

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 June 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 51 Highfield Crescent SO17 1SG			
Proposed development: Erection Of A Single Storey Side/Rear Extension To Existing C4 House Of Multiple Occupation			
Application number	13/00611/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	23.05.2013	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Dr Julian Jenkinson	Agent: Simpson Hilder Associates
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Recommendation Summary	Conditional Approval
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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. With the retention of the additional habitable room as a communal room and other existing communal spaces, the occupancy will not increase and stay within class C4 and, therefore, 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		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is located on the west side of Church Lane within Portswood ward. This is mainly a residential street comprised of large semi detached dwellings.
- 1.2 The site contains a 2 storey semi-detached dwelling, with side access to the modest sized rear garden. The property is established as a small HMO (class C4) with 6 occupants, having been occupied on 23rd March 2012 as such.

2.0 Proposal

- 2.1 It is proposed to erect a single storey rear/side extension to an existing C4 HMO (House Of Multiple Occupation), to reconfigure the living space maintaining 6 bedrooms and providing additional lounge and dining space on the ground floor.
- 2.2 The proposal has been amended to reduce the depth of the rear extension from 4.9 to 3.9m with an eaves and ridge height of 2.3 and 3.1m, removing the wrap around element, and no longer includes an additional bedroom on the ground floor. There is no increase in the number of occupiers proposed.

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 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, and 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 No relevant planning history.

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. Following the receipt of amended plans, a 14 day reconsultation has been carried out (29.5.2013). At the time of writing the report **4** letters of objection, including a request for referral by a local Ward Cllr, have been received from surrounding residents. Any further comments will be verbally reported at the Panel meeting. The material planning issues raised have been summarised below:

5.1.1 Comment

There should also be application for a change of use to large HMO.

Response

See section 6.2 of the report.

5.1.2 Comment

There will be a loss of light, privacy and outlook to the neighbouring properties, and break the 45 degree code.

Response

See Section 6.3 of the report.

5.1.3 Comment

The 10% threshold has been exceeded so no further HMOs should be allowed. There is already a high concentration of HMOs, and has led to an unbalancing of the mix of family households.

Response

See paragraph 3.4 and section 6.2 of the report.

5.1.4 Comment

Overdevelopment and intensification of use. The larger lounge will lead to bigger social gatherings of student tenants (up to 20 people), leading to more noise disturbance. Will cause harm due to increased problems of noise, refuse, litter, and related problems associated with the lifestyles of unrelated tenants. In particular, the anti social behaviour associated with students.

Response

This is addressed in section 6.3 of the report.

5.1.5 Comment

There would be insufficient parking, and there is already insufficient parking for existing residents.

Response

There will be no further impact on highway safety as the number of occupants will not be increased.

5.1.6 Comment

The proposed extension will be overdevelopment as it is disproportionate to the scale and massing of the dwelling, and out of character with the local area.

Response

See section 6.3 of the report.

5.1.7 Comment

Loss of garden will lead to less rainfall absorption, and less biodiversity. There will be insufficient amenity space remaining for the residents.

Response

There is a small loss of garden space and, therefore, no significant impact on biodiversity and flooding, where back gardens are not protected spaces for nature conservation. The area of remaining private amenity space will be approximately 80 square metres with a length of 14.5 metres. This exceeds the minimum standard in the Council's Residential Design Guide for a semi-detached dwelling (70sqm).

5.1.8 Comment

The flat roof area can be accessed and will be a health and safety hazard.

Response

A condition will be applied to allow no access to the flat roof other than maintenance of the property.

5.1.9 Comment

There are trees on site which have not been indicated.

Response

There are large trees located to the rear end of the garden which will not be affected by the footprint of the proposed extension. There are a number of smaller bushes and shrubs affected which are not significant for retention or protected.

5.2 **SCC Highways** - No objection.

5.3 **SCC Environmental Health (Pollution & Safety)** - No objection, subject to construction hours condition and no bonfires.

Comment: The latter is not deemed necessary.

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 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) prior to 23rd March 2012 (effective date of Article 4 direction). The applicant has provided as evidence, a 12 month signed tenancy agreement for 6 tenants from 1st July

2011 to 30th June 2012, and 6 tenants 1st July 2012 to 30th June 2013.

6.2.2 The 10% threshold applicable to this site which falls within the Portswood Ward does not apply, as the HMO is already established as a small HMO on 23rd March 2012 and there will be no increase in the concentration of HMOs.

6.2.3 **There will be no intensification of use or material change of use of the property, which will remain as a small HMO with no further occupants.**

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 out 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 does not require 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 The amended scheme does not provide an additional bedroom for further occupants. The ground and first 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 existing occupation will be no different.

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 The wrap around element has been removed and the depth of the proposed extension has been significantly reduced from 4.9 to 3.9m, with an eaves and ridge height of 2.3 and 3.1m, and a set back of 200 and 800mm from the common boundary of no. 53 to the north and 49 to the south. Although the proposed extension beaks the 45 degree code for the closest rear ground floor window, this serves a kitchen and therefore is not afforded as much protection as a habitable room such as a living room. It is considered that the height of the proposed extension visible above a 2m high (built under permitted development) will not adversely affect the light and outlook of the neighbouring occupiers. Furthermore, there are no windows which will directly overlook the neighbouring properties.

6.3.6 It considered that the scale and massing of the proposed extension will be in keeping with the appearance and character of the dwelling, as it will appear subservient and proportional to the large semi detached property.

