

Planning and Rights of Way Panel 22nd August 2023
Planning Application Report of the Transport & Planning

Application address: 112 Upper Shaftesbury Avenue, Southampton			
Proposed development: Erection of a first floor rear extension, hip to gable extension and rear dormer			
Application number:	23/00617/FUL	Application type:	FUL
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	04.08.2023	Ward:	Swaythling
Reason for Panel Referral:	Five or more letters of objection have been received & Ward Cllr Fielker Referral	Ward Councillors:	Cllr Mrs Lorna Fielker Cllr Matthew Bunday Cllr Sharon Mintoff
Applicant: Mr Malcolm Daryl Hay		Agent: Applecore PDM Ltd	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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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 CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full
Conditionally Approve

1. The site and its context

- 1.1 The application site is a 1930s style 2 storey HMO with a 2 floor bay window to the front elevation and an existing single storey rear extension. The ground floor of the property is constructed of red brick and the upper floor faced in pebbledash. Externally there is an area of hardstanding to the front capable of accommodating 1 car adjacent

to an area laid to grass. Fences approximately 1 metre in height separate the front garden from the neighbouring properties. To the rear is a modest rear garden which backs on to the Portswood Recreation Ground; there are mature trees at the end of the garden and an approximately 1.8 metre fence surrounds the rear garden.

- 1.2 The property the subject of this application has an accompanying planning application to extend the HMOs flexibility so that the building can also be let to families. At present the property has 4 bedrooms in total; 1 at ground floor level where there is also a kitchen, dining and lounge area and 3 bedrooms at first floor level.

2. Proposal

- 2.1 This applicant has made the application on the basis that the property is currently in lawful use as a C4 House in Multiple Occupation which allows up to 6 unrelated people to reside in the property. The proposed works do not result in a change of use from the established C4 (up to 6 person) HMO.
- 2.2 The proposal seeks extensions to convert the hipped roof to a gabled roof and provide a box dormer to the rear. It is also proposed to construct a first floor extension to the rear of the property, and undertake internal subdivision to create 6 en-suite bedrooms – with 2 on the ground floor, 3 on the 1st floor and 1 in the converted roofspace.

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 There is a concurrently running planning application for consideration at this meeting as below

23/00619/FUL

Change of use from a house in multiple occupation (HMO, class C4) to either a dwelling house (class C3) or a house in multiple occupation (HMO, class C4)

Recommendation: Conditionally Approve

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 **11 representations** have been received

specifically in relation to this application from surrounding residents. The following is a summary of the points raised:

5.2 ***Increase in number of HMOs in the area***

Response

Sufficient evidence has been submitted with the concurrent application for the use of the property as a flexible C3/C4 use that the property is an existing lawful HMO. Extending such a building would not increase the number of HMOs in the area or conflict in principle with Policy H4 of the Local Plan. The established use allows for between 3 and 6 unrelated people to share and these changes provide improved accommodation to support the established use.

5.3 ***Potential for more than 6 occupiers***

Response

The loft room is acknowledged to be large for a single bedroom and there is potential for it to be separated into two rooms or used for double occupancy. Were this to occur this would be a breach of planning control – as a change of use would have occurred - and a matter for the planning enforcement service to address. The application must be determined on the plans and use that has been submitted which is for Use Class C4 allowing up to 6 people.

5.4 ***Increase in noise and demand for Car Parking***

Response

As the property is already in use as a C4 in planning terms the property could already be occupied by up to 6 people – albeit within 4 bedrooms. As the extension proposed does not directly facilitate an increase in the number of people occupying the property it is not considered that there would be an increase in parking stress or disturbance attributable to the development. In any case the proposal is close to the University of Southampton and local facilities and, therefore, alternatives to car ownership are realistic in this location.

5.5 ***Overdevelopment of the property***

Response

The extensions to the property are modest in size and are not considered to harm the visual character of the area as explored further in this recommendation.

5.6 ***No Locations for Bin or Cycle Storage***

Response

There is easy access to the rear garden where bins and cycles can be stored away from view of the public realm. A condition is recommended to secure details of these areas to ensure that cycle storage is of a size and design that is secured.

5.7 ***There are no fire safety measures proposed***

Response

Whilst important this is a matter to be addressed at HMO Licensing and Building Regulations stage rather than as a Planning matter. This application seeks approval for roof works and an extension only.

5.8 ***Insufficient Communal Space for increased number of residents.***

The proposal provides 21sq.m of internal communal space which meets the minimum standards required for communal space in a property for 6 people as set out within the “Guidance on standards for houses in multiple occupation” which requires a minimum

of 13sq.m of communal space.

5.9 *Addition of further floors may cause problems with foundations*

Response

This is not a material planning consideration.

5.10 *Impacts on Party Wall*

Response

This is a civil matter to be resolved between the applicant and the neighbour. While the concerns of neighbours in this regard are appreciated they are not a material Planning consideration.

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;
- Design and effect on character
- Residential amenity;
- Parking highways and transport

6.2 Principle of Development

6.2.1 The principle of extending an existing C4 HMO is accepted and the detail should be assessed against the Residential Design Guide. The applicant has demonstrated that the property is currently in use as a lawful C4 HMO with 4 bedrooms. The proposal now seeks 6 bedrooms – still within the C4 use class.

