

**Planning and Rights of Way Panel 12<sup>th</sup> July 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> 126 Hillside Avenue, Southampton			
<b>Proposed development:</b> Erection of a single-storey front and side extension following demolition of existing garage and first floor extension to create a two-storey four-bedroom dwelling.			
<b>Application number:</b>	21/00574/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	03.06.2021	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors :</b>	Cllr T. Bunday Cllr D. Fullar Cllr I. White
<b>Applicant:</b> Mrs Ghaiithaa Manla		<b>Agent:</b> White & Gray Architecture	

<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 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 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). Policy CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015).

<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 located in the north west corner of a cul-de-sac of residential properties accessed from Hillside Avenue. The application site contains a detached bungalow in an irregular shaped plot. There is a driveway and hardstanding to the front to facilitate off road parking and flat roof detached garage adjacent to the north east boundary of the site.
- 1.2 Ground levels between the application site, the neighbouring dwellings within the cul-de-sac, and the neighbouring dwelling 122 Dimond Road remain fairly consistent with ground level gradually falling towards the application property. However, ground levels to the rear of the site (the rear of the properties of Newton Road) fall sharply from the rear boundary of the application site.
- 1.3 The dwellings within the cul-de-sac are primarily bungalows but it is noted that the neighbouring property to the south (No.124) has recently been extended to provide upper floor accommodation. The adjacent property to the north east (122 Dimond Road) are of two storey as are the properties to the rear (northwest) of Newton Road. However, the properties on the eastern side of the cul-de-sac are of single storey.
- 1.4 The rear of the site is enclosed by a timber boundary treatment of approximately 1.8-2m in height. The northeast boundary with No.122 Dimond Road is formed of hedging and a recently increased timber boundary treatment far in excess of 2m in height. The site frontage is relatively open, however views from Hillside Avenue are limited due to the site's location to the rear of the cul-de-sac.
- 1.5 There is a mixed pallet of external facing materials in the vicinity

### **2. Proposal**

- 2.1 The application seeks to extend the level of habitable accommodation in the property through the provision of a first floor.
- 2.2 Through negotiation with the applicant the scheme has been revised to overcome concerns raised by neighbouring residents and officers.
- 2.3 The scale of the proposal has been reduced. The roof height has been lowered significantly. The T shaped ridge results in a gabled roof form facing northwest/southeast on south western side of the property. This in order to achieve an eaves height that reflects those of the neighbouring property (No124 Hillside Avenue) the habitable accommodation has been provided within the created pitched roof space.
- 2.4 The eastern extension is two storey with a crown ridge and a hipped roof form. It is also proposed to remove the existing flat roof detached garage and replace it with an attached flat roof garage/utility structure of a larger footprint.

2.5 The proposal results in a 4 bedroom two storey dwelling from a 3 bedroom bungalow. The master bedroom will also be served by a walk in wardrobe and en-suite. There is also the provision of a study at first floor. The first floor accommodation will be built on the footprint of the original bungalow below.

2.6 The ground floor provides a Lounge, kitchen, dining area incorporating and office. The ground floor extension will accommodate a larger garage, storage and utility area.

### **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 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

### **4. Relevant Planning History**

4.1 A schedule of the relevant planning history for the site and the neighbouring properties is set out in **Appendix 2** of this report.

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

5.1 Following the receipt of the planning application, and receipt of the amended plans, a publicity exercise in line with department procedures was re-undertaken notifying adjoining and nearby landowners. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposed change of bungalow to a two storey house with extended footprint at 126 Hillside Avenue is totally overbearing over development and out of keeping with this small close***

**Response**

The cul-de-sac where the application property is located was until the recent development of 124 Hillside avenue formed of 4 bungalows. No.124 has recently benefited from the addition of upper floor accommodation creating a chalet style bungalow (LPA ref: 18/00136/FUL). However, it is noted that the properties to the rear of the site of Newton Road, the neighbouring property 122 Dimond Road and the majority of the properties of Hillside Road that lead to the cul-de-Sac are all of 2 storey. As such a two storey dwellings do form part of the residential character with the vicinity.

