

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) - 22 December 2015
Planning Application Report of the Planning and Development Manager

Application address: 238 Hill Lane, Southampton, SO15 7NT			
Proposed development: Erection of a two storey rear extension, installation of solar panels and front porch canopy (resubmission).			
Application number	15/01786/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	04/01/2016 (extended)	Ward	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Chaloner Cllr Kaur Cllr Coombes

Applicant: Mr & Mrs Renyard	Agent: Plum Architects Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations, including the changes made to the scheme since the refusal of 15/00973/FUL 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 previously refused scheme under 15/00973/FUL
3	Plans for Previously withdrawn scheme under 14/02093/FUL		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site comprises a detached, two-storey dwellinghouse. The property is situated on the western side of Hill Lane, opposite Southampton Common. The surrounding area is predominately residential, though in close proximity to a school and a college.

2.0 Proposal

2.1 The application proposes a two-storey rear extension to the existing dwelling and follows a recent refusal for a similar scheme (ref.15/00973/FUL). The main body of the proposed extension projects 3.5m from the rear wall (with a small bay element projecting up to 4m). The extension has a hipped roof design coming back from the ridge of the main dwelling and matching the pitch of the existing roof. The main difference to the previous scheme is a 0.5m reduction in the depth of the proposed extension.

2.2 The proposed internal layout facilitated by the extension maintains the existing total of 4 bedrooms in the property. The layout has been modified to provide a number of additional bathrooms and an enlarged kitchen/dining area at ground floor level.

2.2 The application also proposes the insertion of solar panels to the front and side (eastern) roof slopes.

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 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 In 2015, application ref.15/00973/FUL seeking permission for the erection of a two storey rear extension and the installation of solar panels and a front porch canopy was refused. This application was taken to the Planning and Rights of Way Panel with a recommendation for Conditional Approval however it was deferred in order to give the applicant the opportunity to amend the scheme in response to panel concerns relating to the impact on residential amenity and design. Amendments were, however, not forthcoming and the scheme was refused under delegated powers. The reasons for the refusal of this scheme were as follows:

1. REASON FOR REFUSAL: Impact on Residential Amenity

The proposed two storey rear extension would, by virtue of its excessive scale and bulk built so close to the common boundary, have an unacceptable impact on the residential amenities of the neighbouring occupiers of no.240 Hill Lane. This element of the scheme would have an overbearing impact on this neighbouring property leading to an increased sense of enclosure, a loss of light, and a reduction in outlook from habitable rooms. This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policy SDP1(i) of the adopted Amended Local Plan Review (March 2015); and paragraphs 2.2.1 of the adopted Residential Design Guide SPD (September 2006).

2. REASON FOR REFUSAL: Inappropriate Design and Impact on Character

The proposed two storey extension would, by virtue of its excessive scale and bulk, represent an incongruous and over-intensive form of development which would fail to relate appropriately with the recipient dwellinghouse. Furthermore, it would be at odds with the prevailing character of this part of Hill Lane where no similar two storey rear extensions are present. This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policy SDP1(i), SDP7(iii)/(iv) and SDP9(i) of the adopted Amended Local Plan Review (March 2015); and paragraphs 2.3.1, 2.3.2, 2.3.8 and 2.5.2, of the adopted Residential Design Guide SPD (September 2006).

Plans for this scheme can be found in **Appendix 2**.

- 4.2 In 2014, an application (ref.14/02093/FUL) seeking permission for the erection of a two storey rear extension and the installation of solar panels and a front porch canopy was withdrawn prior to determination following concerns raised by officers. Subsequent schemes (15/00973/FUL and 15/01786/FUL) were amended in response to these concerns and have increased the separation distance of the proposed extension with the boundary with the neighbouring property at no.240 Hill Lane. This was withdrawn in response to officer concerns about the impact of the proposed extension on neighbouring occupiers in terms of the creation of an overbearing and overshadowing form of development. Plans for this scheme can be found in **Appendix 3**.

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 **5** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.1.1 The proposed extension would, due to its excessive bulk located so close to the common boundary with no.240 Hill Lane, result in a loss of amenity for the occupiers of this neighbouring property in addition to the occupiers of no.242, 244 and 246. Specifically, this would be by virtue of a loss of light to and overshadowing of habitable room windows. This would be a particular issue in winter months.

