

**Planning and Rights of Way Panel 29<sup>th</sup> January 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> 3 Ridgemount Avenue, Southampton			
<b>Proposed development:</b> Conversion of ground floor garage to a gym not in accordance with 12/01697/FUL condition 6 (Domestic Ancillary Use) and provision of integral log store			
<b>Application number:</b>	18/02261/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>	08.02.2019	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr B Harris Cllr L Harris Cllr Hannides
<b>Referred to Panel by:</b>	Cllr B Harris	<b>Reason:</b>	Support of objections raised by Ridgemount Avenue Residents Association
<b>Applicant:</b> Mr I Mabood		<b>Agent:</b> Concept Design & Planning	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**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 (2018).

Policies - SDP1, SDP5, SDP7, SDP9, SDP12, NE6 of the City of Southampton Local Plan Review (Amended 2015); CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015); BAS4 and BAS9 of the Bassett Neighbourhood Plan (2016) and the relevant sections of the Council's adopted Residential Design Guide (2006).

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

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

- 1.1 The application site contains a large, detached dwelling. The property occupies a spacious and verdant plot with protected trees. The surrounding area is residential and is characterised by larger properties in well-spaced plots, amongst mature vegetation. The site lies on the corner of Ridgemount Avenue with The Avenue, which is a tree-lined, arterial route into the city.
- 1.2 The property is situated in Bassett which is covered by the Bassett Neighbourhood Plan.

#### 2. Proposal

- 2.1 The application relates to a number of amendments to an outbuilding originally approved under application 12/01697/FUL. This application was granted consent for a sizable outbuilding, with a garage at ground floor level and living accommodation in the roof space. A number of conditions were imposed on the proposal at the time to limit the extent of the use and restrict against the use of the outbuilding as an independent unit of accommodation, A number of subsequent applications have been submitted for additional outbuildings and extensions to the original outbuilding which have been refused.
- 2.2 The outbuilding as constructed did not fully adhere to the design originally consented. The current proposal seeks a number of alterations to regularise some of these discrepancies and to undertake further alterations. The application proposes the introduction of additional doors and windows in addition to physical alterations to the front of the structure to enclose the previous garage space. The alterations to the frontage would consist of faux garage doors serving a small storage space and enclosure of the internal main ground floor space to act as additional ancillary living accommodation (identified as a gym in the submitted plan).
- 2.3 Another application was recently submitted, and refused, under reference 18/01856/FUL for a similar proposal. That application proposed fully incorporating the ground floor into the gym use and introducing patio style doors/windows in the place of the existing garage door openings, compared to the faux garage doors to a small storage area proposed under the current application. This application was refused on the basis that the combination of the change of use of the ground floor from garaging in addition to the physical alterations to the appearance of the structure would constitute a harmful departure to the overall character of the structure in the context of the plot and surrounding area.

### **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 site also falls within the remit of the Bassett Neighbourhood Plan (2016). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. 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.

### **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.
- 4.2 The structure was originally granted consent in 2012 with restrictions in place that the ground floor be retained as a garage while the upper floor was in use as an annexe. The structure was built with some elements not in accordance with the agreed details and a recent application in 2018 sought modifications to this original design, including conversion of the garage space to additional ancillary accommodation (as a gym). This application was refused under delegated authority at officer level.

### **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 adjoining and nearby landowners. At the time of writing the report **7 representations** have been received (from 6 addresses) from surrounding residents. The following is a summary of the points raised:

#### **5.2 The proposal is almost the same as the previous refused application Response**

The key reason for refusal under the previous application related to the impact on the proposal on the wider character of the area including its visual appearance in the street scene. The proposed structure now retains the garage style appearance and incorporates a functional store (for logs or other ancillary storage ancillary to the main dwelling). It is considered that the current application proposes a change to the relationship and appearance within the street scene so it is considered reasonable to review and consider the previous decision on this basis.

5.3 ***The development would be contrary to conditions previously imposed***

**Response**

The imposition of planning conditions means that alteration of these details would require further assessment, not that they are intrinsically harmful. In assessing any application the Council then needs to consider the proposal and determine if it is acceptable in terms of local and national planning policy. The key issue is not if the proposal conflicts with previous conditions imposed but if the proposal put forward would cause sufficient identifiable harm as to justify being refused. This issue is discussed in more detail in section 6.

5.4 ***The applicant has undertaken land level changes which have impacted nearby protected trees***

**Response**

This issue has been referred to the Council's Tree Team for review but does not form part of the current application or the Panel's deliberations.

