

**Planning and Rights of Way Panel 12/01/2021**  
**Planning Application Report of the Planning and Development Service Lead**

<b>Application address:</b> 65 Athelstan Road, Southampton			
<b>Proposed development:</b> Erection of a single storey side extension and replacement rear conservatory.			
<b>Application number</b>	20/01205/FUL	<b>Application type</b>	Householder
<b>Case officer</b>	Timothy Furmidge / Rob Sims	<b>Public speaking time</b>	5 Minutes
<b>Last date for determination:</b>	26 <sup>th</sup> November 2020	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member Keogh in support of comments made by neighbour	<b>Ward Councillors</b>	Cllr Thomas Bell Cllr Alex Houghton Cllr Eamonn Keogh

<b>Applicant:</b> Mr Mike Jones	<b>Agent:</b> Mr David Windsor – of D. Windsor Developments.
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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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. Policies - SDP1, SDP7, SDP9 of the City of Southampton Local Plan Review (2015), and CS13 of the Local Development Framework Core Strategy Development Plan Document (2015).

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

**Conditionally approve**

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

- 1.1 This application relates to a detached period 2 storey house, fronting onto the north-eastern side of Athelstan Road. The wider area is residential in character and comprises period housing styles including semi-detached with some detached 2 storey houses located around this road and area. The application dwelling features red coloured brick at plinth level, with painted peddle-dash walls above with some brick detailing, white double glazed windows and doors and a grey tiled/slatted roof with red clay ridge tiles. There is an attached garage on the south-eastern side elevation and is also directly located on the shared neighbouring boundary/side elevation with No.67 Athelstan Road and flight of steps from the lower drive-way up to the front entrance on its south-western front elevation.
- 1.2 The property comprises a long rear garden that steps up sharply from the rear of the house and abuts the raised rear north-eastern boundary, trees and rear garden with the properties on Chessel Avenue. The rear garden contains retained terraced areas, tall fencing and an area for the swimming pool/decking at the very rear of the site, which is a subject of a separate Enforcement case which has recently ascertained that planning permission is not required for that development.

## **2.0 Proposal**

- 2.1 The application seeks planning permission for a single storey side extension and replacement rear extension. The proposed side extension would convert the existing attached garage and extend it to the rear by 5.5m to level with the rear elevation and would have a flat roof with 2 rooflights. The rear extension would replace an existing conservatory to the same depth (3.5m) but provide a brick built extension with a dual pitched roof protruding 3.4m high. The materials proposed to be used of pebble-dash painted render and red brick plinth would be carried on to the proposed extension to match or be similar to the existing materials used on the present dwelling. **The additional works in the garden do not form part of this application.**

## **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 1**.
- 3.3 The National Planning Policy Framework (NPPF) was amended in 2019 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 05/00760/FUL - Erection of two storey side extension. – (Refused) (19.07.2005). This was refused due to the scale and width being out of character with the host dwelling, which would destroy the openness between dwellings; and due to size and ground levels would be unduly dominant and impacting on neighbouring amenity.

- 4.2 04/01123/FUL- Erection of a single storey side extension – (CAP) (18.08.2004).
- 4.3 980723/E- Construction of a first floor rear extension– (CAP) (02.09.1998).
- 4.4 1556/E34 – Erection of a single storey rear extension – (CAP) (12.06.1979).

## **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 **1 representation** had been received from a surrounding resident. Ward Councillor Keogh requested that the application be referred to the Panel due to the on-going enforcement issue with the rear decking area fencing at the rear of the site. The following is a summary of the points raised:

5.2 **Concerns regarding overdevelopment of the site due to the rear decking and fencing and the new side extension protruding pass the original depth of their property.**

### **Officer Comment**

*Although the dwelling would be increased in size, the extended dwelling remains comfortably sited on a substantial rectangular plot. There has been a similar approved application (04/01123/FUL) in the past for a side extension which was considered at that point to be acceptable in visual impact, character and amenity terms, however this was never constructed and the permission has now lapsed. The rear decking and fencing, which was subject to an Enforcement case, does not form part of the application and therefore cannot be considered by this report. Most of the existing amenity space to the front and rear garden would be retained by the proposal.*

5.3 **The proposal's 2 rooflight would cause loss of privacy and overlooking to their rear 1<sup>st</sup> floor bathroom windows.**

### **Officer Comment**

The scheme does propose 2 rooflights located towards the rear of the side extension. These are so positioned and angled towards the rear garden to allow for natural daylight to be received into the rooms below and not to allow for views out of them. Their location on a flat roof and angle towards the rear garden would not allow for overlooking and loss of privacy to neighbouring properties.

5.4 **Cllr E. Keogh** - requests that this application be sent to Panel due to the existing enforcement issue of the rear decking and fencing in the rear garden of this site and they would support the comments received from the neighbouring resident.