Reason: The concerns of the most affected neighbours at no.240 Hill Lane and no.82 Radway Road are noted. This scheme has been amended in response to the previous reason for refusal of 15/00973/FUL along these grounds (detailed in paragraph 4.1). As a result, the depth of the extension has been reduced from 4m to 3.5m. The proposed extension is outside of the 45 degree line in accordance with guidance outlined in the Residential Design Guide SPD. This, combined with the retention of an acceptable separation distance of approximately 4m with no.240 Hill Lane (excluding the neighbouring conservatory) results in an acceptable relationship with this neighbouring property, overcoming the previous reason for refusal relating to residential amenity. As such, this proposal is not considered to result in a significant loss of light or significant overshadowing of this neighbouring property. It must also be noted that under permitted development, a two storey extension of 3m in depth could be constructed without the need to obtain permission from the Local Planning Authority. The additional 0.5m over this permitted development allowance is not considered to result in any additional undue harm to residential amenity in this location.

- 5.1.2 The proposed extension would, due to the installation of bedroom windows at first floor level, overlook the rear garden of the property to the rear at no.82 Radway Road leading to a loss of privacy for occupiers.

Response: A separation distance of approximately 15m would be retained between the rear elevation of the proposed extension and the side wall of no.82 Radway Road. Furthermore, there is an existing single storey outbuilding along the rear boundary of the application site and an existing boundary fence between these two properties providing additional screening for the rear garden of no.82 Radway Road. In light of this, it is not considered that the proposed extension would result in any additional overlooking of this neighbouring rear garden.

- 5.1.3 The proposed extension would lead to an expanse of unbroken brickwork directly facing no.240 Hill Lane leading to a loss of outlook.

Response: The proposed extension would be constructed using high quality facing brick to match that of the existing property. The section of brick to the side elevation would therefore, have a high quality appearance replicating that of the existing dwellinghouse. There are no windows within the side elevation of no.240 and the proposed scheme would not therefore, have an impact on any side facing windows within this neighbouring property. The retention of an appropriate separation distance (approximately 4m) between no.240 Hill Lane and the proposed extension combined with the reduction of the depth of the extension by 0.5m would ensure that no loss of outlook would occur. It is also noted that the habitable room windows within the rear elevation of no.240 would continue to benefit from sufficient outlook to the north and the west. A very similar scheme could be constructed under permitted development.

- 5.1.4 The proposed extension would be out of character with the surrounding area.

Response: It is acknowledged that there are no similar two storey extensions along this section of Hill Lane. This does not however, automatically mean that a two storey extension would not be accepted in this location. Under permitted development, an extension with a depth of 3m could be constructed at the

application site but also at neighbouring properties. The proposed extension only exceeds this permitted development allowance by 0.5m. This additional 0.5m is not considered to be harmful to the character of the surrounding area and it is not uncommon to find two storey rear extensions in residential areas.

- 5.1.5 Permitting such a large extension would set a precedent for similar development in the surrounding area.

Response: Any further applications for similar two storey extensions would be determined based on their individual planning merits. Granting permission for a two storey extension at this property would not automatically mean that permission would be granted for similar extensions in the future. Residential properties could also potentially construct similar 2 storey extensions under permitted development.

- 5.1.6 The submitted Design and Access Statement gives a misleading impression that properties to the north all have large extensions, which is not the case.

Response: A satellite photograph of the site was included in the Design and Access Statement physically demonstrating the layout of neighbouring properties. The assessment of the planning application is made taking into account all submitted information, including letters of representation received and a visit to the site and surrounding area.

- 5.1.7 The applicant has stated they received advice from the Planning Department prior to resubmission - any such advice should not prejudice the outcome of this application.

Response: Applicants are encouraged to use the City Council's pre application advice survey as this enables an early identification of any issues which may arise during the formal planning application stage. Any officer-level advice provided prior to the submission of an application is provided without prejudice to the decision that the Council will take at the formal planning application stage. This application has been assessed having regard to all relevant material planning considerations.

5.2 Consultation Responses

5.2.1 SCC Heritage Conservation – No objection.

The site lies in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy. It is just west of Southampton Common, on the west side of Hill Lane. The lane is of medieval origin, if not earlier. Prehistoric evidence has been found in the general area, and may be present on the site. In the 19th and early 20th centuries, the site itself was a field to the south of the Cockroads Farm (demolished in the 1930s). Archaeological investigations not far to the north have uncovered 19th century buildings associated with the farm, although it is unlikely that such evidence will be present on this site.

