

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

Application address: 33 Swanmore Avenue SO19 1BL			
Proposed development: Installation of Velux Window to north elevation, and opening windows 1.7m above finished floor level within side Dormer			
Application number	14/01585/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	25/11/14	Ward	Sholing
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Blatchford Cllr Jeffery Cllr Hecks

Applicant: Mr and Mrs Hugh and Karen Fancett	Agent:
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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

Note

The application was deferred from a previous Panel meeting due to the description of development being amended to include the proposed ground floor side facing windows, allowing additional time for a re-consultation exercise notifying neighbouring residents of the alteration. This re-consultation took place on 24th November 2014.

1.0 The site and its context

- 1.1 The application site contains a family dwelling house. The property is located in a residential area characterised by dwelling houses. The site is situated at the end of a cul-de-sac at an angle to the main lines of development.

2.0 Proposal

- 2.1 The application proposes two windows at ground floor level, one Velux window in the north facing roof slope and some alterations to the design of previously approved windows in the north facing Dormer.

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 An application was submitted under 14/00020/FUL for extensions and roof alterations to facilitate additional accommodation in the existing dwelling. This application was refused on 20.02.2014 and a subsequent appeal dismissed.
- 4.2 Following this refusal a proposal with an amended design was submitted under application 14/00394/FUL for 'Single storey side and rear extension, and Dormer window and Velux windows to facilitate loft conversion'. A number of conditions were imposed under this consent, including a condition restricting the installation of additional windows without further planning permission.

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 (10/10/14). At the time of writing the report **1** representation have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 • The application has been submitted retrospectively/the applicants have purposefully applied piecemeal to improve the chances of the application being successful
- 5.3 Comment: The applicant has a right to submit a retrospective application if they wish to do so. The current application will be considered on its own merits as part of the comprehensive development and applying retrospectively has not improved or worsened their chance of gaining consent.
- 5.4 • Amended plans were submitted during the application process
- 5.5 Comment: The application was validated on 30th September. Amended plans were submitted on 8th October to include ground floor windows and roof lights.
- 5.6 • The roof tiles used do not match the existing (as conditioned under the previous application)
- 5.7 Comment: It is noted that this is not a relevant issue in the determination of the current application. Notwithstanding this, the condition requires that the materials used in the proposed Dormer match those used in the existing dwelling. Planning permission is not required for a dwelling to re-tile their roof. While the applicant was doing the necessary roof alterations they appear to have chosen to re-tile their roof using new tiles. The tiles used in the Dormer appear to match those used on the existing roof. On this basis it is considered that the condition has been complied with.
- 5.8 • The windows were conditioned to be obscured and this has not taken place/the proposed new Velux will not be obscured
- 5.9 Comment: The windows were all obscured as of a site visit on 03/11/14.
- 5.10 • There are trees near the property not declared on the application form.
- 5.11 Comment: The trees are not protected. On balance, given the nature of the application, it is not considered that this lack of information has been detrimental to the determination of the application.
- 5.12 • Nearby residents have not been given sufficient notification of the application
- 5.13 Comment: Neighbours of adjoining properties and all those who have objected to previous applications were sent notification letters on 2nd October. In addition a site notice was erected on 10th October 2014. It is considered that the Council has met its statutory obligations in terms of notifying local residents
- 5.14 • The application should not be determined prior to the target deadline.
- 5.15 Comment: Once the consultation deadline for an application has passed, the Local Planning Authority should aim to issue a decision as soon as possible. The target deadline is a date before which a decision should have been made - not a date before which a decision shouldn't be made. Purposefully delaying the issuing of a decision once all of the relevant information is available would be

unreasonable behaviour. Following the determination of this application at Panel a decision should be issued as soon as possible.

5.16 **Consultation Responses**

5.17 **Cllr Jeffery** - Concern regarding overlooking impact on neighbouring properties.

6.0 **Planning Consideration Key Issues**

6.1 The application proposes the installation/modification of a number of windows. All of the proposed works could be completed under permitted development if the rights to modify windows has not been restricted under a previous application. The imposition of this condition does not mean that additional windows or alterations are intrinsically unacceptable but that it was considered potential harm would need to be assessed by the submission of an application.

6.2 The application proposes a reduction in the size of two windows (both obscured) in the existing Dormer, increasing their sill height to 1.7m from the floor of the room they serve. An additional Velux window is also proposed in this roof slope which is also obscured and situated 1.7m from the floor (it is noted that this window does not serve a habitable room but rather loft space with a boiler).

6.3 The application also proposes two roof lights in the roof of the existing side extension. At ground floor level the application also proposes two side facing windows to the rear facing north and south.

6.4 Under the previous consent a condition was imposed, restricting against the installation of additional windows without prior written consent of the Local Planning Authority. The existing windows in the Dormer were also restricted to be non-opening 1.7m from the floor of the room they serve and obscured. Given that the redesigned windows are obscured and are situated so that the minimum sill height is 1.7m from the floor of the room they serve, it is not considered that the proposal will be significantly harmful when compared to the existing consent.

6.5 The proposed new Velux window does not serve a habitable room, is obscured and is situated such that direct overlooking of neighbouring amenity space will be obscured by the bulk of the Dormer.

6.6 Any potential harm from the proposed ground floor windows is considered to be sufficiently mitigated by the existing boundary treatments which block any potential sightlines.

