

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (West) 2 June 2015
 Planning Application Report of the Planning and Development Manager**

Application address: 13 Carlton Road.			
Proposed development: Erection of a two storey side extension			
Application number	15/00485/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	27/05/2015	Ward	Bevois
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received.	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews
Referred by:	Cllr Rayment	Reason:	Concern that increase in intensity of use would be harmful to amenity of neighbouring occupiers.

Applicant: Dr J Jenkinson	Agent: Simpson Hilder Associates - FAO James Thompson
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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 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies	2	Plans for 14/00669/PLDC

Recommendation Summary	Conditionally approve
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1.0 Introduction

1.1 The application is one of six separate applications, submitted concurrently, for similarly designed extensions to existing Houses in Multiple Occupation (HMO's) in Carlton Road. The applications currently being considered are listed as follows and are highlighted on the attached location plan:

- 7 Carlton Road reference 15/00484/FUL
- 9 Carlton Road reference 15/00489/FUL
- 11 Carlton Road reference 15/00483/FUL
- 13 Carlton Road reference 15/00485/FUL
- 17 Carlton Road reference 15/00482/FUL and 15/00398/MMA.

1.2 Numbers 7 and 11 are all existing Use Class C4 HMO's (up to six persons). Number 9 benefits from planning permission for use as a larger, Sui Generis HMO (limited to seven persons) and is essentially seeking to amend the scheme as approved to incorporate the two-storey side extension. Number 17 also benefits from planning permission for use as a larger, Sui Generis HMO (limited to seven occupants) and also seeks to remove a condition of that permission which restricts permitted development rights.

1.3 The submitted floorplans for number 13, subject of this application, show six bedrooms at the property. However, a HMO license for a seven bed HMO was issued by the Private Sector Housing team on the 9 May 2014. Furthermore, a tenancy agreement submitted by the applicant indicates that the property was occupied by seven individuals for a 12 month period from the 1 July 2011 to the 30 June 2012. As such, it would appear that this property is currently occupied as a Sui Generis HMO for seven people. Based on the available evidence, it is considered that the use of the property as a Sui Generis HMO is unauthorised and the Council is commencing enforcement action to address this situation. This application, therefore, is assessed as an extension to a C4 HMO.

1.4 Whilst it is important to take a consistent approach to decision-making, each of the above listed applications should be determined on their own merits, taking into account the specific circumstances of each site.

2.0 The site and its context

2.1 The application site is a two storey, semi-detached dwelling house with an original two storey projection to the rear. This property is located on the eastern side of Carlton Road and is within an area characterised by a range of uses including a school, retail and residential. The site is relatively open with access to the rear between nos. 13 and 15 Carlton Road. The area to the rear of the property is hard-surfaced and appears to be used for car parking.

At present, this property comprises two bedrooms, a living room, kitchen, utility,

2.2 bathroom and three stores at ground floor level in addition to four bedrooms, a bathroom and WC at first floor level. As discussed previously, whilst the submitted plans indicate that the property has six bedrooms, evidence submitted by the applicant (tenancy agreement) and held by the HMO Licensing team indicates that the property is occupied as a Sui Generis seven bedroom HMO. Planning permission has not been granted for this use and the applicant has been advised that planning permission would be required. The Planning Enforcement Team have also been informed of this.

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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). 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 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 Following the Article 4 direction coming into effect on 23 March 2012, the conversion of a family house into a small HMO for up to six people requires planning permission. Any physical improvement to the property should be purely assessed against the Council's quality of development policies where the level of occupation does not exceed a small HMO as there would be no further affect the balance and mix of the households within the local area.

3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Bevois. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23 March 2012 and the threshold, therefore, does not apply in this case. The reason being that there would be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

3.5 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

4.0 Relevant Planning History

- 4.1 In 1993, conditional approval (ref.931142/E) was granted for the use of the property as student accommodation.
- 4.2 It is noted that a very similar proposal was recently granted permission at 15 Carlton Road under delegated powers (planning application reference 14/02121/FUL) on 9th March 2015.
- 4.3 In 2014, a lawful development certificate (ref.14/00669/PLDC) was granted for proposed roof alterations to include hip to crop gable change, dormers and velux windows to facilitate loft conversions at 11, 13, 15 and 17 Carlton Road. The development granted, but not implemented, would provide an additional two bedrooms in the roof space of each property, although still not resulting in more than six bedrooms within each dwelling. The plans for this certificate are included in **Appendix 2** of this report.

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, **10** representations have been received, six from surrounding residents, one in the form of a combined letter from Councillors Rayment, Burke and Barnes-Andrews, one from Councillor Bogle, one from the Polygon and Fitzhugh Community Action group and one from Residents Action Live. It is noted that a referral request has also been received by Councillor Rayment also on behalf of Councillor Burke and Barnes-Andrews. The following is a summary of the points raised by these responses:

- 5.2 The application is for a change of use to form an additional HMO in an area already experiencing an overconcentration of this type of use.