Given the small nature of the development, I do not require any archaeological conditions to be attached to the planning consent.

6.0 Planning Consideration Key Issues

6.1 Introduction

6.1.1 The determining issues for this scheme relate to:

- The impact of the proposal on the residential amenities of neighbouring occupiers.
- The acceptability of the design and the overall impact on the character of the local area.

6.1.2 Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, a two storey extension with a maximum depth of 3m from the rear elevation of the original dwellinghouse could be constructed without planning permission. The main bulk of the proposed extension (excluding the proposed two storey bay window) has a depth of 3.5m and due weight should therefore, be given to this fallback position. The assessment which is required in this case relates to whether the additional 0.5m bulk over what could be constructed as permitted development would give rise to significant additional harm in terms of residential amenity or design. The projection has been reduced from 4m following previous consideration by the Planning and Rights of Way Panel.

6.2 Residential Amenity

6.2.1 The neighbouring property at no.236 is located to the south of the application site. It is the side elevation of this property which faces the application site. All windows within this side elevation are obscure glazed and face the original dwellinghouse at no.238. As they are obscure glazed, they are not considered to benefit from a good outlook at the current time. The proposed extension at no.238 would be set in from the side elevation of the original dwellinghouse by approximately 2.1m. Furthermore, a distance of approximately 4.5m would be retained between the side elevation of the proposed extension and the common boundary between the application site and no.236. In light of this, it is not considered that the proposed extension would be detrimental to the residential amenities of the occupiers of no.236 in terms of loss of light or overbearing relationship. This relates to both windows within the side and rear elevation of this property. The lack of any windows within the side elevation of the proposed extension would ensure that no additional overlooking of this neighbouring property or its garden would occur.

6.2.2 The side elevation of no.82 Radway Road is located to the rear of the application site. At present, this is located approximately 19m away from the rear elevation of the application site. As a result of this proposal, this would be located approximately 15m away from the bedroom windows proposed at first floor level of the proposed extension. It is also noted that this neighbouring property is positioned slightly south of the application site. Paragraph 2.2.7 of the Residential Design Guide outlines a minimum separation distance of 12.5m between habitable room windows and the side elevation of a neighbouring property. The proposal would retain an acceptable separation distance in accordance with this requirement and is not considered to result in a loss of amenity for the occupiers of this property in terms of loss of light, overbearing impact or loss of privacy.

- 6.2.3 The neighbouring property at no.240 Hill Lane is located to the north of the application site. It is the side elevation of this property which faces the application site. There are no existing windows within this side elevation. There are however, a number of windows located within the rear elevation of this neighbouring property and these appear to serve habitable rooms (a living room at ground floor level and bedrooms at first floor level). It is also noted that there is a small conservatory to the side of this neighbouring property, adjacent to the common boundary with the application site. The proposed extension would be set in from the side elevation of the application site by approximately 1.4m and a distance of approximately 3m would remain between the extension and the common boundary. Furthermore, a total distance of approximately 4m would remain between the side elevation (excluding the conservatory) of this neighbouring property and the side elevation of the proposed extension.
- 6.2.4 Paragraph 2.2.12 of the Residential Design Guide states that: 'The 45 degree code is designed to protect your neighbours' enjoyment of their property by ensuring satisfactory outlook, natural light and to prevent excessive overshadowing. Generally, the rule provides for an imaginary line drawn at 45 degrees from your extension to a neighbour's nearest window which lights a habitable room (living room / dining room / bedroom). The line will show the maximum width and / or depth that a proposed extension can build up to and so extensions should not project beyond the projected line'. Having applied the 45 degree code, it is clear that the proposed extension is located outside of the 45 degree line to the nearest habitable room window within the rear elevation of no.240 Hill Lane and as such, the neighbours outlook is not considered to be harmed in planning terms.
- 6.2.5 Paragraph 2.2.12 advises that: 'The 45 degree code is designed to protect your neighbour's enjoyment of their property by ensuring a satisfactory outlook, natural light and to prevent excessive overshadowing'. The proposed extension would be sited in an appropriate manner and would be located outside of the 45 degree line in accordance with the guidance outlined in the Residential Design Guide SPD. This, combined with the retention of an acceptable separation distance with the neighbouring property would effectively mitigate the impact of the proposed extension, ensuring that no loss of light or overbearing impact would occur. Furthermore, it is not considered that any significant overshadowing of no.240 Hill Lane would occur as a result of this proposal.
- 6.2.6 Two new bedroom windows would be established at first floor level. There are currently three windows at first floor level within the rear elevation of the application site and whilst the new windows would be further out to the rear by approximately 3.5m, it is not considered that they would give rise to any additional overlooking above the existing arrangement. Furthermore, no windows would be established within the side elevation of the proposed extension.
- 6.2.7 Section 2.2.18 of the Residential Design Guide states that: 'Where a new building is proposed on or close to the boundary of a garden / yard boundary, the City Council will carefully consider the impact of this from the perspective of someone standing in that location. The weight attached to such a consideration will vary from site to site.....Where the garden area is large and enjoys an

