

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

Application address: 84 Commercial Street SO18 6NJ			
Proposed development: Alterations to existing rear extension to increase height of external walls and formation of flat roof [Retrospective, Resubmission of Application 14/00256/FUL]			
Application number	14/01132/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	18.09.2014	Ward	Harefield
Reason for Panel Referral:	Five or more letters of objection contrary to officer recommendation have been received	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith

Applicant: Mr Robin Murray-Jones	Agent: N & J Designs Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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, 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).

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 comprises a semi-detached residential property in a predominantly residential area with a mix of a houses and flats and no overriding architectural style.
- 1.2 The property itself has been extended previously a number of times. The proposed extension is an amendment to a previously approved extension.

2.0 Proposal

- 2.1 The application is partially retrospective. The original single storey rear extension was approved under 920858/E on 11.11.1992 and had a hipped roof, with an eaves height of 2.4m on the boundary.
- 2.2 This design was then amended recently without the benefit of planning consent to incorporate a flat roof design with raised parapet edge. Following a refusal for the retention of the amended design, the applicant has submitted an amended scheme to retain the flat roof of the extension with a slight lowering of the height of the extension (from 3.5m to 3.25m).
- 2.3 The extension projects 5.3m from the two-storey element of the dwelling, in immediate proximity to the northern boundary of the site.

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 Building works were undertaken to modify the roof of the extension, raising the height of the roof and changing the design to a flat roof, with a significant parapet around the edge. Following an investigation from the Southampton City Council enforcement team, the applicant submitted an application to retain the amended extension (14/00256/FUL). This application was refused under delegated powers on 09.04.2014 on the basis of the impact on neighbouring occupiers:

REASON FOR REFUSAL - Impact on Neighbouring Amenity

The proposal, by means of its excessive depth and height in immediate proximity with the common boundary, relates poorly to the neighbouring properties and would adversely affect the residential amenities currently enjoyed by neighbouring occupiers, in terms of an increased sense of enclosure. Furthermore, the design and roof form of the extension is visually prominent and out of character with the existing building. Therefore, the scheme is contrary to Policies SDP1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.1, 2.2.18, 2.5.1 and 2.5.2.

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. At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2
- The building works have already been completed
 - The retrospective and refused nature of applications on the site does not follow proper planning practice

Response: Where unauthorised works have been done without planning permission, there are two routes open to the owner of the site to regularise the works. Either they can apply for retrospective planning permission or they can alter/remove the completed works such that they no longer require consent. Following the refusal of the previous application, the applicant has chosen to submit an application which they feel addresses the previous reasons for refusal.

- The extension was previously used as a garage and the application appears to propose the use of the space as a living area
- The roads around the site make on-road difficult and the loss of the previous garage use should be resisted

Response: When the extension was originally given permission under

application 920858/E, no conditions were imposed restricting the use of the extension for use as a garage only. Planning permission is not required to convert an integral garage in a dwelling to living accommodation unless otherwise specially restricted.

- The plans show works approved under 04/01250/FUL labelled as 'under construction' - works only appear to have recently commenced on this consent (outside of the five year time limit for commencement)

Response: The digging of footings would be sufficient to fulfil the commencement requirement of a planning consent. Our enforcement team have been notified and will look into this issue.

- The flat roof allows overlooking of neighbouring properties
- The structure is overbearing and unnecessarily high
- The extension is out of character with the scale and design of the original dwelling
- The original building has already been significantly extended
- The grounds for refusal of the previous application have not been sufficiently addressed
- Bare breeze blocks have been used in the construction of the north facing wall of the structure

5.3 Consultation Responses

5.4 Ward Cllrs - No comment.

6.0 Planning Consideration Key Issues

6.1 A single storey extension was originally approved as part of 920858/E. This extension was then partially demolished to enable the current alterations to be made. An initial application to retain the alterations which included raising the roof and forming a flat roof was then refused under 14/00256/FUL. The applicant has chosen to make further modifications in an attempt to overcome the reasons for refusal. This application includes the removal/lowering of the height of the parapet surrounding the roof in an attempt to reduce the visual impact of the structure.