5.3 ***Loss of privacy to 122 Dimond Road.***

**Response**

The proposed building is set deeper into the site than the neighbouring property 122 Dimond Road. As such, the traditional overlooking from the upper floor windows from the rear elevation would not occur to No.122. However, the north east elevation of the proposal does face the rear amenity area of No.122. This elevation contains an upper floor windows that serve a stair well. These areas are not considered to be that main habitable areas of the proposed development. As such it would be reasonable to impose a condition for such windows to be obscure glazed with restricted opening. In order to prevent the flat roof of the garage being used as a raised platform a condition can be imposed preventing such a use.

5.4 ***Loss of privacy to the properties of Newton Road***

**Response**

From the site visit it is clear that the properties of Newtown Road are set on ground much lower than the application site. Due to this change in levels views over the rear boundary treatment towards these neighbouring dwellings is already available, particularly from the existing conservatory.

The proposed rear elevation does contain a number of large windows that would increase the perception of overlooking. Each of those windows on the rear elevation are either to be obscure glazed or have the lower panes obscure glazed. It is reasonable to impose a condition that requires these elements to be obscure glazed, allowing the benefit of additional light but preventing any materially harmful overlooking.

5.5 ***Overshadowing of 122 Dimond Road***

**Response**

The proposed two storey building will be located to the southwest of the rear amenity area of No.122. The timber boundary treatment that separates the two properties is in excess of 2 metres. Beyond this timber boundary is a further hedge that extends above the timber fence. This hedge is within the control of the neighbouring property No.122 and the hedge its itself must result in the loss of light to the rear amenity area as the sun moves west in the afternoon. Due to the level of separation and the existing boundary treatment

the resulting loss of light from the proposal to the rear amenity are of No.122 is not considered so sufficient to warrant refusal of the application.

5.6 ***Loss of Light to the properties of Newton Road***  
**Response**

The proposed two storey building will be more than 3.5m from the rear boundary at its closest point. Furthermore the primary habitable and amenity dwellings of Newton Road are circa 20m from this shared boundary. The boundary also contains a number of trees and shrubs on the Newton Road side of the boundary. As such the proposal is considered to be sufficiently distance from the neighbouring properties of Newton Road to mitigate any materials harm to the level of light received by those properties.

5.7 ***The proposal will result in extra traffic onto the very busy junction on Hillside Avenue***  
**Response**

The proposal does not result in an additional dwelling, it merely seeks to extend the existing property. The additional traffic, if any, is not considered to be to the detriment of highway safety. The site currently benefits from hardstanding to the front of the property sufficient for the off road parking for several cars within the site boundaries.

5.8 ***Increased weight of the building on the existing ground***  
**Response**

In addition to planning consent the proposal would be required to meet any Building Regulation requirements. This is a separate process to the planning material considerations.

5.9 ***The only access to the property is a private road , which 128, 130, 132 and 134 are responsible for the maintenance and upkeep for. It is requested that if planning is approved that you will enforce that 126 Hillside must become a Director of the management company and be responsible for the on-going maintenance of the private road.***

**Response**

The Local planning Authority have no powers to enforce this matter. Right of access and maintenance is a civil matter between the parties concerned and is not relevant to the determination of this planning application.

