

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 21st June 2016
Planning Application Report of the Planning and Development Manager

Application address: 195 Midanbury Lane, Southampton			
Proposed development: Erection of a single storey side and rear extension (resubmission of 16/00177/FUL)			
Application number	16/00629/FUL	Application type	FUL
Case officer	Kieran Amery	Public speaking time	5 minutes
Last date for determination:	14/06/2016	Ward	Bitterne Park
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors	Cllr White Cllr Fuller Cllr Inglis

Applicant: Mr & Mrs James Brady	Agent: GHD Partnership
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Recommendation Summary	Conditionally approve
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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. The proposed single storey side and rear extension would not be detrimental to the character of the local area or the amenities of local residents. The proposal would not be considered harmful to highway safety. 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 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, CS14, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1.0 Introduction

- 1.1 The application proposes the erection of a single storey side and rear extension to a semi-detached two storey dwelling.
- 1.2 Objections have been received regarding the impact of the proposed extension on the character of the host property and the local area, as well as the impact on the amenities of neighbouring properties in terms of overlooking and overbearing and on the amenities of the host property in terms of an overdevelopment of the site.

2.0 The site and its context

- 2.1 The site is a two storey semi-detached family dwelling house within a residential area characterised by similar family dwellings.
- 2.2 There is a 1.8m close panel wooden fence which acts as boundary treatment to the sides and rear of the property. There is also a small 2m deep existing rear extension with a conservatory on the host property and a detached outbuilding to the rear of the property; the conservatory will be demolished as part of these works.

3.0 Proposal

- 3.1 The proposal is for a single storey side and rear extension to the north east elevation, wrapping around the rear.
- 3.2 The extension wraps around the building and would have a maximum width of 1.33m from the side elevation, and would be set back from the front elevation of the property (not including a porch and bay window) by 1.9m. It would have a flat roof with a height of 2.7m.
- 3.3 The rear aspect of the extension would be the same height as the side aspect and have a maximum depth of 5m from the original rear wall of the dwelling and would be built across the width of the host dwelling to the property boundary. It would replace the existing rear extension and would be constructed using facing brick and render to match the existing house.

4.0 Relevant Planning Policy

- 4.1 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**.
- 4.2 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.
- 4.3 Saved policy SDP1 (i) states that planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.
- 4.4 Saved policy SDP7(iii) supports proposals which would respect the existing layout of buildings within the streetscape. SDP7 (iv) supports proposals which respect the scale, density and proportion of existing buildings and SDP7 (v) supports development which would integrate into the local community.

4.5 Saved policy SDP9 (i) states that proposals should respect their surroundings in terms of scale massing and visual impact. SDP9 (iii) states that proposals should respect their surroundings in terms of the quality and use of materials. SDP9 (iv) that proposals should respect their surroundings in terms of architectural detailing, and SPD9(v) in terms of the impact on surrounding land use and local amenity.

4.6 These policies are supported by the guidance in the Council's approved Residential Design Guide (2006)

5.0 Relevant Planning History

5.1 The relevant planning history is set out in detail in **Appendix 2**. There have been four previous applications for two storey side and rear extensions at this property. The first was refused in February 2006 on character and appearance related issues. The second was a revision of this application which was approved in April 2006. However this extension was never constructed.

5.2 Application ref:15/02113/FUL was refused due to the impact of the extension on the street scene, on the 14th of December 2015.

5.3 Application ref:16/00177/FUL was refused at Planning Panel for two reasons. Firstly the two storey nature of the development making the extension appear over-bearing and oppressive to the detriment of the amenities of no.197 Midanbury Lane. Secondly that the proposals included a first floor bedroom with a side facing window which would *be obscure glazed that relied on light and outlook from the neighbouring property*. This was considered to be an inappropriate form of development as it would not allow for sufficient light and outlook to the proposed bedroom. The current proposals seek to address the latest reasons for refusal and have removed the first floor of accommodation.

5.4 There was also an enforcement enquiry at this site regarding a breach of planning control through the construction of an outbuilding in the rear garden. This breach was resolved and the enforcement case was closed on the 24th March 2016.

6.0 Consultation Responses and Notification Representations

6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken. At the time of writing the report **five** representations had been received from surrounding residents. A summary of the material considerations raised by these objections is set out below.

6.1.1 Comment

The proposals will adversely affect the character and appearance of the local area.

Response

The impact of the extension on the character of the area would be very limited as it would not be immediately visible in the street scene, being of single storey nature and being set back from the front of the property by 1.9m. It would therefore not be harmful to the character of the area.

6.1.2 Comment

The proposed development would overlook neighbouring properties.