5.5 ***The existing property is large with adequate facilities. There is no need for the proposed alterations***

**Response**

The need for the works are for the applicant to consider. The application will need to be considered in terms of the planning merits of the scheme in which there is a presumption in favour of development unless the Local Planning Authority identifies sufficient harm to justify refusing the application.

5.6 ***Building as constructed does not adhere to approved plans***

**Response**

The government has advised that intentional unauthorised development can be given some weight in the decision making process, where it can be demonstrated that the applicant has purposefully sought to subvert the planning system. In this case while the structure as constructed was not built in accordance with the approved plans, the works undertaken were not concealed and the applicant has submitted applications in an effort to regularise matters and it is not considered that any substantial weight should be given to the partially retrospective nature of the proposal.

5.7 ***Loss of on-site parking***

**Response**

The site retains sufficient capacity to comply with the Council's parking standards in the existing driveway/forecourt area for the main dwelling. In terms of ad-hoc parking availability the space available would exceed the standards laid out in the Council's Parking Standards SPD.

5.8 ***Potential future use of structure as separate unit of accommodation***

**Response**

The current application does not propose the use of the premises as a separate unit of accommodation, and a further planning application would be required before the building could be legally converted; at which point further consultation would take place.

**Consultation Responses**

5.9 **Cllr B Harris** – Support for the comments of the Ridgemount Area Residents Association.

- 5.10 **Ridgemount Area Residents Association** – Proposal would not comply with previous conditions. Existing building is large with ample facilities. Application would involve loss of parking. Structure as currently build was not constructed in accordance with previous plans.

## **6.0 Planning Consideration Key Issues**

- 6.1 The proposal has two main elements - physical alterations to the structure and the change of use of the ground floor that they facilitate.

### **6.2 Physical alterations**

- 6.2.1 The application includes a number of additional doors and windows on the proposed outbuilding. These are primarily at ground floor level. The site is relatively large, with the outbuilding being well set back from the boundary. It is considered that existing screening and boundary treatments and the retained set back are sufficient to address any potential impacts associated with the additional doors/windows.

- 6.2.2 The previously consented scheme included a timber frame around open car ports. The proposal converts this to brick in addition to infilling the car ports with garage-style doors serving a very small storage space. Broadly, it is not felt that the proposed physical alterations would substantially impact the overall appearance of the outbuilding in the wider context of the appearance of the plot in the street scene when compared to the originally consented scheme.

### **6.3 Use**

- 6.3.1 The previous application included a number of conditions to restrict the use of the outbuilding to 'incidental'; including conditions limiting the use of the residential element as an annexe to the main dwelling and restricting the ground floor for use to serve as ancillary car parking and storage only. The application proposes making this part of the internal environment of the structure and changing the use to serve as a 'gym'. In practice it would be difficult to enforce a use as a gym specifically given the existing layout of the property and the mobile nature of such fixtures. The space would realistically need to be secured as additional ancillary space associated with the residential dwelling and annexe. It should be noted that this use of the space would require the structure to remain ancillary to the main house, with a use that would retain the primary use of the site as a single residential dwelling with ancillary/incidental uses in the associated outbuilding.

- 6.3.2 The size and scale of the outbuilding with the additional floor space is substantial and concern was raised under the previous refusal regarding the potential intensification of the existing ancillary structure. Given that the physical alterations have addressed the broader visual impacts of the proposal the key matters becomes if the additional intensity of use and activity associated solely with the internal use would be harmful to nearby residents and the wider character of the surrounding area.

- 6.3.3 While the scale of the outbuilding is significant, provided that the premises remains in ancillary/incidental use to the main dwelling it is not considered that the proposal will result in an substantial increase in comings and goings

associated with the premises. The property is situated in a large plot, set well away from neighbouring occupiers with intervening screening between properties. Overall it is not considered that any additional intensity caused by this development will be harmful.

## **7. Summary**

- 7.1 The refusal of the previous application raised concerns that the combination of physical alterations and intensification of use would prove harmful to the appearance of the property in the wider area. It is considered that the physical alterations proposed have addressed the potential concerns regarding the visual impact. It is not considered any additional intensity of use on its own would represent sufficient harm to justify refusing the application and, therefore, it is considered that the proposal should be supported despite local objection.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**JF for 29/02/19 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. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

### **03. APPROVAL CONDITION - 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 host dwelling within the site (Number 3 Ridgemount Avenue).

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.

### **04. APPROVAL CONDITION - Restricted ancillary use**

Unless otherwise agreed in writing by the Local Planning Authority the outbuilding shall be retained as ancillary to the main dwelling at 3 Ridgemount Avenue and shall only be occupied by persons related to those living in the principal dwelling, including extended family. Under no circumstances shall the space be occupied, sub-let or in any other way sub-divided into a separate dwellinghouse for occupation as a self-contained dwelling.