### **Officer Comment**

*The rear decking and fencing, which was subject to a present Enforcement case, does not form part of the application and therefore cannot be considered by this report.*

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are the impact of the application proposal on:
- the character and appearance of the dwelling, due to its prominence the impact on the character and appearance of the area; and
  - the impact upon residential amenity
  - Parking & Trees

### Principle of Development

- 6.2 The proposed works exceed 'permitted development' allowances. The principle of extending the existing house is acceptable given its location in an established sub-urban area which is wholly residential in character. The key considerations for this application is the design and impact on the character and appearance of the area; impact on neighbour amenities and parking. The rear garden contains retained terraced areas, tall fencing and an area for the swimming pool/decking. This was the subject of a recent Enforcement investigation which concluded that planning permission is not required for those works. Therefore they cannot be taken in to account when assessing the merits of the proposed extensions.

### Design and impact on the character and appearance of the area

- 6.3 The existing property comprises of a two storey Victorian detached dwelling with a front bay and an attached flat roof garage. The proposals are for a single-storey side extension would involve the raising of the existing garage roof by 1.0m and provision of single-storey flat roof extension that would run the full length of the side elevation. With the exception of raising the roof by 1.0m, there would be very little change to the appearance of the property within the street scene.
- 6.4 A similar single-storey side extension was previously approved (04/01123/FUL) but this permission has now lapsed. In terms of design, the use of a continuous flat roof extension at 3.0m high, containing roof lights would keep the size and scale of the extension low key and allow a subservient addition to the existing dwelling. On this basis the extension is considered to a proportionate and acceptable addition to the existing property.
- 6.5 The proposed replacement conservatory is located at the rear of the house and would not be apparent or visible from within the street scene. The existing hexagonal conservatory would be replaced with a single-storey extension of the same depth (3.5m) with a dual pitched roof. The proposed replacement rear extension would remain a proportionate and acceptable addition to the existing property and would not result in harm to the character and appearance of the area.

- 6.6 The proposed extensions are considered to be proportionate additions to the existing property and would not result in the overdevelopment of the existing plot. Whilst terracing and decking has been introduced within the wider plot, buildings and structures do not exceed 50% of the total curtilage of the site, which in any case is not an indicator of overdevelopment. It is considered that the resulting plot retains a significant amount of amenity space for existing residents and therefore the proposed extensions would not result in an overdevelopment of the site. The proposed extensions, by reason of their size, design and appearance would be appropriate having regard to the existing property and would not cause significant harm or detriment to the wider area and, therefore, would accord with the relevant development plan policies and supporting national and local guidance including the Council's approved Residential Design Guide SPD.

#### Impact upon the neighbouring properties

- 6.7 The proposed side extension would protrude approximately 2.7m further to the rear than the neighbouring property at No. 67 Athelstan Road. The new extension would be located along the shared boundary and to the north west of the neighbouring rear building line. The proposed extension would have a flat roof, 3.0m in height, however it would not breach a line drawn at 45° from the quarter-point of the nearest neighbouring habitable rooms. On this basis the proposed extension would not have an unacceptable impact on No. 67 in terms of loss of light and outlook. In addition the proposed rear extension would not result in the loss of light or outlook to the neighbouring property at No. 63.
- 6.8 The scheme proposes 2 rooflights located towards the rear of the side extension. These are angled to the north east (down the garden) to allow for natural daylight to be received into the rooms below and not to allow for substantial views out of them. These rooflights would, therefore, not result in substantial overlooking or loss of privacy to neighbouring properties.
- 6.9 Having regard to the size and siting of the proposed development, it is considered that there will be a very limited impact upon the neighbouring amenity and the proposal would not result in significant harm by way of loss of light, privacy impact upon outlook and would not result in an overbearing impact. The application accords with saved Policy SDP1(i).

#### **Impact on Parking & Trees**

- 6.10 Although the single garage accommodation would be lost due to the proposal, the existing driveway is capable of accommodating more than 3 cars and, therefore, the proposed development would continue to provide adequate off road car parking.
- 6.11 The side and rear extensions would be some distance away from mature trees at the very rear of the site. The proposal would not have a detrimental impact upon these trees, which makes an important contribution to the visual amenity and character of the area and, therefore, a condition is not required for protection during the construction period.

## **7.0 Summary**

7.1 In summary, the proposed extensions are considered to be of an appropriate size, scale and siting and design and would not be detrimental to the character and appearance of the existing dwelling, that of the surrounding area or neighbouring amenity. Having regards to the above it is considered the proposal accords with the design considerations of Policies SDP1, SDP7 and SDP9 of the Local Plan Review (2015) and Policy CS13 of the adopted Core Strategy (2015). The recommendation is that planning permission be approved. The Panel is not being asked to consider the other works to the rear garden that have been found to be permitted development following an enforcement complaint.

## **8.0 Conclusion**

The application is recommended for approval with appropriate conditions.

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

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

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

**RS for 12/01/2021 PROW Panel**

## **PLANNING CONDITIONS to include:**

### **01. Full Permission Timing Condition (Performance Condition)**

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 to match (Performance Condition)**

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

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

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 at and 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 adjoining residential properties.

### **04. Approved Plans (Performance Condition)**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)