

**Planning and Rights of Way Panel 12<sup>th</sup> November 2019**  
**Planning Application Report of Service Lead – Infrastructure, Planning and Development**

<b>Application address:</b> 18 Grosvenor Road, Southampton			
<b>Proposed development:</b> Application for variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of planning permission ref: 18/00765/FUL (amended after validation to include Condition 1)			
<b>Application number</b>	19/01533/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Coombes	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	22.11.2019	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Ward Councillor referral	<b>Ward Councillors</b>	Cllr Mitchell Cllr Cooper Cllr Savage
<b>Referred to Panel by:</b>	Cllr Savage	<b>Reason:</b>	Exceeds approved height. Harm to neighbour amenity.

<b>Applicant:</b> Mr Ron Meldrum	<b>Agent:</b> N/A
----------------------------------	-------------------

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

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

**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, 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	18/00765/FUL – Panel Minutes	2	Development Plan Policies

**Recommendation in Full**

Conditionally Approve

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

- 1.1 The application site is located midway along the eastern side of Grosvenor Road in a predominately residential area to the north of Portswood. The road is typified by traditionally built detached and semi-detached dwellings benefiting from good size plots with mature tree planting in the rear garden and along parts of the street frontage, giving an established and attractive character with original elements such as front boundary walls being retained in sections. Outbuildings are generally subservient in scale and located to the rear or side of properties here.
- 1.2 The application site contains a two-storey, semi-detached family dwelling house with an unusually wide (for this road) gap between it and the neighbouring property to the south. Within this gap there is currently a two storey garage structure, which has replaced a smaller garage. The existing building is partially screened from the road by a low brick wall across the front boundary and mature tree and shrub planting. The existing house and garage structure are set back from the road by approximately 10m. The application site slopes gently down across the site from North to South.

## **2.0 Proposal**

- 2.1 This application proposes minor amendments to the previously approved scheme granted consent under 18/00765/FUL. This application was approved by the Planning Panel in July 2018 and a copy of the associated minutes are attached to this report at **Appendix 1**. An application for the variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of this previous consent is required. The proposed changes that the Panel are being asked to consider are as follows:

- Change the approved ground floor rear timber double doors to glazed doors. (Glazed units had been installed, but have since been returned to solid timber ones following contact from the Enforcement Team and awaiting the outcome of this planning application).
- Installation of a roof access hatch.

The Panel should note that the building's finished height – checked on site - does not exceed the approved 4.57m height imposed by the Planning Panel last year.

## **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 2**.
- 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 relating to the erection of a garage structure:

19/00580/ENBOC	Enforcement enquiry into roof hatch and glazed rear doors	Application submitted	Ongoing
19/00132/ENBOC	Breach of Condition Notice served due to non-compliance with 6 month completion deadline (Condition 01 of 18/00765/FUL)	Notice served	09.04.2019
18/00765/FUL	Erection of detached garage building with workshop at first floor level for use in association with 18 Grosvenor Road (part retrospective).	CAP	09.08.2018
17/01517/FUL	Replacement garage (amendment to planning permission ref 15/01644/FUL)	Refused	10.11.2017
17/01112/NMA	Non material amendment sought to planning permission for alterations to parapet and additional window openings for replacement garage	Withdrawn	11.10.2017
17/00105/ENBOC	Enforcement enquiry into as-built alterations to garage	Ongoing	
15/01644/FUL	Replacement Garage	Conditional approval	07.10.2015
14/00862/PLDC	Application for a lawful development certificate for a proposed single-storey side extension and replacement garage	Granted	07.10.2014
1335/8	Erection of garage	Conditional approval	06.09.1967

4.2 Consent was originally granted in 2015 for a replacement garage with modest decoration to the roof parapet, and a mezzanine first floor for storage (15/01644/FUL).

4.3 Works began on site, however the as-built structure was larger than approved, with full width first floor accommodation, additional windows and larger castellations around the roof.

4.4 Following an Enforcement enquiry, a Non-Material Amendment (NMA) application was submitted to regularise the changes. As the amended scheme involved additional side-facing windows close to a boundary, it was deemed unsuitable for the NMA process, as there is no neighbour consultation involved. This application was, therefore, withdrawn.

