

Planning and Rights of Way Panel 23rd June 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 40 Atherley Road, Southampton			
Proposed development: Extension and alterations of two existing dwellings (2 x flats) to create two semi-detached houses with stores.			
Application number:	20/00481/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	3 rd June 2020	Ward:	Freemantle
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr David Shields Cllr Stephen Leggett Cllr Vivienne Windle
Applicant: Mr B Kakiya		Agent: Concept Design & Planning	

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 CS4 (Housing Delivery) CS5 (Housing Density) CS13 (Fundamentals of Design) CS16 (Housing Mix and Type) CS18 (Transport: Reduce-Manage-Invest) CS19 (Car & Cycle Parking) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies SDP1 (Quality of Development) SDP4 (Development Access) SDP5 (Parking) SDP7 (Urban Design Context) SDP9 (Scale, Massing & Appearance) H1 (Housing Supply) H7 (The Residential Environment) 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 application site comprises a large detached building, which is subdivided horizontally into two self-contained flats (ie. with one flat per floor served by a communal entrance hall). It lies within an established residential area, which is primarily characterised by Victorian detached and semi-detached dwellings, many of which benefit from deep rear gardens. Whilst there is some variety in their detailed design, the properties along Atherley Road exhibit a strong linear building line, set back from the roadside.

2. Proposal

- 2.1 The proposal seeks to erect a two storey extension on the north east corner of the dwelling. It is also proposed to erect a mono pitch single storey rear extension across the entire rear elevation (east)
- 2.2 The resulting building is to be converted from 2No. two bedroom flats to a pair of semi-detached family dwellings (plit vertically with private entrances).
- 2.3 The north half of the pair (House A) would become a three bedroom property. At ground floor the accommodation includes a front lounge, w.c. and open plan kitchen and a dining area leading directly onto the private rear amenity area
- 2.4 The other half of the pair (House B) would result in a four bedroom property. At ground floor there is a separate lounge, an open plan living are/kitchen/dining area that leads onto the private amenity area at the rear of the site. A utility room and w.c. are also provided at ground floor.
- 2.5 Each property is served by two forecourt parking spaces to the front of the dwelling. These spaces have historically been used by the occupants of the two flats. House A would be accessed from northern (side) elevation and House B would be accessed from the west (front) with a dedicated path provided between the two car parking spaces.
- 2.6 Both properties have access to the rear of the property via gated entrances to the side of each property. At the rear of the site two outbuildings are proposed. The outbuildings have brick elevations and composite clay slate roof tiles. Each outbuilding provides secure storage for two cycles, a separate storage cupboard and an area that could be used for purposes incidental to the main 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 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, erecting a site notice on the 1st May 2020. At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The plans do not show the size or specifications of the outbuildings. The finish and style of the associated outbuildings has not been specified. There must be a build specification in the drawings for the application to be properly considered.***

Response

There is no obligation for the applicant to provide dimensioned drawings, but scaled drawing have been supplied in accordance with the standard validation requirements. The out buildings will have a footprint that measures (Unit A) 5m x 4.8m with a height of the pitched roof reaching 3.5m, (Unit B) 5m x 4m with a height of the pitched roof reaching 3.5m. The outbuildings will have facing brick elevations and composite slate roof tiles.

An assessment of impact of the outbuilding on the amenity of the occupiers of the neighbouring properties forms part of the consideration of the application below.

- 5.3 ***There is potential for the outbuildings to be used as accommodation and that in future applications might be made to redevelop them as such on the basis of the approval of this application.***

Response

The buildings are shown to be used for cycle storage and can be secured by condition. A further condition can be imposed that limits the use of the outbuilding to uses ancillary to the main dwelling. The application being considered does not propose the outbuilding to be separate units of accommodation. This would require planning permission. Should such an application be received it would be assessed on its own merits. However, it is important to note that from the site planning history that there has been a previous proposal for a dwelling in the rear garden of this site. That proposal was refused and successfully defended at appeal – see **Appendix 2**.

