

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 28 May 2013
Planning Application Report of the Planning and Development Manager

Application address: 23 Kitchener Road SO17 3SF			
Proposed development: Erection Of Part Single-Storey, Part Two-Storey Side And Rear Extensions (Resubmission Of 12/01698/Ful)			
Application number	13/00270/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	OVER	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and objection from the Highfield Residents Association.	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Mrs Akvinder Dhesi	Agent: Brian C Banyard
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. It is considered that the occupancy of the established C4 (HMO) by two additional people will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. 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, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies	2	12/01315/FUL Planning decision
3	12/01698/FUL Planning decision		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 Two-storey semi-detached dwelling occupied as a 4-bedroom House of Multiple Occupation (Use Class C4). The property has a design which is typical of the area with double bay and gable feature to the front. The building has not been previously extended. A detached shed is located to the rear. A driveway is located to the side of the property with drop curb access to Kitchener Road. The front of the site is enclosed with a dwarf wall.
- 1.2 The surrounding area is predominantly residential in character comprising two-storey dwelling houses in C3 and C4 use. Parking restrictions exist within Kitchener Road and surrounding streets

2.0 Proposal

- 2.1 Erection of a part single-storey part two-storey side and rear extensions to facilitate an increase in occupancy of an existing house in multiple occupation from 3 to 6-bedrooms.
The proposed layout would provide 4 bedrooms at first-floor level and 2 bedrooms at the rear of the ground floor. A communal kitchen would be provided.
- 2.2 The extension would result in the loss of existing parking and therefore the scheme is a car free development. The application is not seeking a C4 use as this has already been established. Instead, the intensification and physical development is for consideration.

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 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 adopted in March 2012, which 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 SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

4.0 Relevant Planning History

- 4.1 Planning permission was refused on 22.10.2012 for a Part single storey and part

two storey side and rear extension to existing dwelling. Southampton City Council Reference 12/01315/FUL (Appendix 2)

4.2 A subsequent re-submission was refused on 20.12.2012. Southampton City Council Reference 12/01698/FUL (Appendix 3)

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 undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 2 representations have been received; from the Local Ward Councillor (Vinson) and the Highfield Residents Association which can be summarised as follows:

5.1.1 The increased size of the property would have a negative impact. This would be a disproportionate development in bulk and size.

Officer Response - The extension has a design which is in keeping with the host property. The extension is subservient to the host property. The plot is sufficient in width and depth to accommodate the proposed extension without compromising the character and appearance of the area or the residential amenities of neighbouring occupiers. The physical development accords with the principles of the Residential Design Guide.

5.1.2 It would lead to over intensification of use

Officer Response - The property is currently occupied as a C4 HMO and could be occupied by up to 6 persons without needing planning permission.

5.1.3 It would be out of character with the rest of the area.

Officer Response - The surrounding area comprises a mix of C3 and C4 uses. The property has established C4 use and therefore the development is not considered out of character.

5.1.4 There would be insufficient parking and the replacement of garden area is a loss of amenity

Officer Response - The resultant build footprint is not considered to constitute an overdevelopment. The proposed side extension would be situated on existing hard surfacing to the side of the property. The rear extension would have a limited depth of 3metres and such rear extensions are allowed under permitted development allowances. An 11m length rear garden would be retained. It is acknowledged that car parking would be lost on site but traffic regulation orders are in place to prevent harmful parking displacement onto Kitchener Road and surrounding streets.

5.1.5 There is already insufficient parking for existing residents

Officer Response - On street parking restrictions are in place to prevent parking displacement onto Kitchener Road and surrounding streets

5.1.6 The property operates as an HMO and this development if granted, would facilitate double the occupancy, an additional burden on an over-intensified area.

Officer Response - The development would provide an additional two bedrooms increasing the number of bedrooms from 4 to 6 bedrooms. The dwelling would remain in use as a C4 HMO.

- 5.2 **SCC Highways** - No objection. The site is located within an area where on-street parking is for parking permit holders. The proposal will only generate 2 additional bedrooms and in terms of permits and impact on the highway, it does not make a material difference whether the building contains 4 or 6 bedrooms. The number of permits eligible for the residents there will remain the same.
- 5.3 **SCC Private Sector Housing** – No objection. The amenity levels would appear to be in line with SCC standards for Houses in Multiple Occupation.

6.0 **Planning Consideration Key Issues**

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

- 6.2.1 The property has been occupied as a small HMO (class C4) under permitted development rights prior to 23rd March 2012. Therefore the 10% threshold does not apply as there will be no increase in the concentration of HMOs (section 6.7 refers).
- 6.2.2 An additional 2 bedrooms with a maximum occupancy of 6 persons will not result in a material change of use of the property, which will remain as a small HMO. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

6.3 Impact on the character and amenity of the surrounding area

- 6.3.1 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Within the class C4 HMO up to 6 unrelated occupants can live in a property without a material change of use occurring which requires planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of impact on amenity and character.
- 6.3.2 There will be two additional bedrooms to allow 2 more occupiers. The ground floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the intensification of use of 2 additional occupants will not significantly be different to the existing occupation.
- 6.3.3 It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.

6.3.4 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs.

6.3.5 It is considered that the design, scale and massing of the proposed extension will be in keeping with the appearance and character of the dwelling. The proposed two-storey side extension will be subservient to the host building with a lower ridge height and will be set back from the front elevation. A side gap would be maintained between the proposed side extension and the neighbouring property and as such the development would respect the spatial character of the area.

