Planning and Rights of Way Panel 12th November 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 59 Burgess Road, Southampton					
Proposed development: Erection of a part single storey, part first floor rear extension and 2.4m high retaining wall					
Application number:	19/01530/FUL	Application type:	FUL		
Case officer:	Anna Coombes	Public speaking time:	5 minutes		
Last date for determination:	01.11.2019	Ward:	Bassett		
Reason for Panel Referral:	Referral from Ward Councillor	Ward Councillors:	Cllr Beryl Harris Cllr Les Harris Cllr John Hannides		
Referred to Panel by:	Cllr Beryl Harris	Reason:	Overdevelopment. Out of character.		
Applicant: Mr & Mrs Akbar		Agent: Toldfield Architects Ltd			
Recommendation Summary		Conditionally approve			

Reason for granting Permission

Community Infrastructure Levy Liable

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 39-42 and 46 of the National Planning Policy Framework (2018). Policy – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, SDP21 and SDP23 of the City of Southampton Local Plan Review (Amended 2015). Policies – BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Not applicable

Appendix attached			
1	Development plan policies		

Recommendation in Full

Conditionally approve

1. The site, its context and background to the scheme

- 1.1 The application site comprises a large two-storey, semi-detached family dwelling with an existing two-storey side extension and single-storey rear extensions. The two-storey side extension originally included an integral garage. The garage has since been converted in to living accommodation with bin store to the front.
- 1.2 The dwelling sits within a large garden plot with large front driveway, fronting onto the busy route of Burgess Road. The driveway provides parking for at least 3 cars. At the rear boundary of the rear garden there is a large earth bank, which has been partially excavated and altered in recent years, with trees removed. The trees were not protected by TPO, so their removal did not require planning permission.
- 1.4 All Saints Lodge, neighbouring the site to the rear, is set approximately 2.4m above the application site. The Lodge building itself is set back approximately 20m from the rear boundary fence. No.3 Burgess Gardens adjoins the site to the West and the dwelling itself lies approximately 3.5m from the proposed retaining wall. No.3 Burgess Gardens has previously altered the earth bank on the boundary to form a narrow paved area with steps leading steeply down into the main garden.
- 1.5 Partial excavation works for the proposed retaining wall were begun in 2018 and ceased when a Planning Enforcement Officer advised the works required planning permission. An Enforcement Notice was served in March 2019, requiring that the alterations to create a small, artificially raised area on the earth bank at the north-western corner of the site, adjoining No.3 Burgess Gardens, be removed and the earth bank be re-instated, due to concerns for creating a platform that would result in overlooking of No.3 Burgess Gardens. An appeal against this Enforcement Notice is currently in progress. It is important to note that this Enforcement Notice does not prejudice the current application. The proposed retaining wall would actually resolve the Notice by removing the raised area in question.

2. Proposal

- 2.1 The proposal comprises 3 main elements; the ground floor extensions to the side and rear of the existing kitchen and dining rooms, which replace the existing conservatory; a small first floor extension to re-organise the internal layout; and a new 2.4m high retaining wall to the rear garden boundary.
- 2.2 Other minor alterations to pave the existing front driveway and re-pave the rear patio in porous materials are shown on the plans, however the creation of hardstanding in porous materials is allowed under Permitted Development, without planning permission, so have not been included in the description of development. Similarly a single-storey detached outbuilding is shown on the proposed site plans, but does not form part of the description of the development, as it appears to benefit from permitted development.

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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). Also of relevance to this application are policies within the Bassett Neighbourhood Development Plan (adopted 2016). The most relevant policies are set out at *Appendix 1*.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can been afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, and policies BAS1 (New Development) and BAS4 (Character and Design) of the Bassett Neighbourhood Plan, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.
- 3.4 Policies SDP5 and CS19 require adequate provision of car and cycle parking, as supported by the Parking Standards SPD. Policies SDP21 (Water Quality and Drainage) and SDP23 (Unstable Land) seek appropriate surface water management and development that would not add to the instability of surrounding land.

4. Relevant Planning History

- 4.1 There is limited planning history on this site. The existing two storey side extension, comprising an integral garage with bedrooms above, was conditionally approved in 1985 (M19/1661).
- 4.2 More recently, an application for a detached 2 bedroom bungalow in the rear garden was refused on 20.08.2018 under reference 18/00749/FUL and included the following reason for refusal:

Reason for refusal: Overdevelopment and out of character.