- 4.5 A retrospective householder planning application was then submitted, seeking to retain the as-built structure. This application was refused in November 2017:

*REFUSAL REASON - Unacceptable Impact on the Character of the Local Area and Neighbouring Amenity*

*The as-built garage structure, by way of its increased height and significantly larger and more prominent parapet decorations, presents an incongruous addition to the street scene, which is out of character with its surroundings and, therefore, harmful to the character of the host dwelling and local area. In addition, the increased number and size of windows overlooking neighbouring property, No.20 Grosvenor Road, result in a loss of privacy and, therefore, significant harm to the amenity of these neighbouring residents. The as-built garage structure is, therefore, contrary to 'saved' Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015) and policy CS13 of the adopted LDF Core Strategy (amended 2015), as supported by the provisions of sections 2.2, 2.3.8 and 2.5.2 of the Council's Residential Design Guide Supplementary Planning Document (2006) and the NPPF (2012).*

- 4.6 A subsequent application to regularise the structure was approved under reference 18/00765/FUL, including amendments to bring it more in line with the originally approved plans. In particular, a reduction in height was agreed, with a **maximum height set at 4.57m**, measured at the entrance door of the garage, opposite the door of the main house, along with timber rear double doors and a 6 month compliance period for completion of the building.
- 4.7 A Breach of Condition Notice was served on 9<sup>th</sup> April 2019 due to the applicant's failure to comply with the 6 month completion deadline. A compliance period of 56 days was given on the Notice and the enforcement case was closed following confirmation of compliance.
- 4.8 Since this time, some further additional changes to the building were brought to the attention of the Enforcement Team and this current application was sought from the applicant in order to regularise these minor changes.

## **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 **3 representations** have been received from surrounding residents, including a Panel referral by Ward Cllr Savage. The following is a summary of the points raised:
- 5.2 **Object to the justification for installing glazed rear doors, rather than the approved timber doors: glazed doors are not more secure; they are not more thermally efficient, the building already has enough windows for light, and the glazed doors will not improve the appearance of the building.**

### **Response:**

The applicant's intentions behind the proposed change to glazed doors are not a material consideration. The material considerations for determination are discussed below in the Planning Considerations, but officers do not have a problem with replacing timber doors with glazed doors at the rear of this building and cannot evidence any harm that arises from this change.

- 5.3 **The glazed doors will overlook neighbouring property No.20 Grosvenor Road, if the overgrown boundary hedge is cut down, or fails in the future.**

**Response:**

The overlooking point is discussed in the Planning Consideration of this report below, but it is not uncommon for glazed doors to be fitted to the rear of a dwelling and/or associated outbuildings.

- 5.4 **Concern that the application seeks to permit a height greater than the 4.57m previously approved. The metal copings installed breach this height limit.**

**Response:**

A site visit undertaken on 23<sup>rd</sup> October 2019 by officers from both the Planning and Enforcement Teams, confirmed the height of the building, including the flashing / coping on the top course of brick work, meets the 4.57m approved height.

- 5.5 **The applicant intends to use the garage as a separate living or meeting room.**

**Response:**

Conditions were applied to both previous consents to restrict the way in which the garage can be used. These conditions will be applied again to any further consent granted.

- 5.6 **The access hatch was not mentioned on the application form.**

**Response:**

The access hatch is clearly shown on the plans and was viewed on site. Therefore an appropriate assessment can be made - see below. The Panel are being asked to consider whether or not the introduction of a roof access hatch to this building is harmful to either visual or neighbouring amenity. Officers do not believe this to be the case.

- 5.7 **Consultation Responses**

- 5.8 Councillor John Savage (Portswood Ward):  
Objection – Referral to PROW panel: The roof hatch and coping exceed the approved height of 4.57m, harming the character of the streetscene. The roof hatch and the glazed double doors result in loss of privacy for No.20. The 6 month completion deadline was not met.

**Response:**

These issues are discussed in the responses above and in the Planning Considerations below. Regarding the 6 month completion deadline, a Breach of Condition Notice was issued and subsequently complied with.

- 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration during the determination of this planning application are:
- Design and effect on character;
  - Residential amenity

## 6.2 Design and effect on character

- 6.2.1 Officers consider that the proposed amendments are minor in scale. The proposed alteration from solid timber double doors to glazed doors at the rear of the building would not be visible from any public vantage points and would have a negligible impact on the character of the host property or local area. Glazed rear doors are a feature of many properties across the country.
- 6.2.2 The installed roof access hatch was viewed on the site visit on 23<sup>rd</sup> October 2019. It is barely visible from the road, as it is set back from the roof parapet and is only marginally higher than the parapet itself. This application must assess whether the presence of the roof hatch causes harm to the character of the property or local area. Whilst the roof hatch can just be discerned when standing on the opposite side of Grosvenor Road, looking towards the application site, its visual impact is negligible. Members of the public who are unaware of the history of this site would be unaware of its presence when walking by.
- 6.2.3 As mentioned further above, the height of the building itself, including the finishing coping / flashing over the top course of brick, has been measured and complies with the previously approved height of 4.57m.
- 6.2.4 Given the discussions above, the proposed glazed doors and roof hatch are not considered to have a harmful visual impact on the character of the property or local area.

