

Planning, Transport & Sustainability Division
Planning and Rights of Way (West) Panel 3rd May 2016
Planning Application Report of the Planning and Development Manager

Application address: 61 Charlton Road			
Proposed development: Erection of a single storey side extension			
Application number	16/00135/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	04.04.2016	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and 6 letters of objection have been received	Ward Councillors	Cllr Shields Cllr Moulton Cllr Parnell
Referred to Panel by:	Cllr Moulton	Reason:	Lack of clarity on lawful use, concern from local residents and maintenance of property
Applicant: Mr Amjad Dbss		Agent: Southern Planning Practice Ltd	

Recommendation Summary	Conditionally Approve
Community Infrastructure Levy Liable	Not applicable

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).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is an end of terrace residential dwelling in Freemantle ward. The surrounding area is primarily residential in nature, with a mix of different dwelling styles including terraced and semi-detached houses in addition to some flatted units. There is a private footpath to the side and rear of the site.
- 1.2 The site was previously occupied as a house in multiple occupation prior to a fire in February 2015. Due to significant fire damage, the property has been vacant since. In planning terms, based on the evidence available, the established use of the property falls within Class C4, as a small House in Multiple Occupation (HMO). The available information indicates that the property has been occupied previously as a large Sui Generis HMO, although not for a length of time that would make this the established use.
- 1.3 Separate to this application, and in response to local residents concerns regarding the prospective use of the property, the Council's Enforcement Team will serve a Planning Contravention Notice to attain further evidence regarding the previous use of the property. This will enable the Council's Enforcement Team to respond appropriately once the property is made good for occupation.

2. Proposal

- 2.1 The application proposes the replacement of an existing single storey conservatory to the side of the property (mostly destroyed by the fire) with an enlarged brick built single storey extension to the side of the property with a mono-pitch roof sloping down to the side.
- 2.2 The extension is similar to the physical alterations proposed as part of a recently refused application on the site (for conversion of the property to 2 flats) however there are some differences, with a slight increase in the width of the extension but a reduction in its depth. It is noted that this application was not refused on the grounds associated with the physical alterations to the building.
- 2.3 For clarity, the application only seeks permission for the physical alterations shown on the submitted plans in the form of the replacement single storey side extension. Other internal alterations proposed do not appear to require planning permission in their own right and this application does not seek permission to change the use of the property, nor could any such proposal be considered as part of this 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). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th 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.

4. Relevant Planning History

4.1 A previous two storey extension was approved to the rear of the property under planning application reference 881478/W on 10.08.1988.

4.2 More recently, a planning application was submitted under planning application reference 15/01660/FUL, subsequent to the property being vacated after suffering fire damage. The application sought to convert the existing property to 2 flats (with physical alterations to facilitate this use which included a similar extension to that being submitted as part of this application). The application was refused by the Planning Panel on 06.01.2016. The application was refused on the grounds of a lack of information on car parking and a failure to provide mitigation for the additional residential units in compliance with the requirements of the Solent Disturbance Mitigation Project (SDMP). The specific reasons for refusal are outlined in **Appendix 2**. This application is currently in the process of being appealed. It is noted that the physical impacts of the extension works were not included as a reason for refusal.

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 **6** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2

- The application does not clarify the use of the property/the property will be used as an HMO/the property does not have the appropriate license.

Response:

As noted in section 2.3, this application does not propose any change of use of the existing dwelling as part of this application. For clarity, the property did not require a licence to be occupied as an HMO prior to becoming vacant following the fire. Following the extension of the additional licensing scheme in October 2015 to include Freemantle Ward, the property would now require a licence to operate lawfully as an HMO (however as the building is currently vacant, no licence has yet been sought/granted).

In planning terms, based on the evidence available, the established use of the property falls within Class C4 (albeit with potential unauthorised periods of higher occupancy falling within the sui generis use as noted by local residents). It is noted that a lawful development certificate would need to be submitted to formally determine the lawful use of the building. Furthermore, as the building is currently vacant, there is not a breach of planning control nor is this issue strictly a material consideration in the determination of an application for a single storey side extension. That said, officers recognise that the prospective use of the property is

a concern for local residents and have sought to clarify the situation by serving a Planning Contravention Notice. This will enable the Enforcement Team to respond to any possible future complaints regarding the use of the property once it is re-occupied.

- 5.3
- The application should specify a maximum occupancy level/the extension represents an over-intensification in the residential occupancy of the property

Response:

This application does not seek to change the use of the property nor increase the number of bedrooms within the properties. As such, it would be inappropriate to impose conditions on the existing use of the building except where it relates to the specific issue being considered as part of this application (namely, if a single storey side extension should be approved).

- 5.4
- The living conditions for the occupiers are unsuitable

Response:

As stated, the application does not seek permission for a change in the use of the building. It is not considered that the proposed extension results in a harmful loss of garden/amenity space. In terms of the internal arrangement it is considered to represent an improvement over the existing situation in terms of providing a larger communal living area.