The proposed development is considered to be out of context and character with the established pattern of surrounding development taking into account the proposal's cramped form, excessive site coverage with buildings, hardstanding and car dominated frontage, lack of detailed high quality soft landscaping scheme to compensate for the removal of several large trees on site which previously contributed to the character of the area; and the incorporation of a contrived flat roof form. The proposal therefore fails to take the opportunity to reflect the wider characteristics of Bassett Ward and therefore fails to respond adequately to local context and current design standards. Accordingly the scheme represents an overdevelopment of the site and as such is contrary to paragraphs 122, 126 and 129 of the NPPF (Draft text for consultation, March 2018), Paragraphs 5.2 and 6.1: and policies BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), policies SDP1(i), SDP7(i) (iv) (v), SDP9(i) (v) of the adopted City of Southampton Local Plan Review (as amended 2015) and policies CS13 (1) (2) (6) (7) of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by the relevant sections of the

approved Residential Design Guide SPG (September 2006), particularly 3.9.1, 3.9.2, 3.9.5 and 3.10.2.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of this 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 **1 representation** has been received from owners of neighbouring property. The following is a summary of the points raised:
- 5.1.1 No objection to the proposed rear extensions, however concerns raised for the retaining wall. Concern for discrepancies in wall height (1.8m on the application form and design and access statement. 2.4m on the plans).

Response:

The retaining wall height is clarified as 2.4m on the submitted detailed site plan, elevation and section drawings, and on the supporting document titled "Retaining Wall Details", which would form the basis of any permission granted.

5.1.2 Concern for the structural integrity of the wall and request for further details (depth of downstand, density of infill core and backfill hardcore, suitability of steel reinforcement, detail of return ends, detail of soakaway and drainage).

Response:

A Building Control officer has reviewed the structural details for the retaining wall and is satisfied that the design and calculations have been undertaken by a fully qualified practitioner using industry recognised software for the structural calculations. Further details of drainage and a construction method statement can be secured by condition. Detailed technical specifications such as the depth of the downstand and density of fill materials are for the applicant's qualified engineer to design and are not a material consideration for a planning application. As with any planning application, any damage caused to neighbouring properties by poor workmanship or faulty technical design is the responsibility of the applicant and for the relevant landowners to dispute as a civil matter.

5.2 **Consultation Responses**

- 5.3 **Building Control:** The submitted information is sufficient, and the design and calculations for the retaining wall have been undertaken by a fully qualified engineer using industry recognised software for the structural calculations. The structural details of the proposed extensions and soakaway related to the main house would be subject to approval under Building Regulations, however the retaining wall and its drainage would not.
- 5.4 **CIIr Beryl Harris (Ward Councillor, Bassett):** Objection and referral to PROW panel. Agree with concerns raised by Bassett Neighbourhood Forum. Objection due to the proposal being overdevelopment and out of character with the local area.

Response:

These issues are discussed in the Planning Considerations below.

5.5 **Cllr John Hannides (Ward Councillor, Bassett):** Objection - Overdevelopment. Response:

This is discussed in the Planning Considerations below.

5.6 **Old Bassett Residents' Association:** Objection – support concerns raised by Bassett Neighbourhood Forum. Concerned that street notices have not been posted, or removed, and that owner of No.61 may not be aware, as the property is rented. Request that Ward Councillors refer application to PROW panel.

Response:

Site Notices are not always required for planning applications. A street notice was not posted for this application, because the proposal is relatively minor in scale and an extensive neighbour consultation was undertaken by letter (22 surrounding neighbouring properties, including adjoining property, No.61). The Planning Department has exceeded its statutory duty in this respect.

5.7 **Bassett Neighbourhood Forum Planning Group:** Objection - Extended construction noise and disruption to the adjoining property No.61. Further extensions to a property that has been previously extended would result in overdevelopment and further loss of smaller, affordable family housing. The contemporary design & scale of the extensions would unbalance the semi-detached pair and would not respect character of the property. The large retaining wall finished in blockwork would be visually unacceptable. No objection to proposed garden outbuilding. (Other concerns have been listed individually below). **Response:**

These issues are discussed in the Planning Considerations below.

5.7.1 Retaining wall should not be included in a householder planning application.

Response:

The retaining wall is within the boundary of, and relates to a single residential property, so a householder planning application is appropriate.

5.7.2 No street notices, and owner of No.61 may not be aware, as the property is rented. **Response:**

see response further above.

5.7.3 Proposals appear to be an expensive undertaking for minimal gain.

Response:

This is not a material consideration for a planning application.

5.7.4 Submitted application and drawings are poor quality and misleading. Works have started for the retaining wall (removal of trees and part of bank). Discrepancy over retaining wall height (1.8m / 2.4m).

Response:

The submitted plans provide sufficient information to anable assessment and a decision. The removed trees were not protected by TPO, so this did not require approval. The partial commencement of works to the retaining wall was clearly evident from the site visit and from photos in the submitted design and access statement. As noted above, the retaining wall height is clarified as 2.4m on the submitted detailed drawings.

