

**Planning and Rights of Way Panel 24<sup>th</sup> May 2022**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 11 Russell Place, Southampton			
<b>Proposed development:</b> Erection of a rear roof extension (amendment to 19/01447/FUL).			
<b>Application number:</b>	22/00403/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Tom Barnett	<b>Public speaking time:</b>	5
<b>Last date for determination:</b>	10.05.2022	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member/ Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage
<b>Referred to Panel by:</b>	Councillor Cooper	<b>Reason:</b>	For the reasons outlined in the objection letters
<b>Applicant:</b> Mr and Mrs Banga		<b>Agent:</b> Advoco Planning Limited	

<b>Recommendation Summary</b>	<b>Conditionally approve</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. 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 and CS14, of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9 and HE1 of the City of Southampton Local Plan Review (Amended 2015) and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**  
**Conditionally approve**

## **1. The site and its context**

- 1.1 The application site is a detached family dwelling within Porstwood Residents' Gardens Conservation Area (designated in 1996) where 'permitted development' rights have been removed.
- 1.2 The current property is a brick-and-tiled dwelling of 2 storeys set back from the road frontage to the northern end of Russell Place. The dwelling is an unlisted building. The property is visible to numerous dwellings situated on Abbots Way as well as Russell Place.
- 1.3 The existing property has previous extensions and alterations, including a part single-storey, part two-storey rear extension and the addition of a pitched roof to the side garage approved in 2005. The replacement of the roof to the rear elevation with a fully pitched roof with an infill gable end was granted under application 19/01447/FUL. This approval has not been implemented.

## **2. Proposal**

- 2.1 The proposal relates to a minor amendment to the design of the previously approved 19/01447/FUL application. The amended roof would be set 0.5m lower than the main roof, which is lower than the previous scheme, which had a steeper pitch descending from the top of the existing ridge. The new roof would incorporate 3 rooflights to facilitate a loft conversion and serve the new en-suite bedroom in the roof. In addition the existing roof will be retiled to be of a similar appearance to the existing property.

## **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.
- 3.3 In addition, the proposals need to meet the requirements set out under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990: whether the proposal would preserve the building, and its setting and whether the proposal would preserve or enhance the character or appearance of the

Conservation Area.

#### **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. This application relates to a deviation from the development approved under application 19/01447/FUL for the 'Replacement roof to rear elevation with fully pitched roof with infill gable end following removal of existing flat roof. Also replacement of all existing roof tiles.'

#### **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 30.03.2022. At the time of writing the report **8 representations**; including 5 letters objections, 1 support, 1 neutral and 1 Panel referral from a ward councillor on behalf of residents objection have been received. The following is a summary of the points raised:

- 5.2 The 1 letter of **SUPPORT** was received from the City of Southampton Society. Their comments are provided below in the list of 'consultation' responses.

- 5.3 The following is a summary of the **OBJECTIONS** raised:

##### **5.4 Increase living space, do building regulations look at this?**

###### **Response**

The proposals will be subject to Building Regulations, which is a separate process.

##### **5.5 The proposed rear windows would impact on privacy. Scaffolding works on going, impact on the view from Abbots Way**

###### **Response**

The building works/scaffolding concerns are not a material consideration. The impact of the amended scheme on neighbour amenity will be assessed below. Despite the windows being larger to those approved, it is not too dissimilar to the existing rear elevation and the relocation would appear more sympathetic to the original dwelling and conservation area.

##### **5.6 Concerns if the 22/00534/PLDC is permitted development, the cumulative works would result in overdevelopment in relation to the management plan of the conservation area and alongside other approved applications.**

###### **Response**

The assessment of application 22/00534/PLDC for 'permitted development' works for single storey rear extensions is a separate process and not for

consideration under this application.

- 5.7 **The proposal would be out of character and not coincide with the relevant policies. “The Portswood Residents Gardens Conservation Area Appraisal and Management Plan (CAAMP, adopted April 2011) policy PRG 2 states that “any development proposals for the whole or partial demolition, redevelopment and/or extension of existing buildings must conform with the special characteristics of the Conservation Area” The PLDC should be decide alongside the current application.**

**Response**

The impact of the minor amendment will be assessed in Section 6 in terms of its design and impact on the character and appearance of the Conservation Area taking account of the Development Plan and all material considerations.

