

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 28 May 2013  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 25 Ripstone Gardens SO17 3RF			
<b>Proposed development:</b> Erection Of Part Single Storey, Part Two Storey Side And Rear Extensions (Resubmission Of 12/01811/Ful)			
<b>Application number</b>	13/00271/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andy Amery	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	26.03.2013	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Vinson Cllr Claisse Cllr Norris
<b>Applicant:</b> Mr Taj Sohal		<b>Agent:</b> Brian C Banyard	
<b>Recommendation Summary</b>	<b>Conditionally approve</b>		

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. It is considered that the occupancy of the property by additional persons within class C4 will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. 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, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

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

**Recommendation in Full**

**Conditionally approve**

## **1.0 The site and its context**

- 1.1 The site, which is within 150m of the main University campus, comprises a two storey semi-detached property currently in authorised use as a 4 bedroom C4 HMO.
- 1.2 There is a 1m high wooden picket fence to the road frontage with soft landscaped front garden alongside a gravelled, ungated area for the parking of a single vehicle.

## **2.0 Proposal**

- 2.1 The application seeks a part two storey part single storey extension to the side and rear elevations which would provide an additional bedroom and increase the size of an existing bedroom at first floor level and increases the size of the ground floor communal areas including extended kitchen, new living room and downstairs shower/w.c.
- 2.2 The application is an amended re-submission of an earlier refused scheme (12/01811/Ful) and is now almost identical to a scheme approved nearby at 55 Kitchener Road (11/01881/Ful) for the same applicant. The depth of the first floor rear extension has been reduced as has the forward projection of the single storey side extension in an attempt to address the earlier reasons for refusal.
- 2.3 All habitable rooms have outlook and daylight.
- 2.4 An 11m rear garden is retained.
- 2.5 On site parking for one vehicle is retained.

## **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**.
- 3.2 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.
- 3.3 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.

- 3.4 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.5 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMO's on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMO's in the ward of Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23<sup>rd</sup> March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMO's within the assessment area (section 6.7 of the SPD refers).

#### **4.0 Relevant Planning History**

- 4.1 12/01811/Ful: Part single storey, part two storey side and rear extensions. Refused 14.01.2013.
- 4.2 The proposals have been amended to reduce the overall massing of the scheme which is now almost identical a scheme approved at 55 Kitchener Road (11/01881/Ful) on 06.01.2013.

#### **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.. At the time of writing the report 2 representations have been received from the local residents association and a ward councillor.

##### 5.2 Comment

Will exacerbate existing on-street parking problems

##### Response

The site benefits from on-site parking for one vehicle. The property is within short walking distance of the University campus from where public transport and cycle routes are available to district centre and city centre for all day to day needs and links to other transport facilities such as the airport, railway station and coach station. The range of alternative transport options available reduces the reliance on the use of a car.

##### 5.3 Comment

The scale and massing of the extensions is out of character and over-development.

##### Response

This is quite a large extension to a modest semi-detached house in that it comprises a number of elements to both the side and the rear. However, it has been designed to achieve the criteria set out in the Residential Design Guide.

An 11m rear garden is retained which exceeds the minimum standards and given that it is south facing benefits from qualities of privacy, useability and sunlight.

The single storey side element of the extension has been set back from the existing facade by 2.8m and the two storey element by 5m. This limits the views of the extension within the street scene and avoids a terracing affect being perceived despite the closing of the gap between the site and the adjacent property.

The first floor rear extension is set well away from the shared boundary with the other half of the semi-detached house and its depth has been reduced to 3m. This ensures the 45degree code is achieved and avoids an over-bearing impact.

The depth of the single storey rear extension fractionally breaches the 45 degree code to the neighbour at 27 Ripstone Gardens but the orientation of the houses, the set back from the boundary and the hipped roof design means that it will not an unduly over-bearing or visually dominating from the neighbours garden or windows.

The scheme is also virtually identical to an approved scheme at nearby 55 Kitchener Road.

Whilst the proposals as an aggregate represent a large extension to the house it does not demonstrate features normally associated with over-development nor is it out of character with the area.

## 5.5 **SCC Highways: No objections raised.**

## 6.0 **Planning Consideration Key Issues**

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

### 6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) under permitted development rights prior to 23rd March 2012. To demonstrate that the property was occupied on 23<sup>rd</sup> March 2012 (effective date of Article 4 direction), the applicant has provided a 12 month signed tenancy agreement for 4 tenants from 1<sup>st</sup> July 2012 to 12<sup>th</sup> June 2012, and 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013. The 10% threshold applicable to this site which falls within the Portswood Ward does not apply, as the HMO is already established as a small HMO on 23<sup>rd</sup> March 2012 and there will be no increase in the concentration of HMOs (section 6.7 refers).

6.2.2 One or two additional occupants will not result in a material change of use of the

property, which will remain as a small HMO. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

### 6.3. Impact on the character and amenity of the surrounding area and neighbours

- 6.3.1 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Within the class C4 HMO upto 6 unrelated occupants can live in a property without a material change of use occurring which requires planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of impact on amenity and character.
- 6.3.2 There will be potentially six bedrooms to allow 2 more occupants. The ground floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the intensification of use of 2 additional occupants, which will remain within class C4, will not significantly be different to the existing occupation.
- 6.3.3 It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.
- 6.3.4 As the property is already established as a HMO, the existing concentration of HMO's and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMO's.
- 6.3.5 It considered that the scale and massing of the proposed extension as amended will be not harm the character of the area and has been designed to meet the requirements of the Residential Design Guide notwithstanding its relatively large aggregate size.
- 6.3.6 The visual gap between the site and the adjacent property is maintained from most viewpoints due to the significant set back set back of the two storey element.
- 6.3.7 Whilst there will be some impact on the immediate neighbours the extensions will not be overbearing or result in the loss of daylight or privacy to habitable rooms or external areas.

