

Planning and Rights of Way Panel 8th March 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 7 Willis Road, Southampton			
Proposed development: Erection of a first-floor rear extension with internal alterations to provide additional living space for flat D and E			
Application number:	21/01711/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	11.01.2022	Ward:	Swaythling
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors:	Cllr Fielker Cllr Bunday Cllr Vassiliou
Referred to Panel by:	Cllr Vassiliou	Reason:	Impact on amenity and over-development
Applicant: Mrs G Kaur		Agent: ACA Design Ltd	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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. 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 (2021). Policies – CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Refused application no. 20/00672/FUL	4	Appeal decision

Recommendation in Full

Conditionally approve

Background

This planning application seeks to respond to concerns raised to an earlier proposal to extend this block of flats. The previous scheme extended to create 2 additional flats and was refused by the Council and dismissed at appeal. The applicants now seek to offer a reduced extension, and increase the size of 2 existing flats with no net increase in the overall provision.

The site and its context

1.

- 1.1 This application site is 950sqm in area and located on the north side of Willis Road. The area has a suburban residential character with a mix of two storey dwellings in medium to large sized plots. The site is within close walking distance of Swaythling rail station and the Swaythling local centre shopping centre to the south.
- 1.2 The site comprises a large two storey residential property (including rooms in the roof) containing 8 studio bedsits/flats. The property has a side driveway and the frontage has an open boundary and is laid out for off road parking. The property sits in a relatively spacious plot and well-spaced gaps between the neighbouring properties. The period property itself has been variously extended over the years, including roof enlargements.
- 1.3 There is large outbuilding at the rear of the site (approved under permission no. 18/00171/FUL).

2. Proposal

- 2.1 This application seeks permission for the erection of a first-floor rear extension with internal alterations to provide additional living space for flat D and E. This will add 40sqm of living space to studio flat D (59sqm in total) adding living room and bedroom, and would incorporate toilet/wash facilities to make flat E a self-contained studio unit. As a result, there will be no change in the level of occupation or net gain in accommodation of the property.
- 2.2 The proposed first floor extension, with a depth of 4.5m, projects no further beyond the existing ground floor rear element. Following the submission, the applicant has amended the rear extension to add a parapet wall feature to improve the detailing of the flat roof element. The existing second floor rear windows prevents the applicant from pitching up the roof slope above the extension. Given the minor nature of the design changes in relation to the overall scale of the extension, no further public consultation was considered necessary regarding the amended plans.

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 2021. Paragraph 219 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.

4.2 Preceding this application, in July 2020 officers previously refused application (ref no. 20/00672/FUL) to substantially extend the property to create 2 additional units (**see Appendix 3**) for tree loss, character and amenity reasons given the excessive size of the extension. The refusal was subsequently dismissed at appeal in February 2021 upholding the Council's reasons (**see Appendix 4**).

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, and erecting a site notice on 12.06.2020. At the time of writing the report **8 representations** (including 6 letters objections and 2 support) have been received from surrounding residents, including objections from all 3 ward councillors. The following is a summary of the points raised:

Support

5.2 ***Will improve quality of accommodation for existing residents.***

Response

The proposal will provide improved living space and facilities for flat D and E.

5.3 ***The proposed extension is in keeping with the local area, and there are precedents for similar extensions at no. 11 Willis Road.***

Response

Whilst each application is determined on its own individual merits, it is noted there is an existing first floor flat rear extension at neighbouring 11 Willis Road which was approved in 2002 (LPA ref no. 02/00701/FUL).

Against

5.4 ***The off-road parking available is insufficient.***

Response

The parking and traffic demand associated with the development will not change as there is no intensification of use in terms of the number of flats. Flat D is proposed to change from a studio unit to a 1-bed unit but the parking demands would remain the same having regard to the Council's maximum parking standards which treat studio and 1-bed units as the same.

