

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16<sup>th</sup> February 2010  
 Planning Application Report of the Head of Division

Application address: 8 Canada Road, Southampton			
Proposed development: Single storey side extension and additional window to first floor side elevation to enable conversion of dwelling into 2 one-bedroom flats			
Application number	10/00017/FUL	Application type	FUL
Case officer	Stuart Brooks	Application category	Q13 - Minor Dwelling

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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Reason for Panel consideration	The application represents a departure from the adopted Core Strategy policy CS16 – Housing Mix and Type
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Applicant :	Mr C Whitlock	Agent:	N/A
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Date of receipt	11.01.2010	City Ward	Woolston
Date of registration	11.01.2010	Ward members	Cllr Cunio
Publicity expiry date	11.02.2010		Cllr Williams
Date to determine by	08.03.2010 <b>IN TIME</b>		Cllr Payne

Site area	558 sqm	Usable amenity area	330 sqm
Site coverage (developed area)	N/A	Landscaped areas	N/A
Density - whole site	35dph		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	2	40	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	N/A	N/A	Leisure use	N/A	N/A
other	N/A	N/A	other	N/A	N/A

accessibility zone	medium	policy parking max	1 space
parking permit zone	no	existing site parking	2 spaces
cyclist facilities	yes	car parking provision	2 spaces
motor & bicycles	0 motor / 2 cycles	disabled parking	N/A

**Key submitted documents supporting application**

1	Design & Access Statement	2	Sustainability Checklist
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**Appendix attached**

1	09/00944/FUL Decision Notice	3	Development Plan Policies
2	Appeal Decision Notice 4 Canada Road	4	Suggested Planning Conditions

**Recommendation in full**

Approve conditional planning permission.

## **Background**

A similar proposal for a house conversion was refused in November 2009 (LPA ref: 09/00944/FUL) following pre-application discussions with the applicant since 3 June 2009. The reasons for refusal (as set out on the attached decision notice, see **Appendix 1**) related to a loss of privacy to Canada Road and a lack of information regarding trees. The current proposal has addressed these issues, however the adoption of the Core Strategy with a presumption against the loss of family housing has now made the resubmission technically a departure to the development plan requiring Panel approval. Given the history of the site and the changes now proposed a favourable recommendation is made and officers would not recommend introducing a new reason for refusal relating to the loss of family housing..

## **Proposed Development and surrounding context**

### Context

The site is located along Canada Road in a predominantly residential street, which is characterised by a mix of two storey semi-detached and detached properties with a similar style and appearance built on narrow plots with small front gardens, and short to medium length rear gardens. There are a mix of flats and houses within Canada Road including a recent conversion, allowed at appeal, for 4 Canada Road (a copy of the appeal decision notice is appended at **Appendix 2**). The application site consists of a two storey semi detached dwelling house with a mix of planting and hard surfacing used for parking to the side, leading to a fenced off rear garden. There are two Sycamore Trees to the rear most northern and southern boundaries of the property.

### Proposal

This proposal is to build a single storey side extension and additional window to first floor side elevation to enable the conversion of the dwelling into 2 one-bedroom flats. The layout of the two units will provide an independent means of ground floor access for both units, with two parking spaces (1 per unit) and turning space utilising the existing access. The rear garden space will be subdivided using a 1.8m tall close boarded fence, retaining the existing hedge on the common boundary with the properties 6 and 10 Canada Road. The residents of the separate flats have individual access to an external amenity size of 100 and 230sqm respectively.

## **Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 3**. In particular, the adopted LDF Core Strategy Policy CS16 and CS20 are relevant in the determination of this application.

## Relevant Planning History

870443/E

Conditionally Approved 04.08.1987

Erection of part single storey and part two storey rear extension

09/00944/FUL

Refused 02.11.09

Single storey side extension to facilitate conversion of existing house into 2 one-bedroom flats with associated parking and refuse/cycle storage and new detached double garage  
*A copy of this decision notice is attached at **Appendix 1**.*

## Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement as appropriate and erecting a site notice. At the time of writing five letters of representation have been received from surrounding residents opposing the proposed development. The period for notification will have expired on 11<sup>th</sup> February 2010, and therefore, a verbal update of any further responses will be provided at the Panel meeting.