### 6.4 Impact on parking and highway safety

- 6.4.1 The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed for on street parking is unchanged. The Highway Officer has raised no objection, as effectively there will be no loss of off street parking and the on site parking will be retained Therefore, it is

considered that there will be no adverse impact on highway safety.

## **7.0 Summary**

7.1 The original reasons for refusal have been addressed in terms of the reduction in the scale and massing of the extensions and it is considered that 2 additional persons will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents.

## **8.0 Conclusion**

In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional 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(qq), 6(c), 7(a), 9(a), 9(b).

### **AA for 28/05/13 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 - Retention of communal spaces**

The rooms labelled lounge, dining room and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

**05. APPROVAL CONDITION - Retention of the front boundary treatment**

Unless otherwise agreed in writing by the Local Planning Authority, the existing frontage boundary treatment shall be retained and no part shall be removed.

Reason:

In the interests of protecting the visual amenity of the local area.

**06. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

**07. APPROVAL CONDITION - Residential - Permitted Development Restriction [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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),  
Class D (porch),  
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,  
Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the extensions permitted.

**08. 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)

CS4            Housing Delivery  
CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
H4             Houses in Multiple Occupation

Supplementary Planning Guidance

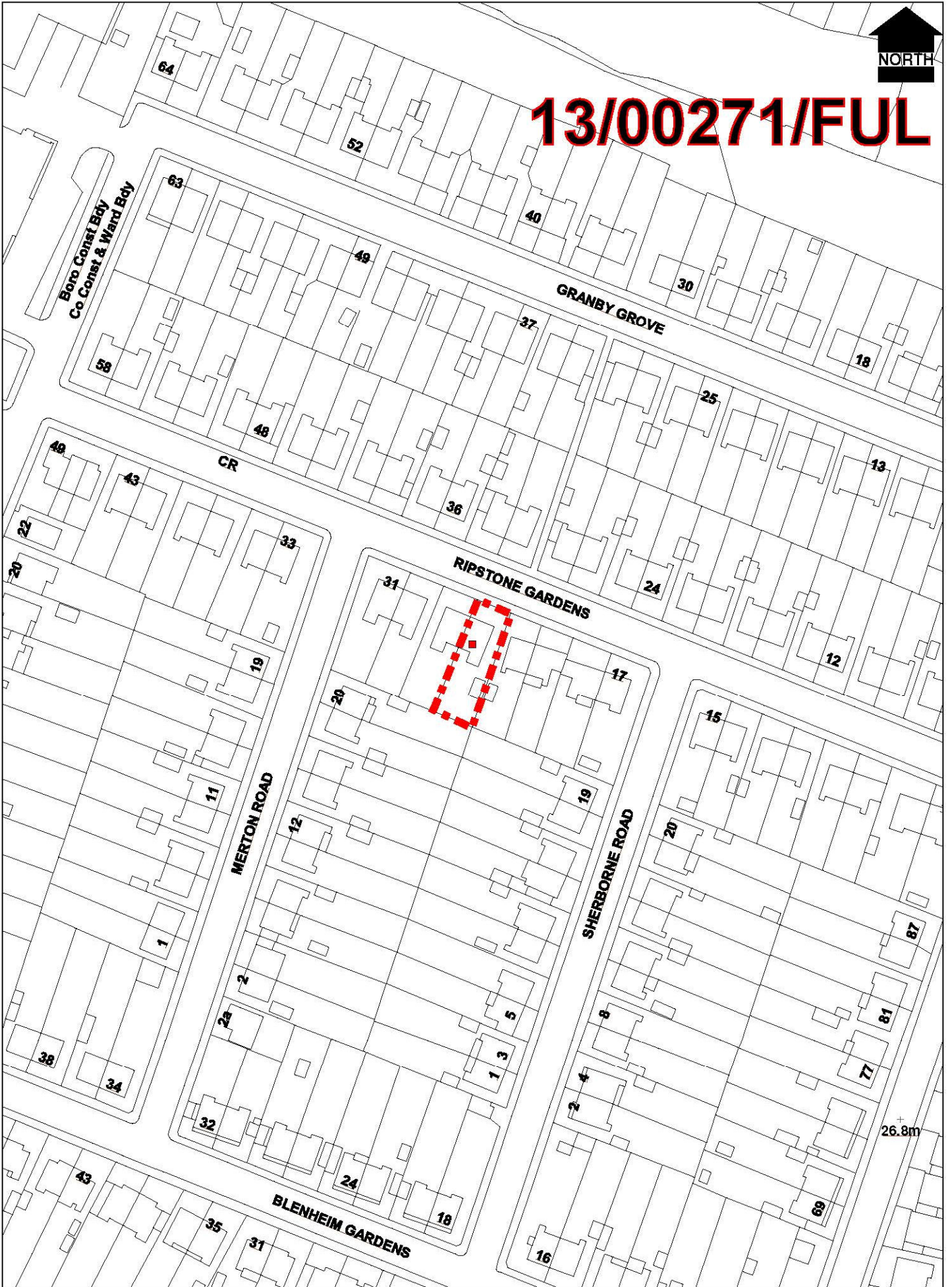
Houses in Multiple Occupation (Approved – March 2012)  
Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

NORTH

# 13/00271/FUL



Scale : 1:1250

Date : 15 May 2013

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