

**Planning and Rights of Way Panel 16<sup>th</sup> March 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 18 Grosvenor Road, Southampton			
<b>Proposed development:</b> Amendments to planning permissions 18/00765/FUL and 19/01533/FUL for the erection of a two-storey garage with workshop to change the size and shape of the rear window			
<b>Application number:</b>	21/00065/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	15.03.2021	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Mitchell Cllr Cooper Cllr Savage
<b>Referred to Panel by:</b>	Cllr Cooper	<b>Reason:</b>	Impact on residential amenity and long and complex history
<b>Applicant:</b> Mr Ron Meldrum		<b>Agent:</b> N/A	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</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 such as the planning history of the site 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 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) as supported by the relevant sections of the NPPF (2019).

<b>Appendix attached</b>			
1	18/00765/FUL and 19/01533/FUL –	2	Development Plan Policies

	Panel Minutes		
3	Relevant Planning History		

## Recommendation in Full

Conditionally approve

### 1. 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 rear gardens and also along parts of the street frontage. This results in 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.
- 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. Proposal

- 2.1 This application proposes an amendment to the previously approved scheme granted consent under 18/00765/FUL. The 2018 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**. The current proposal seeks to revise the approved window design of the first floor window nearest the host property from a narrow width casement to provide a window casement to match the adjacent existing window on the rear elevation.

### 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). The most relevant policies to these proposals are set out at **Appendix 2**.
- 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 3** of this report. Only the relevant applications to this proposal are set out below.
- 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). Works began on site, however the structure constructed was larger than approved, with full width first floor accommodation, additional windows and larger castellations around the roof. Following an Enforcement enquiry, various applications were sought.
- 4.3 The most significant application to this proposal was to regularise the structure (application reference 18/00765/FUL). This application was approved and included amendments to bring the structure 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 six month compliance period for completion of the building.
- 4.4 A further application 19/01533/FUL was approved by the Planning and Rights of Way Panel on 12<sup>th</sup> November 2019 (minutes can be found at **Appendix 1**) and sought to vary Condition 1 (approved plans) and Condition 2 (relating to windows and doors). This enabled the following;
- Change the approved ground floor rear timber double doors to glazed doors; and
  - Installation of a roof access hatch.
- 4.5 The most recent application sought to amend the approved 2018 scheme, this was refused under delegated powers on 8<sup>th</sup> October 2020. The scheme proposed the following amendments;
- An open brick and clear glazed link between the existing house and garage/workshop;
  - Six large (size) solar panels are proposed on the roof at potentially a 45-degree angle which roughly equates to additional 80 cm in height; and
  - The existing first floor window adjacent to the host house is proposed to be amended to the same size as the adjacent window.
- 4.6 Prior to the submission of the current application a non-material amendment (NMA) application 21/00030/NMA was submitted to seek the changes proposed in this current application. As the amended scheme involved changes to a window close to a boundary, it was deemed unsuitable for the NMA process, as there is no neighbour consultation involved. This application

was, therefore, withdrawn.

## **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **4 representations** have been received from surrounding residents, including the local Resident's association and a Panel referral by Ward Cllr Cooper. The following is a summary of the points raised:

5.2 **The proposal provides further amendments to a scheme already previously amended significantly due to the development being constructed incorrectly.**

### **Response**

Noted but officers must assess every application submitted on its own merits regardless of the planning or enforcement history of the site. There is no limit to the number of changes and applications an applicant can make.

5.3 **The changes to the window will result in overlooking into neighbouring sites.**

### **Response**

A condition is imposed to require the revised window to be obscured glazed with only a top opening element to prevent loss of privacy.

5.4 **Condition 2 of planning permission 18/00765/FUL prevents any further alteration to windows**

### **Response**

The condition imposed prevents any alteration to the approved scheme being undertaken without planning permission in relation to windows and doors. It does not prevent the applicant applying for, or the Council from approving, subsequent changes to the scheme via planning permission provided they comply with material planning considerations.

5.5 **Works approved under planning application 19/01533/FUL are still being undertaken outside the six month window set out in the decision notice.**

### **Response**

The Council's Planning Enforcement team have been monitoring the site but due to covid restrictions site visits are limited. However, the works are not relevant to this application and the Council applies the 'expediency tests' in any event to all enforcement enquiries..

5.6 **The covering letter submitted with the application states that the window will be clear glazed. Due to the nature of the proposal there is a sufficient**

**number of windows and an obscured glazed window would be appropriate.**

### **Reason**

Agreed, obscured glazing in line with the adjacent window is preferable. This has been agreed by the applicant as part of our negotiations during the application phase and will be secured via condition.

## **5.7 Consultation Responses**

5.8 Councillor Gordon Cooper (Portswood Ward):

Objection – Referral to PROW panel

Although it has not attracted a large number of objections it has a long and complex history with concerns for the immediate neighbours and which in my view should be aired in a democratic forum.