6.2 There is a significant amount of concern from local residents regarding the potential use of the flat roof as a terrace/balcony which would result in significantly harmful overlooking of the neighbouring properties. The applicant has stated there is no intention of using the roof as an amenity space. There is no convenient access to the roof from within the house and conditions can be imposed to prevent access being created. On this basis it is considered reasonable to impose a number of conditions to prevent the use of this area as a raised terrace and the potentially harmful overlooking that would result.

6.3 It is noted that the materials used in the current structure are broadly acceptable, however the northern side of the extension, facing onto 1

Shales Road, has used bare breeze block as an external finish. In accordance with the application form and a letter from the agent dated 10th July 2014, this application proposes that this elevation will be finished in brick work to match the rest of the extension. Given the retrospective nature of the application, it is considered that it is reasonable to impose a condition requiring that these works be completed in a timely fashion.

- 6.4 On this basis the main consideration is if the proposed reduction in height has sufficiently alleviated the previous reason for refusal. The main impact of the proposed extension falls on the property on the immediately adjacent northern boundary, 1 Shales Road. The property has an existing side extension, which partially mitigates the impact of the extension.
- 6.5 It is considered that the change in use of materials will reduce the visual impact of the extension from the property at 1 Shales Road. It is accepted that the extension will still be visually prominent, however it is considered that the lowering of the proposed height of the extension, taking into account the relative layout of surrounding properties, would be sufficient to mitigate the extent of the harm caused such that the application can be recommended for conditional approval.

7.0 Summary

- 7.1 On balance it is considered that the amendments proposed are sufficient such that the remaining issues can be addressed 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), 6(c), 7(a)

JF1 for 30/09/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Timing - Physical works (3 months)

The alterations to the extension hereby approved shall be completed within 3 months of the decision date.

Reason: To protect the visual amenities of the locality and to endeavour to achieve a building of high visual quality which respects the character and existing buildings within the area.

02. APPROVAL CONDITION - Materials to match [Performance Condition]

In accordance with the details provided within section 11 of the application form, the external walls (with particular reference to the north facing wall onto 1 Shales Road) of the extension hereby approved shall finished in brick to match the existing dwelling within 3 months of the date this decision is issued, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect 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 - Restricted use of flat roof area [Performance Condition]

The roof area of the extension hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason: In order to protect the privacy of adjoining occupiers.

04. APPROVAL CONDITION - Windows

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), the rear facing first floor window (serving the room labelled as 'Master Bed' on Drawing No: 2014.05.02/02) shall be retained as shown on the submitted plan. No additional windows or doors shall be installed such as to allow greater or improved access to the roof of the extension hereby approved without prior written consent of the Local Planning Authority.

Reason: To protect the privacy of the adjoining residential properties.

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 Urban Design Context
SDP9 Scale, Massing & Appearance

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)

Relevant Planning History

14/00256/FUL, Alterations to existing rear extension to increase height of external walls, formation of flat roof and installation of full width door to rear elevation
Refused, 09.04.2014

REASON FOR REFUSAL - Impact on Neighbouring Amenity

The proposal, by means of its excessive depth and height in immediate proximity with the common boundary, relates poorly to the neighbouring properties and would adversely affect the residential amenities currently enjoyed by neighbouring occupiers, in terms of an increased sense of enclosure. Furthermore, the design and roof form of the extension is visually prominent and out of character with the existing building. Therefore, the scheme is contrary to Policies SDP1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.1, 2.2.18, 2.5.1 and 2.5.2.