- 5.4 ***The proposal will result in increased congestion to an already heavily used trunk road. Vehicle parking and turning for the proposed properties is insufficient. The application needs to properly illustrate how vehicles can be unloaded of goods and passengers when parked so close together that the doors won't open. Turning space should be stipulated so vehicles don't have to reverse out into the road.***

Response

The application makes use of the existing forecourt parking to the front of the site that has previously served the current flats. However, the site parking and servicing provision are considered further below and forms part of the material considerations below.

- 5.5 ***The surrounding roads have already been maximised from family homes to HMOs***

Response

The proposal seeks to provide 2 family dwellings (use class C3). The developments are not proposed to be HMO's (use class C4). Such a change of use would require further express planning consent due the city wide Article 4 Direction dated 13th March 2012 that prevent the conversion of family dwelling house to HMOs.

- 5.6 ***The increase in surface area of roofing and extension will have a significant impact on us and our neighbours.***

Response

It is not specified by the objector what the particular impact will be. However, the impact of the proposal on the amenities of the neighbouring dwellings does form part of the materials considerations of the application report below.

- 5.7 ***The dwelling was recently converted into flats without planning permission. The current application appears to be founded on unlawful use. Conversion and extension of the property into two detached houses both over two floors from the existing flats amounts to such an extensive change that the proposal is in effect for two new builds. Therefore the proposal should comply with Natural England's stipulation on Nutrient Neutrality. Occupancy calculations and nutrient mitigation measures taking a precautionary approach and without lacunae should be submitted before the application can be considered.***

Response

Whilst there is no record in the site planning history of the conversion of the property into two flats, council tax records demonstrate that the ground floor flat and first floor flat of 40 Atherley Road have been charged separately for council tax since 1998. Furthermore, Building regulation applications CP/10/09253/NICEIC, and CP/10/09254/NICEIC date from 2010 and also show the property to be used as two separate flats. As such both flats are considered to be immune from enforcement action as they are likely to have been there for the 4

year period required. As the proposals do not result in an increase of residential units, nitrate neutrality calculations are not required in this instance.

- 5.8 ***Currently the wall is falling down and there has been little sign of the owner having any interest in maintaining or safeguard his tenants or occupiers of neighbouring dwellings.***

The maintenance of the wall is a civil matter between the owner of the site and owners/occupiers of the neighbouring properties. However, the application does offer the opportunity for details of site boundaries within the applicants control to be secured by condition. The condition would also require the boundaries to be implemented in accordance with the submitted details.

- 5.9 ***The proposal would result in an increase noise and disturbance resulting from the increased level of accommodation.***

Response

There is no evidence to suggest that the conversion of 2 two bedroom flats would be any greater than that two dwellings of 3 and 4 bedrooms. Many of the properties in the city have been extended to provide additional accommodation without any subsequent noise or disturbance. If antisocial residents move in there are other non-Planning mechanisms for dealing with them.

During construction In order to protect the amenities of the occupiers of existing nearby properties a condition can be imposed that requires the submission of a construction environment management plan. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. This shall also include details of the storage of construction materials, construction hours, and the parking of all vehicles relating to construction.

- 5.9 ***The proposal would result in a strain on sewage and water and power by over expanding a 4 bedroom house to 7 bedrooms. There is no mention of drainage from the roof which will have been increased by 50%***

Response

Site drainage and sewerage would need to be in accordance with the requirements of Building Regulation. The water and power supply for the proposed works do not form materials considerations for the proposal. However, the proposal does not result in any net gain of dwellings and the increased level of accommodation is typical of other developments within the city.

Consultation Responses

5.10 SCC Highways – No Objection

The removal of the kerbs would remove available on-street parking, which could be available for public use. Having said that, the amount of kerb space would only allow for one or two vehicles whereas the forecourt parking could potentially reduce the amount of vehicles needing to park on street by three cars (one would have parked on the existing dropped kerb driveway).

To improve highway safety, it would be good to have a carefully worded condition to ensure that the parking for Flat B to be as South as possible. This would allow for better sightlines looking north as well as providing a more accessible route for residents gaining access to Flat B.

5.11 SCC Sustainability Team – No Objection

In the case of this proposal each of the proposed dwellings will make either a total or substantial use of the existing building. No additional dwellings will be created. No sustainability conditions are required.