## 6.3 Residential amenity

- 6.3.1 The recent site visit confirmed that, even if the hedge were reduced in height to standard 6ft / 1.8m boundary height, there would be no view into the neighbouring property from the rear double doors in question. Notwithstanding this, the Panel may decide that a planning condition could be applied to any consent granted in order to secure a replacement boundary structure of a minimum of 2m height in the event that the existing hedge is removed, or fails in the future, in order to protect the privacy of No.20. Officers do not believe the condition to be necessary given that no issue arises should the hedge be removed. Furthermore, a fence to 2m in height could be erected under 'permitted development' should the need arise – without the need for a planning condition.
- 6.3.2 The installed roof access hatch does not have an integral stair or ladder to reach it, so a separate step ladder has to be used to gain access. As such, the hatch is clearly intended as a maintenance hatch for occasional use only, it is not designed for convenient or regular access onto the roof. Notwithstanding this, a condition could be applied to any consent granted in order to prevent use of the flat roof as a roof terrace, limiting roof access for maintenance only. In this way, the privacy and amenity of No.20 would be protected.
- 6.3.3 Given the discussions above, whilst there will be an impact on the amenity of neighbouring properties, this impact is not considered to be harmful, subject to suitable conditions to ensure the protection of the privacy and amenity of neighbouring residents.

## 6.4 Unauthorised Works

- 6.4.1 Officers recognise the frustration that arises when an applicant does not fulfil the full requirements of their planning permission. This in itself is not justification for objecting to unauthorised development as the Planning system provides appropriate mechanisms for either compliance or enforcement. The Panel are being asked to consider the merits of the replacement doors and the roof hatch only.

### **Summary**

- 7.1 The proposed changes are minor in scale and are not considered to cause harm to the amenity of neighbouring residents, or to the character of the local area. Therefore, upon balance, the current proposals are considered to be acceptable subject to suitable conditions as recommended below.

## 8.0 **Conclusion**

- 8.1 Subject to the conditions laid out further below, the application is recommended for 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), 6(a)(b)

### **AC for 12/11/2019 PROW Panel**

#### **PLANNING CONDITIONS to include:**

##### **1. Approved Plans - 6 months completion**

The development hereby permitted shall be carried out in full in accordance with the approved plans listed in the schedule attached below within 6 months from the date of this planning permission.

Reason: In the interests of the amenities of neighbouring properties and local area and to ensure a timely resolution to the amended scheme.

##### **2. No other windows or doors other than approved (Performance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residential properties.

##### **3. Obscure glazing (Performance)**

The installed first floor, rear-facing window adjacent to the side boundary with No.20 shall be retained with a fixed shut, obscurely-glazed unit with obscurity level 5, as approved.

Reason: To protect the amenities of the adjoining residential properties.

#### **4. Materials to match (Performance)**

The materials and finishes to be used for the external walls, doors, 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 dwelling.

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.

#### **5. Restricted use of flat roof area (Performance)**

The flat roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

#### **6. Use of garage – domestic/incidental use (Performance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the garage building, including the first floor, 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 at 18 Grosvenor Road and associated ancillary storage relating to, and incidental to the enjoyment of the occupation of this dwelling house. At no time shall the garage building, including first floor, be used for the parking of commercial vehicles, or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be used as separate living accommodation or as a meeting place without first obtaining planning permission to do so.

Reason: To ensure that sufficient off-street car parking is available in the interests of highway safety, to protect residential amenity and to ensure that the building's use remains incidental to 18 Grosvenor Road.

#### **7. Retention of trees (Performance Condition)**

The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.



**Planning Application - 18/00765/FUL - 18 Grosvenor Road – Planning Panel Minutes**

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

**Minutes:**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).

Nick Jones (local resident objecting) and Councillors Mitchell and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this correspondence was from the applicant and did not raise any fresh issues to those set out in the report. The Panel noted a correction to the report in paragraph 4.7.1 that outlined the differences between the application that had been granted permission and the proposals set out in this application. The presenting officer set out an additional condition for the application, wording set out below, that would secure the mature trees on site.

*6. Retention of trees (Performance Condition)*

*The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.*

*Reason:*

*To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.*

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion was then proposed by Councillor Coombs and seconded by Councillor Murphy that delegated authority be given to the Service Lead – Infrastructure Planning and Development to negotiate amended plans that would reduce the roof height to match that of the original planning permission and grant planning permission, or to refuse planning permission should the amended plans not be submitted within 1 month for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice.

RECORDED VOTE to delegate planning permission  
FOR: Councillors Coombs and Murphy  
AGAINST: Councillors L Harris and Wilkinson

The recommendation was carried on the use of the Chair's second and casting vote.

**RESOLVED** that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure Planning and Development to negotiate amended plans to reduce the roof height to match that of the original planning permission 15/01644/FUL (4.57m), whilst retaining the proposed/as built footprint, and issue subsequent conditional approval.
- (ii) Delegated authority to the Service Lead – Infrastructure Planning and Development to refuse the application, should the amended plans not be submitted within 1 month, for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice

**NOTE:**

That Councillors Mitchell and Savage withdrew from the Panel to represent their Ward in this matter.

**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 SPD (September 2006)

Other Relevant Guidance

The National Planning Policy Framework (revised 2019)