outlook in a number of directions other than the land being developed, this consideration will be less important'. The rear garden of no.238 Hill Lane is approximately 17m in depth and an additional 3.5m bulk adjacent to this is not considered likely to have an overbearing impact on this spacious garden or lead to an increased sense of enclosure for occupiers. This sizeable garden would continue to benefit from a good outlook and it is not considered that the proposal would result in significant harm.

- 6.2.8 The depth of the proposed extension has been reduced from 4m in the previously refused scheme (15/00973/FUL) to 3.5m this time around (excluding the two storey bay window). As a result, the depth of the proposed extension is only 0.5m greater than what could be constructed under permitted development (a maximum depth of 3m). Having regard to this fall-back position, it is not considered that an additional 0.5m bulk over the permitted development allowance would give rise to any significant additional harm on the residential amenities of the occupiers of no.240 Hill Lane in terms of loss of light or overbearing impact. On balance, the 0.5m reduction is therefore, considered to be sufficient to make the scheme acceptable.
- 6.2.9 The proposed solar panels would be sited appropriately and would not be detrimental to residential amenity.
- 6.2.10 The proposed front porch canopy would be relatively modest in scale and would not be detrimental to residential amenity.
- 6.2.11 Having regard to the above issues, this scheme is considered to be acceptable in terms of residential amenity, overcoming the previous reason for refusal.

7.0 Design

- 7.1 The proposed extension is a sizeable addition which would not, due to its location to the rear of the property, be visible from Hill Lane. It would, to some extent, be visible from Radway Road however given its set back from the immediate street scene and the presence of a substantial boundary treatment at the property, it is not considered that this proposal would have a significant impact on the wider streetscene in this location.
- 7.2 The proposed extension would be constructed using materials to match those of the recipient dwelling. It would have a hipped roof no higher than the roof of the existing dwelling and of a pitch to match that of the existing. To the rear, the proposed two storey bay feature would introduce an additional feature of interest to the property resulting in a good quality design.
- 7.3 It is acknowledged that there are no similar two storey extensions along this section of Hill Lane. This does not however, automatically mean that a two storey extension would not be accepted in this location. Whilst there are no existing two storey extensions in this location, this scheme adopts a high quality design which would enhance the overall appearance of the rear of the property and is not considered to be detrimental to the character of the wider area. Again, regard must be given to the fallback position which would allow a 3m extension to be constructed under permitted development. On balance, the additional 0.5m depth over this permitted development allowance is considered to be acceptable and would not be harmful in terms of design or character. The reduction of the

depth of the extension from 4m in the previous proposal (ref.15/00973/FUL) to 3.5m this time around is considered to be sufficient to overcome the previous reason for refusal relating to design, bringing the proposed scheme closer to what would be allowed under permitted development.

- 7.4 The proposed solar panels would be sited appropriately and would not be overly visible from the wider streetscene.
- 7.5 The proposed front porch canopy would have an acceptable appearance.
- 7.6 Having regard to the above issues, this scheme is considered to be acceptable in terms of design, overcoming the previous reason for refusal.

8.0 Summary

- 8.1 In light of the issues discussed in this report, this proposal is considered to have successfully overcome the reasons for the refusal of the previous application. The proposed two storey extension would be of a high quality design and of a scale which would be appropriate in relation to both the recipient building and the character of the surrounding area.

9.0 Conclusion

- 9.1 This 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)(d), 2(b)(d), 4(f)(vv), 6(a)(c)(i), 7(a), 8(a), 9(b)

LAUGRI for 22/12/15 PROW Panel

PLANNING CONDITIONS

1. 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).