5.12 SCC Community Infrastructure Levy – No Objection

The application proposes the extension of a building containing two flats to create two semi-detached dwellings. As such the proposal is not liable for CIL, as a net gain of residential units would not result from the development.

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;
- Highway safety;

6.2 Principle of Development

6.2.1 Policy CS16 of the Core Strategy requires the provision and retention of family homes. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 2 family units with acceptable private garden space and, as such, accords with this policy. The proposal would maintain the existing density of development but provide improved accommodation.

6.3 Design and effect on character

6.3.1 This proposal would convert and extend the existing two storey property into a slightly larger building containing 1No. 3 bedroom Dwelling and 1No. 4 bedroom dwelling.

- 6.3.2 The proposed extensions, alterations and outbuilding are located to the rear of the property and as such will not be readily visible in any streetscene. The site frontage will remain largely unaltered. It is considered that the proposed extensions and alterations would remain sympathetic to the character of the host building and would not be dominant or harmful to the visual amenities of the area.
- 6.3.3 Outbuildings commonly found in the rear gardens of the properties in the area maintain a degree of subservience to the prevailing character of surrounding residential properties. The proposed outbuildings are small in scale, of single storey only with a pitched roof, a typical outbuilding design.
- 6.3.4 The scale of the resulting pair of semidetached dwellings would be in keeping with the character of the area and therefore the proposed works are considered to be acceptable.
- 6.4 Residential amenity
- 6.4.1 The proposed upper floor fenestration would not give rise to any additional overlooking given the existing level of upper floor windows. The rooflights located in the single storey rear extensions will be located above head height to mitigate any harmful overlooking.
- 6.4.2 The two storey extension is located on the north east corner of the building and would be largely screened from the neighbour to the south No.38. Furthermore there is a significant level of separation (15.75m) from the two storey extension from the flat development to the north which, coupled with the lack of any first floor windows in the northern elevation, would mitigate any material harm in terms of overlooking and loss of light or outlook from those dwellings.
- 6.4.3 The single storey rear extension has a single pitch roof. It will be located directly north of the neighbouring property and will extend no further into the site than the existing rear projections in the vicinity.
- 6.4.4 The single storey outbuildings at the rear of the sites are of some concern to the occupants of neighbouring properties. The proposed outbuildings within this application are of single storey only and are set in from the sites' boundaries. The buildings have low level pitch roofs and their use is restricted to secure cycle storage and ancillary accommodation to the host dwellings. This use can be secured and enforced via a planning condition.
- 6.4.5 As such due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impacts upon the residential amenity of any neighbouring properties in terms of loss of privacy, light, shadow or outlook.
- 6.4.6 The application would not unacceptably harm the living conditions of the occupiers of neighbouring properties, having particular regard to noise and disturbance and therefore complies with the requirements of Policy SDP1(i)

6.5 Occupier amenity

- 6.5.1 Paragraph 2.3.14 of the Residential Design Guide advises that the minimum garden size for a flat is 20sq.m. For semidetached dwellings the requirement is 70sq.m. Both reformed dwellings would be served by a private amenity area far in excess of this requirement. The provision and retention of the amenity area can be secured by condition.
- 6.5.2 With regard to the level of accommodation provided in each unit the National Technical Housing Standards provide requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. This is guidance and has not been adopted as yet by the Council. As Southampton City Council has not formally adopted the minimum living space standards the Council cannot apply the standards on a mandatory basis, but could decide that the accommodation provides a poor standard of living accommodation for future residents.
- 6.5.3 The Technical Housing Standards advise that a 3 bedroom, 2 storey, 4 person dwelling should have a minimum floor area of 84sq.m. A 4 bedroom, 2 storey, 7 person dwelling should have a minimum floor area of 108sq.m. In this instance the proposed dwellings exceed this minimum requirement.
- 6.5.4 The technical standards also require a single bedroom to have a floor area of at least 7.5sq.m and be least 2.15m wide. The smaller bedroom in the three bedroom unit (House A) would fall short of this requirement measuring 3.7m x 1.7m resulting in floor area of 6.29sq.m. The Council cannot apply the standards on a mandatory basis and should look at all material considerations
- 6.5.5 Whilst it is noted that the 3rd bedroom does not meet the indicative recommended standards, all habitable rooms in the property, with the exception of the bathrooms and bedroom 3 of the 4 bedroom unit, are served by appropriately sized windows with an open dual outlook. Furthermore the existing flats have bedroom sizes similar to the proposed Bedroom 3 in House A. The proposed habitable rooms are also served by appropriately sized windows. On this basis it is not considered that a reason for refusal based on poor standard of living accommodation for future occupiers could be substantiated, particularly as residents will have access to good sized living areas and the scheme seeks to improve the overall accommodation of offer whilst creating dwellings appropriate for families to occupy. The proposals are therefore considered to be acceptable.