**Consultation Responses**

5.10 None sought/received

**6.0 Planning Consideration Key Issues**

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

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

- Parking highways and transport

## 6.2 Principle & Design and effect on character

- 6.2.1 Core Strategy saved Policy CS13 requires development to 'respond positively and integrate with its local surroundings' and 'impact positively on health, safety and amenity of the city and its citizens'. Local Plan saved Policies SDP1, SDP7 (iii) (iv) and SDP9 (ii) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness. Moreover, the RDG in paragraph 3.7.7 states that new development 'should complement the pattern of development in the rest of the street.'
- 6.2.2 The application proposes to develop the property from a hipped roof bungalow into a two storey dwelling with front and rear facing gables. The application site is very much divorced from the streetscene of Hillside Avenue. It is located to rear of a cul-de-sac within limited views available from the main highway of Hillside Avenue.
- 6.2.3 The character of the development with the cul-de-sac was of bungalows. However, 126 Hillside Road has recently undertaken development works that have resulted in accommodation within an upper floor. It is also noted that 122 Dimond Road (to the north east) is a two storey dwelling that has benefitted from a two storey extension adjacent to the development site.
- 6.2.4 As such, while the character of the cul-de-sac was of bungalows, the application site is located between two properties that contain accommodation at first floor. As such when viewed from within the context of the cul-de-sac against those neighbouring properties to the north and south (and considering the two storey nature of the properties of Newton Road behind) the proposed development would complement the scale of the neighbouring properties and would not be out of keeping.
- 6.2.5 During the consideration of the application the scheme has been amended to overcome previous design concerns. The height and scale of development has been significantly reduced and re-consultation took place on this basis. The scheme incorporates a front gable to imitate and assimilate with the gable and eaves height of the neighbouring property No.124.
- 6.2.6 The northern side of the extension is of two storey, providing a sympathetic transition from the chalet style bungalow to the south (No.124), to the extended two storey dwelling to the north 122 Dimond Road.
- 6.2.7 The resulting development incorporates a limited extension to the overall footprint of the property. Any additional footprint is largely limited to the single storey addition. There is sufficient space around the detached building to accommodate the development and a generous set back from the sites front boundary is retained. On this basis the extended dwelling would relate appropriate to the character of the area and would not be incongruous or harmful to the visual amenities of the immediate area.

6.2.8 In order to ensure that appropriate external facing materials are used in the development a condition can be imposed that requires specific details of those materials to be submitted to and approved by the local planning authority.

### 6.3 Residential amenity

6.3.1 There are standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the existing and future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas.

6.3.2 The impact of the development on the amenities of occupiers of neighbouring dwelling is also addressed within the responses to the representations received above. It is noted that the application site is located at a ground level much higher than the neighbouring properties to the north west within Newton Road. As such given the proximity of the proposal to the sites rear boundary the representation received have raised concerns regarding the impact to the privacy amenity of those properties.

6.3.3 At the rear the upper floor will contain four windows within the extension. Two of these windows will serve a serve an en-suite and bathroom. As such these windows can be expected to be obscure glazed to protect the privacy of the occupants. However, it is also reasonable to impose a condition requiring this window to be obscure glazed to protect the privacy of the properties of Newton Road.

6.3.4 The windows serving the master bedroom are also located on the rear elevation. The two windows are both of floor to ceiling height. As such, the proposal seeks to obscure glaze the lower portion of these windows to reduce the impact to the neighbouring properties whilst retaining the benefit of natural light. Such glazing will restrict views out from this window, only allowing external views downwards when in close proximity to the windows. Such obscure glazing can be secured by condition. It is also noted the habitable accommodation within the properties of Newton Road are in excess of 20 metres from the shared boundary with the application site, which would comply with the back to back relationships recommended within the Residential Design Guide. Furthermore, there is already a characteristic of mutual overlooking towards the rear boundaries of the neighbouring properties within Newton Road, due to the sloping rear gardens.

6.3.5 The proposed rooflights will be located above head height and as such will not provide views across the neighbouring dwellings. The upper floor window on the North east elevation will serve a stairwell. As the stairwell is not a primary are of habitable accommodation it is reasonable for this window to also be obscure glazed to protect the privacy of 122 Dimond Road.

6.3.6 The proposed windows at first floor on the front elevation will look out onto the highways to the cul-de-sac, an area that is already open to view from the public realm. In order to prevent the proposed flat roof of the single storey side addition being used an a roof terrace or balcony at a later date, a

condition can be imposed preventing such an operation.

