

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) – 27 January 2015
Planning Application Report of the Planning and Development Manager

Application address: 106 Waterloo Road, SO15 3BT			
Proposed development: Minor Material Amendment Sought To Planning Permission Ref 12/00457/Ful For Alterations To Roof Of Rear Single Storey Extension			
Application number	14/01694/MMA	Application type	MMA
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	27/1/15	Ward	Freemantle
Reason for Panel Referral:	Request by Cllrs Parnell and Moulton in support of objection made by local residents	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields

Applicant: Property Link	Agent: Mr Balbinder Heer
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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 do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7 and H1 of the City of Southampton Local Plan Review - Adopted March 2006.

Policies CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy - 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 lies towards the western end of Waterloo Road on its southern side. The surrounding area is predominately residential in nature,

although a school, public house and church are situated in immediate proximity to the property on the opposite side of the road. There is a wide range of building types and styles in the surrounding street scene in terms of scale, massing and materials.

- 1.2 The property subject to the current application was originally a single residential dwelling and has relatively recently been converted to flats with the benefit of planning permission. The property has historically benefitted from a relatively long single storey projection the rear, running most of the length of the site in immediate proximity to the boundary.

2.0 Proposal

- 2.1 The application proposes an amendment to the design of the roof of this 'extension' and seeks to remove and rectify works that have already been undertaken without planning permission.
- 2.2 The unauthorised alterations raised the height of the structure to 4.2m (along with other alterations, see section 4).
- 2.3 Following an enforcement investigation the applicant submitted an application (13/00678MMA) to lower the roof to a height of 3.1m on the boundary, with a flat roof element which dropped down via a mono-pitch roof 2.4m from the boundary. This was approved by Panel in September 2013. However, these works have still to be undertaken.
- 2.4 This application proposes an alternative roof design, with a parapet wall 3m high on the boundary. From a valley gutter, the roof forms a dual pitch design rising to a ridge of 3.4m set 2.1 from the boundary.

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 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 On 9th May 2011 planning application reference 11/00441/FUL for the 'Conversion of existing 4 bedroom house to three flats (comprising 1 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom) **with replacement single storey rear extension**, bin and cycle storage' was conditionally approved, following the

statutory consultation period.

- 4.2 On 29th June 2012 planning application reference 12/00457/FUL for 'Erection of a part first floor **part single storey rear extension** to facilitate conversion of existing 4-bed house into 5 flats (comprising a 1x3-bed, 2x2-bed, and 2x1-bed) with associated cycle/refuse storage' was conditionally approved, following the statutory consultation period.
- 4.3 An Enforcement Officer first visited the site on 6th December 2012 in response to an enquiry from a local Councilor (on behalf of a local resident). A further site visit took place on 10th December 2012, once full access to the site had been arranged. During these visits it was noted that the development had not been implemented wholly in accordance with the approved plans. The as built scheme had raised the roof height of the single storey rear element of the scheme by approximately 1m above that which was approved, directly along the boundary with the property at number 104.
- 4.4 In order to rectify this, an application was submitted and has been approved under planning application reference 13/00678/MMA as set out above. As those approved works have yet to be undertaken the situation on site remains unauthorised. Should this application be approved it is recommended that a condition be imposed and enforced requiring the works to be undertaken within an agreed timeframe.
- 4.5 For information, it may be recalled that previous discussions have taken place on this site with regard to the side extension abutting the neighboring property at 104. The originally approved side extension had a width of 1.2m and was physically separate from the neighboring property. However, the extension was built with a width of 1.4m and involved the attaching of flashing onto the adjoining property. This matter was taken to the Planning and Rights of Way Panel on 20th August 2013. A determination was made to pursue enforcement action in relation to the unauthorised works to the side elevation. A notice to this effect was served on 21st November 2013. This notice has been complied with to the satisfaction of the enforcement team.

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 (31/10/14). At the time of writing the report **4** representations have been received from surrounding residents. The following is a summary of the points raised:

- Loss of light/overshadowing
- Poor design/unsightly
- Existing building work on site has been of low quality/visual quality of development is poor
- Too near boundary
- Proposal does not constitute a minor material amendment

Comment: Works have already been carried out/Applicant is seeking to retrospectively regularise works.

Response: The application proposes a built form which is different from the

existing unauthorised structure. Regardless, the council has a duty to consider applications put before them.

Comment: The roof is 1m/1.2m higher than previously approved scheme

Response: This is incorrect. The existing (unauthorised) structure is 1.1m higher than the roof authorised under 13/00678/MMA. The application proposes an amended roof design - this design would be lower on the immediate boundary than the existing approved scheme. See section 2 for further details.

Comment: The issue has been ongoing for a number of years and remains unresolved

Response: As highlighted in section 4, there have been a number of issues with this site and compliance with the approved plans. See section 6.

Comment: Overlooking

Response: The application is solely for a modified roof design to the single storey rear element and does not include any additional windows.

