

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 July 2012
Planning Application Report of the Planning and Development Manager

Application address: 36 Abbots Way SO17 1NS			
Proposed development: Erection Of Single Storey Side/Rear Extensions (Resubmission)			
Application number	12/00766/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	22.06.2012	Ward	Portswood
Reason for Panel Referral:	Member request and more than five objections	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Dr Amir Jamil	Agent: R.B.D
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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 including the impact on the character and amenity of the Conservation Area have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme has fully addressed the reasons for refusal on the earlier application and 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.

Policies - SDP1, SDP7, SDP9 and HE1 of the City of Southampton Local Plan Review (March 2006) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies
2	Appeal decision re APP/D1780/D/11/2162765, dated 12 December 2011.
3	Historic Environment Team, Consultation response.

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 36 Abbots Way occupies a prominent corner site at the edge of the Portswood Gardens Residents Conservation Area. The property is positioned within a spacious plot. There are two garage structures in the rear garden, one accessed from Highfield Lane and one from Abbots Way.

2. Proposal

- 2.1 The planning application seeks consent for the addition of two single storey extensions, one to the side and one the rear of the dwelling, along with front and rear extensions to the garage. The application follows the refusal and dismissal at appeal of an earlier scheme.
- 2.2 The extension to the rear comprises a conservatory with a raised roof light. The conservatory will create a link between the existing garage and the rear elevation of the dwelling.
- 2.3 The single storey side extension to the south west elevation of the dwelling, is modest in scale, being under 8sq m in floor area.
- 2.4 The extension of the garage to the front and rear of the garage adds a total of 2.7m to the length of the garage. The original intention to raise the roof of the garage has been removed from the proposals.
- 2.5 The extensions to the house include lantern style rooflights in the flat roofs in order to increase light to the rooms which they would serve. There are two 'velux' type roof lights proposed to be inserted into the south western roof slope of the garage.

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 (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The scheme will also need to be assessed against the policies held within the Portswood Residents' Gardens Conservation Area (PRGCA) Appraisal and Management Plan (2011). A web link to the document is included in **Appendix 1**.
- 3.3 Guidance as set out in the Residential Design Guide (2006) is also relevant.

4.0 Relevant Planning History

- 4.1 11/01057/FUL - Single storey rear extension and raising of existing garage roof to include addition of 3 x dormer windows REFUSED.
- 4.2 Following the refusal of application 11/01057/FUL the applicant appealed the decision. Subsequently the appeal was dismissed (APP/D1780/D/11/2162765, dated 12 December 2011). The Inspectors decision is included as **Appendix 2**.
- 4.3 08/01230/FUL - Side extension at first floor level above existing ground floor extension - CONDITIONALLY APPROVED.
- 4.4 03/01153/FUL - Erection of a rear conservatory, a rear 2nd floor roof extension with dormer windows and the removal of gate from boundary wall to be replaced with additional 2 metre high wall - CONDITIONALLY APPROVED.
- 4.5 1616/M4 - DOUBLE GARAGE - CONDITIONALLY APPROVED (1982).

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (31.05.2012) and erecting a site notice (24/05/2012). At the time of writing the report **14** representations have been received from surrounding residents; one of which is in support of the scheme whilst the remaining representations are in opposition. It is also noteworthy that the supporting letter has been received from the occupant of the direct neighbour to the south west at number 34 Abbots Way.

5.2 Summary of Comments:

- Cumulative effect of extensions: overdevelopment/out of scale with other houses in the area.
- Excessive building to plot ratio, non compliant with PRG2 of the Management Plan.
- Flat roof extensions with roof lights are considered out of character with the original 1920's design of the house.
- Overlooking and noise caused by the proximity of the proposed side extension.
- Garage extension: very long building would not be subordinate or in keeping with the character of the host dwelling; extending beyond original building lines, harmful to the street scene, dominant and deleterious effect on the street scene. Garage would detract from the character of the house.
- Non compliant with Conservation Area Appraisal.
- Loss of verdant character owing to the existing gap between buildings and potential for damage to occur to the tree located to the rear of the garage.
- Potential to form an HMO in the future.
- Precedent set for future development.
- Reduction of private amenity space.

5.3 Response to the above listed concerns are provided below; please refer to Section 6.0, Planning Considerations.

5.4 **SCC Historic Environment** – A detailed response to the proposal has been made by the Historic Environment Team Leader. Both the adopted Conservation Area Appraisal and Management Plan (CAAMP), and the recent Appeal Decision for this site (APP/D1780/D/11/2162765, dated 12 December 2011) were examined in detail prior to the submission of the response. In summary the Historic Environment Team Leader does not oppose the scheme as it is considered that the applicant has addressed the reasons for refusal as set out by the Inspector of the appeal who was aware of the CAAMP when the decision was made.

5.5 The full detailed consultation response provided by the Historic Environment Team is included in **Appendix 3**.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application

is whether or not the applicant has managed to overcome the reasons for refusal listed by the Inspector whilst determining the appeal with reference: APP/D1780/D/11/2162765, dated 12 December 2011; and whether harm will be caused to neighbouring amenity.

