

**Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 18 September 2012  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 27 Blenheim Gardens, SO17 3RN			
<b>Proposed development:</b> Erection of a 2-storey side and rear extension			
<b>Application number</b>	12/00906/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>	22.08.2012	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	More than 5 letters of objection received and request from Cllr Vinson and Cllr Norris	<b>Ward Councillors</b>	Cllr Claisse Cllr Norris Cllr Vinson

<b>Applicant:</b> Mr David Kimber	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve</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.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

**Conditionally approve**

**1. The site and its context**

- 1.1 The site is a semi-detached dwelling, currently in use as a House in Multiple Occupation (Class C4). The partial hipped roof is unusual within the immediate surroundings but matched the attached dwelling and the dwelling does not stand out significantly within the street scene.
- 1.2 The attached property (25 Blenheim Gardens) has been extended significantly

with a two storey side extension approved in 1974. This gives the property a somewhat lopsided massing at present. The site lies within the near vicinity of the University campus.

## **2. Proposal**

- 2.1 The application proposes the erection of a part side, part rear two storey extension and the removal of the existing garage. The proposal will have a hipped roof design, with a maximum height of 7.5m and 5.1m at the eaves. The side element will have a maximum height of 6.4m and an eaves height of 5.1m. The side element will extend 2.8m along the side of the property, leaving a set back of 4m from the front of the property. The side element will have a width of 1.7m, leaving a 1m gap on the boundary.

The extension will have a total depth of 6.5m, extending an additional 3.6m from the rear of the existing two storey element and a further 2.6m from the existing single storey element. To the rear, the extension will have a total width of 6m.

- 2.2 Internally the proposal would be remodelled to provide additional bedrooms to facilitate the use as a Class C4 House in Multiple Occupation.

As an existing Class C4 HMO, paragraphs 6.11.1-2 of the HMO SPD (March 2012) are of particular relevance:

### **6.11.1**

*When the Council consider a planning application for an extension to an existing lawful HMO, the threshold limit will not be a material consideration as the HMO has already been established in the street and, therefore, have no further affect on the concentration of HMOs and balance and mix of households in the local community.*

### **6.11.2**

*The HMO does not materially change use within Class C4 when intensifying the occupation up to 6 people and, therefore, only the physical impact of the extension will be assessed in accordance with the Council's relevant planning policies and guidance.*

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

## **4.0 Relevant Planning History**

- 4.1 There is no relevant planning history.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and a 14 day re-notification period starting 08.08.2012 on the basis of amended plans and a modified description. At the time of writing the report **9** representations have been received from surrounding residents who have made the following comments:

5.2 ***Creation of an overbearing/overshadowing form of development***

### **5.3 Response**

See Paragraphs 6.5-9 below.

5.4 ***Out of character with surrounding area***

### **5.5 Response**

See Paragraphs 6.2-4 below.

5.6 ***The rooms not labelled as such could be used as additional bedrooms leading to a harmful intensification of use***

### **5.7 Response**

The dwelling underwent the previously permitted change to a Class C4 House in Multiple Occupation prior to the introduction of the Article 4 Direction restricting against the change from a Class C3 Dwelling House to a Class C4 HMO. On this basis the property can be occupied by 3-6 unrelated individuals without the need for planning permission.

If the property is occupied by 7 or more unrelated individuals this would fall within a separate use and the Enforcement team would investigate any potential breach of planning control and take action where appropriate.

5.8 ***Site has insufficient on site parking for the proposed use***

### **5.9 Response**

In planning terms, the application does not propose a change of use from the existing situation. The parking in the surrounding area is managed by a permit system. Any off site parking of potential future occupants would be managed through this permit system.

It is noted that permission is not required to remove the existing garage and that the potential use of the front of the property as a parking space is not part of this application.

5.10 ***Proposal will reduce value of nearby homes (both by introduction of HMO and decreased likelihood of own properties being able to be converted to HMOs)***

### **5.11 Response**

The planning process assesses impact of development in terms of amenity and utility. Property value is not a material planning consideration.

5.12 ***Impact on local infrastructure (specifically drainage)***

5.13 **Response**

In planning terms, the application does not allow any more occupiers than are currently allowed. The maintenance of adequate drainage is the responsibility of the landlord.

5.14 ***Use as an HMO will result in an increase in noise/antisocial behaviour***

5.15 **Response**

In planning terms, the application does not propose a change of use from the existing situation. The property already benefits from a Class C4 HMO use. The application will be assessed on the potential impacts of the proposed extension and will include an assessment of how the proposed extension will influence the impacts of the use as an HMO.

5.16 ***Property is currently/will fall into a state a disrepair***

5.17 **Response**

The maintenance of the property is the responsibility of the landlord. If the property falls into a serious state of disrepair the Enforcement team will investigate and take action where appropriate.