Response

The proposal includes a ground floor window to the side elevation which would face no.197 Midanbury Lane. It is considered that the 1.8m close panel fencing at the boundary of this site would sufficiently screen the neighbouring property from the view of this window. It should also be noted that ground floor windows

within the existing dwellings can be installed without the benefit of planning permission.

6.1.3 Comment

The proposed extension would have an overbearing impact on neighbouring properties.

Response

The proposed extension would be single storey with a height of 2.7m, a single storey extension with a flat roof could be built up to 3m in height under permitted development criteria. Given the modest height of the extension it would not be considered to have an overbearing impact on the neighbouring properties. The application is therefore compliant with Local Plan Review Policy SDP1(i).

6.1.4 Comment

The proposals would result in an overdevelopment of the host property.

Response

The application proposes an extension with a depth of 5m extending out into the rear garden. It would retain around 50 sqm of usable amenity space within the rear garden, not including the recently built detached outbuilding. It is considered that this is a sufficient amount of garden space to serve a practical use to the property

6.1.5 Comment

The proposed works are out of scale with the host property.

Response

The proposed extension benefits from a setback of 1.9m from the front elevation of the property, and 2.7m from the front of the front porch. This sets the extension away from the street scene and retains the appearance of the principal elevation of the dwelling. Being single storey the extension is considered to be subservient in appearance and of an appropriate scale to integrate into the character of the host dwelling.

7.0 Planning Consideration Key Issues

7.1 The key issues for consideration in the determination of this planning application are:

- (i) Design impact on the character and appearance of the host property and local area; and
- (ii) Impact on the amenities of local residents.

7.2 Design Impact

7.2.1 This section of Midanbury Lane is characterised by two storey family dwelling houses, with detached houses to the north west of the road and semi-detached to the south east. Development to the side of houses within the immediate street scene are limited to two small wooden outbuildings built up to the side of the host property.

7.2.2 The proposed extension would be of a single storey with a flat roof and a height of 2.7m. It would also benefit from a setback of 1.9m from the front elevation of the property, and 2.7m from the front of the front porch. This sets the extension away from the street scene and retains the appearance of the principal elevation of the dwelling. For this reason the extension would retain the visual symmetry of the semi-detached pair and the visual continuity of the street scene.

- 7.2.3 The rear aspect of the extension would not be visible from publically accessible areas and is therefore not considered to have a harmful impact on the character of the area. The proposed flat roof design is considered suitable for a rear extension of this type in a suburban area, indeed there is a similar flat roof rear extension on the attached neighbouring property
- 7.2.4 It should be noted that the preceding application ref:16/00177/FUL for a similar scheme was not refused on the grounds that proposals would be out of character with the local area.
- 7.2.5 For these reasons officers are satisfied that the proposal meets the requirements of SDP7 and SDP9

7.3 Impact on the amenities of local residents

- 7.3.1 As the proposed extension is of a single storey its impact in terms of outlook from and overshadowing of neighbouring properties is limited due to the modest height of the extension, and the presence of 1.8m close panel fences at both property boundaries which provide a degree of screening.
- 7.3.2 The extension would be built within 0.8m of the property boundary with no.197. The area between the two properties which would be impacted by this extension is a paved area which already has limited light due to the presence of the existing dwellinghouse at no.195, and it is not considered that the extension would contribute significantly to a harmful loss of light to this area due to its single storey nature. There are no habitable room windows on this side elevation of no.197 which would be impacted by the proposals. Therefore the amenities of no.197 are not considered to be unacceptably impacted.
- 7.3.4 The extension would only protrude 1.6m beyond the furthest rear elevation of an existing rear extension on the neighbouring property no.193. It would not breach the 45 degree outlook of any habitable room windows on this property, and as it would only extend a small distance beyond the furthest rear elevation, would be a single storey, and is located to the north of this neighbour, it would not have a harmful impact on the amenities of this adjoining neighbour.
- 7.3.5 Following this assessment and a site visit officers are satisfied that the application meets the requirements of SDP1(i).

8.0 Summary

- 8.1 In summary the proposed extension would not result in a detrimental impact on neighbouring amenity and would not result in any harm to the character and appearance of the host property or local area. As such, the proposal is judged to have an acceptable impact and can be supported for conditional approval.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(vv), 7(a), 9(a), 9(b)

KA for 21/06/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development works hereby permitted shall begin no 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. Materials to match

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.

03. Restricted use of flat roof area (Performance Condition)

The roof area of the extension hereby approved, which incorporates a flat roof surface, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

04. 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.

05. Hours of work for Demolition / Clearance / Construction (Performance)

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 to 18:00 hours
Saturdays	09:00 to 13:00 hours

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.