6.2 Single storey rear extension

- 6.2.1 The single storey rear extension proposed would not be visible from the public highway and as such the general public's perception of the character of the conservation area (when travelling along Abbots Way) would not be affected by this element of the proposal.
- 6.2.2 The single storey rear addition may however be seen from rear facing windows of the neighbours dwelling at 34 Abbots Way however the structure would not be prominent and would only be visible when viewed at an acute angle. The structure would therefore not be harmful to the amenity of the neighbour at number 34 Abbots Way.
- 6.2.3 As highlighted by the Historic Environment Team, the Appeal Inspector, when determining the previously refused application (which also included a rear conservatory structure) did not oppose the rear extension element. Furthermore it is important to remember that the Inspector was aware of the CAAMP when discussing the single storey rear extension: *'this element of the proposal, which would not be visible in public views, would not significantly affect the setting of the building in the conservation area, ...I therefore conclude that it would preserve the character and appearance of the conservation area'*.

6.3 Single storey side extension.

- 6.3.1 The modest side extension proposed would increase the size of the dining room and would continue to allow access to the rear garden from the dining room via patio doors.
- 6.3.2 The side extension will be effectively hidden from public view behind an existing side projection of the same width and owing to vegetation within the front garden.
- 6.3.3 Although the patio doors would come closer to the flank wall of number 34, any resultant impact is not considered to cause harm neighbouring amenity by reason of the small scale of the addition and also given that the window in the flank elevation of number 34 serves a utility room, is high level and obscurely glazed.
- 6.3.4 The boundary treatment and layout of the neighbouring property, adjacent to the proposed side extension, is unlikely to cause additional overlooking of neighbouring amenity space.

6.4 Impact of the Garage structure

- 6.4.1 The proposed alterations to the garage have changed in an attempt to address the previous reasons for refusal. The extension no longer incorporates dormer windows or an increased height to the garage.
- 6.4.2 The applicant has removed those elements of the previous scheme which the Inspector found to be harmful to the character of the Conservation Area.

Paragraph 6 of the Inspectors report (**Appendix 2**) is relevant.

- 6.4.3 The scheme is now confined to modest extensions to the front and rear of the garage.
- 6.4.4 PRG8 remains the most relevant policy within the CAAMP to determine the revised garage extension against. PRG8 states: *'Alterations to existing garages or the building of new garages and some outbuildings require planning permission. These should relate to the character, height, scale, mass and position of the associated house and take account of the impact on neighbouring properties, and should not extend beyond the building line.'*
- 6.4.5 The extension proposed to the front and rear will respectively measure 1.5m and 1.2m increasing the overall length by 2.7m from 7m to 9.7m. The increase in length will be noticeable from Highfield Lane. However neighbouring properties would not be affected given its location adjacent to Highfield Lane, it would not extend beyond the front building line and it is judged to adequately respect the character, height, scale, mass and position of the associated house; the height is also subordinate to the host dwelling. Accordingly although there will be an impact caused by the garage extension that impact is not considered to be harmful
- 6.4.6 PRG4 states that: *'Any proposed development, either within the Portswood Residents' Gardens or in adjacent properties, which detracts from the setting or character of the Gardens, will be resisted'*. Taking into account the changes made to the scheme it is judged that the proposed extension to the garage will no longer detract from the setting or character of the Gardens.

6.5 Cumulative Impact

- 6.5.1 The SWOT analysis table of the CAAMP includes 'unassuming but cumulatively inappropriate changes' in the 'threats' section. Whilst the property has been extended since its original construction all additions have been respectful of the design context of the property. Furthermore, as discussed above, that is also considered true of the above.
- 6.5.2 The cumulative impact of the rear single storey addition and the garage extension will be the linking of the two sections of building. The linking would prevent the rear garden being accessed and seen from the front of the dwelling however it is unlikely that there will be an impact when viewed from the public realm as the boundaries of the site are defined by brick walls, hedges and trees.
- 6.5.3 In determining the previous appeal, the Inspector acknowledged that the scheme would involve an increase in plot ratio. However, Inspector clearly concluded that a substantial area of garden would be retained and he did not consider that the size of the resulting dwelling would be disproportionate to the plot.
- 6.5.4 Therefore, although the revised proposal does result in an increase in plot ratio, it has been judged that this alone does not represent harm to the characteristics of the area. Furthermore as the majority of the new footprint is to the rear, the impact would not be noticeable from public view in Abbots Way or Highfield Lane.

6.6 Response to issues raised by objectors comments not addressed above.

6.6.1 The flat roof extensions proposed with lantern lights are not considered to be harmful to the original 1920's design of the dwelling.

6.6.2 Should an application be submitted to convert the dwelling to an HMO the application will be judged on relevant planning policies which seek to resist inappropriate development.

6.6.3 In terms of the potential for the scheme to set a precedent for similar forms of development please note that each planning application should be judged on its own merits and individual circumstances, as such there should be no such precedent set by the scheme.

7.0 Summary

7.1 The revised scheme is judged to have adequately addressed the concerns raised by the Inspector whilst determining the previous appeal; and the additional elements proposed neither cause harm to neighbouring amenity or the character of the Conservation Area.

