

**Planning and Rights of Way Panel 21<sup>st</sup> February 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 27 Chessel Avenue, Southampton			
<b>Proposed development:</b> Erection of a single storey rear extension – application amended following validation			
<b>Application number:</b>	22/01582/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Sam Kushner	<b>Public speaking time:</b>	5 Minutes
<b>Last date for determination:</b>	17.01.2023 ETA: 24.02.2023	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Alex Houghton Cllr Eamonn Keogh Cllr Joshua Payne
<b>Referred to Panel by:</b>	Cllr Eamonn Keogh	<b>Reason:</b>	Character and appearance
<b>Applicant:</b> Vijay Common		<b>Agent:</b> Gary Evans	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
---	-----------------------

**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).

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

**Recommendation in Full**

**Conditionally approve**

## **Background**

This planning application has been amended following validation to remove roof alterations that have been confirmed as being 'Permitted Development' under our ref: 22/01583/PLDC. The Panel are now asked to determine the proposed single storey rear extension only.

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

- 1.1 The application site consists of a two-storey detached dwelling, which is located within a suburban area part of the city. The area is characterised by similar two-storey detached dwellings which are set back from the road of Chessel Avenue by front gardens.
- 1.2 The application property shares a boundary with no 25, which is located to the east and separated by timber fencing. The property to the west is separated by a public footpath with timber fencing also on the western boundary. The existing property includes a rear extension and attached garage to the side.

### **2. Proposal**

- 2.1 The proposal is for the erection of a single storey rear extension that would replace the existing conservatory. The extension would have a depth of 5.4 metres, a width of 4.3 metres and is 4.06 metres high at its tallest point, with eaves at 2.7m. The existing garage located between the extension and the eastern boundary with No. 25 would remain, which the extension being physically connected to the garage.
- 2.2 During the course of the application amended plans were received which removed proposals to make roof alterations, including a hip to gable enlargement and a rear dormer. The roof alterations proposed constitute permitted development and a proposed lawful development certificate was issued for those works under application 22/01583/PLDC. Following the granting of the PLDC application, the description for this application was changed to refer only to the single storey extension. A further 14 day consultation period for neighbours and councillors was undertaken to consult on these amended plans. Ward Cllr Keogh confirmed that the Panel referral remained following the change to the application.

### **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 The applicant has had a Proposed Lawful Development Certificate (22/01583/PLDC) approved in January 2023 for roof alterations including a rear dormer. This has not been implemented yet.

#### **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**; including **3 letters of objection**, and **1 Panel referral** from a ward councillor have been received. The following is a summary of the points raised:

- 5.2 The following is a summary of the **OBJECTIONS** raised by neighbours:

5.2.1 ***The extension of the property could lead to it becoming a House in Multiple Occupation (HMO) in the future***

Response:

The application submitted is a householder proposal and does not include a change of use within the description of works. Any permission granted would not allow for the proposal to change use from a C3 dwelling to a C4 HMO. Any change of use to an HMO would require planning permission as the Council has an extant Article 4 Direction removing this change. An informative has been added to explain this to the applicant.

5.2.2 ***There could be additional strain on parking***

Response:

The application for the single storey rear extension does not increase provision of bedrooms, and therefore additional parking is not a material consideration.

5.2.3 ***Concerns regarding access to rear of the site for delivery of construction materials***

Response

Access can be gained either through the house or the public footpath. Given the moderate extent of the development, this is not anticipated to cause issues.

## 6 Consultation Response

6.1 Consultee	Comments
Cllr Keogh  Inc. Panel referral	<p data-bbox="604 309 1366 707"><i>As a local ward councillor I am concerned about the scale and size of the planned extension. The roof extension is not common in this area and this could mean the scale of the development overshadows neighbouring properties and increases the risk of neighbours being overlooked I would ask if this was to be considered for approval that it should go to the planning and rights of way committee for final consideration. The additionality of extra bedrooms could potential impact on on street parking which is already a concern locally.</i></p> <p data-bbox="604 752 887 786"><b><u>Further comments</u></b></p> <p data-bbox="604 824 1366 1037"><i>I have spoken with a number of neighbours who have raised concerns about the size of the extension and particular that it is not in keeping with neighbouring properties. I do have concerns about the impact on on-street parking given the increase in the number of bedrooms.</i></p> <p data-bbox="604 1081 1366 1182"><i>I don't think any of the other neighbouring properties have roof extensions but I accept this is now approved under permitted development.</i></p> <p data-bbox="604 1227 1366 1328"><i>The neighbour at the rear of this property on Bitterne Way has concerns about the trees at the bottom of the garden and the potential to be overlooked.</i></p> <p data-bbox="604 1373 895 1406"><b><u>Final panel referral</u></b></p> <p data-bbox="604 1451 1206 1485"><i>Please refer to planning committee please</i></p> <p data-bbox="604 1529 1366 1776"><i>Officer Response: The proposals the subject of this application do not include the roof alterations. These have been established as permitted development and do not form part of the assessment and considerations for this application. <u>The assessment relates to the impacts of the single storey extension only.</u></i></p>

## 7.0 Planning Consideration Key Issues

- 7.1 The proposed single storey rear extension exceeds 3.0m in depth and therefore planning permission is required. The key issues for consideration in the determination of this planning application are:

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

## **7.2 Residential amenity**

- 7.2.1 The application site is bordered by one immediate neighbour no.25 Chessel Avenue, which is situated on the eastern boundary of the application site. The depth of the extension would not interrupt a 45 degree line taken from the midpoint of this neighbour's nearest habitable window. The proposal would not cause a significant loss of light or shade to this property to warrant a refusal on these grounds.
- 7.2.2 The proposed rear extension does contain one side facing window; however, this does not look into any neighbouring window or garden area as views would be interrupted by the existing boundary treatment and garage on this boundary.
- 7.2.3 It is not considered that that proposed extension would result in significant overbearing, overlooking or overshadowing impacts on the amenities of nearby occupiers, nor would it harm the amenity of the occupiers of the host dwelling. On this basis the proposal is considered acceptable when assessed against saved Local Plan policy SDP1(i) and the relevant sections of the approved RDG.

## **7.3 Design and effect on character**

- 7.3.1 The proposal would not cause any detrimental impact to the street scene given that the proposal is situated to the rear of the property. A rear extension of this scale is common and would not be significantly out of character for a residential dwelling. A garden depth of 13m, with an area of approximately 14sq.m, would be retained and comply with the guidance contained within paragraph 2.3.12 of the RDG.
- 7.3.2 The materials used will match the existing dwelling with matching brick work and render, profiled concrete tiles and uPVC doors and windows. On this basis, the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.

## **8. Summary**

- 8.1 Overall, the application is considered to be acceptable in terms of its siting, size and design and would not result in significant impacts on neighbour amenity to warrant a refusal of planning permission, whilst noting the objections from the neighbouring properties.

## **9. Conclusion**

9.1 It is recommended that planning permission should 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) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Sam Kushner** PROW Panel 21.02.2023

**PLANNING CONDITIONS**

**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 – Obscure Glazing (Performance)**

All windows in the side elevations, located at first floor level and above 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.

**Condition 3 – Materials in accordance with submission (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 be in accordance with the submitted plans and information hereby approved.

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.

**Condition 4 – 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

*Note to applicant:*

*You are reminded that planning permission is required before the use of this property changes from a single dwelling house to any form of multiple occupation where 3 or more unrelated people reside.*

**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>
22/01583/PLDC	Application for a lawful development certificate for a proposed roof alterations including rear dormer windows to facilitate loft conversion.	Grant	09.01.2023