

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 2nd August 2016
Planning Application Report of the Planning and Development Manager

Application address: 4 Primrose Road			
Proposed development: Erection of a part 2-storey, part single-storey rear extension.			
Application number	16/00346/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	27/04/2016	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr L Harris Cllr B Harris Cllr J Hannides
Referred to Panel by:	Cllr B Harris	Reason:	Over development, intensification of use, over shadowing and effecting the amenities of local residents.

Applicant: Mr Sihota	Agent: Sanders Design Services Ltd
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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. 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, SDP9 and H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13 CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), the Residential Design Guide (September 2006) and the relevant sections of the HMO Supplementary Planning Document (amended May 2016).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is a two-storey, semi-detached dwellinghouse located on the easterly side of Primrose Road. At present, the property functions as a 4-bed C4 House in Multiple Occupation (HMO) and sufficient evidence to prove this established use has been provided. As such, the use of the property will not be judged as part of the application though consideration will be made as to how the proposed extension will affect the use of the property.
- 1.2 The property currently comprises a bedroom to the front of the ground floor with a lounge, kitchen and a store, which is accessed via the garden, to the rear. The first floor then features 3 bedrooms and a bathroom.
- 1.3 The property is located in a residential area characterised by two-storey, semi-detached houses, primarily with hipped roofs. The property also benefits from off-road parking for one car on the forecourt.

2. Proposal

- 2.1 Permission is sought for the erection of a part single storey, part two-storey rear extension. The extension will facilitate the relocation the kitchen to create an additional bedroom to the rear with a new shower room off of the lobby. The first floor extension will also allow for the enlargement of one of the existing first floor rear facing bedrooms. Overall the existing 4-bed HMO will be increasing to 5 bedrooms.
- 2.2 The scheme has been amended since originally submitted to reduce the depth of the first floor extension from 3 to 2 metres.

3. 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.
- 3.3 The Houses in Multiple Occupation SPD was originally adopted in March 2012. During the time of this application, a revised SPD was adopted on 4th May 2016. It 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 revised SPD still sets a maximum threshold of 10% in the ward of Bassett for the total number of HMOs within an assessment area of a 40m radius.
- 3.4 There will be no physical increase in the concentration of new HMO dwellings within the assessment area, so the 10% threshold test is not applicable in this case. With particular regard to the increase in occupation of the existing C4 HMO by 1 person to a large HMO, the planning application is assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.5 Also of relevance is the draft Bassett Neighbourhood Plan (passed by referendum 25th February 2016) which confirms that proposals should not result in an over-concentration of HMO dwellings in any one area of the Ward, to an extent that would change the character of the area or undermine the maintenance of a balanced and mixed community in terms of dwellings.

4. **Relevant Planning History**

- 4.1 There is no relevant planning history at the host property.

5. **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 **4** representations have been received from surrounding residents and **1** Panel referral request from the ward councillor. The following is a summary of the points raised:

5.2 **“...[the extension] will be overbearing.”**

Response: It is considered that the rear extension is an acceptable size for the size of the property and the site on which it is located. The design of the extension, with the two-storey section set away from the adjoining neighbours, and a roof that is lower than the main house, aims to protect the amenity of neighbouring residents and appropriate separation from the surrounding neighbours will be retained. As such, the scheme is considered to be acceptable.

5.3 **“...the proposed development does not comply with the 45 Degree Code.”**

Response: The ‘45 Degree Code’ is set out in the Council’s Residential Design Guide as a way to protect the outlook and daylight to neighbouring properties. The test is designed to be applied where the nearest side of an extension is perpendicular to a neighbouring window.

5.4 The proposed first floor extension is designed to protect a 45 degree outlook from the adjoining property at no. 6 by being positioned off of the common boundary by 2.5 metres. The single-storey element is of an equivalent depth to an extension that could be constructed without needing planning permission.

5.5 The neighbouring property at no. 2 is positioned at an angle to the application property and not perpendicular to the extension. As such, the 45 degree code is not applicable to this relationship. An appropriate separation must be maintained and the projection limited. In this case, the amended plans tackle this by setting the extension back from the main habitable room windows in the rear elevation of no. 2.

5.6 **“...the downstairs bedroom that is being converted from a kitchen will have a very poor outlook as its window will be looking directly at the fence on the boundary.”**

Response: The plans have been amended in order to give the bedroom a rear-facing outlook. The rear bedroom is now judged to have an appropriate outlook and the shower room will feature the side window.