6.4 Impact on amenity of neighbouring occupiers

6.4.1 The development will not adversely harm the residential amenities of neighbouring occupiers. The single-storey extension would have a height of 2.5m to eaves and a depth of 3m and will not lead to harmful enclosure or shadowing to neighbouring occupiers having regard to the tolerances allowed under permitted development rights. The part two-storey part single-storey side extension is set off the boundary with no.25 Kitchener Road and will not interrupt the 45-degree code when taken from habitable room windows within the rear of no. 25 Kitchener Road. The neighbours were consulted and no objections have been received.

6.5 Impact on highway safety

6.5.1 The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed for on street parking is unchanged. The Highway Officer has raised no objection.

6.6 Standard of living conditions for future residents

6.6.1 The Council's Environmental Health Housing team have raised no objection to the standard of accommodation, subject to the applicant providing sufficient fire precautions, and retaining the communal spaces as proposed. It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 80 square metres with a length of 10 metres. This exceeds the minimum standards in the Council's Residential Design Guide for a semi-detached dwelling. The communal spaces, including the lounge, will be retained by condition.

7.0 Summary

7.1 In summary, it is considered that two additional occupiers will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents or highway safety.

8.0 Conclusion

8.1 In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal

is recommended for conditional approval

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

AG for 28/05/13 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 - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - No other windows or doors other than approved

[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

04. APPROVAL CONDITION - Retention of communal spaces

The rooms labelled lounge and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

05. 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:

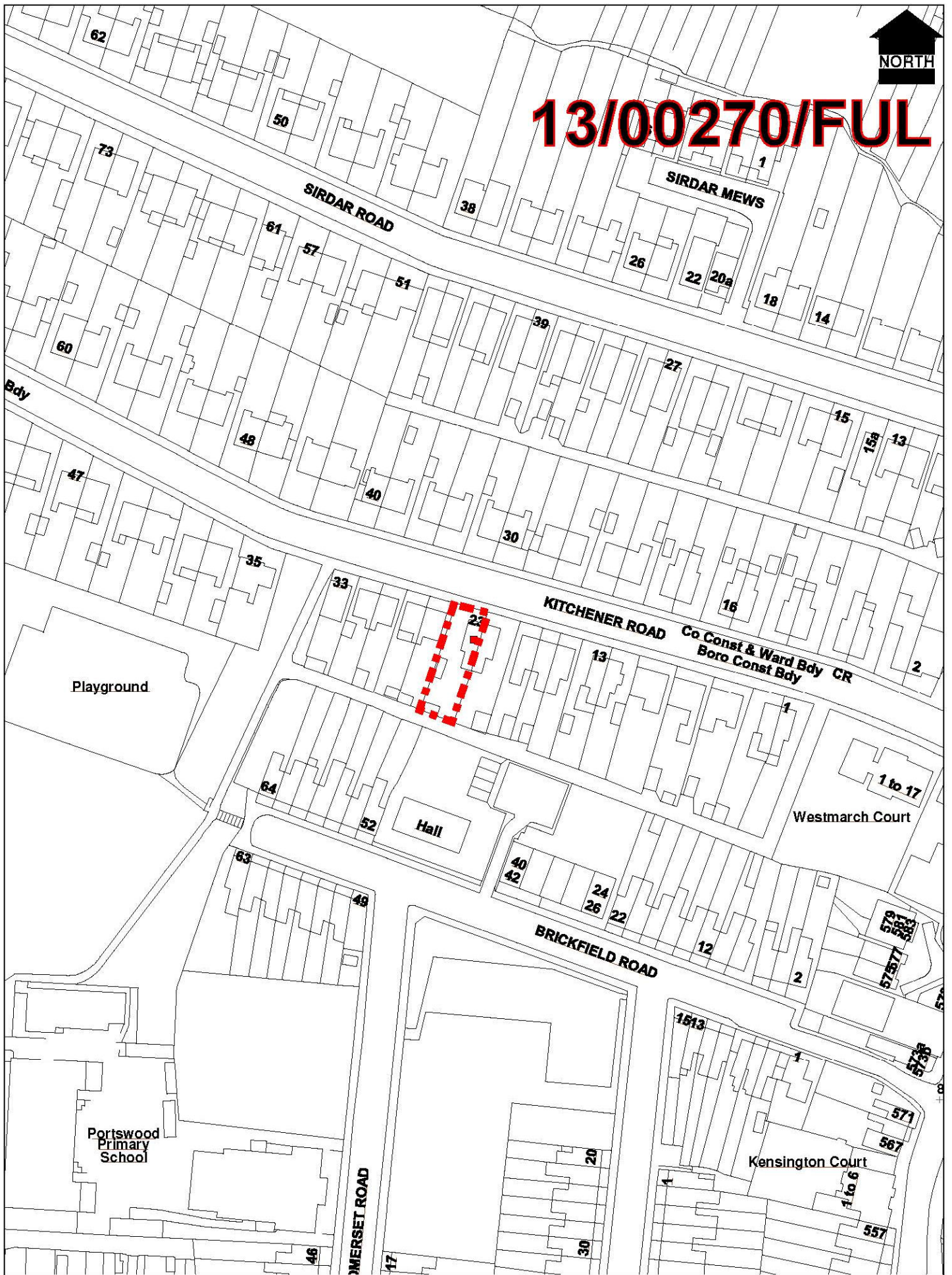
For the avoidance of doubt and in the interests of proper planning.

Note to applicant:

1. The applicant is advised that additional fire precautions may be required and they should contact Environmental Health Housing on 023 8083 3000.
2. Occupation of the property by 7 or more persons will require change of use to a large (sui generis) House of Multiple Occupation)



13/00270/FUL



Scale : 1:1250

Date : 15 May 2013

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