

Planning and Rights of Way Panel 11th February 2020
Planning Application Report of the Head of Planning & Economic Development

| | | | |
|---|--|--------------------------------|---|
| Application address: 5 Blenheim Avenue, Southampton | | | |
| Proposed development: Proposed alterations to garage including rear extension and pitched roof to facilitate conversion of garage to home business, Hair Salon | | | |
| Application number: | 19/01823/FUL | Application type: | FUL |
| Case officer: | John Fanning | Public speaking time: | 5 minutes |
| Last date for determination: | 21.01.2020 | Ward: | Portswood |
| Reason for Panel Referral: | Five or more letters of objection have been received | Ward Councillors: | Cllr Mitchell Cllr Cooper Cllr Savage |
| Referred to Panel by: | N/A | Reason: | N/A |
| Applicant: Mr & Mrs John and Judith Saunders | | Agent: N & J Design Ltd | |

| | |
|-------------------------------|-----------------------|
| Recommendation Summary | Conditionally Approve |
|-------------------------------|-----------------------|

| | |
|---|----|
| Community Infrastructure Levy Liable | No |
|---|----|

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 39-42 and 46 of the National Planning Policy Framework (2019). Policies –CS13, CS14 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP 5, SDP7, SDP9, SDP11, SDP16, SDP24, H7 of the City of Southampton Local Plan Review (Amended 2015).

| | | | |
|--------------------------|---------------------------|---|---------------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Relevant Planning History |

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The property is situated in the Oakmount Triangle Conservation Area, which is subject to an Article 4 direction which restricts the permitted development rights of residential dwellings.
- 1.2 The area is residential in nature, with a mix of different dwelling types. In the immediate local context of the application site the area mainly consists of larger detached two-storey dwellings situated in generous plots.

2. Proposal

- 2.1 The application proposes two elements. Firstly, a number of alterations to, and the rearward extension of, the existing garage to the side of the property. This would include conversion of the existing flat roof (3.25m) form to a mono-pitch roof reducing in height to the boundary (ridge 4.15m, eaves 2.4m). The application proposes the garage extending an additional 3.9m to the rear, including the introduction of 4 windows in the new roof slope. The existing garage door will be infilled and a new door and window will be installed in place.
- 2.2 These physical alterations are designed to facilitate the use of part of the property to serve a commercial functions as a hairdressers. The applicant has outlined that they intend to transition an existing business to work from home, potentially including up to 2 other members of staff. The commercial element would be limited to the floor space of the extended garage, with the rest of the property remaining purely in residential use. The applicant has proposed opening hours of 9.30-17.00 Wednesday to Saturday, with no customers on Sunday to Tuesday.
- 2.3 It is noted that in terms of the roof alterations to the garage, the scheme is similar to a scheme previously consented on the site for alterations to the garage under application 14/01458/FUL on 31.10.2014.

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 most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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.

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, placing a press advertisement (**20.12.2019**) and erecting a site notice (**20.12.2019**). At the time of writing the report **17** representations from 13 different addresses have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Surrounding area is residential in nature and inappropriate for commercial activity/would set a precedent for commercial activity/would impact commercial viability of Portswood centre***

Response

The Councils policies support the flexible use of properties. The Council has policies which promote commercial activity within its district centres and restrict against the loss of residential properties. In this case the application does not represent the loss of a residential unit but the conversion of a small part of it to a commercial use which will operate in conjunction with the main residential function of the dwelling. The scheme has been put to the Council and must be considered on its individual merits with the impacts upon the existing neighbours and character of the area being properly assessed.

5.3 ***Proposal would exacerbate existing parking issues in surrounding area***

Response

The application proposes the conversion of an existing garage. The site retains some on-site parking but given the nature of the proposal it is likely there would be some associated on-road parking. This matter is discussed in more detail in section 6 below.

5.4 ***Any signage would be inappropriate in context of conservation area***

Response

No signage has currently been proposed and would be limited by the existing advertisement regulations.

5.5 ***Potential restriction against commercial activity in Title Deeds***

Response

The grant of planning permission would not remove any other legal issues which may restrict the applicant/property. Any issues with gaining the consent of the land owner or resolving any covenants in the deeds of the property would be a private legal matter between the relevant parties.

5.6 ***Creation of shopfront/physical alterations are inappropriate in context of host property and special character of conservation area***

No objection to roof alterations separately to commercial element

Response

The application does not propose the installation of a shopfront but would replace the existing garage door with a door and window. The proposals have been reviewed by the Councils Conservation Officer, whose comments are outlined below and discussed in more detail in section 6.

5.7 ***Proposal would allow alternate A1 uses within property which could further increase impacts beyond the current proposal***

Response

For clarity, the application only seeks consent for a partial commercial element, with the rest of the property remaining in residential use. It is considered that appropriate conditions can restrict and limit the extent of the commercial element to an acceptable level in a manner which is clear, precise and enforceable.