2. 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.

3. 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.

4. APPROVAL CONDITION - No other windows or doors to be installed [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no additional windows, doors or other openings shall be constructed at first floor level within the northern or southern side elevations of the two storey extension hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

5. 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)

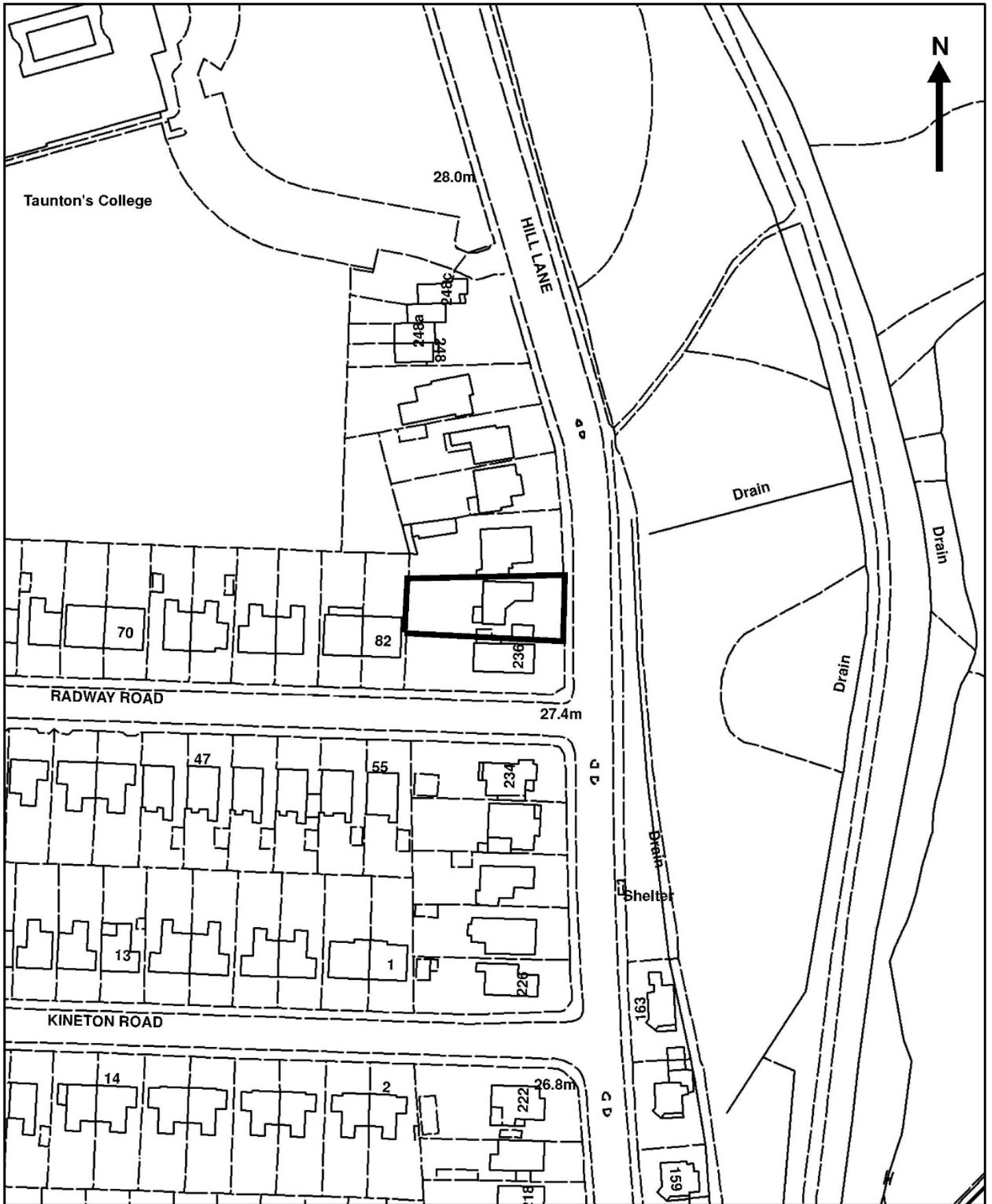
And at no time on Sundays and recognised public holidays.

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.

15/01786/FUL



Scale: 1:1,250

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