Comment: No plans for development made available to comment or object against.

Response: A consultation exercise was undertaken, with letters sent to local residents and a site notice posted. Plans have been available to the public both at Gateway on request and via the Council Public Access system.

Comment: A number of the objections appear to relate to the structure as built, rather than the structure as proposed under this planning application.

Response: One of the objection letters included an enclosed Building Surveyor report and 57 pages of various email correspondence. For clarity, in this section I have only summarised the contents of the cover letter dated 29th October 2014, which relates directly to this application.

5.2 **Consultation Responses**

5.3 **Cllr Parnell** - Objection in support of comments made by local residents

5.4 **Cllr Moulton** – Objection in support of comments made by local residents

6.0 **Planning Consideration Key Issues**

6.1 The application proposes an alteration to the previously approved roof design. Notwithstanding the unauthorised works which have taken place, this application must be considered on its individual merits and assessed accordingly with regard to relevant local and national policies.

6.2 The application proposes a reduction in height on the immediate boundary when compared to both the original and amended design. While the ridgeline of the dual pitch roof somewhat increases the maximum height of the structure, on balance, it is not felt that this would have a significantly harmful effect when compared to the original situation given the set back from the boundary. As such,

it is not considered that the proposal will cause significant additional harm in terms of the introduction of an overshadowing or overbearing form of development when compared to the original or amended roof form.

6.3 Overall the structure will remain similar in form and massing to the currently approved scheme and is not judged to otherwise cause harm to the character or amenities of the local area.

6.4 With reference to the comments made in section 5, it is noted that the unauthorised roof alterations increasing the height of the extension on the boundary have been in place for some time. In order to pursue a timely resolution to this issue a condition is recommended requiring that the alteration works proceed within a defined time limit.

7.0 Summary

7.1 On balance it is not considered that the proposed alterations will cause significant additional harm when compared to the previously approved and original residential environment. Where necessary, it is considered that relevant conditions can address potential harm.

8.0 Conclusion

8.1 For the reasons discussed above, it is recommended that the application is conditionally approved.

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 27/01/15 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

Within six months of the date of this decision the physical alterations to the roof of the single storey rear protrusion hereby approved shall be carried out in accordance with the approved plan.

Reason:

As the approved works will regularise a breach of planning control to mitigate the impact on neighbouring amenity and to ensure such alterations take place in a timely fashion.

02. APPROVAL CONDITION - Materials [Performance Condition]

The development shall be carried out in accordance with the external materials schedule as shown on drawing no. 09.1613.002 Rev P3 under 12/00457/FUL.

The UPVC window design shall be as shown on the approved plans and the artificial slate to be used on the rear extension shall closely match the original slate on the existing building.

Reason:

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 - Front boundary wall

The existing front boundary wall shall be retained. In the event the wall becomes damaged it should be repaired or replaced with a wall which closely matches the height and appearance of the existing wall.

Reason:

In the interests of the visual amenities of the area and to screen the bin storage areas in the front garden.

04. APPROVAL CONDITION - Energy (Pre-Occupation Condition)

Within six months of the date of this decision, written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions [as required in core strategy policy CS20] over part L of the Building Regulations shall be submitted to the Local Planning Authority and agreed in writing. 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).

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 - Refuse & Recycling Bin Storage - [Performance Condition]

Within six months of the date of this decision, bin storage shall be laid out with a level approach in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason:

In the interests of the visual appearance of the building and the area in general.

07. APPROVAL CONDITION - Cycle storage [Performance Condition]

Within six months of the date of this decision, secure, covered space shall be laid out within the site for a minimum of 3 bicycles to be stored in accordance with the approved plans. The cycle storage shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport

08. 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.

09. APPROVAL CONDITION - Garden space layout [Performance Condition]

Within six months of the date of this decision, the gardens for each flat as shown on approved drawing number 09.1613.002 Revision P3 shall be provided and made available for use. Thereafter the whole of the gardens shall be retained for the use of the individual flats.

Reason:

To ensure adequate amenity space is made available for each flat and to comply with Core Strategy Policy CS 16.

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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
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)

Relevant Planning History

13/00133/ENBOC

Breach of Condition Notice issued 21.12.13

13/00678/MMA, Minor material amendment application for planning application

12/00457/FUL (condition 2) for raising of the rear roof height (retrospective)

Conditionally Approved, 16.09.2013

12/00457/FUL, Erection of a part first floor part single storey rear extension to facilitate conversion of existing 4-bed house into 5 flats (comprising a 1x3-bed, 2x2-bed, and 2x1-bed) with associated cycle/refuse storage.

Conditionally Approved, 29.06.2012

11/00441/FUL, Conversion of existing 4 bedroom house to three flats (comprising 1 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom) with replacement single storey rear extension, bin and cycle storage.

Conditionally Approved, 09.05.2011

14/01694/MMA



Scale: 1:1,250

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