5.8 ***Applicant noted pre-application enquiry response from Council was submitted with application but was not publically available/local residents and residents groups should have been consulted at pre-application stage***

Response

The Council offers a process to seek advice on proposals prior to the submission of formal planning applications. Typically these discussions remain confidential unless the applicant chooses to engage with other third parties. As the applicant has waived this the advice offered has been made available on the Councils website.

Consultation Responses

5.9 **Conservation Officer** – Subject to suitable conditions to specify the materials and detailing of the proposed works, it is considered that the proposal would not cause harm to the character of the conservation area in terms of the physical alterations. Additional signage should be restricted and a condition imposed to ensure that the commercial element reverts to residential use when no longer in use.

5.10 **Oakmount Triangle Residents Association** – Application would represent conversion of a residential property to an A1 use which would be contrary to policy and undermine the viability of the nearby Portswood commercial area. Attempting to restrict the commercial use following consent would be unenforceable and result in an unclear use of the property. Physical alterations are out of keeping with the special design or appearance of the property within the surrounding street scene and wider conservation area. Deeds of the property likely include a clause restricting against commercial use. No details of if further extraction equipment required.

5.11 **City of Southampton Society** – Objection to any form of commercial enterprise within the conservation area.

6.0 Planning Consideration Key Issues

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

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

6.2 Principle of use

- 6.2.1 The application proposes the partial conversion of a residential property to create a commercial element to the use. Typically speaking, a low intensity of home working from a residential property would not require planning permission in its own right and would be treated as being ancillary to the residential occupancy of the house.
- 6.2.2 In this case, the applicant has outlined how they are hoping to operate a hairdressing business from the site, on an appointment only basis and with the employment of two other members of staff. On this basis it is considered that the intensity of use would trigger the need for planning permission and as such is considered to require consent in its own right.
- 6.2.3 The Council has a number of policies which seek to protect against the loss of residential accommodation within the city. The proposed commercial element occupies a relatively small part of the footprint of the residential building and therefore the main use of the residential property would remain unaffected. Provided a condition is secured to ensure that the site is not subdivided and continues to operate in conjunction with the main dwelling it is not considered that the introduction of a small commercial element run by the occupiers of the residential dwelling would be unacceptable.
- 6.2.4 Concerns have been raised by local residents that the provision of commercial activity in residential dwellings would be inappropriate and undermine the vitality of local and district commercial centres. While the Council has policies which support the provision of commercial properties in its district centres, that does not mean that such development in other locations is intrinsically unacceptable. The application must be reviewed on its own merits to determine if it is appropriate in the context of the surrounding area and impacts on nearby properties. These issues will be considered in more detail below.

6.3 Design and effect on character

- 6.3.1 The application site lies within the Oakmount Triangle Conservation Area. The Council has recognised the special character and significance of this area through the Oakmount Triangle Conservation Area Character Appraisal and Management Plan, in addition to the restriction of the permitted development rights of properties in the area to ensure that the area is protected and preserved.
- 6.3.2 The Council's Conservation Officer has reviewed the proposal and, with reference to the comments outlined in section 5.9, does not consider that the proposed alterations would have a harmful impact on the conservation area. The Council's Conservation Officer has raised concerns that excessive signage would detract from the residential appearance of the area and requested a condition to restrict against the placing of advertisements on the site without further advertisement consent being sought. It is considered that some minimal signage could be considered appropriate but would need to be carefully considered in the context of the conservation area so it is considered reasonable to restrict the normal rights under the advertisement regulations.
- 6.3.3 In general, it is not considered that the design or appearance of the existing garage contributes positively to the existing appearance of the property within the street scene of the conservation area. While the application does propose a

number of alterations such as alterations to the roof form and extension to the rear, it is considered that the alterations are relatively minor in scope and would not prove harmful to the appearance of the property in the context of the surrounding conservation area. On this basis the proposed physical alterations would comply with policies SDP1, SDP7, SDP9, HE1 and HE2 of the Local Plan, the guidance contained within the Oakmount Triangle Conservation Area Appraisal, the NPPF, and the requirements of S72 of the LB and CA Act 1990.

6.3.4 The application does propose a potential increase in activity associated with the commercial element of the scheme which is discussed in more detail in section 6.5 below.

6.4 Residential amenity

6.4.1 The application proposes extension and alteration of the existing extension. Taking into account the scale of development and the relationship and layout of the neighbouring property, it is not considered that the proposal would result in substantial additional harm in terms of an overbearing or overshadowing form of development.

