

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

Application address: 54 Swift Gardens SO19 9FQ			
Proposed development: Conversion of existing three bedroom property to create one, three bedroom flat and one, two bedroom flat, to include single storey rear extension, with associated bin cycle storage.			
Application number	14/01006/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	08/09/14	Ward	Woolston
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Mr B Singh	Agent: Jenkins Architecture Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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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, SDP5 SDP7, SDP9, H1 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		
2	Site history		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a semi-detached residential dwelling in an area typified by similar semi-detached residential dwellings.
- 1.2 Swift Gardens is a relatively narrow cul-de-sac, with many of the properties having a dropped kerb, reducing the availability of on road parking.

2.0 Proposal

- 2.1 The application proposes splitting the property into one, three bedroom flat and one, two bedroom flat, with a loft conversion and single storey rear extension to facilitate this conversion. The proposal would result in residential density of 122 dwellings per hectare, compared to 53 dwellings per hectare in the surrounding street scene.
- 2.2 Following amended plans, both properties would have a single allocated parking space to the front of the dwelling (which is currently hard surfaced).
- 2.3 The ground floor flat ('Flat A' on the plans) will be accessed towards the rear of the property via the side access, which will also provide access to the rear amenity space. The first floor flat ('Flat B' on the plans) will be access towards the front via the side access (with a gate blocking further access). Then is an internal stair case down to the rear providing direct access to the amenity space.
- 2.4 There are a number of minor physical alterations to facilitate this change. The single storey rear extension is increased in depth and height. The layout and number of side facing windows and doors at ground floor level has been altered and two side facing Velux windows are proposed in the roof.

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 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 There is an existing single storey rear extension, approved in 1979, which will be replaced under the current application.

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 (the original site notice erected was removed shortly after it was put up; a secondary site notice was put up on 25/07/14). At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- The increased level of occupation will exacerbate the existing parking issue in the already congested cul-de-sac
 - The intensity of the proposed use would be harmful to neighbouring occupiers in terms of noise and disturbance
 - There is no need for flats in this location, with other areas of the city being well served by such types of development
 - The use as flats is not in keeping with the character of the surrounding area
 - The first floor living/kitchen room adjoining the neighbouring semi-detached property will create a noise nuisance
 - The proposal may set a future precedent.

Note: Each application is considered on its individual merits at the time of submission with reference to relevant local and national policy.

- There have been building works ongoing at the property for some time.
Note: Any works that may have been completed by the applicant to facilitate a change of use for which they do not have a valid planning consent is done entirely at their own risk.

5.3 Consultation Responses

5.4 **SCC Highways** - No objection.

5.5 **SCC Sustainability** – No objection provided suitable conditions are imposed to ensure the new dwelling meets the relevant policy considerations for a residential conversion.

- 5.6 **CIL** – The development is CIL liable.
- 5.7 **SCC Environmental Health** – No objection provided suitable conditions are imposed.
- 5.8 **Cllr Payne** - Request that the application be heard at Panel.

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

The application proposes the subdivision of an existing 'family home' (as classified by CS16 as a three bed dwelling with direct access to suitable amenity space). A family dwelling is retained as part of the application, with the first floor flat having three bedrooms (including a constrained bedroom in the loft) and direct access to the subdivided gardens to the rear.

On this basis, the broad principle of the proposal is considered acceptable and the main assessment is the specific impacts on the proposed development in relation to the application site and surroundings.

6.3 Character

The existing single storey rear extension will be enlarged in both depth and height. The property already protrudes slightly at two-storey level from the conjoined property at 55 Swift Gardens, however on balance it is felt that, given the scale of the design (with particular reference to the minimal maximum height), the proposal will not have a harmful impact on the overall character of the host dwelling.

While the use of the area to the front of the house as two parking spaces is not ideal, this does not represent a significant difference to the existing character of the property when viewed from the front, with the area being entirely hard surfaced.

6.4 Impact on amenity of neighbouring occupiers

The single storey rear extension has increased in both depth and height. However, the height remains minimal, with the flat roof design minimising the impact on neighbouring occupiers. On balance it is not felt that such significant harm would be caused to neighbouring occupiers in terms of an overshadowing or overbearing form of development to justify a reason for refusal in this regard.

The proposed change of use would also have an impact on neighbouring occupiers in terms of a change in how the property is being occupied and utilised. While there will be a change, it is noted that there are separate

legislative powers to address anti-social behaviour and statutory noise complaints. Furthermore, increased activity along the side access route would be mitigated by the existing boundary treatment. On balance it is not considered that the potential additional comings and goings would amount to such significant additional harm to justify a reason for refusal.

The application proposes the removal of an existing side facing habitable room window at ground floor level and its replacement with two windows, one to serve a habitable room (unobscured) and one serving a bathroom (obscured). On balanced it is not felt that this alteration would result in any additional overlooking between the neighbouring properties than the existing situation.

6.5 Amenity of occupants

In accordance with the requirements of CS16 and sections 2.3.12-14 of the RDG the flats have both been provided with 20m² of private amenity space, with both properties having direct access. While the outlook for 'Bedroom 2' at ground floor level is far from ideal, the layout of the existing property has a habitable room in this location.

Bin and bike stores have been provided for the occupants in compliance with relevant council policy.

