

Planning and Rights of Way Panel 26th February 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 194 Bassett Green Road			
Proposed development: Erection of a rear conservatory (resubmission of planning permission ref: 18/01372/FUL).			
Application number:	18/02188/FUL	Application type:	Householder
Case officer:	Laura Treagus	Public speaking time:	5 minutes
Last date for determination:		Ward:	Bassett
Reason for Panel Referral:	Request by Ward Member and more than 5 letters of objection received.	Ward Councillors:	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides
Referred to Panel by:	Cllr John Hannides	Reason:	In view of the concerns raised by a number of residents
Applicant: Mr Ben Hewson		Agent: Mr Graham Barker	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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 186-187 of the National Planning Policy Framework (2018). Policies –CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7 and, SDP9 of the City of Southampton Local Plan Review (Amended 2015), the Bassett Neighbourhood Plan (2016) and the Residential Design Guide 2006.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The application site is a two-storey, mid-terrace family dwellinghouse at the northern end of Bassett Green Road, featuring buff-coloured brick, white fenestration and clay-tiled roof. The site was previously a single dwelling known as Bassett Holt, formerly a residence of the Bassett Wood Estate, and has since been divided into three dwellings. The wider area is residential in character and comprises a variety of housing styles. The property itself comprises a long rear garden with an existing patio that spans the width of the rear elevation. The garden level falls away sharply from the rear of the dwelling and abuts an area of protected trees immediately south of the property boundary.

2. Proposal

- 2.1 The application proposes the erection of a rear conservatory, with a maximum depth of 4.2m, an eaves height of 3.1m and a maximum height of 3.65m. The conservatory features chamfered edges at a depth of 3m, into which doors accessing the rear garden would be fitted. Rear-facing windows are proposed on the rear elevation, allowing views directly into the garden. The application also proposes a feature rooflight allowing natural light into the room below.
- 2.2 There is a 0.65m set-back from the east and west boundaries with the neighbouring properties at No. 192 and No. 196 Bassett Green Road. The proposed indoor floor height is 0.25m above the existing patio level.
- 2.3 The application also proposes the addition of steps leading from the conservatory to a patio at a height of 0.5m above existing ground level. The proposed steps and patio would extend 3m from the rear elevation of the proposed conservatory.
- 2.4 The external facing materials will be facing brick and timber to match the existing dwelling.

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 Bassett Neighbourhood Plan (adopted 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 18/00076/PAH - Erection of a single storey rear extension (max depth 4.2m, max height 2.9m, eaves height 2.3m) – Application Withdrawn (WDN) – 07.02.2018
- 4.3 18/01372/FUL – Erection of a single storey rear conservatory. – Application Refused (REF) – 12.10.2018

This application proposed the erection of a rear conservatory measuring 4m in depth, with an eaves height of 2.3m and an overall height of 3.2m. The proposal included a 0.25m gap from the east and west boundaries with the neighbouring properties.

The application was refused on the grounds that its scale and massing would result in an overbearing form of development as a result of the depth and the proximity to neighbouring windows.

The application has now been amended to reduce the depth of the side walls immediately adjacent to the boundaries to 3m with chamfered corners to the maximum depth of 4.2m. This has been designed to clear the 45 degree angle when taken from the mid-point of the bay-window (it should be noted that the Residential Design Guide on terraced properties recommends the 45 degree angle be taken from the nearest point).

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 **13** representations had been received from surrounding residents. These include **11** objections, including **one** from a Ward Councillor and **one** from the North-East Bassett Residents Association and **2** letters of support. The following is a summary of the points raised:
- 5.2 ***The proposal would result in an overbearing and overshadowing form of development***

Officer Response

The proposed development is not considered to result in overshadowing or a loss of light to a significant degree, mainly due to the orientation of the dwelling with a southerly aspect, meaning that the shadow will mainly fall to the front of the property. While the development would be visible from neighbouring properties, and would therefore have an impact on the occupiers of No. 192 and No. 196, the scale of the proposal combined with the set-back from the east and west boundaries is considered to mitigate the impact of the proposed development. On balance, it is not considered that the scale of the proposal would result in significant harm to neighbouring amenity in terms of the creation of an overbearing form of development.