5.7 **“Number 6 Primrose Road has an existing single-storey extension with a window facing the boundary with the property in question. The proposed development will sit inches from this window completely blocking it with a solid brick wall, removing all light and outlook from this window.”**

Response: The rear extension at number 6 also gains light from the rear doors/windows and, as such, the blocking of the side facing window as a result of the proposal is not judged to have an unacceptable impact on this property. The light received by the window in question was reliant on that from the neighbouring property and there is already 1.8m boundary fencing and high shrubs/trees which screen the outlook. As such, this outlook is not, and should not, be relied upon and the proposed extension is deemed acceptable.

5.8 **“At least one established tree will need to be removed from the applicant’s property to permit construction...”**

Response: There are no protected trees on the site. As such, trees can be removed at the discretion of the applicant in order to construct the proposed extension.

5.9 **“The addition of an extra bedroom will increase the number of occupants, increasing the disturbance from the un-coordinated comings and goings of the occupants.”**

Response: In this instance, the comings and goings of residents is not thought to be significantly more harmful than that of the current four occupants. The property will be conditioned to have a maximum of 5 occupants only, despite its current freedom to accommodate up to 6 unrelated individuals. With such a condition in place the development is thought to be acceptable.

5.10 **“the proposed development makes no provision for any car parking or cycle storage for the occupants.”**

Response: There is space for the off-road parking of one car available at the property. The maximum number of parking spaces permitted for a five bedroom HMO is 3 however, the parking standards do not seek an increase in parking between four-person and five-person HMOs. Furthermore, the site and surrounding streets are within a Residents Parking Zone and the residents of the application property would not be entitled to more than 2 car parking permits as they currently do. Furthermore, the site is under 300 metres walk from the main University campus and the bus links and facilities that this offers as well as being sited less than 500 metres from the Burgess Road local centre. The site is, therefore, within a sustainable location. The increase in occupancy is not considered to result in any harmful over-spill car parking issues. Since the property is in existing use as a HMO and the occupancy can be increased to 6 people without needing further permission, there is no requirement for the provision of cycle storage.

5.11 **“[the development] will significantly reduce the amount of light in my kitchen”**

Response: It is judged that, although the rear extension will have two storeys in part, the retention of acceptable separation from the surrounding properties will mitigate the impact of the 2m depth at two-storey height. The impact to the light to the kitchen of number 2 Primrose Road is thought to be negligible due to the north facing aspect of the rear and, as this is a kitchen and is not a habitable room, any loss of light that might be experienced is not judged to be significantly harmful.

5.12 **“I worry about the overshadowing...”**

Response:

The design of the extension aims to minimise any possible loss of light or overshadowing. Due to the east facing gardens and the situation of other properties on the road, the adjoining neighbour may lose some light during mid-morning to early afternoon but following that, little light is received to the gardens anyway. Overall, it is judged that loss of light will be minor and the proposal is therefore deemed acceptable.

6. Planning Consideration Key Issues

6.1 The determining issues for this application relate to; a) whether the proposed extension is acceptable in principle; b) whether the proposed development would have a harmful impact the character of the local area, and c) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling.

6.2 Principle of Development

The property appears to be occupied as a small HMO (class C4) under permitted development rights that existed prior to 23rd March 2012 and, therefore, the HMO use did not originally require planning permission. The applicant has provided copies of tenancy agreements showing that between 4 and 5 tenants occupied the property between October 2013 and January 2015. In addition to this, a sworn affidavit from the owner of a neighbouring property has been submitted which confirms that the property has been used as an HMO since 2011. This information is sufficient to demonstrate that Use Class C4 is the established use of the property.

As such, the 10% HMO threshold applicable to the Bassett Ward is not applicable in this case, as the property is already established as a small HMO (on 23rd March 2012) and there will be no increase to the concentration of HMO dwellings within the local area.

6.3 The provision of an additional bedroom would meet a need for this type of accommodation set out in Policy CS16 of the Core Strategy. The principle of development is, therefore, acceptable as a small HMO use (with up to 6 residents permitted) has already been established. This is subject to whether the intensification of use by 1 person would cause any material harm with respect to the key planning issues below.

6.4 Impact on Residential Amenity

As aforementioned, the proposed erection of a part single storey, part two storey rear extension is in order to extend an existing bedroom at first floor level and to create an additional bedroom and shower room at ground floor level to create a five bed HMO. The rear extension will add an additional 18 m² to the footprint of the ground floor and 6 m² at first floor level. These additions are considered to be relatively minor and care has been taken to retain 1.5 metres and 2 metres distance from the side boundaries with the immediate neighbours.

