

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way (WEST) Panel - 9 February 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 133 Bassett Avenue, SO16 7EP			
<b>Proposed development:</b> Erection of a single storey outbuilding (Part retrospective)			
<b>Application number</b>	16/00022/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	02.03.2016	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and more than 5 objections received.	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides
<b>Referred by:</b>	Cllr B Harris	<b>Reason:</b>	Overbearing, out of character, impact on amenity of neighbouring occupiers
<b>Applicant:</b> Mr & Mrs Sahota		<b>Agent:</b> Sanders Design Services Ltd	
<b>Recommendation Summary</b>		<b>Conditionally approve</b>	

<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 offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Site history

**Recommendation in Full**

**Conditionally approve**

## **1.0 Background**

- 1.1 This planning application follows the refusal of a previous planning application for the retention of a substantially complete outbuilding (planning application reference 15/00542/FUL). The reason for refusal related to the effect of the structure on neighbouring residents. The height and massing of the structure was also found to be harmful in a subsequent appeal of the decision. This application proposes amendments to the structure, as built, to reduce the height and massing of its roof.

## **2.0 The site and its context**

- 2.1 The application site is occupied by a large detached residential dwelling. The site is accessed from a small access road which is well screened from the main Bassett Avenue frontage.
- 2.2 There are a mix of residential types in the immediate area, with flatted blocks to the south side and rear of the site and another detached residential dwelling to the north. The property benefits from a large garden to the rear, in which the outbuilding subject of this application is positioned.

## **3.0 Proposal**

- 3.1 The application proposes a single storey outbuilding situated to the rear of the site (adjacent to the boundary with the flatted units at Providence Park to the west and the neighbouring residential dwelling to the north).
- 3.2 The application retains the footprint and overall design of the previous proposal but reduces the ridge height from 4.7m to 3.3m (with an eaves height of 2.2m). The proposed use of the outbuilding is for ancillary living space for the main dwelling.

## **4.0 Relevant Planning Policy**

- 4.1 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). The most relevant policies to these proposals are set out at **Appendix 1**. As the site lies within the Bassett Ward, the emerging Bassett Neighbourhood Plan also forms a material consideration, since it has been subject to public consultation and modified following the receipt of the Examining Inspector’s report. Of particular relevance is policy BAS4 (Character and Design).
- 4.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

## **5.0 Relevant Planning History**

- 5.1 The application has been submitted on a partially retrospective basis. An outbuilding was originally constructed without planning permission and was brought to the attention of the planning enforcement team in 2015. Following this, an application was submitted for retention of the structure under planning application reference 15/00542/FUL (in addition to several other minor amendments to the design of the main dwelling).
- 5.2 This application was refused on the basis of the height of the outbuilding being excessive and having a harmful impact on the amenities of neighbouring occupiers. The applicant appealed this decision. The appeal was allowed with reference to the alterations to the main dwelling and dismissed in relation to the outbuilding, upholding the Councils reason for refusal. A copy of the appeal decision and refused plans are included in the planning history set out in **Appendix 2** of this report.

## **6.0 Consultation Responses and Notification Representations**

- 6.1 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 **10** representations have been received from surrounding residents (5 copies of a pro-forma letter and 5 individual letters). An objection and referral request has been received from Ward Councillor B Harris. The following is a summary of the points raised:

- 6.2
- No explanation for proposed use of structure

Response: The application proposes an ancillary outbuilding to be used as part of the existing residential use. Further permission would be required for any use falling outside of this remit.

- 6.3
- Permission was previously refused and an appeal upheld

Response: The current application relates to an amended proposal designed with the intent of addressing the issues that were raised by the appeal inspector and, as such, a fresh assessment is required to consider if the amendments address the previous reason for refusal and appeal decision.

- 6.4
- The development is retrospective

Response: While the development is partially retrospective the application should be considered on its merits against the relevant Development Plan policies.

- 6.5
- Build quality is poor and includes external breeze blocks/proximity to fence would prevent re-cladding/maintenance

Response: The quality of construction typically falls outside the remit of the planning process however, the use and appearance of external materials can be conditioned as part of a planning application and is discussed in section 6.

- 6.6
- Proposal would be overbearing and impact on light available to neighbouring

residential properties (gardens and windows)

Response: This is discussed in more detail below.

- 6.7 • Noise associated with outbuilding would be harmful to neighbouring occupiers

Response: While the outbuilding may result in some increase in activity adjacent to the boundary, it is noted that any statutory noise nuisance would remain within the remit of Environmental Health to investigate if necessary.

- 6.8 • Concern regarding drainage/water run off/ in relation to main dwelling

Response: No conditions were imposed on the original consent for the dwelling related to drainage (allowed at appeal under planning application reference 08/01167/FUL). Details of the sewer connection fall outside of the remit of the planning process.

- 6.9 • Concern regarding potential change of use of main dwelling

Response: The application proposes an outbuilding associated with the existing use of the dwelling. Any application for a change of use of the main dwelling would need to be considered on its merits at the time of submission. At this point in time, no further applications have been submitted to the Council and there is no evidence of any further breaches of planning control.