5.3 ***The proposal contravenes the '45 Degree Code'***

Officer Response

Whilst the neighbouring properties have window panes that face the application site from the rear bay-window features, it would be reasonable to consider the bay-window as a single entity comprising four main window panes. The neighbouring properties at No. 192 and No. 196 do not rely on the nearest window for outlook and light as the habitable rooms are served by three additional window panes in the bay-window feature, which provide a clear, unobstructed outlook over their gardens and the woodland beyond.

Whilst the proposal would breach the 45 degree line when taken from the nearest point of the window, having regard to the quality of outlook available from the other three panes forming the window and the limited outlook already experienced from the nearest pane, it is considered that a reasonable and good quality outlook is maintained in this instance.

5.4 ***Incorrectly drawn patio levels and final height of structure with lantern roof***

Officer Response

Amended plans (BH/P/03.1 Annotated) clearly show the existing patio level, and indicate an eaves height of 3.1m and a maximum height with the lantern rooflight of 3.65m.

5.5 ***The proposal is out of character with the building***

Officer Response

The proposed extension would be constructed of materials that match the existing dwelling, and incorporation of chamfered edges in the design is considered to be sympathetic to the bay-window features of the neighbouring properties. The proposal is subordinate to the host dwelling and not considered to be out-of-character for the building.

5.6 ***The proposal would result in a loss of privacy***

Officer Response

The proposed development is single-storey and no side-facing windows have been proposed. While the floor level will be approximately 0.25m higher than the patio height of the neighbouring properties, the degree of setback from neighbouring boundaries and the presence of a 1.8m fence and soft landscaping are considered to mitigate any perceived loss of privacy for neighbouring residents. In addition, there is currently an existing raised platform on the patio of the application site, which previously sited a conservatory that exceeds the height of the proposed internal floor level by 0.2m.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;

6.2 Principle of Development

- 6.2.1 The application proposes the erection of a single storey rear conservatory and extension of the rear raised patio area with new steps down to the garden. The conservatory would have a maximum depth of 4.1m, an eaves height of 3.1m and a maximum height of 3.65m. The proposal is shown to be set-in 0.65m from the boundaries with neighbouring properties. Materials for the external construction would include brick walls on either side with full-height, timber-frame windows on the rear elevation. The application comprises a flat roof with a lantern rooflight, allowing natural light into the area below.

Rear extensions and conservatories are not uncommon in the local area and the application site is not located within a Conservation Area. As such, the site still benefits from Permitted Development rights, which would allow a rear extension with a maximum depth of 3m, an eaves height of 3m and an overall height of 4m without requiring planning permission. Commonly known as the 'fall back' position this is a material consideration in determining the application given the likelihood that the applicant would 'fall back' on the ability to utilise permitted development rights should the application be refused.

The proposed development is considered to be in accordance with SDP1, SDP7 and SDP9 of the Local Plan Review, which is supported by the Residential Design Guide (2006), CS13 of the Core Strategy, and Policy BAS 4 of the Bassett Neighbourhood Plan – Character and Design, which requires development to be sympathetic to the character of the street scene regarding scale, massing, external facing materials and height of the neighbouring properties and as such the principle of development is supported.

6.3 Design and effect on character

- 6.3.1 The eaves height of the proposal sits below the corbelled brickwork and the design incorporates chamfered edges, which is considered to be sympathetic to the appearance of the dwelling and the character of the local area. The proposal is judged to be modest in scale and is subordinate to the host dwelling. It is, therefore, considered to preserve the overall character of the original dwellinghouse.

Materials of construction would include brick walls on either side with full-height, timber-frame windows on the rear elevation, which would be similar in appearance to the external facing materials of the original dwelling.

