

**Planning and Rights of Way Panel 20.02.2018**  
**Planning Application Report of the Service Lead – Infrastructure, Planning and Development**

<b>Application address:</b> 25 Howard Road, Southampton			
<b>Proposed development:</b> Erection of a single storey rear extension			
<b>Application number</b>	17/02389/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>	18.01.2018	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr Parnell Cllr Shields Cllr Moulton
<b>Referred to Panel by:</b>	Cllr Moulton	<b>Reason:</b>	Overbearing, overshadowing, over-intensification of site, overlooking, impact on parking pressure

<b>Applicant:</b> JSR Estates	<b>Agent:</b> Mr Amrik Chahal (ACA Design)
<b>Recommendation Summary</b>	<b>Conditionally approve</b>
<b>Community Infrastructure Levy Liable</b>	<b>No</b>

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

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

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

## **Recommendation in Full - Conditionally approve**

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

- 1.1 The application site is relatively typical of the surrounding area, consisting of a semi-detached residential dwelling with a garden to the rear. The building itself has been subdivided to serve as 6 self-contained bedsits/studio flats (and has been since at least 2009 – thereby immune from planning enforcement action) although planning permission has never been granted for this use).
- 1.2 The site lies in close proximity to the city centre and has on-road parking restrictions. The front of the site has been hard surfaced to serve as additional parking.

### **2.0 Proposal**

- 2.1 The application proposes the demolition of an existing 1.8m single storey element to the rear and its replacement with a flat roof single storey extension with a depth of 5m and a height of 3.2m. The extension will serve an existing 1 bed ground floor flat.
- 2.2 Currently the unit is accessed internally and consists of 2 main rooms (a bedroom and kitchen/living room, with an additional toilet and bathroom). Following the proposal it is intended that the unit will be accessed externally from the side, with the internal access closed, and consist of a bedroom, kitchen and living room (and toilet/bathroom).

### **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 The property appears to have historically been converted to form a number of flats/bedsits. Evidence appears to suggest the building has historically been as individually rented rooms with shared toilet facilities only, with a copy of a letter on file dated 08/06/1984 from the Planning department confirming that the property had established a lawful use as ‘five flatlets’. More recently the Councils enforcement team have investigated the property and found it currently appears to be in occupation as 6 flats/bedsits. The owner submitted a number of legal documents to the Council’s enforcement team which show that the property has been laid out in this fashion since at least 2009. The Councils enforcement team reviewed the available evidence, and internal Council records, and came to the decision that it was not expedient to pursue enforcement action in relation to the current occupation of the property.

- 4.2 More recently works were undertaken to extend and alter the roof form of the property to allow additional residential space in the roof for one of the units. An application was submitted retrospectively for these roof alterations under application reference 17/00801/FUL. This application was refused on 23.08.2017 in relation to concerns about the impact on the appearance of the property. This application is currently in the process of being appealed under reference APP/D1780/W/17/3189280. Further details are available on the Planning Inspectorates website (<https://acp.planninginspectorate.gov.uk/>).

## **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 6 representations have been received (including 3 representations from surrounding residents, 2 from residents' groups and a Panel referral from Ward Cllr Moulton. The following is a summary of the points raised:

- 5.2
- Proposal would allow further residential intensity which would exacerbate existing parking issues
  - Surrounding area already has a large predominance of HMO/flatted properties which results in properties being poorly maintained/knock on impacts on surrounding area from intensity of development
  - Increased residential intensity would increase anti-social behaviour and criminal activity and other facilities

*Response:*

*The application seeks permission for a single storey rear extension. As shown on the submitted floor plans this will add one additional room to an existing one-bed flat; thereby providing a separate living area and improve the living accommodation on offer. The application does not propose an increase in the number of units/people on site, although officers recognise that the 'lounge' could easily be used as a second bedroom. Whilst not recommended in this case the Panel could decide to impose a planning condition to limit the use of this room.*