6.2.2 Paragraph 4.8.2 of the adopted HMO SPD clarifies that the increase in the number of bedrooms up to occupation for 6 people does not materially change the use within C4 and, therefore, only the physical external changes should be assessed as part of this application

6.3 Design and effect on character

6.3.1 From the front of the property the most obvious addition is the extension of the hipped roof to form a gable. Together with the proposed rear dormer the volume, dimensions and locations on the roof would ordinarily be considered to be Permitted Development (PD) under Class B of Part 1 of the General Permitted Development Order. These works require planning permission solely due to the fact that there is a partial connection at the roof level of the first floor extension proposed. The use of these PD rights are considered adequate to create a property capable of occupying 6 persons and this fallback position is material in the application's determination.

6.3.2 At the time of the case officer's site visit there were not other examples of such roof extensions, and there would therefore be some impact on the balance of the pair of semi-detached pair (together with 114 Upper Shaftesbury Avenue) and to a lesser extent the wider character of the area. It is important to have regard to the 'fallback position' of the PD rights such that it is likely that if this application were refused the applicant would do the works lawfully to extend the roof anyway. It is therefore considered that the fallback position is realistic and weighs in favour of granting permission notwithstanding the impacts identified.

6.3.3 The first floor rear extension is modest in depth and width and has a roof design that is in keeping with the scale and form of the host dwelling. While some comments have

suggested that the first floor extension should be constructed in pebbledash it is considered that the use of red brick, which is used on the ground floor, would be acceptable. Due to the nature of pebbledash it can be difficult to recreate the exact colour texture and cement colour and ratio such that often it does not blend well with the existing. The use of brick may therefore be more successful than pebbledash.. While some glimpsed views of the extension would be visible from Upper Shaftesbury Avenue and from Portswood Recreation Ground to the rear it is considered that the extension would not harm the design of the host dwelling or the contribution it makes to the character of the area.

6.3.4 As set out above the proposal does not inherently increase the number of those that could occupy the property in planning terms, and it is considered that the impact on the character of the area in relation to comings and goings from the property would not be significant.

6.4 Residential amenity

6.4.1 Saved Policy SDP1(i) of the Local Plan Review seeks to protect the amenities of all residents including those surrounding the site. The proposed first floor extension and roof extension would cast additional shadow to the north and east, the latter of which would be cast over the rear garden of the application site. Section 2 of the Residential Design Guide sets out guidance on considering the impact of daylight and sunlight which consists of applying a 45 degree test from neighbouring windows. The windows at 114 Upper Shaftesbury Avenue pass this test at both ground and first floor level. The impact on daylight and sunlight to the neighbouring property is therefore considered to be acceptable. 110 Upper Shaftesbury Avenue lies to the south of the site and there is a separation distance of approximately 4.3 metres meaning that there would not be a significant loss of daylight and no loss of direct sunlight to 100 Upper Shaftesbury Avenue.

6.4.2 The additional windows at first floor level would look directly over the rear garden. While views at an oblique angle would be possible over neighbouring gardens this is considered to be neither unusual nor unacceptable within a suburban area such as the application site.

6.4.3 As the proposal does not change the use class or the number of occupants that can occupy the property the impact on amenity of neighbouring occupiers, in terms of comings and goings, is not considered to be significant.

6.4.4 As the proposal would involve the occupation of the loft space, which may not have sufficient noise insulation to prevent unacceptable noise transfer to the attached neighbouring property it is considered to be necessary, reasonable and in line with other decisions, to require noise insulation to the party wall to be installed by condition.

6.5 Parking highways and transport

6.5.1 As set out above, within existing permitted development and the existing use class of the property 6 persons could occupy the property with or without the development proposed. It is considered therefore that the proposal does not inherently result in an increase in the number of cars likely to be parked at the property or in the surrounding roads.

7. Summary

- 7.1 Although 2 additional bedrooms are formed by this application there is no change of use from the established C4 HMO use (with up to 6 people residing). The extension of the roof of the property could be constructed under existing permitted development rights and, therefore, represents a realistic fallback position allowing the property to be occupied by 6 persons.
- 7.2 The impact on the character from the rear extension is considered and the impacts on amenity and parking are not considered to be exacerbated by the extensions in their own right as the property can already be occupied by 6 persons. Impacts on the neighbouring property wall from noise transfer as well as managing cycle and bin storage can be controlled by condition.
- 7.3 The proposal therefore complies with the relevant saved policies of the City of Southampton Local Plan Review and Core Strategy.

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)

Craig Morrison for 22.08.23 PROW Panel

PLANNING CONDITIONS

1. 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.

2. Cycle Storage and Bin Storage (Occupancy Condition)

Prior to first occupation of the extended property bin and cycle storage shall have been implemented in accordance with details that have first been submitted to and approved in writing to the local planning authority. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the lifetime of the development.

Reason: To encourage non-car based modes of transport in accordance with Policy CS18 of the City of Southampton Core Strategy (2015).

3. Noise Insulation

Prior to first occupation of bedroom 6 as shown on the approved plans a scheme for noise insulation of floor to ceiling height of the party walls, shall be installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Upon implementation of the approved scheme specified in this condition, that

scheme shall thereafter be maintained for the lifetime of the development unless otherwise agreed in writing.

Reason: to protect the amenities of neighbouring properties in accordance with saved Policy SDP16 of the City of Southampton Local Plan Review (2015).

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation (May 2016)

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)