**Consultation Responses**

- 5.8 **Historic Environment** - No objection – materials to match  
The proposed revisions to the rear roofline would not be too dissimilar to the previous arrangement at the rear, and as such, would have a minimal visual impact on the character or appearance of this part of the conservation area. Provided matching tiles and ridge tiles would be employed, no objections would be raised on this basis. Notwithstanding this, the new roofline appears to facilitate a new habitable space within the attic which may trigger other planning considerations.
- 5.9 **Cllr. Gordon Cooper** - I would like to formally request that this matter be brought before the Planning and Rights of Way Panel for the all the reasons outlined by these constituents.
- 5.10 **City of Southampton Society**  
We are willing to support this application for a revised roof structure to that already approved under 19/01447/FUL. The extension cannot be seen from the front and the proposed changes are more aesthetically pleasing when viewed from the rear, with the lower roof line and repositioned windows.

**6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
  - ii. Design & impact on character and appearance of the Conservation Area;
  - iii. Residential amenity; and,
  - iv. Impact on parking

6.2 **Principle of Development**

- 6.2.1 The proposals relate to extensions and alterations to an existing residential property. The principle of extending a dwelling is acceptable, however the property lies within the Portswood Residents Gardens Conservation Area, which is sensitive in terms of its historic character and formation. The area is covered by a Management Plan, and also an Article 4 Direction, which removes 'permitted development' rights. This includes extensions, alterations, replacement windows and doors, roof coverings, porches, sheds, hardsurfacing, removing walls, fences and erection gates, and external painting.
- 6.2.2 The application proposals include an amendment to the roof design approved in 2019 so the principle of development has already been established
- 6.2.3 The statutory tests for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would '*preserve or enhance*' the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.2.4 In accordance with paragraph 189 of the NPPF, an assessment of the significance of the building within the Conservation Area is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal. Saved policies HE1 of the Local Plan, and CS14 of the Core Strategy also requires new development to *preserve or enhance* the character and appearance of the conservation area, having regard to the Character Appraisal. In support of the Development Plan policies and also a material consideration is the Portswood Residents Gardens Conservation area Character Appraisal and Management Plan (CAMP) (2010), which defines the special character of the area and provides design guidance for new development.
- 6.25 The key considerations for this application are the design and impact on the character and appearance of the Conservation Area and impact on residential amenity – both are considered below:

### 6.3 Design and effect on character

- 6.3.1 The CAMP contains two policies which are specifically relevant to these proposals: PRG2 (extensions) and PRG 11 (rooflights and dormer windows). PRG2 relates to 'Redevelopment and Extension of Existing Buildings' and states:

*Any development proposals for the whole or partial demolition, redevelopment and/or extension of existing buildings must conform with the special characteristics of the Conservation Area set out in the Conservation Area Appraisal. These characteristics include the following: the historic layout and pattern of development in the area; the established building lines; building to plot ratios; the height, mass and scale of the buildings; plot boundaries; the distances between buildings, and the verdant spaciousness integral to the appearance and character of the Conservation Area. Any such proposals must address the detailed design criteria contained in the Core Strategy and those in this Management Plan.*

- 6.3.2 PRG11, states that:

*Proposals for roof lights and dormers on front elevations should be in keeping with the original house and require planning permission. Rear roof lights and dormers which fall outside Article 4 (2) may not require planning permission.*

In this instance the proposed rooflights would be located to the rear but they form part of a roof addition and therefore they require planning permission.

- 6.3.3 A significant material consideration is the roof design approved under the previous planning permission 19/01447/FUL, which remains extant (could still be built out without the need for further consent). The approved roof comprised of a steeply slanted roof which met the highest part of the existing roof. The pitch of that roof did not match the pitch of the existing roof. In contrast the amended roof design would match the pitch angle of the existing roof and also be set 0.5m lower than the existing roof. This achieves a greater subservience with the existing property and allows the height of the existing roof to remain visible. Furthermore the proposed rooflights would be located proportionately within the roof pitch and would not dominate the roofslope. On this basis the proposed amendment to the roof design is considered to be an improvement on the previously approved design, which would enable the extension to relate more sympathetically and appropriately to the existing property. In addition the proposals would respect the special characteristics of the Conservation Area as it would not harm the height, mass and scale of the buildings, and therefore comply with PRG2 and PRG11 of the CAMP.

6.3.4 The Historic Environment Officer raises no objection to the proposals. Conditions will be imposed to ensure matching tiles and ridge tiles would be used.

6.3.5 In conclusion, the proposals are considered to be appropriate and sympathetic additions to the property and its contribution to the character and appearance of the Conservation Area. Subject to compliance with conditions, the proposals would comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies HE1 of the Local Plan and CS14 of the Core Strategy and the requirements of the Portswood Residents Gardens Conservation Area Management Plan (2010).