REASON:

In the interests of proper planning as the application seeks approval for an annex only and not a self-contained and separate dwelling of accommodation. Whilst the proposed living accommodation shows self-contained living space the application has not been assessed in terms of a separate dwelling and a further permission would be required before a more flexible form of occupation takes place

### **05. 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  
SDP12          Landscape & Biodiversity  
NE6             Protection / Improvement of Character

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2018)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Relevant Planning History

18/01856/FUL	Conversion of ground floor garage to a gym not in accordance with 12/01697/FUL condition 6 (Domestic Ancillary Use).	Refused	03.12.2018
<p><i>Reason for Refusal - Character and ancillary use</i></p> <p><i>The proposed alterations to the previously consented outbuilding are considered to result in a building that is unrepresentative in appearance the ancillary outbuildings which are typically found in the surrounding area. The loss of the open fronted form at ground floor level and the loss of the existing parking function to be replaced by a fully enclosed gym use with a fully residentially fenestrated elevation represents an excessive intensification of what was approved as an ancillary structure to the main dwelling. It is considered that the combination of the physical alterations creating a more residential appearing frontage, and the intensification of the ancillary use of the building would be out of character with the relationship of dwelling and ancillary outbuilding which is typical of the surrounding area. As such the proposal proves contrary to SDP7(iii)(iv)(v) of the City of Southampton Local Plan Review (2015) and Policy BAS4 of the Bassett Neighbourhood Plan (2016).</i></p>			
18/00621/FUL	Erection of a two storey side extension to existing garage/annexe.	Refused	22.06.2018
<p><i>Reason for Refusal - Character and ancillary use</i></p> <p><i>The proposed extension to the previously consented outbuilding is considered to represent an excessive addition resulting in a disproportionately large outbuilding which as an ancillary structure would be unduly dominant and prominent given the character and context of the surrounding area. It is considered that the overall scale of the structure would begin to erode the open, well-spaced and landscaped nature of the plot in addition to representing a further intensification of the use of the structure in terms of the ancillary functions to the existing dwelling. As such the proposal proves contrary to SDP7(iii)(iv) of the City of Southampton Local Plan Review (2015) and Policy BAS4 of the Bassett Neighbourhood Plan (2016).</i></p> <p><i>Reason for Refusal - Trees</i></p> <p><i>No supporting information has been submitted with the application to establish or justify the impact of the proposal on protected trees within the site. A recent consent for tree works on the site required the provision of a replanted tree (which is the subject of a preservation order) in the location currently proposed for the construction works. As such the development prevents the replacement of the protected tree and in doing so applicant has failed to demonstrate that the proposed development will not have a harmful impact on the long term verdant character of the site and the protected trees within the site boundary. The proposal thereby proves contrary to Policy SDP7(i)(ii)(v), SDP9(i)(v), SDP12(i)(iii) and NE6 of the City of Southampton Local Plan Review (2015); Policy CS13 of</i></p>			

*the Local Development Framework Core Strategy Development Plan Document (2015); Policy BAS4 and BAS9 of the Bassett Neighbourhood Plan (2016).*

15/01935/FUL	Erection of a two storey detached garage	Refused	26.11.2015
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*Reason for refusal - Unacceptable impact on character.*

*The proposed development, by means of its scale, prominent position close to the boundary with the street and design represents an unsympathetic form of development by a failure to incorporate into the existing character of the surrounding area. The further loss and harm to existing trees within the site exacerbates this harm by eroding the existing spacious and verdant nature of the site which forms a key characteristic of the area. The proposal thereby proves contrary to saved policies SDP1, SDP7(i)(iii)(iv), SDP9 and SDP11 of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by paragraphs 2.3.6-2.3.11 and section 2.4 of the Residential Design Guide Supplementary Planning Document 2006.*

14/01927/FUL	Erection of a 1.5 storey rear extension and single storey side extension	Conditionally Approved	07.01.2015
14/01110/FUL	Erection of single-storey and two-storey extensions.	Refused	25.09.2014
12/01697/FUL	Erection of a double garage with a self-contained annex above	Conditionally Approved	21.12.2012

*03. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]*

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.*

*Reason:*

*To protect the amenities of the adjoining residential properties*

*06. APPROVAL CONDITION - Use of garage - domestic ancillary use [Performance Condition]*

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.*

*Reason:*

*To maintain high quality living environment for the occupiers of the dwelling house and the residential amenities of the surrounding neighbourhood.*

