

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

<b>Application address:</b> 59 Lilac Road SO16 3DA			
<b>Proposed development:</b> Erection of a two storey side and part two storey/part single storey rear extension to facilitate conversion of 5-bedroom HMO to 1 x 3-bedroom flat (Class C3/C4) and 1 x 3-bedroom flat (Class C3) with associated cycle and refuse storage (description amended)			
<b>Application number</b>	14/00677/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>	27.06.2014	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mr Sukhdev Sihota	<b>Agent:</b> Achieve - Town Planning And Urban Design Ltd
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<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**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).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP16, H1, H2, H4 and H7 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).

<b>Appendix attached</b>			
1	Development Plan Policies		
2	Site history		

## **Recommendation in Full**

### **Conditionally Approve**

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

1.1 The application site comprises a semi-detached two storey property in a residential area characterised by semi-detached properties. The property is located at the end of the road adjacent to a public footpath which links Lilac Road with Bluebell Road and Violet Road. The public footpath is also adjacent to the neighbouring college.

#### **2.0 Proposal**

2.1 The application proposes a part two-storey, part single-storey side and rear extension to facilitate conversion of the property to 2 flats.

2.2 The amended scheme proposes that the ground floor flat will be used for Class C3/C4, while the upstairs flat will be used for Class C3 only.

2.3 The garden of the property will be split between the two flats, with access for the ground floor flat through the main dwelling. The first floor would be accessed through a single storey lobby to the side with access through to the rear garden. There is also a gate proposed onto the footpath accessible to both properties.

#### **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.

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

- 4.1 A planning application was refused for 'Erection of an attached two-storey, three-bed dwelling with associated bin and cycle storage' on 26/01/2012 under 11/01913/FUL.
- 4.2 The application was refused on the grounds of the dominance and impact of the character on the surrounding area, the impact of the physical alterations on neighbouring occupiers and the loss of garden space. The current application has been altered significantly from the previously refused scheme and an assessment will need to be made as to if the previous reasons for refusal have been addressed.

#### **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 (13/05/14). At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

- The property forms the end of the road and the proposed extension would damage this element of the design
- The extension is ugly
- The subdivision of the property would make the area more crowded
- Would harm amenity of neighbouring properties in terms of overshadowing

##### **Consultation Responses**

- 5.2 **SCC Highways** - No objection.
- 5.3 **SCC Sustainability Team** - No objection provided relevant sustainability conditions are imposed to meet the requirements of CS20.
- 5.4 **SCC Environmental Health** - No objection.
- 5.5 **Community Infrastructure Levy** - The development is CIL liable as the proposal creates additional self contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq m on the Gross Internal Area of the extension.
- 5.6 **North Southampton Community Forum** -
- The footprint, massing and design of the proposal is not proportional to the scale of the original dwelling and would harm the character of the property when view from the road and neighbouring footpath.
  - The allowance of the proposal may set a harmful precedent, leading to cumulative harm to the overall area.
  - Insufficient parking is provided, particularly with reference to the increase in intensity of occupation and accessibility/location of the site.
  - The internal layout provides a poor quality living environment for the occupants of the site.

## 5.7 **East Bassett Residents Association -**

- The scale and design of the proposed extension is out of character with the property and surrounding area.
- Original property is in use as an HMO; the additional intensification of use is excessive and harmful of the amenities of neighbouring properties.
- The property appear to have been in use as an HMO prior to 23rd March 2012 and as such cannot apply for a flexible C3/C4 use

Note: While existing HMOs do not benefit from a flexible use automatically, they can apply to do so as the applicant has done under this application.

- If the property is split into 2 flats, the applicant must apply for a new Class C4 use for both of them.
- The proposal breaches the 10% threshold for Bassett Ward.

Note: Following amendments to the proposed scheme, the application proposes a net gain of a single Class C3 unit and the retention of the existing Class C4 use (with flexible consent for Class C3 and Class C4). With reference to the HMO SPD, where an existing HMO is being extended or altered the threshold criteria will not be applied.

- Parking provision is inadequate
- Residents Parking Scheme covers Lilac Road, with areas of double yellow lines
- Two doors should be provided between toilets and kitchens.
- The cycle store for the ground floor flat is only accessible through the flat.