6.4.2 The application does propose an increase in commercial activity in immediate proximity to the common boundary. The applicant has provided a statement to outline how they intend to operate the premises, identifying that customers will visit the site by appointment only, operating 9.30AM-5PM Wed-Sat, with 5 clients a day. They have stated that there will be the occupier of the property working from the premises, with potentially 2 part time members of staff (of whom only one will be present on site at any given time). It is considered that appropriate conditions to control the specific nature, intensity and operational hours of the proposed use would be appropriate to ensure that there is not a harmful impact on the amenities of the neighbouring occupier.

6.5 Parking

6.5.1 No formal parking layout has been submitted with the application, with no changes proposed to the existing forecourt parking arrangement. The application site results in the loss of the existing garage and will result in a potential increase in comings and goings to the site, with associated noise and traffic.

6.5.2 There are no on-road parking restrictions in the immediate vicinity of the application site. It is probable that the maximum additional capacity above the existing residential use associated with the site at a particular moment would be 3 (2 client plus additional member of staff). It is considered that at least some of this capacity would be served by on-road availability.

6.5.3 While the applicant has not undertaken a parking survey to justify the additional on-road parking capacity on balance it is not considered that the additional comings and goings or uptake of on-road capacity, in the context of the existing parking restrictions and availability and proposed hours of working, would result in such substantial harm as to justify refusing the planning application. The proposed business would operate on a low intensity, appointment only basis with a maximum of 5 clients a day between Wednesday to Saturday. It is not considered that the proposed business would generate a significant increase in parking demand within the area or adversely impact on neighbour amenity in this

regard. Conditions will be imposed to further restrict the operating times, number of clients and number of staff in line with the details provided by the applicant.

7. Summary

The physical alterations are considered to be broadly neutral in the context of the impact on the surrounding conservation area and maintain the overall quality and appearance of the property subject to suitable conditions. The commercial element of the scheme is considered to be relatively minor in scale and capable of integrating into the surrounding residential environment without harmfully impacting the character of the area or amenities of neighbouring properties subject to suitable conditions to limit the intensity and control the nature of the commercial use.

8. Conclusion

It is recommended that planning permission be granted subject to conditions set out below.

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) (f) (g) 4.(f) (vv) 6. (a) (b) 7. (a)

Case Officer Initials for 11/02/20 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

Prior to first installation, the detailed design, constructional details and materials for the proposed windows and doors shall be submitted and approved in writing with the Local Planning Authority. The development shall be implemented in accordance with these details and maintained as such thereafter. Except as otherwise agreed the materials and finishes to be used in the external elements of the development hereby approved shall match in all respected the type, size, colour, texture, form, composition, manufacture and finish of those on the existing buildings.

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. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (as a mixed residential and hairdressing use) and not for any other purpose, including any other use within Use Class A1. The development shall operate in accordance with the details outlined in Appendix 1 of the submitted Heritage Statement, as further outlined below:

- The property shall not be subdivided without the further grant of specific consent, with the commercial element being operated in conjunction with the residential use of the premises.
- The commercial element of the use will be restricted to the former garage and extended part of the building hereby approved.
- At no time shall the commercial element be operated by any sole individual who is not a resident of the main dwelling.
- Should the commercial use of the premises cease, the use of the premises will revert to form part of a single residential unit.
- No more than 5 clients shall visit the premises on any given day by prior appointment only.
- No more than 2 members of staff shall be present on site at any given time.

- The commercial use hereby approved shall not operate outside of the following hours:
Wednesday-Saturday: 9.30AM-5PM (09:30-17:00)
Sunday-Tuesday: No customers

Reason: In the interest of proper planning and to control and limit the intensity of the proposed commercial use in the interests of residential amenity and the character of the surrounding area.

04. Advertisements restriction

Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) or any Order revoking, amending, or re-enacting that Order, no advertisements shall be displayed on the premises relating to the commercial use hereby approved without the prior written consent of the Local Planning Authority.

Reason: To afford the Local Planning Authority the ability to control commercial advertisements in the context of the sensitive conservation area.

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)

| | |
|------|------------------------|
| CS4 | Housing Delivery |
| CS5 | Housing Density |
| CS13 | Fundamentals of Design |
| CS14 | Historic Environment |
| CS16 | Housing Mix and Type |
| CS19 | Car & Cycle Parking |

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

| | |
|-------|---------------------------------------|
| SDP1 | Quality of Development |
| SDP4 | Development Access |
| SDP5 | Parking |
| SDP7 | Urban Design Context |
| SDP9 | Scale, Massing & Appearance |
| SDP11 | Accessibility & Movement |
| SDP16 | Noise |
| SDP24 | Advertisements |
| H6 | Housing Retention |
| H7 | The Residential Environment |
| HE1 | New Development in Conservation Areas |
| HE2 | Demolition in Conservation Areas |

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

14/01458/FUL, Replacement of flat roof with pitched roof to existing garage and replacement of rear garden shed.
Conditionally Approved, 31.10.2014

1631/M1, Change of use from hotel to three private dwellings
Conditionally Approved, 07.06.1983