- 5.5 ***The design of the proposed extension will unbalance the proportions and be out of character and with style of host dwelling and local area.***

Response

The design, scale and massing of the proposed extension is not considered out of keeping with the proportions and style of host building. The proposed extension is significantly reduced in size to the previously refused application. The planning application has been amended to revise the roof form to improve the relationship with the host property without compromising the existing rear gable roof detail and outlook from existing rear windows.

- 5.6 ***Loss of outlook, light and privacy to neighbouring occupiers.***

Response

The separation distance between the neighbouring properties is sufficient to ensure the of the proposed extension will not be adversely affect the outlook, light and privacy enjoyed by the neighbouring occupiers. The Inspector previously did not consider that the larger extension (refused) would adversely harm the residential amenity of the neighbouring occupiers. The extension would be located approximately 5m from the side boundary with 9 Willis Road an approximately 7m from the side boundary with 5 Willis Road.

- 5.7 ***Over-development. The rooms are undersized and therefore do not comply with national space standards. The proposed development cannot be improved by adding more unsuitable accommodation. Unable to alter the residential layout where it is uncertain of its lawful use as per the previous refusal.***

Response

The proposal is not considered an overdevelopment because it does not represent an increase in building footprint nor does it increase the number of residential units on site and the change of flat D from studio to 1bed unit would have a comparable occupancy level. The planning history indicates that planning permission was granted in 1969 for use of the building as 6 no. bed sit flats and a self-contained flat.

The proposed resultant 59sqm of floorspace for Flat D would well exceed the national space standards which require 37sqm for a 1 bed flat. The living conditions of the other flats and overall intensity/ are outside the scope of this application for the Council to assess.

- 5.8 ***No ecological survey submitted with the application. No account of impact on bats seen roosting in the neighbouring property and seen flying in the local area.***

Response

An ecology survey is not a requirement for a building extension on a building which is occupied.

- 5.9 ***The applicant has allowed dilapidation to remain in place and seeks to use it as justification for enlargement of the main house.***

Response

This is not a material consideration that will influence the decision of the application.

5.10 ***Impact on the protected tree.***

Response

The first floor extension does not increase the building footprint or encroach into the tree canopy and as such the proposal will have no adverse impact on the protected tree within the neighbouring property at 5 Willis Road.

Consultation Responses

5.11

Consultee	Comments
Cllr Lorna Fielker	<p>The planning application states that the purpose of this plans is to improve the exiting living environment for plants D and E. The proposed plans appear to show a contained one bed flat consisting of bedroom, living and bathroom. There does not appear to be any relationship between the additional and the existing flats D and E. This house has already been converted into a significant development of small units which has placed pressure on the locality with regard to parking and impact on other amenities. Increasing the density of this property further will contribute to a negative impact on the local area.</p> <p><u>Officer Response</u> <i>The extension seeks to enlarge the living accommodation of bedsit flat D and add the toilet/wash facilities to flat E. Flat D is enlarged by providing it with the toilet/wash facilities currently in flat E. Flat E is then enlarged by the accommodation provided by the new first floor extension. The proposed works will have a neutral impact on parking and amenity of the local area as there is no net increase in density, occupation or accommodation of the property.</i></p>
Cllr Matthew Bunday	<p>I would like to raise an objection to this application. I believe that it is overdevelopment as the house is already disproportionately larger than all over houses on the street. It also risks unfairly impacting on the neighbours and other people in the road.</p> <p><u>Officer Response</u> <i>See response above.</i></p>
Cllr Spiros Vassiliou	<p>I would like to object to this proposed application on the basis that it would cause too much overdevelopment as well as be overbearing on neighbouring properties. Should officers be minded to allow this application, I would like to request that it is sent to the Planning Panel for final consideration and determination.</p> <p><u>Officer Response</u> <i>See response above. The size of the rear extension is in keeping with proportions of the host dwelling and is significantly smaller than the refused extension.</i></p>

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;
 - Impact on character and amenity;
 - Parking highways and transport;

6.2 Principle of Development

6.2.1 The proposed development seeks to extend and improve existing accommodation by adding a first-floor rear extension and, therefore, is acceptable in principle. Unlike the refused application, the applicant is no longer seeking to significantly reconfigure all the flats and add additional flats.