Note: Following amended plans access is now available via the footpath.

- The access via the public footpath is considered unacceptable.
- Windows overlooking Cantell playing field are considered unacceptable.
- The house has undergone a period of deterioration and is currently in a dilapidated state. No additional landscaping has been proposed.
- There is no need for further student accommodation in the city.

5.8 **Cllr B Harris** - Objection on the grounds of overdevelopment, not in character with the surrounding area and failure to comply with the HMO SPD.

5.9 **Cllr Hannides** - Objection on the grounds of excessive density of occupation and potential precedent.

## 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 the existing Class C4 use to provide a 3-bed variable Class C3/C4 use at ground floor level and a new independent 3-bed Class C3 dwelling at first floor level. Following the amendments to the application no new Class C4 uses are proposed and as such the threshold criteria has not been applied to this application. While the new dwelling would not be classified as a family home under Policy CS16 as

the access to the amenity space runs through a small communal area, the creation of new dwellings is broadly supported. As such the main assessment is the associated impacts of the use and the works required to facilitate the subdivision.

### 6.3 Character

The application proposes a sizable extension to the original dwelling, somewhat similar to the previously refused scheme under 11/01913/FUL. However, there have been a number of alterations. The proposal has been set back further from the front of the property and the height of the extension reduced. The width of the two-storey element to the side has also been reduced, with a greater set back from the neighbouring footpath. Overall, it is felt that these alterations have significantly reduced the visual intrusion of the extension into the surrounding street scene, both from Lilac Road and the adjoining footpath. On balance, it is felt that the scale and design of the proposed extension do not cause significant harm to the character of the host dwelling or surrounding area.

### 6.4 Impact on amenities of neighbouring occupiers

The site is situated to the north of the conjoined residential property at 57 Lilac Road. The extension immediately adjoining the boundary is single-storey in scale, with the two-storey element set well back from the boundary and in adherence to the 45 degree rule (as outlined in the Residential Design Guide). With reference to these issues, it is felt that the proposal will not have a significantly harmful impact on the amenities of the neighbouring property at 57 in terms of the creation of an overbearing or overshadowing form of development.

An objection has been raised to side facing windows looking onto the neighbouring playing field. Given the visually open nature of the boundary treatment to this field, it is not felt that the proposal will represent any significant difference when compared to the existing situation in terms of overlooking this site.

### 6.5 Intensity of residential occupation

The application proposes an increase in the residential occupation on the site of one additional unit, which equates to around 37 dwellings per hectare. This is in line with Policy CS5 for a low density area, and it actually slightly less than the surrounding area in Lilac Road due to the large plot currently occupied by 59.

The application proposes the addition of a single Class C3 residential unit. The rooms immediately adjoining the neighbouring residential property at first floor level are all occupied as bedrooms, with the communal living room situated on the opposite site.

The application form states that one parking space will be retained on site.

The Southampton City Council Parking SPD and HMO SPD would allow a maximum provision of 4 parking spaces to serve 1x 3-bed HMO and 1x 3-bed Class C3 unit. It is noted that Lilac Road already has a number of parking restrictions in place to prevent any overspill parking, including a permit holder scheme and double yellow lines directly outside the property. The application proposes cycle stores for each flat and in addition, the site is 0.2 miles from Burgess Road, one of the main arterial routes through the city.

On balance and taking into account the existing features to control potential overspill parking, it is not felt that the addition of a single residential dwelling would have a significantly harmful impact on the surrounding area.

## 6.6 Amenity of occupants

Following the submission of amended plans, the occupants of both the ground floor and first floor flat will have access to a communal space via the footpath adjoining the site. This communal space will be the only access for the first floor flat to their amenity space to the rear, while the ground floor flat will have an additional direct access. While the secondary access from the footpath and associated design features are not ideal, on balance it is not felt that such significant harm is caused so as to justify refusing the application on these grounds.

The occupants of the first floor flat are considered to have adequate access to outlook and daylight and retain sufficient private amenity space for their use. In terms of the ground floor flat, the site still retains ample garden space for the use of both units. The fencing arrangement does reduce the outlook to 'Bedroom 4' of the ground floor flat, although taking into account the height of the fence and orientation of the properties it is not felt that this would be sufficient to justify a reason for refusal in its own right.