- 6.3.7 Given the orientation, separation of the works from the sites' boundaries, the height of those boundaries and the separation of the neighbouring dwelling from those shared boundaries, the proposal will not give rise to any material harm to the light or outlook currently enjoyed by the occupiers of those dwellings.
- 6.3.8 The potential impact of construction noise on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours. Furthermore, a construction method statement would ensure deliveries of materials, storage of materials and control of dust would be controlled and avoid adverse impacts on neighbouring properties in terms of noise and disturbance.

#### 6.4 Parking highways and transport

- 6.4.1 The proposal does not seek to create a new dwelling as such the proposal is not required to meet the requirements of the Council's parking standards SPD. The proposal is limited to the extension of an existing dwelling. There is no change to the amount, or arrangement of the existing extensive parking on the front driveway.
- 6.4.2 In order to ensure construction traffic and deliveries to the site do result in a detriment to highway safety a condition can be imposed that requires the submission of the construction method statement as advised above.

### 7. Summary

- 7.1 The proposed development would not cause harm to the amenity of neighbouring residents and the design of the extensions would not appear out of character with the host dwelling. Moreover, the site is large enough to accommodate the proposals, appropriate foundations would be the subject of a Building Regulations application. The existing off road parking would not be compromised as a result of the development.

### 8. Conclusion

- 8.1 It is recommended that planning permission be granted subject 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) (d) (g) 4.(f) (vv) 6. (a) (b) (a)

Case Officer **Mark Taylor** for 12/07/22 PROW Panel



## **PLANNING CONDITIONS to include:**

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

### 02. 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.

### 03. Construction Method Statement (Pre-commencement)

Prior to the commencement of development, a construction method statement relating to the development as a whole shall be submitted to and approved in writing by the Local Authority. The construction method statement shall include the following details:

- Delivery arrangements
- Dust suppression
- Method of supporting the existing rear and side garden boundary structures during excavation and construction of the proposed retaining wall.

The development shall be implemented in accordance with the approved construction method statement for the duration of excavation and construction works on site.

Reason: To protect the amenity of neighbouring residents.

### 04. Hours of work for Demolition / Clearance / Construction

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.

### 05. Obscure Glazing (Non Primary Habitable Rooms)

The upper floor windows on the rear (north west) elevation serving the en-suite of and bathroom, the window serving the stairwell on the side (north east) elevation shall be obscure glazed to Pilkingtons level 3 or equivalent. The window shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties

06. Obscure Glazing (master bedroom)

The upper floor windows on the rear (north west) elevation serving the master bedroom shall be obscure glazed to a height of 1.1 Metres (measured from the internal floor level of the room that they serve) to Pilkingtons level 3 or equivalent. The obscure glazing shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties

07. No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended 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.

08. Restricted use of flat roof area

The roof area of the extension hereby approved, which incorporates a flat roof surface, 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.

## **Application 21/00574/FUL APPENDIX 1**

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

CS13 Fundamentals of Design  
CS19 Car & Cycle Parking

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

SDP1 Quality of Development  
SDP5 Parking  
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 (2021)

**Relevant Planning History**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
1038/AA	Storage of cars and caravans, occasional sale and minor repairs in connection therewith Application 1017/AA site code : 1038		28.05.1953
1314/P2/126	Erection of two 3-bedroomed bungalows and garages together with five further lock up garages	Conditionally Approved	08.11.1966
1381/67/126	Erection of two bungalows and garages	Application Refused	16.12.1969
1381/67R1/126	Erection of two detached bungalows with Garages	Conditionally Approved	24.03.1970
21/01701/PA2A	Prior approval for a proposed enlargement of a dwelling by construction of an additional storey	Objection	06.01.2022

**124 Hillside Road**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
18/00136/FUL	Raising of roof to create a new first floor with front and rear dormers	Conditionally Approved	22 <sup>nd</sup> March 2021

**122 Dimond Road**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
04/01880/FUL	Erection of a first floor rear extension.	Conditionally Approved	11 <sup>th</sup> January 2005