#### 6.4 Residential amenity

6.4.1 Concerns have been raised by neighbouring properties that the proposals result in the loss of privacy and increased overlooking as a result of the extended dwelling. The proposals would not increase the depth of the extension approved under 19/01447/FUL however the rooflights would be larger than previously approved.

6.4.2 The existing property has a large rear garden facing towards the side boundary of 20a Abbots Way. Notwithstanding that the existing property has two storey windows overlooking this boundary, the rooflights would be positioned approximately 28m from the rear boundary of the neighbouring property. Paragraph 2.2.2 of the Residential Design Guide states:

*‘To prevent over-development, loss of privacy and dominance over neighbouring houses and to secure a reasonable standard of amenity and outlook for all, it is important to leave an appropriate gap or space between neighbouring buildings and extensions...Spaces between buildings should ensure a reasonable outlook for occupants of lounges, dining rooms, kitchens and bedrooms.’*

6.4.3 It goes on to state that *‘where habitable rooms face one another...minimum back-to-back distance standards between windows apply.’* In this instance, the minimum back to back distance between a three storey and two storey dwelling should be 28m. In this instance the rooflights face towards the side elevation of 20a Abbots Way and, therefore, do not face any habitable rooms. Coupled with the significant distance of 28m from the rear boundary, the proposed roof alteration does not result in any significant increase in overlooking or loss of amenity to neighbouring properties than already experienced from the existing dwelling and can, therefore, be supported.

6.4.4 On the above basis, the proposed roof amendment and rooflights are considered to be appropriately sited to avoid adverse impacts on neighbour amenity to prevent overlooking and loss of privacy to neighbouring properties.

#### 6.5 Parking highways and transport

6.5.1 The proposed development will not add to existing parking demands because it does not create any additional residential units. 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 The proposed alterations to the property comprise of minor amendments to the extant planning permission granted under 19/01447/FUL for similar works. The proposed changes to the roof design are considered to be appropriate and proportionate to the existing property, and its contribution towards the special character and interest of this part of the Portswood Residents Gardens Conservation Area. The proposals are sympathetic in design and would not give rise to any material harm to the natural light or outlook currently enjoyed by the occupants of the neighbouring dwellings. On this basis the proposals are considered acceptable and the application is recommended for approval.

## **8. Conclusion**

8.1 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)

**Tom Barnett PROW Panel 24.05.2022**

### **PLANNING CONDITIONS to include:**

#### **Condition 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).

#### **Condition 2 - 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

#### **Condition 3 - 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 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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS7 Safeguarding Employment Sites  
CS13 Fundamentals of Design  
CS14 Historic Environment  
CS19 Car & Cycle Parking  
CS22 Promoting biodiversity and protecting habitats

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  
SDP12 Landscape and Biodiversity  
SDP16 Noise  
SDP17 Lighting  
HE1 (New Development in Conservation Areas)

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2021)  
Portswood Residents Gardens Conservation Area Management Plan

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**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
04/01054/FUL	Erection of a dormer window and two storey extension to the front and a two storey extension, with balconies at first floor level to the rear. (Description Amended 5/8/04)	Application Refused	23.08.2004
04/01612/FUL	Erection of two storey rear extension (Re-submission)	Application Refused	12.01.2005
05/00597/FUL	Erection of part single-storey, part two-storey rear extension and the addition of a pitched roof to side garage.	Conditionally Approved	13.07.2005
06/00600/FUL	Amendment of 05/00597/FUL for the insertion of 2 roof lights to the two-storey rear extension (Retrospective).	Application Refused	14.06.2006
06/01067/FUL	Insertion of two roof lights to the 2 storey rear extension and erection of detached structure within the rear garden.	Application Refused	19.09.2006
06/01492/FUL	Replacement outbuilding store within rear garden (amended description excludes roof lights and vehicular access)	Conditionally Approved	07.12.2006
08/01547/FUL	Additional vehicular access.	Conditionally Approved	23.12.2008

13/01142/FUL	Installation of two gates and railings to existing front wall.		05.09.2013
14/00551/FUL	Installation of two gates and railings to existing front wall (resubmission of 13/01142/FUL)	Application Refused	02.06.2014
19/01447/FUL	Replacement roof to rear elevation with fully pitched roof with infill gable end following removal of existing flat roof. Also replacement of all existing roof tiles.	Conditionally Approved	14.10.2019
22/00534/PLDC	Application for lawful development certificate for 2 x single storey rear extensions	Pending	
925/40/1	Garage	Conditionally Approved	18.10.1949
925/40	Garage	Conditionally Approved	14.04.1949