

**Planning, Transport and Sustainability Division
 Planning and Rights of Way Panel (West) 21st April 2015
 Planning Application Report of the Planning and Development Manager**

Application address: Land rear of 27 Nelson Road			
Proposed development: Erection of a single storey one-bed bungalow with associated parking, cycle/refuse storage and amenity space (resubmission of 14/00496/FUL)			
Application number	15/00138/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5
Last date for determination:	27/3/15	Ward	Freemantle
Reason for Panel Referral	Representation by Cllr Moulton in support (contrary to officer recommendation)	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred by:	Cllr Moulton	Reason:	Alterations minimise impact of proposal in terms of amenity and character

Applicant: Mr Saw	Agent: Consultant Planning Services
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Liable
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01. REASON FOR REFUSAL – Character and amenity

The proposal to form a separate dwelling represents an over-intensive use of the site, introducing a form of back land development which would be wholly out of character with the layout and context of the established pattern of development in the area, with the formation of a separate dwelling causing harm to neighbouring occupiers in terms of increased activity. Furthermore, the application site is compact, allowing minimal amenity space and outlook to the occupiers of the proposed dwelling and would therefore be detrimental to their amenity. As such the proposal is contrary to saved policies SDP1(i) and SDP7(iii)(iv) of the City of Southampton Local Plan Review (Adopted March 2006) and policies CS13 and CS16 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) as supported by the guidance set out in paragraph 2.3.14 of the Councils Residential Design Guide Supplementary Planning Document (approved September 2006).

02. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Appendix attached			
1	Development Plan Policies	2	Planning history

Recommendation in Full

Refuse

1.0 The site and its context

1.1 The application site is formed of land situated to the rear of 27 and 25A Nelson Road and is currently occupied by a number of small scale outbuildings but it otherwise vacant. The site has an access onto Nelson Road running between 25A and 25 Nelson Road. The surrounding area is residential in context, with a mix of dwelling types and designs. The immediate surroundings of the plot to the rear are occupied by residential gardens.

2.0 Proposal

2.1 The application proposes a detached bungalow to create a new dwelling. In order to facilitate the creation of this new dwelling the plot includes part of the existing garden serving the property at number 27. The access to the property would be via the existing access between 25A and 25 Nelson Road, with the structure itself situated into the north-west corner of the plot.

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). A full list of 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.

3.3 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura

2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

4.0 Relevant Planning History

4.1 This application is a resubmission of a previously refused scheme under planning application reference 14/00496/FUL. The previous application was refused with three reasons for refusal cited; the impact of a new residential unit on the overall character of the surrounding residential garden environment, the impact on the amenity of occupants in terms of lack of amenity space and the effective loss of a family dwelling due to the loss of amenity space to the property at 27 Nelson Road.

5.0 Consultation Responses and Notification Representations

5.1 At the time of writing the report **1 representation** has been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- Overdevelopment which is out of character with surrounding residential context
 - Parking provision is insufficient to meet the needs of the development (with reference to personal circumstances of applicant and existing parking problems in the surrounding area)
- 5.3
- Access for construction vehicles will be problematic/disruptive

Comment: Any issues arising from the construction would likely be temporary in nature and could theoretically be controlled through the use of conditions.

- 5.4
- Previous applications have been refused in the surrounding area for other works

Comment: Each application must be considered on its individual merits at the time of submission in relation to current local and national policies. It is noted the comment referred specifically to extensions. On balance it is felt that the nature of the scheme involves a significant number of differing material considerations when compared to an extension to an existing dwelling.

Consultation Responses

5.5 **SCC Highways – No objection**

Given the scale of the proposed scheme it is not felt that the scheme will have a significantly harmful impact on highways safety when compared to the existing situation. Given the constraints of the existing access it is considered that cars should be able to enter and leave in a forward gear and on this basis if approval is recommended then it is considered conditions should be imposed to require a tracking diagram to demonstrate on site turning and landscaping to ensure such is retained.

5.6 Cllr Moulton

Support for the application given that the proposal is smaller than the previous scheme (forming a 1-bed unit rather than 2-bed unit) and resolves concerns in terms of amenity space and outlook. The proposal will not have any impact on the street scene and would be obscured, mitigating the impact on the character of the area and would not set a precedent.

Note: In the submitted application form the applicant has stated that the unit will have a single bedroom, compared to the two of the original scheme. It is noted that the floor plan of the building contains four rooms and planning permission would not be required to internally convert a room to a bedroom.

5.7 Cllr Shields

Objection to application with reference to the tightness of the vehicular access, the concern that it will exacerbate existing parking issues and cause loss of amenity space.

6.0 Planning Consideration Key Issues

- 6.1 The proposal has been amended in a number of ways from the previously refused scheme. The footprint of the structure has been reduced slightly from 8m by 6.15m (49m²) to 7.5m by 5m (37.5m²). The overall height of the structure has also been reduced from a maximum height of 3.7m to a maximum height of 3m (retaining the eaves height of 2.3m). As a result of these alterations the internal layout has been rearranged.
- 6.2 Additionally the amenity space provision has been modified, increasing the amount of land retained by the property at 27 to retain sufficient amenity space to be classified as a 'family dwelling' under policy CS16. On balance it is considered that this amendment is sufficient to address this reason for refusal. Nominally section 2.3.14 of the Residential Design Guide typically would expect 90m² of amenity space with a 10m garden depth for detached residential dwellings, however on balance given the specific nature and scale of the proposal it is considered that a lesser provision could be considered acceptable.
- 6.3 It is noted that this specific alteration was considered in the delegated report of the original application with the case officer noting that it would 'reduce the amenity space for the new unit to around 35m² which is insufficient for the outlook, especially considering the positioning and orientation of the proposed unit'. The amount of usable amenity space available to the site is further limited by the requirement to retain on-site turning space.

