

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 15/10/2013
 Planning Application Report of the Planning and Development Manager**

Application address: 41 Devonshire Road SO15 2GL			
Proposed development: Erection of a part 2-storey, part single storey rear extension to facilitate conversion of existing house into 3 flats (1x 3-bed, 1x 2-bed and 1x studio) with roof accommodation, associated parking and cycle/refuse storage. (resubmission 13/00590/ful)			
Application number	13/01312/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	24.09.2013	Ward	Bargate
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Mr Peter Basra	Agent: Complete Structural Engineers
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Recommendation Summary	Conditionally approve
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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 including surrounding character and amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14 and H1 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the east side of Devonshire Road. The property is a two storey semi-detached dwelling with rooms in the roof space. Constructed from red brick with a gable roof, the property has chimneys, front bay windows and a front entrance porch. The property also previously benefited from a single storey rear projection which spanned the width of the property. The property shares much of the architectural form and character of many other pre-war housing developments in Southampton. At the time of the most recent site visit the construction of the rear extension, which forms part of the current application, had begun.
- 1.2 The surrounding area is predominately residential with a mix of HMO's, purpose built flatted blocks, properties converted to flats and family dwelling houses. To the north is the purpose built residential block named Henstead Court which has accommodation on four floors, the uppermost floor is within a mansard roof.

2.0 Proposal

- 2.1 Since the previous refusal made at the Planning Panel, held 25/06/2013, the scheme has been amended to provide larger communal accommodation at ground floor level for the three bedroom 'family' unit so that the amenity provided for the occupants of that unit is improved.
- 2.2 Other than the improvement to the internal communal space for the three bed unit (partially achieved by enlarging the single storey rear extension) the application remains the same as the previous scheme. To facilitate the conversion, a two storey rear extension is proposed (partially retrospective), the garden will be subdivided to provide private amenity space for occupiers of the ground floor unit, parking for three vehicles will be laid out and provision within the site for refuse and cycle storage has been identified.

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**.
- 3.3 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.

4.0 Relevant Planning History

- 4.1 13/00590/FUL - Erection of a part 2-storey, part single storey rear extension to facilitate conversion of existing house into 3 flats (1x 3-bed, 1x 2-bed and 1x studio) with roof accommodation, associated parking and cycle/refuse storage. Refused at Planning Panel on 25/06/2013.
- 4.2 REASON FOR REFUSAL, Loss of Family Dwelling.
The Local Planning Authority is not satisfied that the proposed development provides an attractive and acceptable living environment for prospective residents, in particular the design of the proposal represents an over intensive use of the site as exhibited by the cramped communal accommodation and therefore poor level of amenity provided for the ground floor 'family' unit where occupants of a three bedroom flat are expected to share a single communal space of only 14sq.m. As such the development does not adequately re-provide a family dwelling following the conversion of this existing dwelling house and would, therefore, result in the loss of a family dwelling contrary to policy SDP1(i) of the adopted City of Southampton Local Plan Review (2006) and Policy CS16 of the adopted LDF Core Strategy (2010).

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 undertaken which included notifying adjoining and nearby landowners and erecting a site notice (20.08.2013). At the time of writing the report **10** representations have been received from surrounding residents including two local ward Councillors, **9** of which object to the scheme and **1** supports the proposal.
- 5.2 The letter of support is summarised below:
- The dwelling house needs to be cleaned up.
 - The house has been empty for too long.
- 5.3 The letters of objection are summarised below:
- 5.4 Abundance of apartment style accommodation in the area let on multi occupancy basis, therefore little need for more.
Response: Market forces dictate demand for accommodation type.
- 5.5 Retrospective nature of the extension to the rear.
Response: The applicant is fully entitled to retrospectively apply for planning permission. Should the application be refused the Local Planning Authority have powers to seek removal of the extension if it is considered expedient to carry out enforcement action.
- 5.6 Further encroachment of houses of multiple occupation and further loss of family dwelling houses.
Response: The proposal does not represent the loss of a family dwelling house as a three bedroom unit is being retained on site which will also have direct access to a private garden area and therefore is in accordance with policy CS16. Should the owner of the property seek to let the three bedroom unit to three or more unrelated individuals then planning permission will need to be granted for the change of use to a house of multiple occupation (use class C4).