6.6 Parking

The existing property has the potential parking for two cars on the hard surfacing to the front of the site. Under the Councils parking standards the maximum parking provision for both a two and three bed dwelling is two spaces. Following the submission of amended plans the applicant has proposed one space for each unit. With reference to the lack of objection from Highways, the provision of cycle stores for both properties and the provided parking spaces, it considered that sufficient provision has been made for the occupants of the two flats.

7.0 Summary

7.1 While the application proposes an increase in the potential intensity of occupation, on balance it is considered that the proposal would not cause such additional harm as to justify refusing the application and would not be harmful to the amenities of the occupants of the dwelling.

8.0 Conclusion

8.1 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)(c), 7(a)

JF1 for 02/09/14 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 14/01006/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition

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. 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 - 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).

04. APPROVAL CONDITION - Refuse and Cycle Stores [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved the proposed cycle and refuse stores shall be provided in accordance with the details submitted (Drawing No. 101 Rev B). They shall be permanently maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

05. APPROVAL CONDITION - Means of Enclosure and Amenity Space

Prior to first occupation of the flatted units hereby approved all new means of enclosure and the areas of amenity space shall be provided in a fully completed and ready to use condition and thereafter be retained and maintained for the use by the occupiers of the flats.

Reason

To ensure appropriate facilities are available for occupiers of the flats at all times.

06. 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.

00. Reason for granting Planning 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).

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Note to Applicant

1. Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

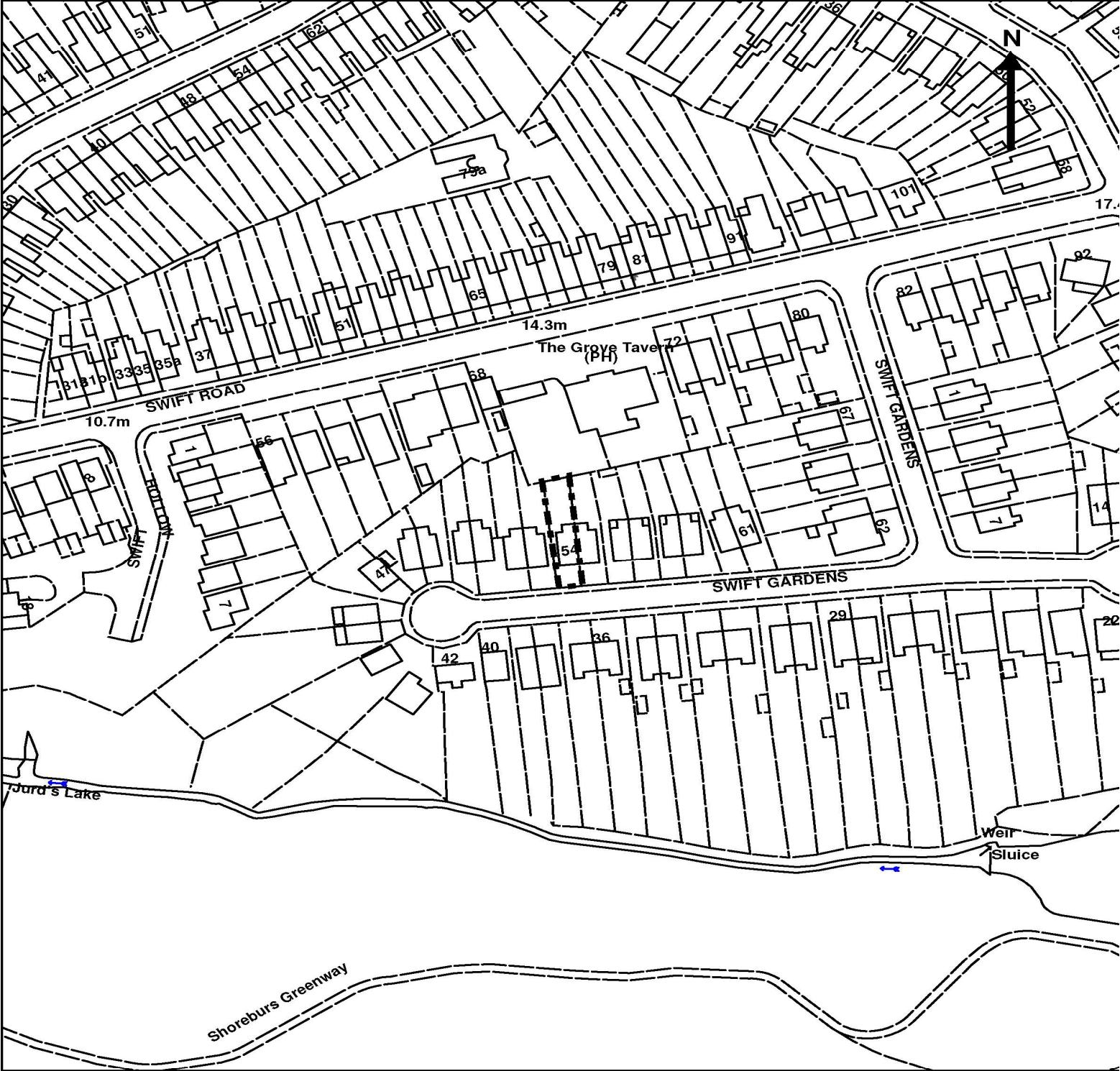
Application 14/01006/FUL

APPENDIX 2

Relevant Planning History

1557/E54, Erection of a first floor rear extension
Conditionally Approved, 04.09.1979

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Scale: 1:1,250

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