7.0 **Summary**

7.1 On balance the proposed alterations are considered relatively minor in scale and are not considered to represent a significant increase in the potential for overlooking when compared to the previous approval, subject to the imposition of suitable conditions controlling the development.

8.0 Conclusion

For the reasons discussed above, 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), 9(b)

JF1 for 25/11/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Obscured windows [Performance Condition]

The north facing windows in the Dormer window and adjacent north facing Velux window hereby approved (shown on Drg No. SK07 'C') shall be obscured. The windows shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenity and privacy of neighbouring occupiers.

02. 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

14/00394/FUL, Single storey side and rear extension, and Dormer window and Velux windows to facilitate loft conversion.
Conditionally Approved, 22.04.2014

Condition 3

APPROVAL CONDITION - Obscured windows [Performance Condition]

The north facing windows in the Dormer window hereby approved (shown on Drg No. SK07 'A' and serving the rooms labelled as 'Bedroom 3', 'En-suite' and staircase on Drg No. SK05) shall be obscured and non-opening 1.7m from the floor of the room they serve. The windows shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenity and privacy of neighbouring occupiers.

Condition 4

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

Condition 5

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 E (curtilage structures), including a garage, shed, greenhouse, etc.,

Reason:

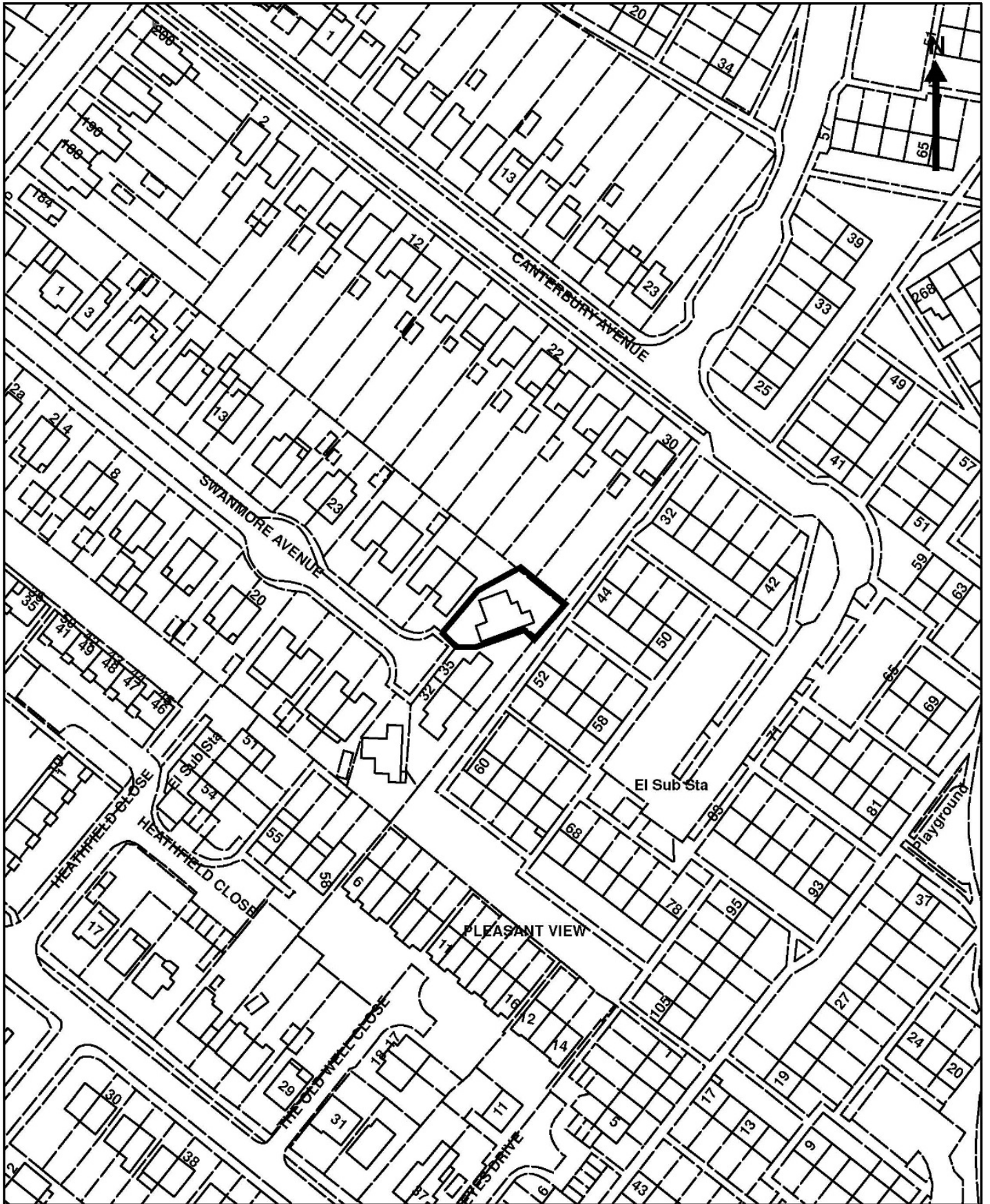
In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

14/00020/FUL, Erection of single-storey front, side and rear extensions plus roof extension with side Dormer windows to facilitate loft conversion.

Refused, 20.02.2014

Appeal Dismissed, 25.04.2014

14/01585/FUL



Scale: 1:1,250

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