- 5.7 The amenity area provided for the ground floor flat is not adequately private therefore a family dwelling unit has not been retained on site.
Response: The amenity area proposed to be allocated to the ground floor unit can be separated by fencing and controlled by condition.
- 5.8 Overcrowding (potential number of occupants)/small scale units.
Response: It is not common place to restrict the number of occupants within new properties and flats. Such restrictions are difficult to enforce and would not therefore meet the tests of circular 11/95 for planning conditions where it is stated that conditions need to be necessary, relevant to planning and the development, enforceable, precise and reasonable. The impact of the number of people in the property is further assessed in section 6.
- 5.9 Extension is overbearing and would set a precedent and obstruct views.
Response: The impact of the extension is discussed below in section 6. The development does not set a precedent. Each application is judged on its own merits and against the relevant planning policy and guidance of the development plan.
- 5.10 Loss of chimney breasts and structural integrity of the semi-detached pair.
Response: Structural integrity of the semi-detached pair is a matter for Building Regulations to assess. Planning permission is not required for the removal of the chimneys.
- 5.11 Increased noise/late night disturbance.
Response: It is envisaged that provided the occupants act reasonably there will not be unacceptable noise generated from within the property. Separate legislation can be used to control noise.
- 5.12 Large number of bins stored to the front of the property.
Response: Planning conditions are proposed to ensure that bins are stored behind boundary treatment out of view from the public realm.
- 5.13 Car dominated frontage and loss of soft landscaping.
Response: Only one car is proposed to be stored to the front of the property and at present it is noted that three could be stored on the frontage; the scheme would lead to an improvement. Whilst some of the rear garden will become accommodation for the storage of cars there remains a significant amount of soft landscaped floor area within the site; it is also noted that a planting bed will be added to the front garden.
- 5.14 Small units.
Response: There are no minimum room sizes set out in planning policy.
- 5.15 Parking Pressure.
Response: The Councils Parking Standards and relevant policies will be taken into account when assessing the application. It is noteworthy that the Council currently have maximum parking standards.
- 5.16 Insufficient daylight to the rear communal accommodation for the three bed unit.
Response: The accommodation has access to natural light and ventilation via the windows. It is considered that the extension will provide accommodation that meets our residential standards.

- 5.17 Insufficient garden space due to the increased footprint of the extension.
Response: The available garden space is sufficient given Council standards (20sq.m per flat can be provided).
- 5.18 Overlooking and overshadowing of neighbouring accommodation.
Response: The additional windows in the extension lookdown the garden so will not create any harmful additional overlooking of neighbouring gardens. The scale of the extension at first floor level is not judged to be harmful and has not changed since the previous scheme where impact on neighbours was not listed in the refusal reason.
- 5.19 Loss of trees.
Response: There will be no loss of trees.
- 5.20 Impact on road safety.
Response: There has been no objection from the Highways Development Management Team provided that relevant conditions are applied to ensure visibility site lines remain clear.
- 5.21 Poor Design.
Response: The external design accords with the Residential Design Guide and internally the accommodation provided will produce an acceptable living environment.
- 5.22 Affect on a conservation area.
Response: The proposal is judged to not harm the character of any conservation areas.
- 5.23 The garden space proposed will be overlooked by the upper floor flats.
Response: There is often overlooking of garden areas when dwellings are converted to flats and whilst living in a flatted block in a city residents would expect this arrangement and be aware of it prior to moving in.
- 5.24 **SCC Highways** – No objection. Apply recommended condition.
- 5.25 **Southern Water** – An application will be needed to connect to the public sewer system – apply standard informative.
- 5.26 **SCC Sustainability Team** – There is no information on how the development intends to meet policy CS20 and provide 20% C02 savings. Apply recommended condition.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development.
 - The impact on the character of the property and of the area.
 - Impact on amenities of occupiers of neighbouring properties.
 - Quality of the living environment created.
 - Parking.

- 6.2 Principle of development.
- 6.3 The principle of the conversion of a dwelling house to three flats whereby a family dwelling unit is not lost is not opposed by current planning policy. The proposal, by creating two additional units of accommodation, will help to meet housing need and assist in meeting housing delivery targets. The proposal provides a three bedroom unit at ground floor with direct access to private amenity space of at least 20sq.m. The scheme is therefore compliant with policy CS16 (Housing mix and type).
- 6.4 The impact on the character of the property and of the area.
- 6.5 The removal of the chimney stacks could be achieved without planning permission and therefore it is unreasonable to oppose the scheme on this basis. Significant harm to the character of the property will not be caused by the proposed roof lights and photo-voltaic solar panels. Proposed changes to the front garden and hard-standing of the property can be controlled by planning condition.
- 6.6 The narrow width and lower height of the rear extension is subordinate to the main building and will not be prominent within the streetscape. With control over the materials used it is considered that the extension will have an acceptable impact on the character of the property and the wider area.
- 6.7 Impact on amenities of occupiers of neighbouring properties.
- 6.8 The most significant change to the property will be the two storey rear extension. The extension will project 4.5m to the rear at ground floor level and 3.4m at first floor level; will be subordinate to the main ridge of the property. The side wall of the rear extension, which is adjacent to the northern boundary, will not be parallel to the flank wall of the dwelling house due to the shape of the plot. As such the width of the extension narrows towards the rear. It is noteworthy that the rear extension is positioned 1.4m away from the boundary with the semi-detached partner; at first floor this increases to 3.4m.
- 6.9 Along with being subordinate to the main property the extension is also compliant with the 45 degree code. The dwelling is also positioned to the north of the semi-detached neighbour at number 43 and therefore the neighbour will not be negatively affected by shadow cast by the extension. The scale of the extension being relatively small is also judged to be acceptable in terms of the impact on the occupiers of Henstead Court. The proposal is not judged to be overbearing or dominate when viewed from neighbouring properties or gardens. The extension therefore complies with the standards as set out in the Councils Residential Design Guide.
- 6.10 Officers must plan for reasonable behaviour by the occupants; as such it is not envisaged that the occupancy of the building will be unacceptable or, in itself, harmful to neighbouring amenity. Any noise and disturbance created can be controlled through other non-planning powers.
- 6.11 Quality of the living environment created.
- 6.12 The previous application was refused as the Planning & Rights of Way Panel was not satisfied that the proposed development provided an attractive and acceptable