6.4 Residential amenity

- 6.4.1 Whilst the neighbouring properties have window panes that face the application site from the rear bay-window features, it would be reasonable to consider the bay-window as a single entity comprising four main window panes. The neighbouring properties at No. 192 and No. 196 do not rely on the nearest window for outlook and light as the habitable rooms are served by three additional window panes in the bay-window feature, which provide a clear, unobstructed outlook over their gardens and the woodland beyond.

Whilst the proposal would breach the 45 degree line when taken from the nearest point of the window, having regard to the quality of outlook available from the other three panes forming the window and the limited outlook already experienced from the nearest pane, it is considered that a reasonable and good quality outlook is maintained in this instance. While it does breach this code by a relatively small

amount, it is important to note that the point at which it breaches is the equivalent of what would be constructed under Permitted Development. It should also be noted that the 45 degree code is only guidance and each site will have its own specific characteristics that will determine whether the breaching of the 45 degree line would result in harm being caused.

While the proposal would be visible from neighbouring properties, the design includes a 0.65m set back from the neighbouring boundary fences at either side. As such, the proposal is not considered to result in the creation of an overbearing form of development. The maximum height of the proposal is 3.65m and is taken from the vertical extent of the roof-lantern. This feature is set back from the side elevations and, as such, is not likely to be viewed from the neighbouring properties. Additionally, the roof-lantern would be constructed of glass, reducing its visual prominence.

The proposed development is not considered to result in overshadowing or a loss of light to a significant degree, mainly due to the orientation of the dwelling with a southerly aspect, meaning that the shadow will mainly fall to the front of the property.

While the floor level will be approximately 0.25m higher than the patio height of the neighbouring properties, the degree of setback from neighbouring boundaries and the presence of a boundary fence and soft landscaping limit any perceived loss of privacy for neighbouring residents. The proposal is single-storey and no side-facing windows have been proposed.

The extension to the patio and the provision of new steps into the garden will project beyond the patio areas of the adjoining houses. Whilst there is a distinct change in levels beyond the patio, the boundaries comprising a mix of hedgerow and fencing are considered to give an adequate screen so as to safeguard the private amenities of neighbouring occupiers.

7. Summary

- 7.1 The proposal is considered to preserve the character and appearance of the original dwelling and the surrounding area, in accordance with BAS 4 of the Bassett Neighbourhood Plan (2016), CS13 of the Core Strategy, and SDP1, SDP7 and SDP9 of the Local Plan Review (amended 2015).

While the proposal will have an impact on the neighbouring properties at No. 192 and No. 196, as the rear extension will be visible from the neighbouring properties, it is not considered to constitute significant harm to residential amenity in terms of outlook, the level of sunlight that is currently received, or the level of privacy that is currently enjoyed by the neighbouring properties.

The proposed development is modest in scale, in accordance with SPD9 of the Local Plan Review (2015), and would appear as a subordinate addition to the original dwelling house.

For these reasons this scheme is supported and recommended for approval.

8. Conclusion

8.1 The application is recommended for conditional planning 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) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

LT for 26/02/2019 PROW Panel

PLANNING CONDITIONS

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).

Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans. The eaves height of the conservatory shall not exceed 3.1m above the existing patio level and the height of the internal finished floor level within the conservatory shall not exceed 0.25m above the existing patio level as listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. There shall be a minimum of one clear brick course remaining exposed between the top of the finished roof of the conservatory (not including the roof lantern) and the decorative band of projecting brickwork on the rear elevation of the existing house.