- 6.10 • Application should take account of the Bassett Neighbourhood Plan

Response: The referendum for the Bassett Neighbourhood Plan is currently scheduled for 25/02/16. Regardless, having undergone consultation and examination the neighbourhood plan has some weight in the decision making process. The Bassett Neighbourhood Plan is given appropriate weight in the Planning Consideration section, below.

- 6.11 • Design and size is out of keeping with character of surrounding area

Response: This is discussed in more detail below however, it is important to note that the effect of the outbuilding on the character of the area did not form part of the Council's previous reason for refusal.

- 6.12 • Roof pitch is inappropriate for tiles (in accordance with NHBC guidance)

Response: It appears NHBC guidance relates to dwellings. In addition this would appear to depend on how any tiles are affixed to the structure. Regardless, a condition is recommended for details of the final building materials and the development would need to be completed in accordance with relevant Building Control regulations.

- 6.13 • Existing unfinished structure is an eyesore

Response: Conditions are suggested to secure the finish of the structure within a specified timescale.

## 6.14 Consultation Responses

### 6.15 Cllr B Harris -

- Does not differ substantially from previous application and previous reason for refusal should stand
- Large and overbearing
- Too high and out of character
- Affects amenity of surrounding properties by overdevelopment

### 6.16 Providence Park Residents Association –

- Repetitive applications should be dismissed
- Enforcement action should be taken
- Existing unfinished structure is an eyesore
- Proposed use of structure not clear (potential for accommodation)
- Impact on light for neighbouring occupiers
- Not possible to resolve concern with materials
- Maintenance issues
- Noise concerns given proximity to boundary
- Drainage problems in nearby properties
- Concern over use of main dwelling
- Should take account of Bassett Neighbourhood Plan
- Poor design/out of character

## 7.0 Planning Consideration Key Issues

7.1 The key issues for consideration are the effect of the structure on the character and appearance of the area and on residential amenity, having regard to the planning history of the site set out in **Appendix 2** of this report. The application proposes an outbuilding in the garden to the rear of the property. The outbuilding is situated to the north-west corner of the site in direct proximity to the site boundary. The proposed outbuilding has a dual-pitch roof with a maximum height of 3.3m and an eaves height of 2.2m. The structure is currently partially constructed on site.

### 7.2 Materials

At present the sides of the outbuilding facing other boundaries have been left as breeze-block. Whilst the structure is not readily visible from public vantage points and has a limited impact on the character of the area, it is not considered that this material treatment would be acceptable. It is, however, possible to finish the structure in a brick to match the remaining elevations or an alternative material finish. As such, a condition is recommended requiring additional details of an alternative finish to be put in place which would ensure a suitable appearance to the structure.

### 7.3 Use of structure

A number of concerns have been raised by local residents regarding the use of the proposed outbuilding. Notwithstanding that permission would be required for the change of use of the structure, a condition is recommended to ensure that the outbuilding remains ancillary to the main residential function of the existing dwelling.

#### 7.4 Physical form

The previous application was refused on the basis of the impact of the proposed outbuilding on the amenities of neighbouring occupiers (specifically with reference to the properties at Providence Park given the relative positioning and large garden available to the property to the north at no. 135). This position was upheld by the appeal inspector. The existing outbuilding, that was refused planning permission, is 4.64 metres in height to the ridge. The current application proposes to reduce the overall height of the outbuilding and reduce the steepness of the roof pitch. The eaves height is similar on the boundary to the height of a typical boundary treatment, rising away from the boundary to a ridge height of 3.3m set 2.8m from the boundary.

7.5 The outbuilding is positioned in close proximity to the common boundary and adjacent to properties at Providence Park with limited amenity space and outlook. Notwithstanding this, given the reduction in the overall massing and height of the structure, it is considered that the impacts of the development would be alleviated. Taking into account the low eaves height on the boundary and reduced ridge height, it is not considered that the impact of the development would represent such an impact as to justify refusing the application on this basis.

7.6 The site is large enough to accommodate the outbuilding and leave sufficient garden space to ensure that the spacious character of the area is retained. The scale, massing and appearance of the structure is considered to be sympathetic to the domestic character of the property and its neighbours. As such, the addition is considered to be consistent with the policies of the draft Bassett Neighbourhood Plan.

#### 8.0 Summary

8.1 The application is a resubmission of a previously refused proposal for an outbuilding in the rear garden of an existing residential dwelling. The application has reduced the overall height of the proposed structure which was previously considered to represent the primary reason for refusal (in terms of the associated impact on neighbouring residential properties). It is considered the reduction has reduced the impact of the proposal to a significant degree and in doing so addressed the previous reason for refusal and appeal inspector's comments.