The downstairs unit has a single large communal room serving as a kitchen, lounge and dining room. While some elements of the room are set well back from windows serving the rearmost lounge space, these are the kitchen and diner elements. On balance it is not considered that the lack of access to light in this room causes such significant harm as to justify a reason for refusal.

## 7.0 Summary

7.1 The current C4 property could be occupied by up to 6 individuals, while the application proposes 1x3-bed C3 dwelling and 1x3-bed C3/C4 dwelling. The application proposes a significant alteration to the original property. While there are some issues, broadly it is felt that the majority could be successfully managed through the use of conditions.

## 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)(vv)(qq), 6(a)(c), 7(a)

**JF1 for 16/09/14 PROW Panel**

**Planning Conditions**

**CONDITIONS for 14/00677/FUL**

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).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP16, H1, H2, H4 and H7 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).

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 in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the northern/first floor side elevation/ extension elevations / roof covering other than those illustrated on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

#### 04. APPROVAL CONDITION - Window specification limitations [Performance Condition]

The side facing ground floor window on the side elevation facing north-west shall be non-opening and fitted with obscure or tinted glass. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

#### 05. 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.



#### 06. 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.

#### 07. APPROVAL CONDITION - Permitted change between Class C3 and Class C4 (time limited)

The 3-bed ground floor flat hereby permitted (and not the first floor 3-bed flat) shall be able to change between a residential dwelling (Class C3) and a House in Multiple Occupation (Class C4) for a period of up to 10 years from the date on which this decision is issued unless otherwise agreed in writing by the Local Planning Authority. After this period the occupied use on that date will become the lawful use of the property.

Reason:

To provide flexible use and comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

#### 08. 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. 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.

#### 09. 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.

#### 10. 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.

## 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
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Houses in Multiple Occupation SPD (March 2012)

Other Relevant Guidance

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

**Relevant Planning History**

11/01913/FUL, Erection of an attached two-storey, three-bed dwelling with associated bin and cycle storage  
Refused, 26.01.2012

*REASON FOR REFUSAL - Unacceptable erosion of character.*

*The proposal would be out of keeping with the established pattern of development in the area due to the design of the property and the formation of a terrace of three houses thereby unbalancing the existing semi-detached pair of houses. The scheme would result in an unduly dominant structure in the street scene when viewed from the northern end of Lilac Road and from the public footpath to the north of the site. As such the proposal would erode the spatial character of the area. The development is therefore considered contrary to Policies SDP1 (i - particularly the guidance of paragraphs 2.3.2, 2.3.3, 2.3.6, 2.3.8 and 2.3.9 of the approved Residential Design Guide SPD [September 2006]), SDP7 (iii), (iv), (v) and SDP9 (i), (v) of the saved City of Southampton Local Plan Review (March 2006); and CS13 of the adopted City of Southampton Local Development Framework Core Strategy (January 2010).*

*REFUSAL REASON - Impact on neighbouring amenity.*

*The design of the dwelling in terms of its two storey scale, bulk and position on the boundary with number 59 Lilac Road, will appear dominant when viewed from the neighbours garden and as such will harm visual amenity currently enjoyed by those occupants. In addition the location of the windows at first floor level would result in a development which reduces the sense of privacy currently enjoyed by the occupants of the neighbouring property whilst enjoying their private gardens. As such the proposal is contrary to policies SDP1 (i - particularly the guidance of paragraphs 2.2.18 of the approved Residential Design Guide SPD [September 2006]), SDP9 (v) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010).*

*REFUSAL REASON - Protection of private residential gardens.*

*The proposed development involves building on garden land which forms an important amenity space for an existing dwelling house and is not previously developed land. As such and having regard to the advice of Planning Policy Statement 3 (Housing, published June 2010), the proposals are considered to represent an overdevelopment of the site and would prove contrary to the following adopted Development Plan policies and supplementary planning guidance for Southampton:- City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 [(i) particularly the guidance of Sections 3.2 and 3.9 of the Residential Design Guide (September 2006)] SDP7 (iv), SDP9 (i) and (v) and CS4, CS5 and CS13. City of Southampton Core Strategy (January 2010)*

# 14/00677/FUL



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