5.7.5 There is an ongoing boundary dispute over the earth bank with the Local Diocese, owners of All Saints Lodge, which borders to the rear. The first floor extension builds onto the party wall with No.61 with no detail of any agreements in place.

Response:

Land ownership disputes and party wall agreements are civil matters, to be decided outside of planning and subject to separate legislation.

5.7.6 The retaining wall is the subject of an ongoing appeal against an Enforcement Notice, and was part of previously refused application 18/00749/FUL.

Response:

The Enforcement Notice appeal concerns only a small section immediately adjacent to the rear corner bordering No.3 Bassett Gardens. Nevertheless, this does not prevent the applicant from applying for planning permission for the full proposed retaining wall. The retaining wall did not form part of the reasons for refusal under 18/00749/FUL for a new dwelling. The current application is an entirely different scheme, being for extensions to the existing house, rather than for a new dwelling.

5.7.7 Loss of 2 parking spaces, due to conversion of garage to living accommodation. Unclear if conversion of garage was lawful.

Response:

The 1985 permission, M19/1661, for the two-storey extension including garage, did not restrict the conversion of the garage into living accommodation and so normal permitted development rights for the conversion of garages into living accommodation still apply. This conversion has been undertaken historically, so does not form part of this application.

5.7.8 Porous driveway, patio and soakaways are welcomed, but no details of design or capacity of the soakaway. Concerns for structural integrity of proposed extensions and partial loss of chimney stack.

Response:

Surface water drainage and structural details which relate to a building are subject to separate approval under Building Regulations.

5.7.9 Concerns for structural integrity of retaining wall, particularly western and eastern boundary wall returns & discrepancies in ground levels along rear boundary. Concern for drainage design. Concern for the quality of topsoil and hardcore used. **Response:**

A Building Control officer is satisfied that the design and calculations for the retaining wall have been undertaken by a fully qualified practitioner using industry recognised software.

The South Elevation of the proposed wall shows that the mentioned 0.9m fence to the western boundary sits on top of the earth bank, as a boundary screen, it does not form part of the supporting structure.

The queried rear boundary "existing banking ground level" indicates the existing ground level, following initial excavation. The rear timber boundary fence is shown at the correct height. The identified difference in heights between the bottom of the fence and the "existing banking ground level" indicates the excavated ground visible on site, which has been temporarily shored up.

Further details of the soakaway and gradient of the drainage pipe design can be secured by condition. Likewise, the quality of topsoil / hardcore materials imported to the site, and a construction method statement including shoring up of the rear boundary fence during construction can be secured by condition.

The full width of the top of the retaining wall, including both blockwork outer leaves and 650mm of backfill to the fence, will be just over 1m in total, sufficient for access.

5.7.10 Request conditions to secure any necessary legal agreements, full technical and structural sign-off before works can begin and to limit working hours.

Response:

Conditions can be imposed to limit working hours and request further technical details, as noted above, however a condition regarding legal agreements would not be reasonable, as these are a civil matter, outside of planning legislation.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in determining this planning application are:
 - Design and effect on character;
 - Residential amenity:
 - Land stability; and,
 - Parking.

6.2 <u>Design and effect on character</u>

- 6.2.1 The proposals are for the erection of a part single storey and part first floor rear extension and creation of a 2.4m high retaining wall along the rear boundary. The proposed extensions would be modest in scale and would not be visible from the public road. The generous proportions of the application site and host dwelling are large enough to accommodate the proposed extensions without them appearing as an overdevelopment of the property.
- 6.2.2 The proposed single storey rear extension would enlarge the existing extension to 6.8m wide x 9.3m deep x 3.2m high, which is considered to be a proportionate increase. In addition the existing single-storey rear extensions comprise of a mix of flat and pitched roof shapes, therefore the proposed flat roofed single-storey extension would not be inappropriate in its design or unsympathetic to the existing property.
- 6.2.3 Similarly the proposed first floor extension would enlarge the depth of the first floor by 2.0m and would incorporate a hipped roof to the rear roofslope with a rooflight serving the enlarged bedroom at the rear. The first floor addition would remain subservient and sympathetic to the existing property and its particular use of hipped roof would ensure it remains a subservient and appropriate addition in terms of its size, scale and design.
- 6.2.4 The proposed retaining wall to the rear of the site would not be visible from the public road, but would be partially visible from neighbouring properties. The plans state the proposed wall would be constructed of blockwork with a course of coping stones to the top edge. A boundary wall as proposed is typical of the boundary treatments within the area and whilst being higher at 2.4m than the standard 2.0m high boundaries permissible as 'permitted development' would not result in a development out of keeping or harmful to the character of the area. Further details of the final finish of the wall and replacement planting scheme could be secured by condition.