Response: This application is not for a change of use of the property but for a two storey side extension to an existing HMO. If the applicant wishes to increase the occupancy at this property, a further planning application would be required which would be considered on its merits at the time of submission. As discussed previously, the applicant has been informed that planning permission is required for the use of the property as a Sui Generis seven bedroom HMO and the Council is commencing Enforcement Action accordingly.

- 5.3 This row of Edwardian houses should be preserved and not extended.

Response: The proposed works are considered to be modest in scale and are not likely to have a significant impact on the recipient property.

- 5.4 The proposed extension would establish more rooms which would subsequently increase the density of HMOs in the surrounding area.

Response: The proposed extension would comprise a dining room and is linked to internal works to create a large dining room / kitchen / lounge for residents. It would not result in the creation of additional bedrooms. Furthermore, a suitably worded planning condition will be imposed to ensure that the dining room / kitchen / lounge and bathrooms will be retained and not converted to bedrooms.

- 5.5 The proposed extension would have an adverse impact on the character of the Conservation Area.

Response: The proposed extension would be located to the rear of the property and would not be overly visible from the wider street scene when viewed from Carlton Road. The application site itself is not located within a Conservation Area. The Avenue Conservation Area is located a significant distance away from the application site and the proposed extension is not considered to cause any harm to its character of appearance.

This application would result in the overdevelopment of the site.

5.6

Response: The proposed extension is relatively modest in scale and is not considered to result in the overdevelopment of the site. It would provide additional dining room accommodation for the occupiers of this property and would not establish additional bedrooms. Furthermore, a suitably worded planning condition will be imposed to ensure that the dining room / kitchen / lounge and bathrooms will be retained and not converted to bedrooms.

5.7 The proposed extension would reduce the outdoor amenity space available for occupiers of the property.

Response: Whilst the proposal would reduce the amount of outdoor space to the rear of this property, this is not considered to be detrimental to the living conditions of the occupiers of the property. The relatively modest scale of the proposed extension in a relatively unusable area of the rear garden is not considered to be harmful. Furthermore, the proposal would improve the internal amenity available for occupants by providing a larger and more useable living area.

5.8 **Cllr Rayment** - Concern that increase in scale and intensity of use will harmfully impact nearby occupiers in terms of associated issues such as anti-social behaviour and noise (noted as being sent on behalf of Cllrs Rayment, Burke and Barnes-Andrews).

6.0 Planning Consideration Key Issues

6.1 The determining issues for this application relate to the design of the proposed extension, its impact on the character of the area and its impact on the residential amenities of any adjoining occupiers.

6.2 The application does not propose a change of use of the site or an increase in the number of bedrooms contained within the property. As discussed previously, it would appear that the property is occupied as a Sui Generis seven bedroom HMO at the current time and the applicant has been advised that planning permission would be required for this. The Planning Enforcement team have also been informed of this. However, for the avoidance of doubt and in the interests of the potential impacts on the character and amenity of the area, conditions are recommended that would prevent the formation of further bedrooms or an increase in the occupancy of the dwelling. The application, therefore, falls to be considered solely on the associated impacts of the proposed physical extension in terms of the impact on the character of the area and residential amenity.

6.3 Design and Impact on the Character of the Area

6.3.1 The proposed extension would not project beyond the side elevation of the main

dwelling house and would not subsequently be visible from Carlton Road. As such, this proposal would not have a significant impact on the wider street scene. It would be constructed using materials to match those of the main dwelling house and would be relatively modest in scale in relation to the properties within the surrounding area. The roof of the proposed extension would be subordinate to that of both the main dwelling house and the original two storey rear projection and an appropriate pattern of fenestration would be achieved to the rear. Having regard to this, the proposed extension would relate appropriately with the recipient dwelling house and would subsequently be acceptable in design terms. It would have a minimal impact on the character of the area.

6.3.2 Whilst the extension would reduce the external space associated with the property, the main area of rear garden would be retained, meaning the site would not appear over-developed when having regard to the higher-density, central location of the site.

6.4 Residential Amenity

6.4.1 The proposed extension would be adequately screened from the adjoining property at no.11 Carlton Road by the main dwelling house. As such, there is not deemed to be any adverse impact on the residential amenities of the occupiers of this adjoining property.

6.4.2 The nearest residential property to the proposed extension would be located at no.15 Carlton Road. Similar to the application site, this property comprises a two storey, semi-detached dwelling house with an original two storey projection to the rear. There are a series of windows within the side elevation of this two storey rear projection which face the application site; two windows at first floor level in addition to three windows and a door at ground floor level. It is considered that the outlook from these windows is already limited. A separation distance of approximately 5.4m would remain between the proposed extension and these neighbouring windows. Having regard to this and the relatively modest scale of the proposed extension, this proposal is not considered to give rise to an adverse impact on the residential amenities of the occupiers of no.15 in terms of loss of light or overbearing impact. Furthermore, no windows are proposed within the side elevation of the proposed extension. As such, this proposal is not considered to be detrimental to the privacy of the occupiers of this adjoining property. Having regard to these issues, this proposal is considered to be acceptable in terms of residential amenity.

6.4.3 As noted above, the proposal does reduce the external space available to the dwelling. However, since this space is located to the side and is narrow, it has limited value as amenity space and indeed, is not currently used as such. The proposal is, therefore, considered to be acceptable in this respect.

