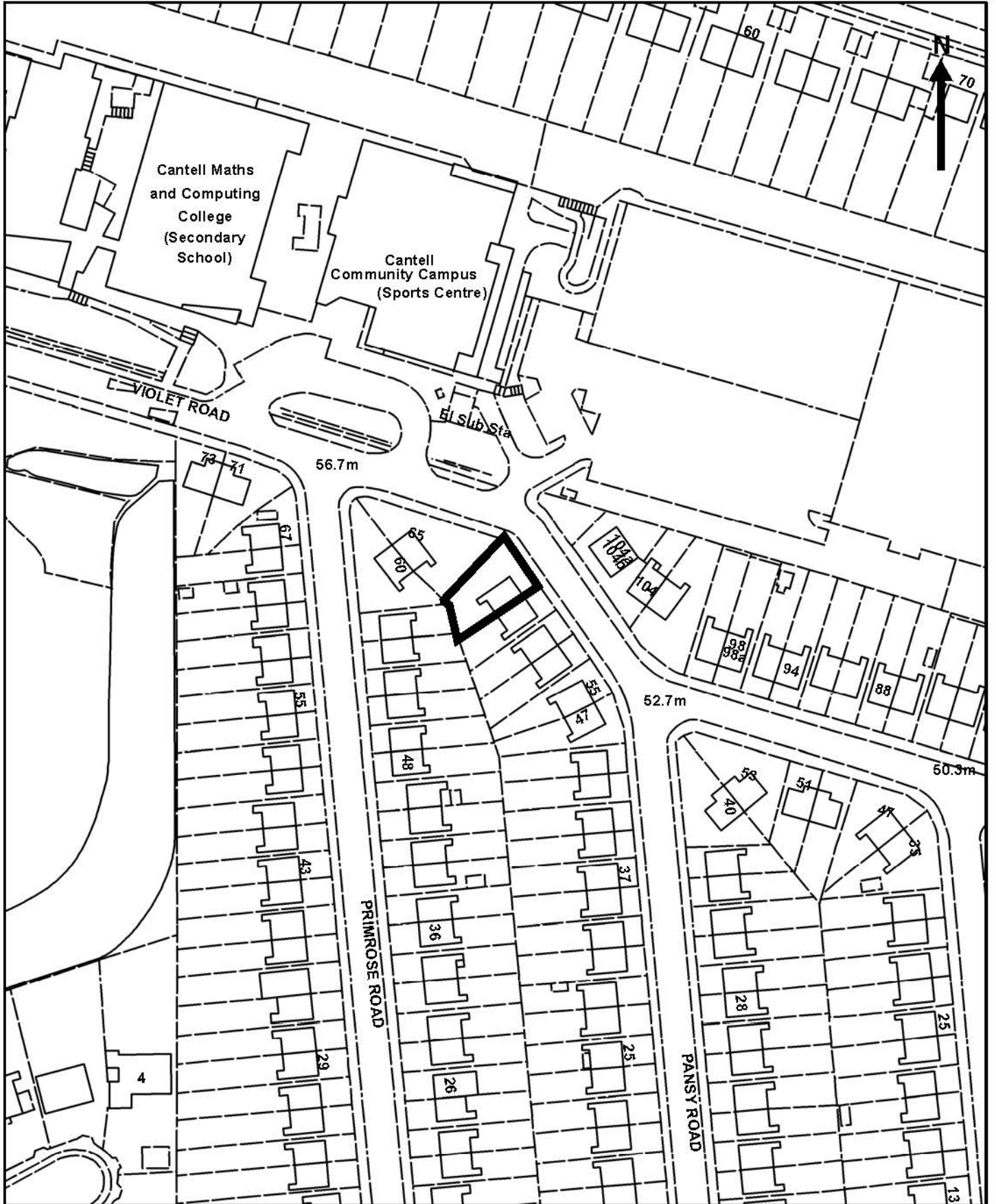
#### *REASON FOR REFUSAL: Lack of SPA Mitigation*

*In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted Core Strategy Partial Review (March 2015) as supported by the Habitats Regulations.*

15/01542/FUL, A two storey extension to the side to provide two extra bedrooms, a study area and a self contained ground floor flat.

Withdrawn, 14.08.2015

# 17/00127/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