6.5 Overall, there will be over 4m separation between the host dwelling's two storey section of the extension and the rear wall of 2 Primrose Road. The site is also considered to be large enough to cope with the additional development and it is not considered to present unacceptable coverage of the curtilage, by retaining a garden of 77 m² and between 11m and 14m in depth. This is in excess of the Council's guidelines for garden sizes.

6.6 With regards to the intensification of the use as an HMO, the property will only gain one bedroom and it is judged that the impact of one addition resident will be minor. In addition, a condition will be applied in order to limit the number of occupants to 5 and provide some additional control to the use of the property whilst functioning as an HMO, which is not currently possible. This is considered to

be an appropriate solution to provide additional housing whilst maintaining control for the level of occupancy of an established HMO. The proposal is therefore considered to be acceptable in principle.

6.7 Impact upon the Character of Existing Property and the Local Area

The proposed extension is considered to be subservient in relation to the site and the property. It should be noted that care has been taken to develop a design that is respectful of the character of the property and the local area. To elaborate, the two-storey section of the extension is set down from the height of the original roof and proposes a hipped roof, which will match the hipped style of the original roof. The single storey section of the extension will feature a pitch roof, which is also considered to be in keeping with the character of the area. In addition, the windows proposed match the proportions of those displayed both on the semi-detached pair and in the rest of the road, thus linking in well with the original property and the character of the area. These aspects of the design all target potential issues of a larger extension and as such, the design is deemed acceptable.

6.8 Overall, the extension is seen as an acceptable size and scale in relation to the existing property and suitable consideration has been given to the design and materials will fit in with the character of the area. Consequently, the proposed development is thought to have negligible impact upon the character of the existing property and the local area and is in compliance with Section 2.1, 2.3 and 2.5 of the Residential Design Guide (RDG, 2006).

6.9 Impact upon Residential Amenity

Due to the two-storey aspect of the development, care has been taken to retain the 1.4m distance from the boundary and 4.3m separation from the neighbouring property at number 2. Additionally, though the single storey part of the extension is on the boundary, the 2.2m eaves height and 3.5m maximum height is comparable with the level of development that could be considered permitted development. It is thus considered to have a negligible impact to the directly adjoining neighbour though it should be mentioned that that rear extension window at number 6 Primrose Road will become obscured. However, as this room has a dual aspect and receives light from the rear facing patio doors as well as the side window, this is deemed acceptable. With further regard to neighbouring amenity, the two storey section of the extension will be set 2.55m away from the adjoining neighbour at number 6 in order to eliminate any harmful impact due to the two-storey height. The extension proposes no side facing windows and is therefore not thought to present any significant harm to the residential amenity of the neighbours. Similarly, though there will be a reduction of usable amenity space in the garden as a result of the development, the amenity of the occupants of the host dwelling is not thought to be significantly harmed.

7. Summary

7.1 This proposal is considered to be an appropriate size and scale for the host site and the design is also judged to be in keeping with the character of the area, the host property and that of the directly adjoining property. Additionally, the extension would tie in appropriately with the existing building, which complies with Core Strategy policy CS13. The separation distances to be retained, especially with regard to the two storey section of the extension are seen as an acceptable attempt to retain amenity to both the occupants and the neighbouring residents and to prevent any excessive overshadowing as a result of the development. Care has also been taken to match the roof style and pitch, which is consistent throughout the area, in compliance with Section 2.1, 2.3 and 2.5 of the Residential Design Guide (RDG). The addition of one extra bedroom and thus one more occupant is not thought to present significant harm and therefore, with a condition applied to limit the occupants to 5, the use of the property is not thought to be excessively intensified. As such, it is judged that residential amenity will not be harmed and that the proposal is acceptable. Consequently, the scheme is recommended approval.

8. Conclusion

8.1 The proposal for a part single storey, part two-storey rear extension is considered to be acceptable in principle as significant harm shall not be caused to neighbouring amenity. In addition the site is considered large enough to deal with the proposal, the design is sympathetic to the character of the property, and the amenity of the occupants of the host dwelling shall not be harmed. For these reasons the scheme can be supported.

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(f) and 6(a)

AMBERT for 02/08/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development 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. Number of occupiers

The number of occupiers at the property in connection with the change of use hereby permitted shall not exceed 5 persons.