7.0 Summary

7.1 Having regard to the issues discussed above, the proposed extension is considered to be acceptable in terms of design and residential amenity.

8.0 Conclusion

8.1 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)(qq)(vv), 6(c), 7(a), 9(b).

LG for 02/06/15 PROW Panel

PLANNING CONDITIONS

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 - 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.

03. 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.

04. APPROVAL CONDITION - Room restrictions [Performance Condition]

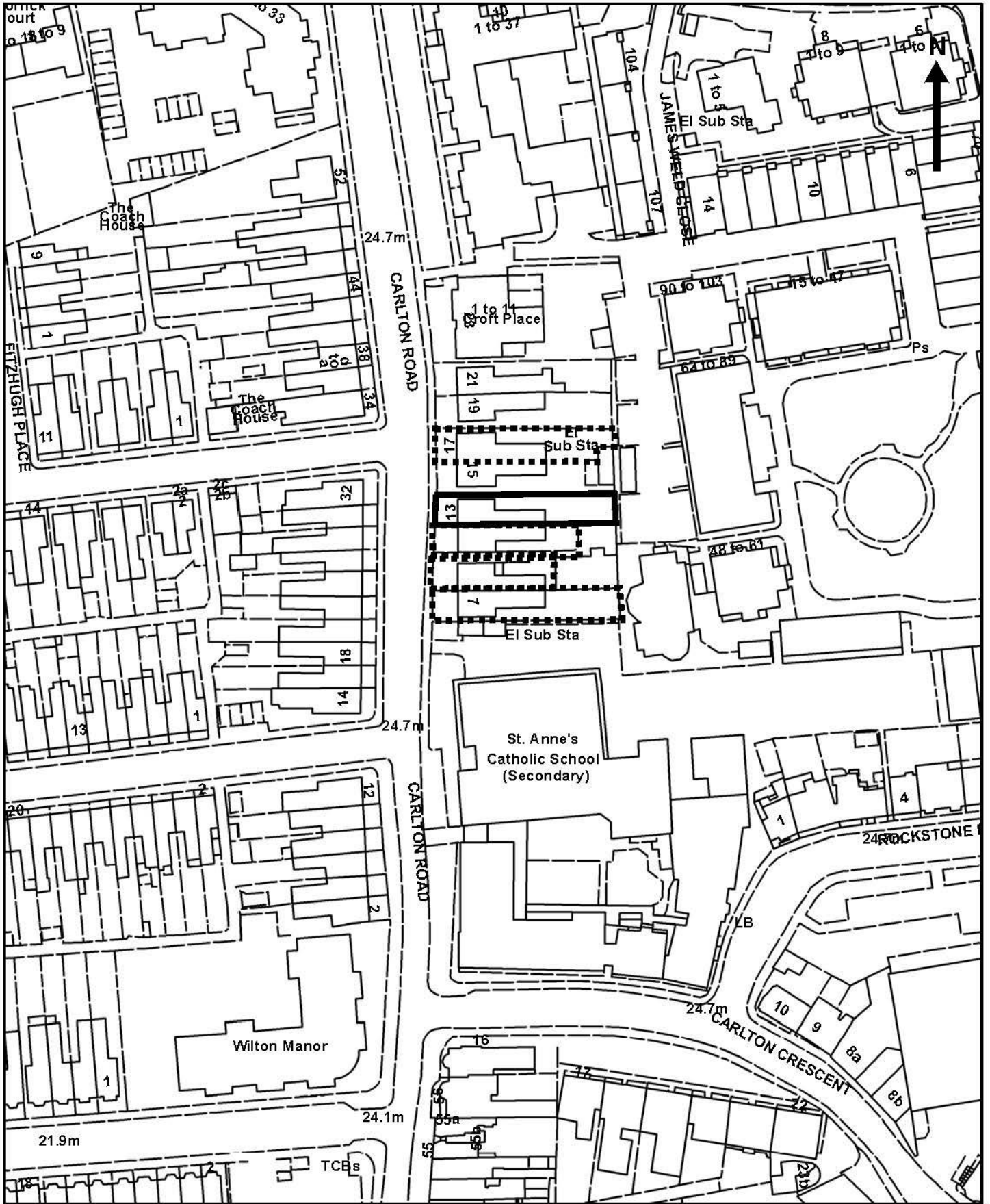
The rooms annotated on plan 135 as the kitchen/dining/lounge area and bathrooms shall remain as communal space for the occupiers of the dwelling throughout occupation of the building and shall at no time be used as bedrooms unless otherwise agreed upon in writing but the Local Planning Authority.

REASON:

For the avoidance of doubt, to maintain sufficient residential environment for occupiers and to ensure that there is no intensification of use of the site.

Note to Applicant: Large Sui Generis HMO (seven bedrooms)

Information submitted by the applicant and held by the City Council indicates that the property is currently being used a large, Sui Generis HMO with seven bedrooms. Planning permission has not been granted for this use and the applicant is subsequently advised to submit a planning application for this.



Scale: 1:1,250

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