6.6 Parking highways and transport

- 6.6.1 The area to the front of the site currently provides off-road parking for the existing flats and these parking spaces would be retained to provide two parking spaces each for the converted dwellings.
- 6.6.2 The Parking Standards Supplementary Planning Document (the Parking SPD), would require the maximum provision of 2 car parking spaces per dwelling within a high accessibility area, on this basis the proposals would meet the maximum parking requirements.
- 6.6.3 A condition can be imposed requiring a detailed layout of the proposed parking prior to the occupation of the dwelling in order to ensure the sightlines for the three

bedroom unit as requested by the Highway Officer. The approved parking can be secured by condition

- 6.6.4 Furthermore the proposal would provide 2 dedicated cycle stores, providing 4 cycle parking spaces to serve the two dwellings which is in excess of the SPD requirements.
- 6.6.5 Limited detail has been provided with regard to the proposed bin storage although it is noted that three areas have been designated for such a purpose. However, the design of the bin storage has not been confirmed and is to be secured by condition.
- 6.6..6 The proposal therefore accords with LP Policy SDP1(i) and CS Policy CS19, which notably seek to ensure the safety of citizens and require development proposals to accord with the Council's parking standards, as currently set out within the Parking SPD.

7. Summary

- 7.1 The conversion and extension of the existing 2 flats to provide two family dwellings can be undertaken whilst providing all the necessary facilities to accord with the Council's adopted standards. The amenities of the neighbouring properties can be protected via planning condition and the increase in activity associated with extended properties is not considered to be likely to generate a significantly greater level of activity or disturbance.
- 7.2 This report sets out further details regarding the size of the accommodation on offer and explains why, on balance, some flexibility has been afforded in this case. The scheme is compliant with the relevant policies and delivers an additional two family dwellings thereby assisting the Council in meeting its housing need.

8. Conclusion

It is recommended that planning permission be granted subject to the 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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

MT for 23/06/20 PROW Panel

PLANNING CONDITIONS

1. Commencement

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).

2. 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.

3. Materials

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

4. Refuse

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

5. Cycle Storage

Before the development hereby approved first comes into occupation, the storage for a minimum of 2 bicycles per dwelling shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

6. Permitted Development

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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

7. External Amenity

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

8. Parking

Notwithstanding the submitted plans, prior to the occupation of the dwellings hereby approved, details of the dedicated parking bays and visibility splays shall be submitted to the Local Planning Authority for consideration. Once the details have been agreed with the Local Planning Authority the parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

9. Outbuildings – Use Restriction

The outbuildings hereby approved shall remain incidental to host property, and shall not be subdivided, sold, leased, separated or altered in any way so as to create a separate unit of residential accommodation without the grant of further specific permission from the Local Planning Authority.

Reason: To avoid any unacceptable sub-division of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies with regards to new self-contained residential accommodation.

10. Construction Management

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) hours of construction limited to between 8am and 6pm (Mon-Fri) and 9am-1pm (Sat) with no working on Sundays or public holidays
- (g) details of construction vehicles wheel cleaning; and,
- (h) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

11. Boundary Treatment

Before occupation of the development hereby approved, details boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4 Housing Delivery
CS5 Housing Density
CS13 Fundamentals of Design
CS16 Housing Mix and Type
CS18 Transport: Reduce-Manage-Invest
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
H1 Housing Supply
H7 The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
19/00116/FUL	Erection of a 2-bed, detached bungalow with associated cycle/refuse storage	Refused & Appeal Dismissed	2019
1546/W15	Single storey rear extension	Approve with Conditions	1978