living environment for prospective residents of the three bedroom family unit proposed at ground floor level. Notwithstanding the fact that the Council does not have minimum room sizes, 14sq.m for the proposed communal room was judged to create a cramped room which would have been used as a combined kitchen/ lounge for the occupants of the unit. It was considered that the scheme therefore represented an over intensive use of the site.

- 6.13 As a consequence of the refusal notice issued by the Council, the applicant has chosen to enlarge the communal accommodation from 14sq.m to 22.25sq.m to satisfy previous concerns. This has been achieved by a minor alteration to the layout at ground floor level along with a deeper extension to the rear from 3m to 4.2m (measured internally).
- 6.14 As such the amendment provides an adequate level of amenity for the ground floor 'family' unit and the amount of communal space provided internally is not judged to be uncommon. The quality of the proposed accommodation on all floors of the property is acceptable given that the occupants will enjoy outlook, light and privacy when residing within habitable rooms. The size of the flats is considered to be more generous than other recently approved residential accommodation in Southampton; and access is provided for the occupants of all flats to the rear garden area which is of sufficient scale and quality providing at least 20sq.m per flat. Adequate refuse and cycle parking provision can also be accommodated on site.
- 6.15 Parking.
- 6.16 Maximum parking standards apply and as such in this location a maximum of one parking space per flat can be provided. Access to two of the parking spaces is achieved via an unmade rear service track. The applicant has demonstrated access rights over that unmade track and no objections have been received from SCC Highways.

7.0 Conclusion

- 7.1 It is considered that the impact caused by the scheme is acceptable and the proposal complies with all relevant policies and guidance as set out in the adapted development plan. Accordingly the scheme is recommended for 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 (c), 7 (a), 9 (a), (b).

MP3 for 15/10/2013 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 - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

04. APPROVAL CONDITION - Glazing panel specification (Pre Occupation Condition).

The window in the northern side elevation of the development hereby approved serving the room indicated as a bathroom at ground floor level shall be glazed in obscure glass and shall be non opening or shall only have a top hung opening above a level of 1.7m from the floor area of the room to which it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason:

To protect the privacy enjoyed by the occupiers

05. APPROVAL CONDITION, Boundary Treatment [Pre-Occupation Condition]

Unless otherwise agreed in writing, before occupation of the development hereby approved full details of all proposed boundary treatment (including the boundary to the front, adjacent to the highway; and the rear boundary treatment which will divide the private amenity area) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall subsequently be installed to the

specification as approved prior to first occupation and retained thereafter whilst the property is being used for residential use unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities and privacy of occupiers of the adjoining property

06. APPROVAL CONDITION, Cycle Storage [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the secure storage of at least three bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facility shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties

07. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The landscaping plan should incorporate the use of native species which support biodiversity.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

08. 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.

09. APPROVAL CONDITION Private amenity space [Pre-Occupation Condition]

The approved private amenity space shall be laid out and separated by boundary treatment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose and private garden area provide for the ground floor three bedroom unit shall be at least 20m² in floor area.

Reason:

To ensure that satisfactory amenity space is provided for each resident of the hereby approved flats.

10. APPROVAL CONDITION - On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking spaces for three cars shall be constructed in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced.

11. APPROVAL CONDITION ' Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO₂ emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

12 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.