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 and Appearance

Supplementary Planning Guidance

Residential Design Guide (2006)

Other Relevant Guidance

The National Planning Policy Framework 2012

RELEVANT PLANNING HISTORY

05/01831/FUL

Erection of part 1 / part 2 storey side and rear extension.
Refused 10/02/2006.

REASON FOR REFUSAL – Impact on character and appearance

The design and appearance of the proposed two-storey side extension, particularly in relation to the creation of a gable end to the side elevation would lead to a loss of symmetry between the two semi-detached properties to the detriment of the character and design of the host property and would introduce a discordant feature within the street scene which is characterised by hipped roof forms, contrary to the provision of policy GP1 of the City of Southampton Local Plan 1991-2001 and policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Proposed Modifications to the Revised Deposit Version June 2005.

06/00328/FUL

Erection of a two-storey side extension and a single-storey rear extension. Conditionally approved 19/04/2006.

15/02113/FUL

Erection of a part single-storey and part two-storey side and rear extension.
Refused 14/12/2015

REASON FOR REFUSAL - Impact on character and appearance

The proposed extension by reason of its two-storey height, width and lack of appreciable set-back from the front elevation of the property would result in an elongated appearance to the front elevation of the property that would erode the symmetry and balance of the semi-detached pair. Furthermore, the loss of space to the side of the property would also disrupt the regular spacing prevalent within the street. As such the proposal would appear out-of-keeping with the comparatively uniform character of this part of Midanbury Lane and prove contrary to policies SDP1, SDP7, and SDP9 of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015) with particular reference to section 2.3 of the Residential Design Guide Supplementary Planning Document (2006).

16/00069/ENUDEV

Enforcement Enquiry regarding rear garden outbuilding.
Opened 07/03/2016. Closed 24/03/2016.

16/00177/FUL

Erection of a part single-storey and part two-storey side and rear extension (revised scheme to 15/02113/FUL).
Refused 15/04/2016.

1. Unacceptable impact on amenity

The proposed two-storey side extension, by means of its scale, massing and positioning directly adjacent to the boundary with the neighbouring property at no.197 Midanbury Lane, represents an unsympathetic and unneighbourly form of development that would harm the amenities of the neighbouring occupier. In particular, the extension would enclose southern boundary of the garden of no.197 Midanbury Lane, appearing over-bearing and oppressive

and reducing the quality of the adjoining garden space. The effect would be compounded due to the projection of the extension, further to the rear than the existing two-storey building line of the properties and the manner in which the extension would span almost the entire side boundary with no. 197. The proposal would, therefore, prove contrary to the following adopted development plan policies:

- Policy CS13 of the adopted Core Strategy (amended 2015) by not responding positively or integrating into the surroundings and that the scale of the development fails to 'place people first';
- Policy SDP1(i) of the City of Southampton Local Plan Review (amended 2015) by unacceptably affecting the amenity of the city's residents;
- Policy SDP9 (i) (v) by not respecting the site's surroundings in terms of the scale, massing and visual impact on local amenity and;
- The Residential Design Guide 2006 (adopted as a Supplementary Planning Document following full public consultation) with particular reference to paragraphs 2.2.1-2.2.2 which requires an appropriate gap to be maintained between extensions and neighbouring buildings and 2.2.18-2.2.19 and 2.2.21 which resists undue enclosure to garden space.

2. Poor Design

The proposal is designed with a new obscure-glazed bedroom window being positioned directly onto the boundary with no. 197 Midanbury Lane. Given the proximity to the neighbouring dwelling and the proposal for an obscure glazed window, this bedroom would not enjoy any outlook and have poor access to natural light. Furthermore, an alternative arrangement of a cleared glazed window would result in direct overlooking of the neighbouring property and a subsequent loss of privacy. In addition to this, relying on third party land for light and/or outlook is poor planning and could prove prejudicial to any future development of the neighbouring site. The proposed design would, therefore, result in a poor quality residential environment for occupiers of the application property and would fail to meet the Council's standards for high-quality residential design as set out by the following adopted development plan policies:

- Policy CS13 of the Southampton Core Strategy Development Plan Document (amended 2015) by not responding positively or integrating into the surroundings and that the scale of the development fails to 'place people first';
- Policy SDP1 (i) of the City of Southampton Local Plan Review (amended 2015) by unacceptably affecting the amenity of the city's residents;
- Policy SDP13 (iii) by failing to minimise the demand for resources;
- The Residential Design Guide 2006 (particularly section 2.2 which requires access to natural light and outlook from habitable room windows and separation between windows and boundaries with neighbouring properties to achieve this and to avoid overlooking).

16/00629/FUL



Scale: 1:1,250

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