8.0 Conclusion

The proposal would provide the additional accommodation required by applicant at the same time as preserving the character and appearance of the conservation area.

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), 4(o) 6(c), 7(a), 9(a)

MP3 for 24/07/2012 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

03. APPROVAL CONDITION, Materials, Performance Condition

All materials shall be agreed in writing with the Local Planning Authority prior to the works being carried out. Samples of brick and roofing materials shall be agreed on site. The local Planning Authority may request sample panels to be constructed on site.

Reason:

To preserve the character and appearance of the Conservation Area.

04. APPROVAL CONDITION, Garage Doors, Pre-Commencement Condition

The applicant shall confirm in writing that the doors used for the garage extension shall be side-hung wooden doors as shown in plan AW/11/01 03 Revision A, not roller shutter doors as set out in the Design and Access Statement.

Reason:

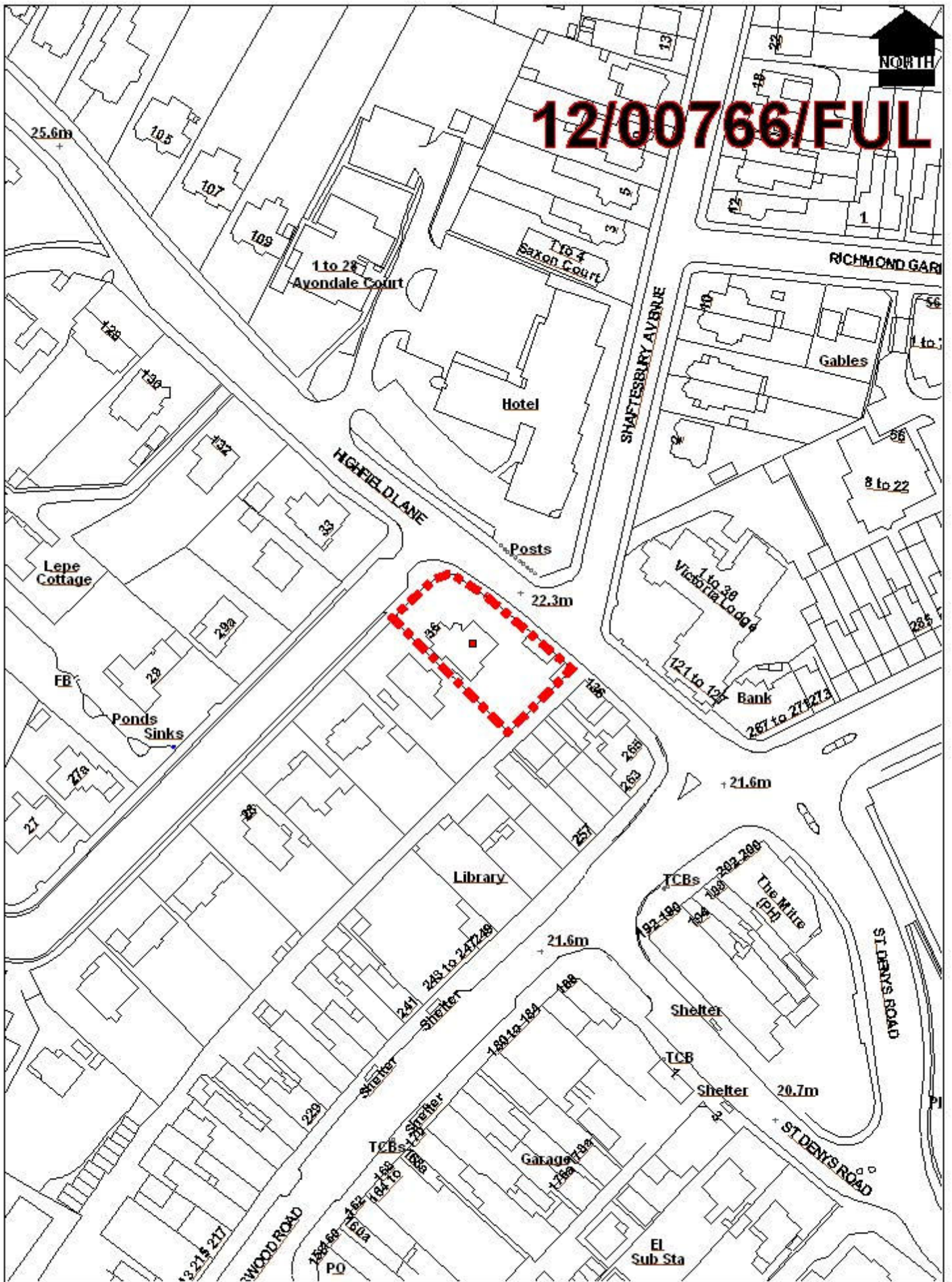
To preserve the character and appearance of the Conservation Area.

05. APPROVAL CONDITION - Use of garage - domestic ancillary use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever; and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.



12/00766/FUL

Scale : 1:1250

Date : 12 July 2012

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