### Summary of Representations made

- The amount of off street parking available is insufficient. The development would result over parking of the local street.

### Summary of Consultation comments

**Highway Control** – No objection raised to the impact on highway safety grounds. 1:1 parking is acceptable.

**Sustainability Team** – No objection raised, subject to achieving at minimum Level 3 of the Code for Sustainable Homes and providing a feasibility study for inclusion of renewable energy technologies on the site.

**Tree Team** – No objection raised, subject to providing suitable protection measures during construction to safeguard protected trees on site. Conditions attached.

## Planning Consideration Key Issues

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

- Principle of development;
- Net loss of family housing;
- The design and appearance of the building, including landscaping;
- Impact on protected trees;
- Impact on residential amenity;
- Impact on highway safety.

### 1. Principle of development

The intensification of this residential property into two separate units in principle is acceptable under government guidance PPS3 which encourages the efficient use of previously developed land, where paragraph 31 states that conversions can provide an important source of new housing. The intensification of this property for further residential use is not out of character with the local area which mainly characterised by residential properties. Therefore, it is considered that the principle of this development will be acceptable.

## 2. Net loss of family housing

Policy CS16 of the LDF Core Strategy does not allow the net loss of family housing. This development is therefore a departure of this policy which was adopted by the Council on 20<sup>th</sup> January 2010.

Pre-application discussions have been held with the applicant dating back to June 2009 in relation to the proposed development. The Local Planning Authority should act reasonably with due regard to the period of discussions prior to adopting new planning policy, and a flexible approach to this application is recommended as the applicant has addressed both previous reasons for refusal. This would not set a precedent for other house conversions.

## 3. The design and appearance of the building

The external changes to the appearance of the existing property, include an additional window to first floor side elevation, and the erection of a modest sized single storey side extension to extend the existing porch structure, with a significant set back from the front building line to appear subordinate to the main dwelling. These changes are in proportion and not out of character with the appearance of the property and the wider street scene.

The front and side of the property currently have an attractive landscape setting with a mix of planting, hard surfacing, and brick wall and close boarded fence enclosures. The garden to the rear is screened off from the front parking area by a tall close boarded fence. It is proposed to retain the existing front boundary brick walls, and to provide fenced enclosures to the rear to subdivide amenity space. The proposed changes to the layout of the hard and soft surfaced areas including planting should be agreed prior to the commencement of development.

## 4. Impact on protected trees

Following additional clarification from the appellant there is no objection to the impact on existing trees within the rearmost part of the garden on the eastern and northern property boundaries.

## 5. Impact on residential amenity

Application 09/00944/FUL was refused on the basis that the conversion of the upper floor flat would result in direct inter-looking between a living room (due to the likely intensification of the room which is currently serves a bedroom) and a first floor window serving a habitable room in the neighbouring property at 10 Canada Road.

The internal layout has now been revised. The affected window now serves a kitchen (which is not considered to be a habitable room), and the application also introduces an additional first floor side shower room window to be obscure glazed. This will result in an acceptable level of inter-looking between the neighbouring property, and overcomes the concerns in the reason for refusal under the previous application.

The layout and amount of private amenity space proposed for both units is fit for the purpose intended, and meets the Council's minimum standards set out in the Residential Design Guide 2006.

Therefore it is considered that the impact on residential amenity will be acceptable.

## 6. Impact on highway safety and parking

The Highway Officer has raised no objection to the impact on highway safety with regard to the proposed access, layout of parking and refuse storage. There will be an adequate number of parking spaces provided to serve the proposed accommodation. This exceeds the Council's maximum parking standards in a medium accessibility zone within the city, but 1 space per dwelling is reasonable for this location and can be accommodated satisfactorily on site. Furthermore, the appeal Inspector for the scheme at 4 Canada Road (as attached at Appendix 1) supported a conversion to 4 flats served by 2 parking spaces (decision notice 9 refers). This is material to the current application at 8 Canada Road.