6.3 Residential amenity

6.3.1 The proposals are for rear single and first floor extensions to a semi-detached property. No.61, immediately adjoining the host dwelling to the east, has existing single storey rear additions. The proposed single-storey rear extension would be

slightly higher than the existing extension and the neighbour's extension (by approximately 0.8m) with a flat roof. However the size and depth of the proposed extension is not considered to be harmful to this neighbouring property or result in loss of outlook.

- 6.3.2 The proposed first floor extension would project beyond the existing rear elevation by 2m, however given its northern orientation, modest size and depth, and hipped roof rear sloping design, it would not result in an increase in overlooking, or overshadowing to neighbouring properties and would not appear overbearing to the neighbouring property at No. 61.
- 6.3.3 The proposed retaining wall to the rear boundary would not result in overlooking of neighbouring properties, as it does not create a raised platform. In fact it would remove the existing opportunities for overlooking neighbouring properties by removing the existing raised bank and forming a 2.4m high enclosure Such an enclosure would lower the ground levels of this part of the site and would prevent loss of privacy from this part of the site into the neighbouring properties and conversely from neighbouring properties into the application site.
- 6.3.4 The potential impact of construction noise on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours. Furthermore a construction method statement would ensure deliveries of materials, storage of materials and control of dust would be controlled and avoid adverse impacts on neighbouring properties in terms of noise and disturbance.
- 6.3.5 On the above basis, the proposals would not result in harm to the occupiers of neighbouring properties, subject to compliance with conditions securing details of the proposed materials and a construction method statement and construction hours.

6.4 Land stability and drainage

6.4.1 The proposed retaining wall and drainage scheme have been reviewed by a Building Control officer, who is satisfied with the design. Conditions can be applied to require approval of further details of the drainage pipe and soakaway, the use of un-contaminated infill / backfill materials, and a construction method statement that includes proposals for supporting the existing rear boundary fence of All Saints Lodge during construction. Subject to compliance with these conditions, the proposals are considered to be acceptable in terms of land stability and drainage requirements.

6.5 Parking

6.5.1 There is no change to the amount, or arrangement of the existing parking on the front driveway. The provision of 3 parking spaces for a dwelling with 4 or more bedrooms would meet our maximum standards in the Parking Standards SPD.

7. Summary

7.1 The proposed development would not cause harm to the amenity of neighbouring residents and the design of the extensions and retaining wall would not appear out of character with the host dwelling. Moreover, the site is large enough to

accommodate the proposals, the stability and drainage of surrounding land can be secured by condition, and the existing parking would not be compromised.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

<u>Local Government (Access to Information) Act 1985</u>
<u>Documents used in the preparation of this report Background Papers</u>
1. (a) (b) (c) (d) 2. (b) (d) (g) 4.(f) (vv) 6. (a) (b)

AC for 12/11/19 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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. 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. Drainage - Retaining Wall (Pre-commencement)

Prior to the commencement of development, a scheme for drainage relating to the proposed retaining wall, including full details of the location, size and design of the proposed soakaway, and the perforated drainage pipe within the wall itself, shall be submitted to and approved in writing by the Local Authority. The drainage scheme shall be implemented in accordance with these approved details and retained thereafter.

Reason: To ensure that surface water run-off is appropriately managed within the application site itself and does not cause flooding issues for neighbouring properties.

04. Construction Method Statement (Pre-commencement)

Prior to the commencement of development, a construction method statement relating to the development as a whole shall be submitted to and approved in writing by the Local Authority. The construction method statement shall include the following details:

- Working hours for excavation, demolition and construction.
- Delivery arrangements
- Dust suppression
- Method of supporting the existing rear and side garden boundary structures during excavation and construction of the proposed retaining wall.

The development shall be implemented in accordance with the approved construction method statement for the duration of excavation and construction works on site.

Reason: To protect the amenity of neighbouring residents.

05. Details of building materials - Retaining Wall (Pre-Commencement Condition) Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works relating specifically to the rear boundary retaining wall hereby approved shall be carried out until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the materials to be used for external walls and coping course of the proposed retaining wall hereby approved. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

06. Replacement planting scheme (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a replacement planting scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels, grassed / turfed areas, hard surfacing materials,
- ii. planting plans; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);

The approved replacement planting scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

07. Materials as specified and to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof relating specifically to the construction of the extensions to the main dwelling hereby permitted, shall be as specified on the approved plans. Where there is no materials specification on the approved plans, the materials 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.

08. Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

09. 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 - (as amended 2015)

CS13 Fundamentals of Design CS19 Car and Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP21	Water Quality and Drainage
SDP23	Unstable Land

Bassett Neighbourhood Development Plan – (Adopted 2016)

BAS1 New Development
BAS4 Character and Design

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006) Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)