#### 9.0 Conclusion

9.1 For the reasons discussed above, the application is recommended for conditional approval.

#### 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), 3(a), 4(f), 6(a)(b)

**JF1 for 09/02/16 PROW Panel**

## **PLANNING CONDITIONS**

### **01. Commencement of Development**

Within 6 months of the date of this permission, the works to reduce the height of the outbuilding shall be carried out in accordance with plans hereby approved.

Reason: To resolve the breach of planning control which has a detrimental effect on the amenities of neighbouring residents.

### **02. Details of building materials to be used**

Within 1 month of the date of this permission, details shall be submitted to the Local Planning Authority for the external materials and finishes of the structure. Once approved in writing by the Local Planning Authority the external material finish shall be provided in accordance with the agreed details within 6 months of the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

### **03. Limitation of use of outbuilding**

The outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwellinghouse. The outbuilding shall not be used as a separate residential unit of accommodation (or fitted out to include a kitchen/bedroom so as to capable of being used as a separate unit), or for any separate business or commercial use independent of the dwellinghouse.

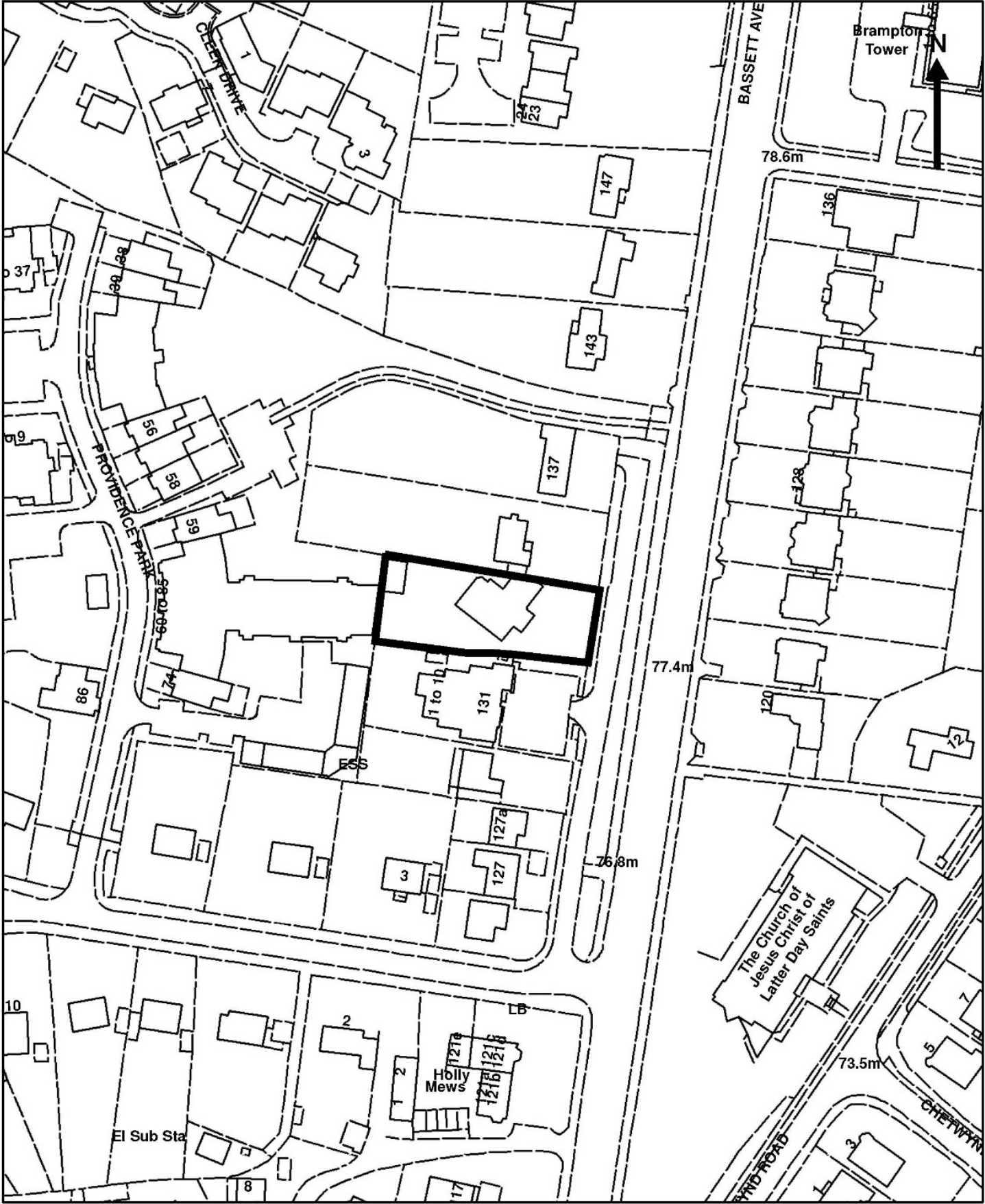
Reason: To protect the character of the dwelling and surrounding area and the amenities of surrounding properties.

### **04. 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.

# 16/00022/FUL



Scale: 1:1,250

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