**Consultation responses:**

5.18 **Cllr Norris** – Objection and request to go to the Planning and Rights of Way Panel. No specific reasons given.

5.19 **Cllr Vinson** – Objection and request to go to the Planning and Rights of Way Panel. Objection on the basis of the further intensification of an existing HMO and concerns regarding overlooking/overshadowing and the maintenance of the property.

5.20 **Highfield Residents Association** – Objection on the basis of the further intensification of use of an existing HMO due to an increase in associated impacts (noise, refuse, parking, etc.) on local residents and concerns regarding the creation of an overbearing/overshadowing form of development.

**6.0 Planning Consideration Key Issues**

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

- I. Impact on character
- II. Impact on residential amenity
- III. Amenities provided for the occupants

## 6.2 Impact on character

The application proposes a significant scale of two storey extension. However, in terms of the impact on the character of the street scene, it is not considered that the proposal will have a significantly harmful impact on the character of the dwelling. Although the proposal replaces an existing single storey garage with a two storey side extension, the proposal is set back 4m from the front of the property and has a width of 1.7m, leaving a 1m gap to the boundary of the property.

6.3 With reference to the single storey garage on the adjacent property at 29 Blenheim Gardens and the set back from the front of the property, it is considered that the proposal would not create a terracing effect or have an overly dominant impact on the character of the original dwelling from the street. It is noted that there are other examples in the surrounding area of two storey side extensions similar in style to the proposed.

6.4 The proposal extends a further 3.6m to the rear of the property at two storey level. The proposal has several features which minimise the impact of the massing on the character of the original dwelling, such as the set down of the ridgeline, pitched roof design and set back from the common boundary with the adjoining property (25 Blenheim Gardens). It is considered that the specific attributes of this site (with regards to the scale and layout of the original dwelling and surrounding properties) are such that the proposal could not be considered sufficiently harmful to the character of the host dwelling to justify a reason for refusal on this issue.

## 6.5 Impact on residential amenity

The proposal will move a 6.4m stretch of two storey development 1.6m closer to the boundary with 29 Blenheim Gardens. In addition it will increase the total length of two storey development towards this boundary to 10.5m. The existing separation between two storey elements is approximately 5m, with both properties currently having attached single storey garages providing intrinsic set back.

6.6 Taking into account the presence of the garage at number 29 and the lack of any side facing windows, it is not considered that the proposal would constitute the creation of a significantly harmful overbearing, overshadowing or overlooking form of development with reference to 29 Blenheim Gardens.

6.7 As per paragraph 2.2.13 of the Residential Design Guide a two storey extension should not extend beyond a line drawn at a 45 degree angle from the quarter point of the nearest window of a habitable room. Drawing 005 shows adherence to this to this principal with relation to the adjoining dwelling at 25 Blenheim Gardens. There is a 1.5m deep single storey rear extension at number 25. The proposal is set back from this common boundary by 2m. Visually from number 25 the proposal would introduce an additional 3.6m of two storey development.

6.8 Taking into account the set back from the boundary, orientation of the properties and size of amenity space available, it is not considered that the proposal would have a significantly harmful impact in terms of the creation of an overshadowing or overbearing form of development.

6.9 The proposal would only introduce one additional side facing window, at ground floor level serving a bathroom. On this basis and to preserve the amenities of the neighbouring property, a condition is recommended to ensure this window is maintained in an obscured form.

#### 6.10 Amenities provided for occupants

Appendix 1 (Guidance on Standards for Houses in Multiple Occupation) of the HMO Supplementary Planning Document (March 2012) outlines guidance on recommended room sizes and facilities for HMOs of different sizes. The proposed layout of the building meets these criteria provided that the property is not occupied by more than 5 inhabitants and communal space is provided. On this basis, conditions have been recommended to ensure the development is permanently maintained in an acceptable fashion.

6.11 The application site has a garden depth of approximately 30m, with an area of approximately 300m<sup>2</sup>, in excess of the 10m garden depth and 70m<sup>2</sup> area required under 2.3.12-14 of the Residential Design Guide. The proposal does not have a significant impact on the utility of this space to residents.

### 7.0 Summary

7.1 The proposal is not considered to cause sufficient harm through the impacts of the physical massing or appearance of the proposed extension to justify refusal of the application. It is considered that potential impacts associated with the internal layout of the property can be mitigated through the use of appropriate conditions and as such cannot be considered to represent a reason for refusing the proposal.

### 8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

#### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(vv), 4(ww), 6(c), 7(a).