Reason: In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. Retention of communal spaces

The communal rooms as shown on the plans hereby approved (namely, the kitchen, lounge, bathroom and shower room) shall be provided before the new bedroom is first occupied and shall thereafter be retained for that purposes.

Reason: In the interests of the living conditions of the occupiers.

04. 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.

05. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

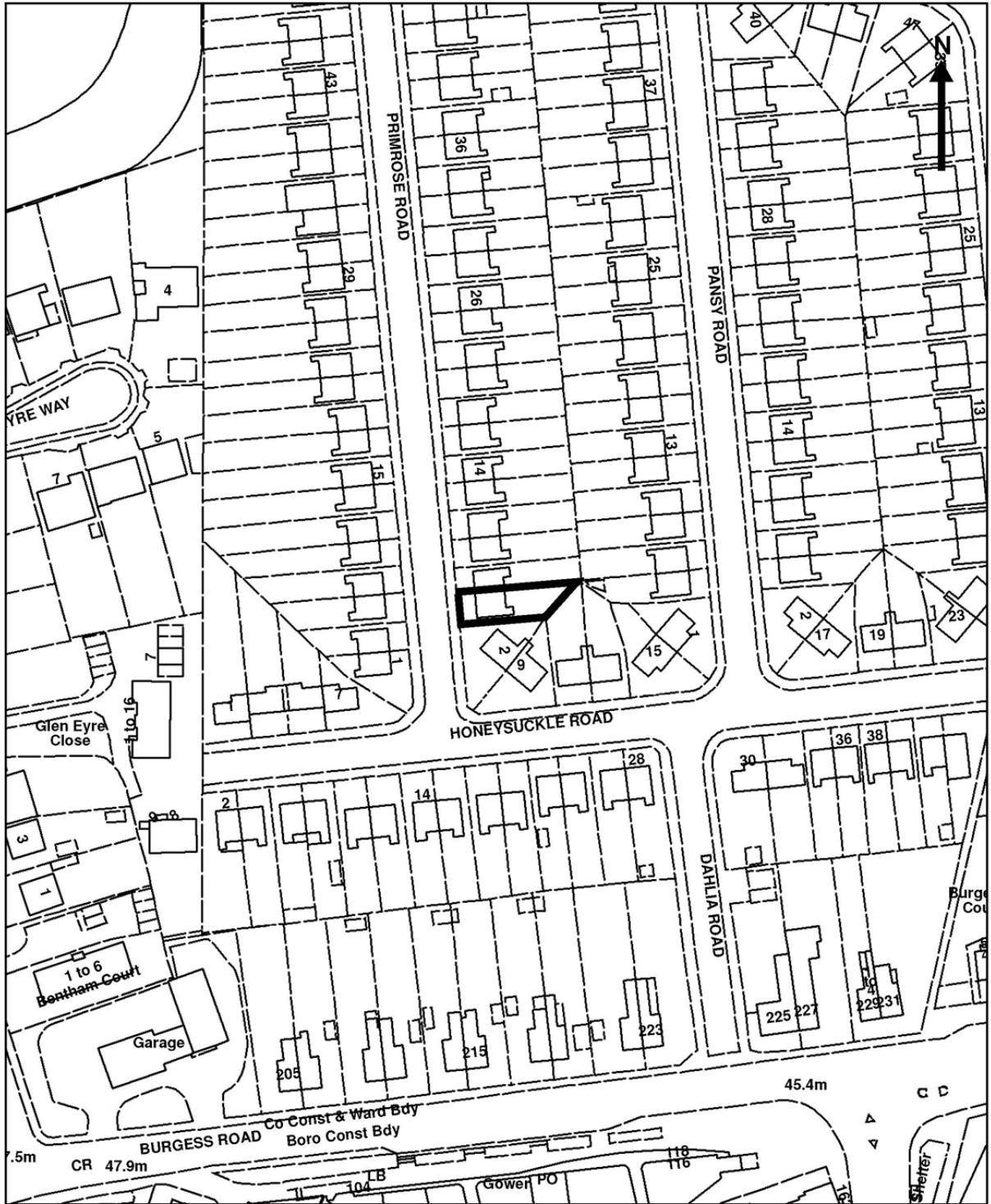
Residential Design Guide (Approved - September 2006)

Houses in Multiple Occupation SPD (HMO SPD, 2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)

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Scale: 1:1,250

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