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

Materials as specified and 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 development hereby permitted, shall be as specified on the approved plans. Where there is no materials specification on the approved plans, the materials 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

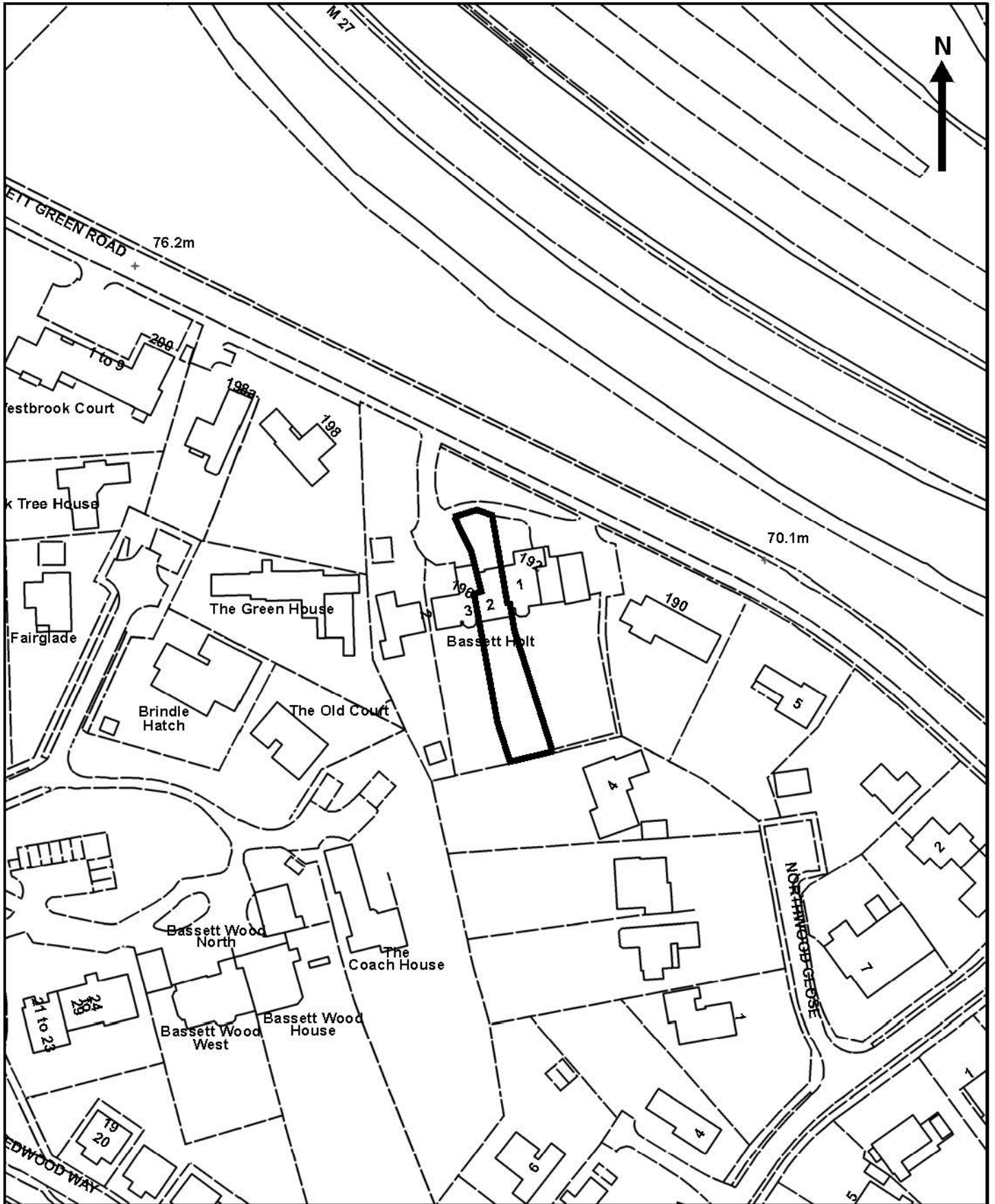
The National Planning Policy Framework (2018)

Relevant Planning History

18/00076/PAH - Erection of a single storey rear extension (max depth 4.2m, max height 2.9m, eaves height 2.3m) – Application Withdrawn (WDN) – 07.02.2018

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