#### **JF1 for 18/09/12 PROW Panel**

#### **PLANNING CONDITIONS**

##### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not 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. APPROVAL CONDITION - 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. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**04. Approval Condition - Restricted number of occupants [Performance Condition]**

The development to which this consent relates shall not be occupied by more than 5 individual tenants at any one time unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of protecting residential amenity.

**05. APPROVAL CONDITION - 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 - (January 2010)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Context  
SDP9          Scale, Massing and Appearance

Supplementary Planning Guidance

Houses in Multiple Occupation Supplementary Planning Document - (March 2012).

Web link to the Houses in Multiple Occupation Supplementary Planning Document:

<http://www.southampton.gov.uk/s-environment/policy/planningdocuments/hmo-spd.aspx>

Residential Design Guide (2006)

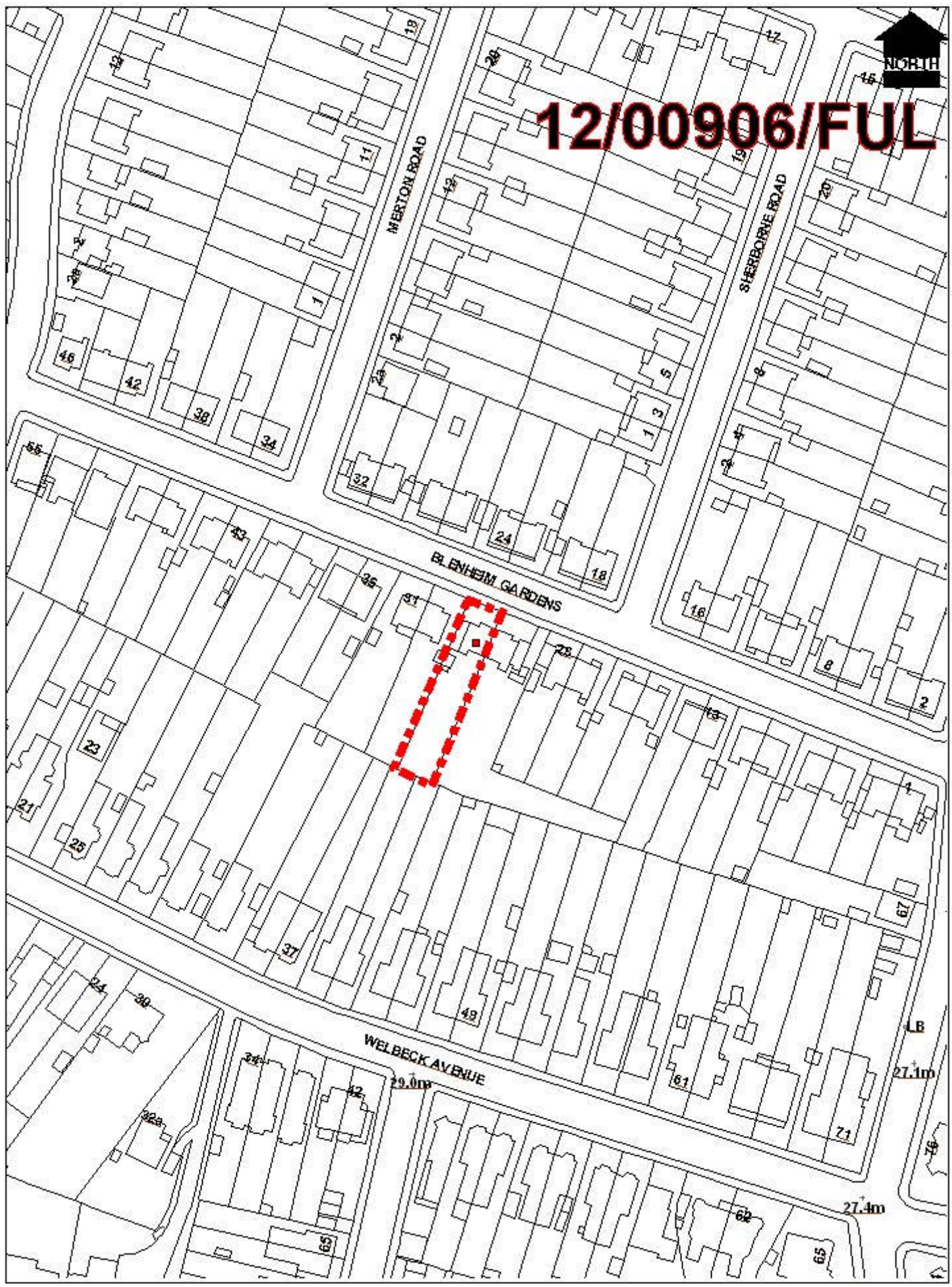
Web link to the Residential Design Guide Supplementary Planning Document:

<http://www.southampton.gov.uk/s-environment/policy/planningdocuments/residentialdesignguide.aspx>





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