- 5.3
- Previous construction works have been poorly implemented/damage done to neighbouring dwellings
  - Properties in surrounding area have issues with subsidence
  - Do not think applicant will comply with requirements of Party Wall Act

*Response:*

*The development is also required to meet Building Regulations standards and the requirements of the Party Wall Act but both of these are separate pieces of legislation which are not under the remit of the Planning process. If there is concern that damage is being done to a neighbouring property or the requirements of the Party Wall Act are not being adhered to, the relevant land owners should seek independent advice on the matter.*

- 5.4
- Roof alterations to increase residential intensity are unacceptable
  - New consents should not be sought while outstanding enforcement issues are being resolved

*Response:*

*The government has outlined that where it can be shown that development was intentionally carried out without permission being sought that this can be a material consideration. The Council has no evidence to substantiate that on this site. Furthermore, the current application does not relate to the roof alterations currently being considered at appeal. It is not considered that the outcome of the appeal would materially alter the consideration of the current application.*

- 5.5 • Unclear on lawful use of property/house should not be turned into flats

*Response:*

*This issue is discussed in more detail in section 4 above.*

- 5.6 • Previous construction works have been noisy and disruptive

*Response:*

*Such works are likely to be temporary in nature. Planning conditions can be imposed to control hours of construction. Excessive noise can be referred to the Council's Environmental Health team if necessary.*

- 5.7 • Proposal would impact neighbouring occupiers outlook and access to light

*Response: This issue is discussed in more detail in section 6.*

### **Consultation Responses**

- 5.8 **Cllr Moulton** – Support for the comments of neighbouring residents and concerned about both the physical impacts of the development (overlooking, overbearing, overshadowing) and the knock on impact of additional residential capacity with particular reference to on-street parking pressure.

### **6.0 Planning Consideration Key Issues**

- 6.1 The application relates to a single storey extension to an existing building, which appears to have a historic use as a mixed flat/bedsit use. While the existing use and layout of the property are unusual, the property has recently been investigated by the Council's Planning Enforcement team and the decision reached that there was not sufficient evidence to suggest that there is an extant breach against which enforcement action can be taken. As such the Council has accepted the existing use of this building as 6 flats/bed sits. This application seeks permission to extend an existing ground floor 1 bedroom flat with the addition of a separate living area. The principle of extending the existing building is supported.

#### **6.2 Neighbouring occupiers**

- 6.2.1 The extension itself has a height of 3.2m and a depth of 5m and sits in immediate proximity to the common boundary. The extension is reasonably deep but taking into account the height it is considered that the physical impacts on the development on the neighbouring occupier will be mitigated by the height and design of the proposed development such that they do not represent significant harm to the neighbour.
- 6.2.2 The internal layout involves changing the existing rear ground floor unit from having a kitchen/living room to a separate kitchen and living room, with access to the unit from an existing door to the side and the internal access through the bedroom removed. Broadly, it is not considered that the proposal represents a significant increase in the residential capacity of the existing dwelling; whilst recognising that the 'lounge' could be used as a second bedroom.

### 6.3 Occupiers of site

- 6.3.1 It is considered that, as shown, the proposal provides an improved living environment for the residents of the extended unit and the site otherwise retains sufficient amenity space for the occupiers. This conclusion would also hold good should a second bedroom be created.

### 7.0 Summary

- 7.1 It is considered that the overall scale of the proposed development has an acceptable impact on the amenities of neighbouring occupiers and does not otherwise harm the amenities of the occupants of the host building. The application relates to a single storey rear extension which is not considered to significantly increase the potential residential intensity of the existing building as whole.