## **6.0 Planning Consideration Key Issues**

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

- Design and effect on character; and
- Residential amenity;

The merits of the building itself, or the manner in which the applicant is delivering the project are not for consideration. The Panel should focus on the changes to the proposed development as set out above.

### **6.2 Design and effect on character**

6.2.1 The change to the size and shape of the window would mimic the existing size and design of the adjacent window at first floor. Therefore, the proposal would result in an elevation that is simpler. As the change is located to the rear of the building it 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. Thereby complying with local plan policy.

### **6.3 Residential amenity**

6.3.1 It is understood neighbours are concerned about the alteration to the size and shape of the window, but officers feel given the set back of the building and distance to the boundary, the increase in window size would not be detrimental to the privacy of adjacent occupiers. This is especially the case as the applicant has agreed that the proposed window would be obscured glazed and top opening only. This is suggested to be secured via a condition. Given that the use is for an 'incidental' workshop/garage and not habitable accommodation the restriction to provide obscured glazed in this case is appropriate as no outlook is required for the users of this building. The restricted glazing would still allow sufficient light which is all that is required for

the approved use.

6.3.2 Given the discussions above, whilst there will be an impact on the amenity of neighbouring properties, this impact is not considered to be significantly harmful, subject to a suitable condition to ensure the protection of the privacy and amenity of neighbouring residents in accordance with saved Policy SDP1(i)

#### 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. However, 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 alteration to the first floor rear window only.

### 7. Summary

7.1 The proposed changes to the first-floor rear window are not considered to cause detrimental harm to the amenity of neighbouring residents, or to the character of the local area. Therefore, upon balance, the current proposal is considered to be acceptable subject to suitable conditions as recommended below.

### 8. 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

(a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

#### **AL for 16/03/2021 PROW Panel**

#### **PLANNING CONDITIONS**

##### **01.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.

##### **02.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 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.

**03. Obscure glazing (Performance)**

The proposed and installed rear facing first floor windows, 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.

**04. 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.

**05. Restricted use of flat roof area (Performance Condition)**

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.

**06. 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.

**07. 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.

**08.Replacement boundary screening (Performance)**

A boundary screen - such as a hedge or fence - to a minimum height of 1.8 metres shall be maintained along the common boundary between 18 and 20 Grosvenor Road following the insertion of glazing to the rear doors of the garage building hereby approved.

Reason: To protect the privacy of neighbouring residents.



**PLANNING PANEL MINUTES FOR APPLICATIONS 18/00765/FUL AND 19/01533/FUL**

**Councillor Coombs in the Chair**

**PLANNING APPLICATION - 18/00765/FUL - 18 GROSVENOR ROAD**

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

**Councillor mitchell in the chair**

**PLANNING APPLICATION - 19/01533/FUL -18 GROSVENOR ROAD**

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.

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).

Nick Jones and Nigel Hodge (local residents/ objecting) and Councillor Savage (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the issues related to the application and requested that and voted to add an additional condition relating to the hedge on the boundary be added, as set out below. The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

**RECORDED VOTE** to grant planning permission

**FOR:** Councillors Mitchell and Coombs

**AGAINST:** Councillors Windle **ABSTAINED:** Councillors Galton and Harris

**RESOLVED** that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Additional Condition

**8 Replacement boundary screening (Performance)**

A boundary screen – such as a hedge or fence - to a minimum height of 1.8 metres shall be maintained along the common boundary between 18 and 20 Grosvenor Road following the insertion of glazing to the rear doors of the garage building hereby approved. REASON: To protect the privacy of neighbouring residents.

NOTE: Councillor Savage withdrew from the Panel to represent his ward on 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)

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1335/8	Erection of a garage	Conditionally Approved	06.09.1967
14/00862/PLDC	Application for a lawful development certificate for a proposed single-storey side extension and replacement garage.	Granted	07.10.2014
15/01644/FUL	Replacement garage.	Conditionally Approved	07.10.2015
17/01112/NMA	Non material amendment sought to planning permission 15/01644/FUL for alterations to parapet and additional window openings for replacement garage.	Withdrawn	11.10.2017
17/01517/FUL	Replacement garage (amendment to planning permission ref 15/01644/FUL)	Application Refused	10.11.2017
18/00765/FUL	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).	Conditionally Approved	09.08.2018
19/01533/FUL	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)	Conditionally Approved	14.11.2019
20/00595/FUL	Amendments to planning permissions 18/00765/FUL and 19/01533/FUL for the erection of a two storey garage with workshop, including solar panels on the roof, erection of covered link between the main house and the garage workshop and a change of shape of rear window.	Application Refused	08.10.2020
21/00030/NMA	To alter the shape of a rear facing window.	Withdrawn	05.02.2021