- 5.5
- Neighbouring path overgrown

Response:

There is a footpath running to the side and rear of the application site which is currently overgrown. It lies outside the boundary of the site and appears to be a private footpath. No evidence had been provided to suggest that the applicant is responsible for the maintenance of this footpath or to otherwise clarify who is responsible. In addition, the applicant has not relied on this access as part of their application. It would not be reasonable to require the applicant to undertake works which both do not relate to their application and which fall outside of their site as part of the application.

- 5.6
- The site is in a poor state of repair/general maintenance issues

Response:

Following the previous application the planning department was asked to pursue the clearance of the site which, following the fire, had entered a state of disrepair. Following discussion with the owners of the property, they stated they had been instructed by their insurers to leave the site until such time as the insurance issues had been resolved. However, this issue now appears to have been resolved and the owners have agreed to commence works to tidy the site imminently. The Councils Enforcement team will continue to monitor the property in this regard. That said, this is a separate issue from the current application proposal and should not, therefore, materially influence the determination of the current application.

- 5.7 • Surrounding area is heavily parked

Response:

The application does not propose a change in the use of the property. It is not clear that the proposed single storey side extension will have any impact on the local parking situation given it results in the enlargement of an existing kitchen/dining room only.

- 5.8 • The scale and design of the proposed extension is out of character with the property/surrounding area

Response:

This issue is addressed in section 6.

- 5.9 • Not clear if windows meet relevant requirements for fire safety

Response: It is noted that this application relates to a single storey side extension with direct access to the garden and side exit route to the property so it is not clear that windows will need to serve as exits in a fire safety capacity. Regardless, this issue falls under the remit of separate legislation and an application could not be refused on these grounds.

- 5.10 • The application has been submitted to increase profit revenue by renting out the dwelling

Response:

The applicant has a right to submit a planning application for determination. As outlined in section 6, the Local Planning Authority considers that the proposal will represent an improvement over the existing situation for the living conditions of occupiers of the property. Any financial implications are for the applicant to consider and do not form a material planning consideration.

- 5.11 • Concerns regarding controlling anti-social behaviour of tenants

Response:

The planning system is predicated on the assumption that individuals will behave in a reasonable fashion. If there are issues of anti-social behaviour this is usually addressed under separate legislation and can be referred to the relevant Council department or police as necessary.

5.12 **Consultation Responses**

- 5.13 **Cllr Moulton** - The property has not demonstrated a lawful use as an HMO, with significant local concern regarding the property. The site has ongoing issues with general maintenance and squatters.

6. Planning Consideration Key Issues

- 6.1 The application seeks permission for a replacement single storey side extension following the removal of an existing conservatory (following fire damage). The extension has a mono-pitch roof sloping down towards the boundary of the property. The key considerations for assessment are the effect of the extension on the character and appearance of the area and on the amenities of nearby residential occupiers.

- 6.2 As set out above, it is noted that residents have raised concerns regarding how the property will be used in the future. The current application proposes to extend an existing living space to the ground floor of the property, no new bedrooms will be formed and the extension will not enable the property to be used more intensively. The prospective use of the property, is therefore, a matter for the Planning Enforcement Team, should issues arise in the future. As noted, the Enforcement Team are taking reasonable steps to ensure that they are best placed to respond to any future issues by serving a planning contravention notice.
- 6.3 The planning history set out above is relevant to the determination of this application. As noted, the previous application sought to convert the property into two flats and also included a ground floor extension. Whilst this application was refused planning permission, this was not on the basis of the ground floor extension to the property. When compared with the refused scheme, the extension is 0.35m wider but 3 metres shorter than previously proposed.
- 6.4 The extension will have minimal visibility from the front of the property. Given the scale and design of the proposal, it is not felt that it would have a harmful impact on the overall character and appearance of the property or the surrounding street scene. The site retains sufficient amenity space and provides an improved internal communal living space for the occupiers of the host dwelling.
- 6.5 The proposed extension is set back from the neighbouring property, leaving an existing side access, in addition to being set off the boundary. Taking into account the scale of the proposal and the set back from the neighbouring property, it is not considered that there would be a harmful impact in terms of the creation of an overbearing or overshadowing form of development. There are a number of side facing windows on both the application site and neighbouring property. Given the room benefits from outlook to the rear and roof lights, in order to avoid potential overlooking it is considered reasonable to impose a condition requiring the ground floor side facing windows in the new extension to be obscured.
- 6.6 The impact of the extension is not greater than previously found to be acceptable by the Council. It is considered that there have been no changes in material planning considerations since the last application was determined that would justify the addition of a new reason for refusal.

7. Summary

- 7.1 The proposal is relatively small in scale and integrates into the overall character and design of the host dwelling. It represents an improvement for the living conditions of the existing occupiers and is not considered to otherwise harm the amenities of neighbouring occupiers. Potential inter-looking of habitable room windows can be avoided by the use of conditions.