### 8.0 Conclusion

- 8.1 For the reasons outlined, 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), 4(f)(qq), 6(a)(b), 7(a)

**JF1 for 20/02/18 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. 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. 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

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  
H7             The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

17/00801/FUL, Roof alterations including rear dormer window and 3 roof lights  
(retrospective)

Refused, 23.08.2017

Appeal pending

1376/31, Window to west elevation

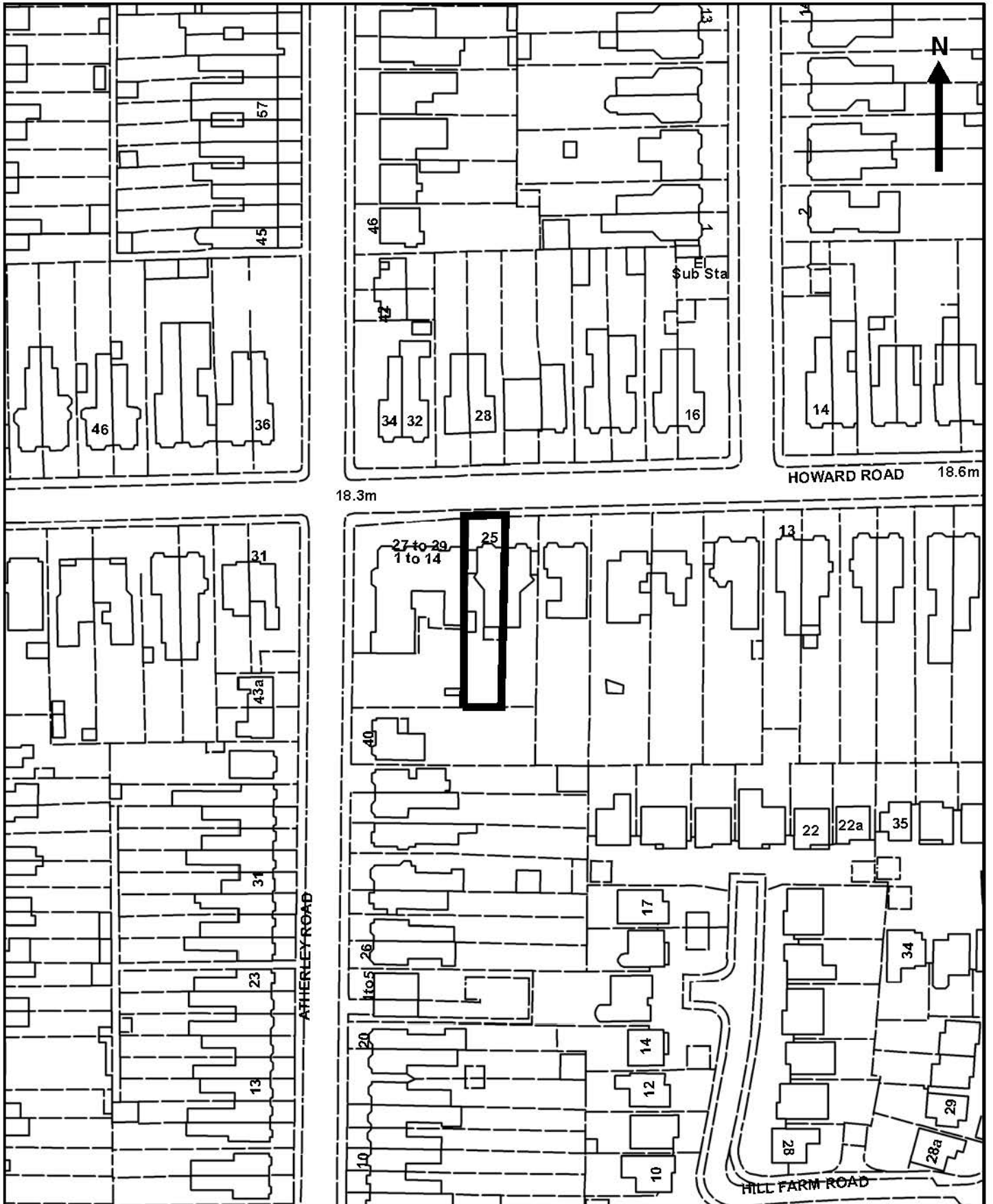
Conditionally Approved, 10.07.1969

1367/4R1, Removal of garage and replace by a carport

Conditionally Approved, 15.04.1969



# 17/02389/FUL



Scale: 1:1,250

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