- 6.4 The surrounding area is characterised by two-storey dwellings facing the highway, mostly taking the form of semi-detached and residential dwellings with some flatted developments. While there are some examples of larger outbuildings to the rear in the surrounding area these are typically incidental to the use of the associated dwellings with the surrounding context being that of residential gardens. The physical scale of the proposed use has been reduced somewhat and it is not felt that the proposal will have a significantly harmful impact in terms of the physical form of the structure. However, the proposal does not address the first reason for refusal in terms of the overall impact by the introduction of an independent unit of living accommodation on the character of the immediate surroundings in terms of the context of the surrounding residential garden area.
- 6.5 The internal layout of the outbuilding has been redesigned. While the applicant has stated that the proposal is now for a 1-bed unit rather than 2-bed unit it is noted that planning permission would not be required to convert additional rooms to bedrooms. In particular, the room to the north-west corner would have limited outlook. In addition the window to the east elevation and east side of the south elevation would both have limited outlook, looking into boundary treatments at close proximity (notwithstanding that given the surrounding context of the site they would not be constrained by additional development at first or second storey).
- 6.6 Further details of proposed cycle and refuse storage are required, however this could be addressed through the use of condition. Further information would be needed in relation to sustainability elements of the build however it is considered suitable conditions could be imposed to this effect.
- 6.7 As noted in section 5 above, the highways team does have some concern in relation to the vehicular access to the site. The property has an existing vehicular access, however given the length and width of the access it is considered that on-site turning would be required to address highways safety concerns. In addition the proposal would involve the loss of some existing informal parking available within the site. Given the scale of the proposal the highways team do not consider that the additional volume of traffic will represent a significant additional impact when compared to the existing situation, while the formalisation of the parking and requirement to retain on site turning would represent an improvement over the existing situation.
- 6.8 Since the refusal of the previous application, the Council has begun to seek mitigation against the impacts of new dwellings on the overall environment of the South Coast area through mitigation under the Solent Disturbance Mitigation Project as per section 3.3 of this report. The applicant has agreed any obligation to address this issue and as such a reason for refusal would be considered justified in this respect.

7.0 Summary

- 7.1 The alterations to the scheme have gone some way to addressing the previously cited reasons for refusal, however on balance it is felt that a number of the key concerns remain predominately materially similar to the previously refused scheme with particular reference to the amenity of the occupants of the new dwelling and the character and context of the site in terms of neighbouring residential gardens.

8.0 Conclusion

With reference to the issues discussed above the application is recommended for refusal.

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), 6(a)(c), 9(b)

JF for 21/04/15 PROW Panel

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
CS22	Promoting biodiversity and protecting habitats

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

Planning history

14/00496/FUL – Erection of a two-bedroom bungalow with associated parking and cycle/refuse storage – Refused 17/05/2014

01. REASON FOR REFUSAL – Out of character

It is considered that, by reason of the backland positioning of the proposed unit within the rear gardens, the proposal is out of character and context with the general pattern of development in the area. As such the proposal is contrary to saved policies SDP1(i) and SDP7(iii)(iv) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS13 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010).

02. REASON FOR REFUSAL – Residential Amenity

It is considered that, by reason of insufficient amount of amenity space to serve the proposed unit, the proposal would be detrimental to the residential amenity of the occupiers in terms of sufficient outlook from habitable room windows and lack of sufficient amenity space provision. In addition, no cycle storage has been provided for the occupiers of the proposed unit. As such the proposal is contrary to saved policies SDP1(i) and SDP5(iii) of the City of Southampton Local Plan Review (Adopted March 2006) and policies CS13, CS16 and CS19 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) as supported by the guidance set out in paragraph 2.3.14 of the Councils Residential Design Guide Supplementary Planning Document (approved September 2006).

03. REASON FOR REFUSAL – Loss of a family dwelling

The proposal, by reason of the reduction of private amenity space afforded to no. 27 Nelson Road below the Local Planning Authority's minimum standard of 70m² (for semi-detached properties), would constitute of the loss of a family dwelling house as defined by Policy CS16 Core Strategy 2010 notwithstanding the retention of 3 bedrooms within the dwelling. As such the proposal is contrary to policy CS16 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) as supported by the guidance set out in paragraph 2.3.14 of the Councils Residential Design Guide Supplementary Planning Document (Approved September 2006).

12/01461/PREAP1 - Erection of a single-storey dwelling in the rear garden - 07/12/2012

890635/W - ERECTION OF A TWO STOREY REAR EXTENSION AT 27 NELSON ROAD - CAP 01/06/1989

890635/W/27 - THE ERECTION OF A PAIR OF SEMI DETACHED DWELLINGS ON THE SITE OF 27 NELSON ROAD - CAP 10/01/1978



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