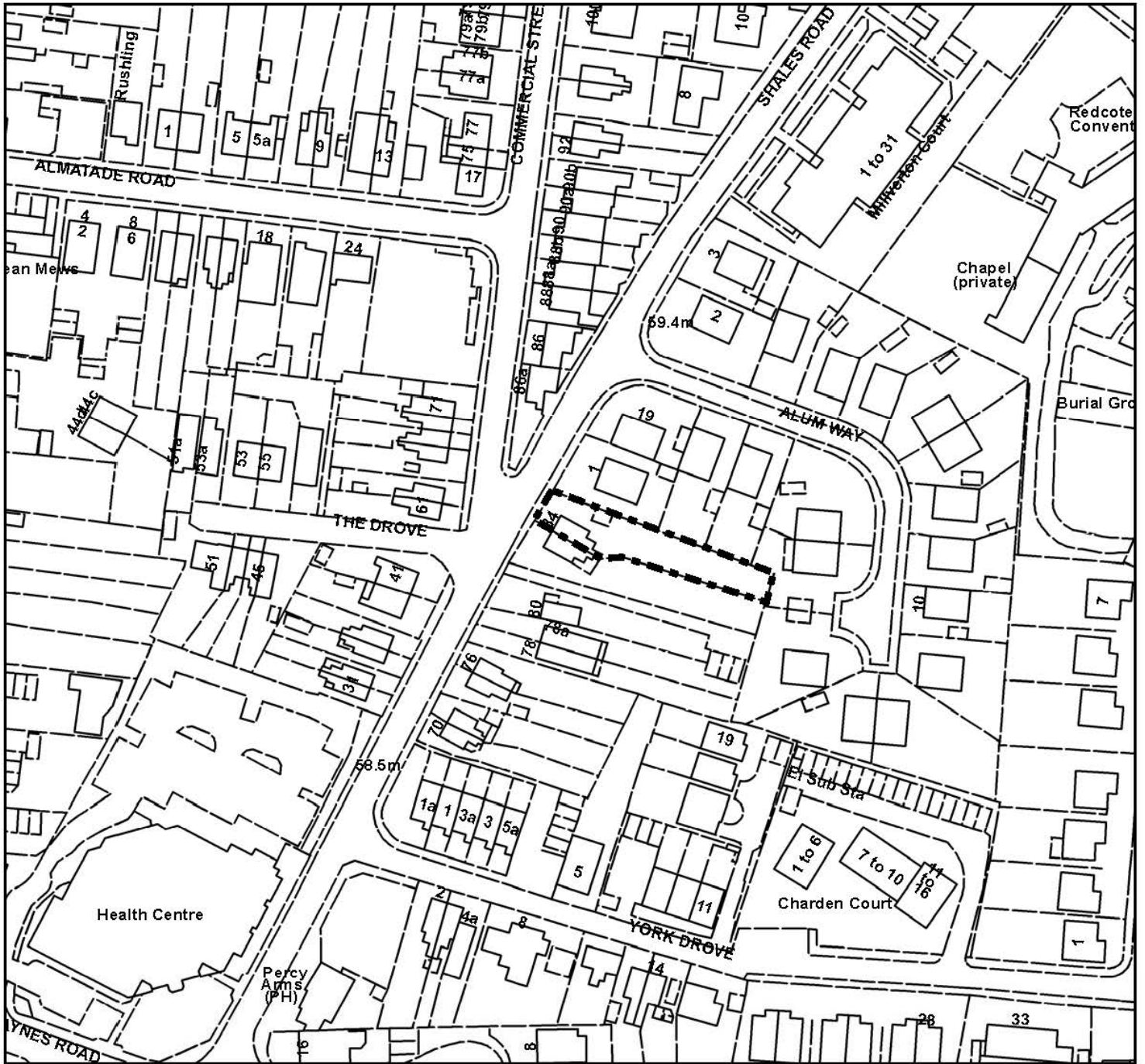
04/01250/FUL, Erection of a two storey side extension and a two storey bay window feature to the front elevation.
Conditionally Approved, 28.09.2004

04/00505/FUL, Erection of a two storey side extension, change of the form of the roof including raising the ridge height by 1.3m, insertion of 3 dormer windows to the rear roof slope and 2 dormers to the front roof slope and formation of two storey bay feature to front elevation.
Refused, 24.05.2004
Appeal Dismissed, 10.05.2005

920858/E, Erection of a single/2 storey rear/side extension
Conditionally Approved, 11.11.1992

1040/24, Alterations and additions
Conditionally Approved, 11.05.1954

14/01132/FUL



Scale: 1:1,250