6.3 Impact on character and amenity

6.3.1 Unlike the previously refused application (no. 20/00672/FUL), the applicant seeks to maintain the same number of flats and only increase the size of studio flat D (still single person occupancy) and add the toilet/wash facilities to flat E. As such, this results in no intensification of use and, therefore, neutrally impacts on the character and amenity of the local area.

6.3.2 The Inspector previously found that the refused extension was out of character due to its excessive size and poor design (paragraphs 4 & 5; **see Appendix 4**). In comparison, the proposed rear extension is significantly scaled down in attempting to address these reasons for refusal. It is a storey lower in height as it now slightly projects above the eaves line of the host building. In this instance, the applicant is unable to continue the roof pitch upwards as this would obstruct the existing rear second floor windows. Whilst the flat roof element viewed in conjunction with the mix of different roof forms will have acceptable visual impact on the street scene and views from neighbouring gardens, the amended parapet feature will have a cleaner and smarter detailing further shrouding the flat roof crown element of the proposed extension. Furthermore, the matching materials will blend the extension with the overall appearance and style of host dwelling. With regards to the impact of the scale, massing and appearance, the proposed extension is considered to be subservient in size and respect the style and proportions of the host building within its spacious plot and, therefore, will not be out of keeping with the character of the local area.

6.3.3 Secondly, the spacing between the neighbouring plots either side of 7m with 5 Willis Road and 5m with 9 Willis Road will maintain adequate access to outlook and light for the neighbouring properties. The neighbouring gardens lie to the east and west of the proposed extension and, therefore, shadow cast by the first floor extension, in addition to the existing building will not significantly disrupt access to sunlight or overshadow the neighbouring gardens for the majority of the day. With regards to additional overlooking, the privacy of the neighbouring residents will not be adversely affected due to the 30m back to back separation distance with the properties on Bassett Green Road is above the minimum 21m (paragraph 2.2.4 of the Residential Design Guide). Furthermore, angles of overlooking of the neighbouring gardens will be oblique. It should be noted that the Inspector previously did not find that the refused extension caused any adverse harm to the neighbouring occupiers.

6.3.4 With regards to the internal changes, the living conditions of flat D and E will be significantly improved.

6.3.5 As such, the proposed development will not adversely affect the character and residential amenity of the area.

6.4 Parking highways and transport

6.4.1 The proposed development will not add to existing parking demands because it does not create any additional residential units and the parking demands of a 1-bed and studio unit are assessed as having comparable occupancy levels. The proposal does not seek to change the existing parking arrangements and as such the scheme will have a negligible impact on existing on-street car parking demands and will have no adverse impact on highway safety.

7. Summary

7.1 In summary, the proposed first-floor extension represents a modest addition to the host property and would be in keeping with the character and appearance of the of the area and would not be harmful to the residential amenities of neighbouring occupiers. The proposal is a materially different scheme to that previously dismissed on appeal by reason of a smaller extension, and because the proposal seeks to extend and improve existing flats rather than providing a net addition.

8. Conclusion

8.1 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) (e) 4.(f) (vv) 6. (a) (b) 7. (a)

Stuart Brooks for PROW Panel 08.03.22

PLANNING CONDITIONS

1. Full Permission Timing (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).

2. Materials to match (Performance)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the extension 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.

3. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development

hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

4. Internal Changes (Performance)

Prior to the first occupation of the approved extension, the toilet and shower facilities of flat E and the internal opening between the extension and flat D shall be provided in accordance with the approved plans and shall thereafter be retained for lifetime of the development.

Reason: To define the consent for the avoidance of doubt and to ensure the extension is physically linked to the existing flat to avoid creating a self-contained unit.

5. Obscure Glazing (Performance)

The first-floor bedroom window in the side west elevation of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

6. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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