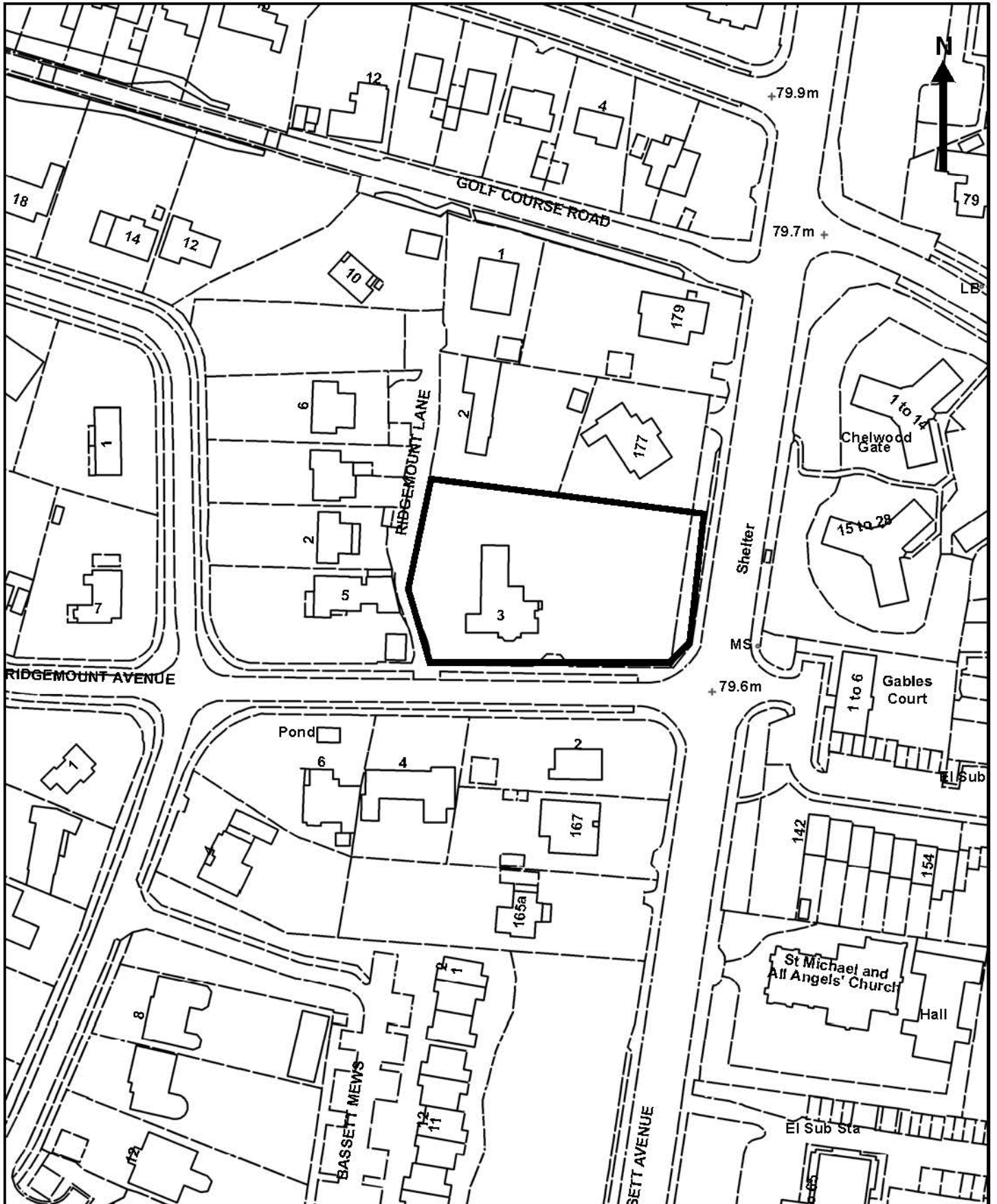
*10. APPROVAL CONDITION - Restricted annex use*

*Unless otherwise agreed in writing by the Local Planning Authority the annex above the garage hereby approved shall be retained as ancillary to the main dwelling at 3 Ridgemount Avenue, and shall only be occupied by persons related to those living in the principal dwelling, including extended family. Under no circumstances shall the space be occupied, sub-let or in any other way subdivided into a separate dwellinghouse for occupation as a self-contained dwelling.*

*REASON:*

*In the interests of proper planning as the application seeks approval for an annex only and not a self-contained and separate dwelling of accommodation. Whilst the proposed living accommodation shows self-contained living space the application has not been assessed in terms of a separate dwelling and a further permission would be required before a more flexible form of occupation takes place.*

# 18/02261/FUL



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