13 APPROVAL CONDITION - Sightlines specification [Performance condition]

The northern boundary treatment which separates the site from the neighbouring block of flats 'Henstead Court' shall measure no greater than 600mm height for the first 2m when measured from the junction with the pavement edge (back of footway) of Devonshire Road. Front boundary treatment, including hedges and planting shall also not exceed 600mm in height where it is within 2m of the parking space.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

POLICY CONTEXT

Core Strategy - (January 2010)

- CS 4 Housing delivery
- CS 5 Housing density
- CS 13 Fundamentals of design
- CS 16 Housing mix and type
- CS 19 Car and cycle parking
- CS 20 Tackling and adapting to climate change

City of Southampton Local Plan Review – (March 2006)

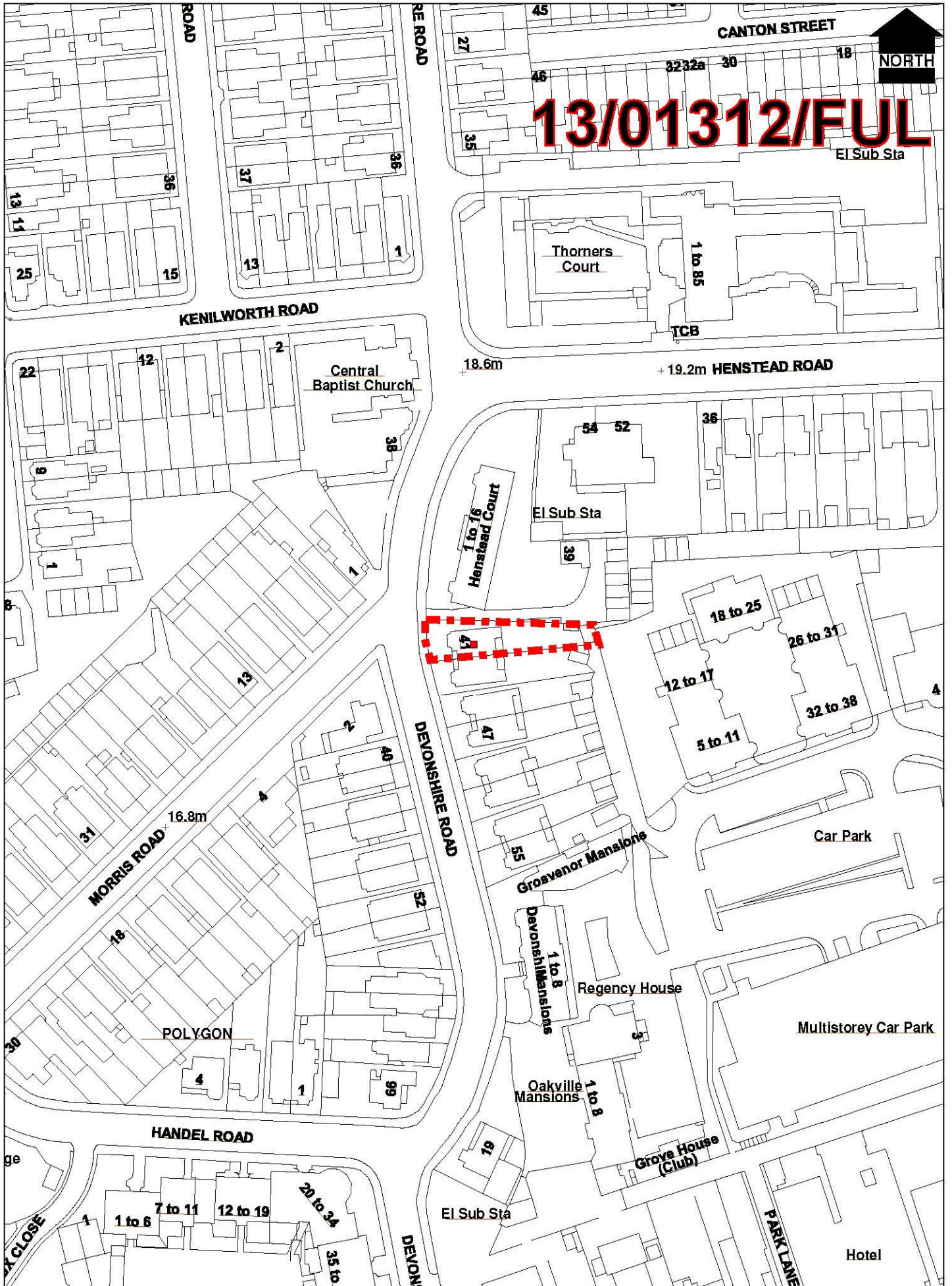
- SDP1 Quality of Development
- SDP4 Development Access
- SDP5 Parking
- SDP7 Context
- SDP9 Scale Massing and Appearance
- SDP10 Safety and Security
- SDP13 Resource Conservation
- SDP14 Renewable Energy
- H1 Housing Supply
- H6 Housing Retention

Supplementary Planning Guidance

- Residential Design Guide (Approved - September 2006)
- Parking Standards SPD (September 2011)

Other Relevant Guidance

- The National Planning Policy Framework 2012



Scale : 1:1250

Date :02 October 2013

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