8. Conclusion

- 8.1 The potential harm can be mitigate through the use of conditions and therefore 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), 4(f), 6(a)(b)

JF for 03/05/16 PROW Panel

PLANNING CONDITIONS

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. Materials to match (Performance Condition)

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.

03. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

15/01660/FUL, Conversion of existing dwelling to 2 flats comprising 1x 3-bed flat and 1x 1-bed to include replacement ground floor side extension [description amended]
Refused, 06.01.2016

REASON FOR REFUSAL: Insufficient Information relating to car parking.

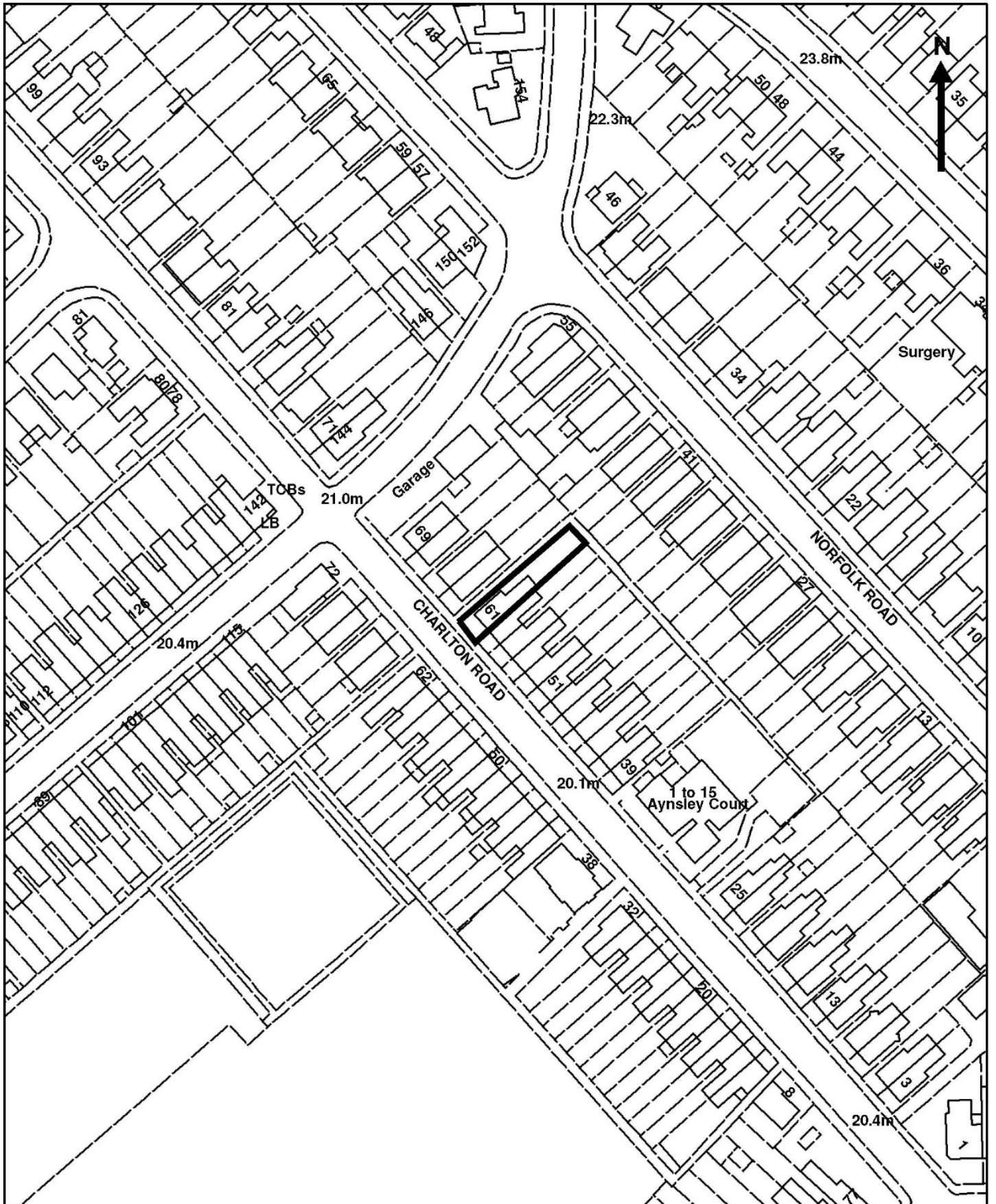
Based on the information submitted, the applicant has failed to adequately demonstrate that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The submitted parking survey does not comply with the Lambeth Model and was undertaken outside of University term time, subsequently failing to take account of cars owned by students in the surrounding area. As such, it is not clear the level of car parking proposed is sufficient to serve the development, particularly since significantly fewer spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

REASON FOR REFUSAL: Lack of SPA Mitigation

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted Core Strategy Partial Review (March 2015) as supported by the Habitats Regulations.

881478/W, Erection of a two-storey rear extension
Conditionally Approved, 10.08.1988

16/00135/FUL



Scale: 1:1,250

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