### **Summary**

Overall the scheme for intensifying this property for further residential use is in keeping with the character of the local area, providing sufficient level of private amenity space and off street parking to serve the occupiers, whilst not causing harm to neighbouring residential amenity and local visual character of the local area. The current application has fully addressed the Council's previous reasons for refusal. The loss of family housing in this instance has been accepted with due regard to the nature and period of pre-application discussions with the applicant dating back to June 2009 and the character of the area

### **Conclusion**

This application has been assessed as acceptable, and therefore, recommended for conditional planning approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), City Plan Review (Adopted Version) and adopted Local Development Framework Core Strategy (2010)  
SB for 16.02.10 PROW Panel

**POLICY CONTEXT****LDF Core Strategy - Planning Southampton to 2026**

The LDF Core Strategy has now been formally adopted by the Council and now forms part of development plan against which this application should be determined. The following policies are relevant:

CS5	Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

**City of Southampton Local Plan Review – Adopted Version (March 2006)**

A number of the policies in the Local Plan Review - Adopted Version March 2006 have been “saved” either in part or full pending the subsequent preparation of other Development Plan Documents. Whilst there are no site-specific policies relating to this site within the City of Southampton, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H2	Previously Developed Land
H7	The Residential Environment

**Approved Residential Design Guide (RDG) (2006)**

The RDG is a material consideration in the determination of this planning application. The proposal does not raise any issues that would be taken as contrary to the advice provided within the RDG. The proposal provides flats with adequate garden space (in accordance with Paragraphs 2.3.12-14), which exceeds the required area indicated in the RDG. Access to cycle storage and refuse bins is provided (in accordance with Paragraph 2.2.2) and the design approach respects the existing building (in accordance with Part 3). The proposed net residential density of 35 dwellings per hectare (dph) is below the 50-100dph guidance for areas of medium accessibility but meets the Council’s minimum standards of 35dph (as set out at Section 3.2 and supported by LDF Core Strategy Policy CS5).

**Planning Policy Statement PPS3 - Housing (2006)**

The advice given in PPS3 in relation to making the best use of previously developed sites, whilst respecting a site’s existing context, is clearly relevant in the determination of this planning application. This PPS also reemphasises the need for the planning system to create sustainable, inclusive, mixed communities with an improved choice of accommodation. Paragraph 31 acknowledges that the conversion of existing housing “*can provide an important source of new housing*”.

## Planning Policy Guidance Note PPG13 - Transport (2001)

The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. One element of this approach is the implementation of 'maximum' car parking standards, as set out at Policy SDP5 and Appendix 1 of the City of Southampton Local Plan Review (2006).

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RECOMMENDATION: CAP

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## **CONDITIONS for 10/00017/FUL**

### 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 - Materials [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used for the construction of the development hereby shall in accordance with the approved plans.

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. APPROVAL CONDITION - Window specification limitations [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the shower room and kitchen first floor level windows on the north facing elevation shall be top-hung opening and fitted with obscure glass. The windows shall be retained in this manner for the duration of use of the building for residential use.

Reason:

To protect the amenity and privacy of the adjoining property.

### 04. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.



05. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

06. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

07. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Performance Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

08. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 20%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

#### 09. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the development the cycle parking (to be covered, enclosed and secure) shall be provided in accordance with approved plans and thereafter retained for those purposes.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

#### 10. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Prior to the first occupation of the development the facilities for the storage, removal and recycling of refuse shall be provided in accordance with approved plans and thereafter retained for those purposes. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

#### 11. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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.

The approved 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.

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.

#### 00. Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme for intensifying this property for further residential use is in keeping with the character of the local area, providing sufficient level of private amenity space and off street parking to serve the occupiers, whilst not causing harm to neighbouring residential amenity and local visual character of the local area. The current application has fully addressed the Council's previous reasons for refusal. The departure from policy CS19 due to the loss of family housing in this instance has been accepted with due regard to the nature and period of pre-application discussions with the applicant dating back to July 2009. 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010)

#### 00. Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

#### 00. Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.