6.4 Impact on highway safety

6.4.1 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. There will be no additional occupants and, therefore, no further trips associated with the proposal. Therefore, it is considered that there will be no adverse impact on highway safety.

6.5 Standard of living conditions for future residents

6.5.1 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 14.5 metres. This exceeds the minimum standards in the Council's Residential Design Guide for a semi-detached dwelling. The communal spaces, including the lounge and dining room will be retained by condition.

7.0 Summary

7.1 In summary, given there is no increase in the number of occupiers or concentration of HMOs, the proposed extension 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).

SB for 25/06/13 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 [Performance Condition]

The materials and finishes to be used in the construction of the extension hereby permitted shall be 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 - 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 dining room, lounge, and kitchen on the ground floor and study on the first floor 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 and available 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 - Refuse storage and collection [Performance Condition]

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 interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

06. APPROVAL CONDITION - Retention of the front boundary treatment

Unless otherwise agreed in writing by the Local Planning Authority, the existing front treatment shall be retained and no part shall be removed.

Reason:

In the interests of protecting the visual amenity of the local area.

07. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

08. APPROVAL CONDITION - No access to flat roof

Unless otherwise agreed in writing by the Local Planning Authority or for the purposes of the maintaining the property, the flat roof area of the extension hereby approved shall not be accessed or used by residents as a roof terrace.

REASON

In the interests of the protecting the amenity of neighbouring occupiers.

09. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS16	Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

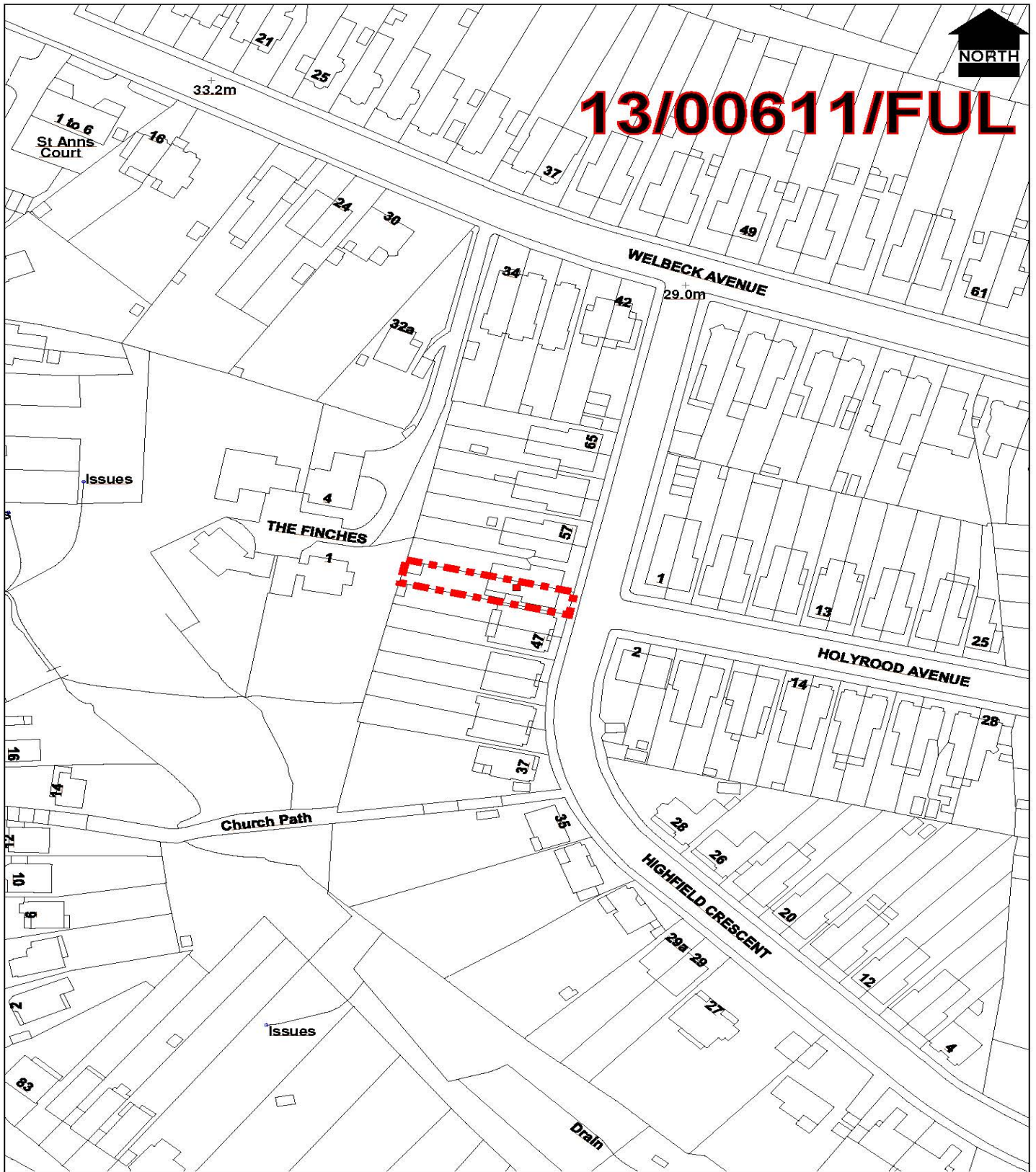
SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



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