

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 23 July 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 82 Welbeck Avenue SO17 1SR			
<b>Proposed development:</b> Erection Of A Two Bedroom House Attached To 82 Welbeck Avenue On Land Adjacent Following Demolition Of Existing Garage			
<b>Application number</b>	13/00446/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14.6.13	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Claisse Cllr Norris Cllr Vinson

<b>Applicant:</b> Dr J Jenkinson	<b>Agent:</b> Simpson Hilder Associates
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework (March 2012).

<b>Appendix attached</b>			
1	Development Plan Policies	2	11/00604/FUL Decision Notice
3	Residential Parking Survey		

**Recommendation in Full**

**Conditionally approve**

## **1.0 The site and its context**

- 1.1 The application site is 0.01 hectares in area and comprises garden land, parking and a detached garage associated with 82 Welbeck Avenue.
- 1.2 The surrounding area is predominately residential in area comprising housing and flats occupied for C3 and C4 use. 82 Welbeck Avenue is an established House of Multiple Occupation within use class C4.
- 1.3 There is on-site parking for 2 cars with dropped kerb access. Parking restrictions exist within Welbeck Avenue and adjoining streets (permit holders/2hr waiting).

## **2.0 Proposal**

- 2.1 The proposal seeks a two-storey extension to the side of 82 Welbeck Avenue to form a 2-bedroom self contained dwelling following demolition. The plot would be sub-divided from 82 Welbeck Avenue and the new dwelling would have a private rear garden with 1 car parking space to the front. No on site parking would be retained for the existing HMO.
- 2.2 The extension would be finished in bricks and render to match the existing property.

## **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 27<sup>th</sup> 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.

## **4.0 Relevant Planning History**

- 4.1 Planning permission was granted in 2011 for an identical two-storey extension to the existing property (Ref 11/00604/FUL). The extension was to create ancillary HMO living accommodation and was not self contained. The decision notice and plans associated with application 11/00604/FUL are attached as **Appendix 2**.

## **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 and erecting a site notice (02.05.2013). At the time of writing the report 7 representations have been received from surrounding residents which can be summarised as follows:

5.1.1 The increased size of the property would have a negative impact. This would be disproportionate development in bulk and size thus being an overdevelopment of the site in massing and scale.

Response - An identical extension has already allowed on this site. The permission is extant and could be built out (expires on 31.5.2014).

5.1.2 The extension would facilitate an intensification of use

Response - The proposal is for a separate self-contained 2-bed dwelling and not an intensification of the existing C4 HMO. The resultant floor space and level of occupation would be no more than that already allowed under the extant permission to extend the existing C4 HMO.

5.1.3 It is the equivalent of garden grabbing

Response - The extension will occupy the footprint of the existing garage and part of the driveway. The development will not result in the loss of existing garden space.

5.1.4 The loss of existing parking would create increased on-street parking pressure. There is already insufficient parking for existing residents

Response – A Residential Parking Study (appended as Appendix 3) has been submitted which demonstrates there is sufficient on-street parking capacity to accommodate the proposed development without leading to excessive on-street parking pressure.

5.1.5 The property already operates as an HMO and the development if granted, would facilitate additional occupancy, an additional burden within an already over-intensified residential area.

Response - The application is not for an extension/intensification of an existing HMO. The proposal is for a self contained 2-bed starter home. The build form has already been approved and the resultant layout will not harm the spatial character of the area.

5.1.6 There have been a number of recent appeal decisions upholding the Councils refusal of similar extensions e.g. 53 Shaftesbury Avenue and 14 Spring Crescent

Response - An identical extension has already allowed on this site. The permission is extant and could be built out (expires on 31.5.2014).

5.2 **SCC Highways** - No objection subject to conditions to secure cycle storage and to prevent materials and plant being stored on the public highway.

A parking survey was submitted to address the objections raised regarding overspill parking. The proposed development will generate a maximum potential of 2 additional permits over and above the existing dwellings entitlement (2 per dwelling) in terms of overspill parking onto the street. The comprehensive parking survey suggests that there is enough capacity in the near vicinity to accommodate that. It is noted that there is one off-street parking space proposed which should lower the chances of 4 vehicles/permits being required for the site.

## **6.0 Planning Consideration Key Issues**

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

## 6.2 Principle of Development

- 6.2.1 The proposed 2-bed house is acceptable in principle and accords with policies contained within the development plan and central government's wishes to promote sustainable and efficient use of land for housing development providing that the character of an area is not compromised. The proposal dwelling would have the same footprint and build form as the extant two-storey side extension approved under application 11/00604/FUL, which could still be built out. The development does not represent 'garden grab' as it would occupy land currently surfaced with a garage and driveway (previously developed) and the proposed plot sub-division will not be harmful to the established urban grain.

## 6.3 Impact on Residential Amenity

- 6.3.1 The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy to neighbouring dwellings. The proposed dwelling would have no greater impact than the extant side extension already approved. Furthermore the level of activity arising from the use of the extension as a 2-bedroom dwelling will not be demonstrably harmful. The first-floor bedroom window within the rear elevation is proposed to be obscured to a height of 1.7m above the finished floor level to prevent increased overlooking to 70 Shaftesbury Avenue; it is recommended that this be secured by planning condition.

## 6.4 Residential Standards

- 6.4.1 The residential environment for future residents is acceptable. All habitable rooms are provided with sufficient outlook and day lighting. The development provides 50 square metres of amenity space for the existing and proposed dwellings which is compliant with the minimum standards within the Residential Design Guide which seeks a minimum of 50 square metres of amenity space for a terraced property.

## 6.5 Highways

- 6.5.1 No objection is raised by Highways Development Management. The development provides 1 on-site car parking space for the proposed dwelling. However it is acknowledged that 1-2 on-site space would be lost for the existing dwelling. A residential Parking Survey has been submitted in support of the application which demonstrates there is sufficient capacity within the surrounding streets for the existing and proposed dwelling to be provided with parking permits, without causing excessive kerb side parking pressures.

Bin and bike storage can be secured by condition.

## 7.0 Summary

- 7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

## **8.0 Conclusion**

8.1 The development is recommended for approval subject to conditions.

### **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(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

#### **AG for 23/07/13 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 at 82 Welbeck Avenue.

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 - Residential - Permitted Development Restriction [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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Class G (heating fuel store)

or Class H (satellite antenna or dish)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

**04. 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.

**05. 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.

**06. APPROVAL CONDITION - Means of site enclosure [Pre-Occupation Condition]**

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

**07. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)**

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

**08. APPROVAL CONDITION - Amenity Space [Pre-Occupation Condition]**

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available a prior to the first occupation of the development hereby permitted and thereafter retained.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

**09. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

**10. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised 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).

**11. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

The first floor window on the rear elevation of the building hereby approved shall be glazed in obscure glass and fixed shut to a height of 1.7m above the finished floor level. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

**12. APPROVAL CONDITION - Approved Plans**

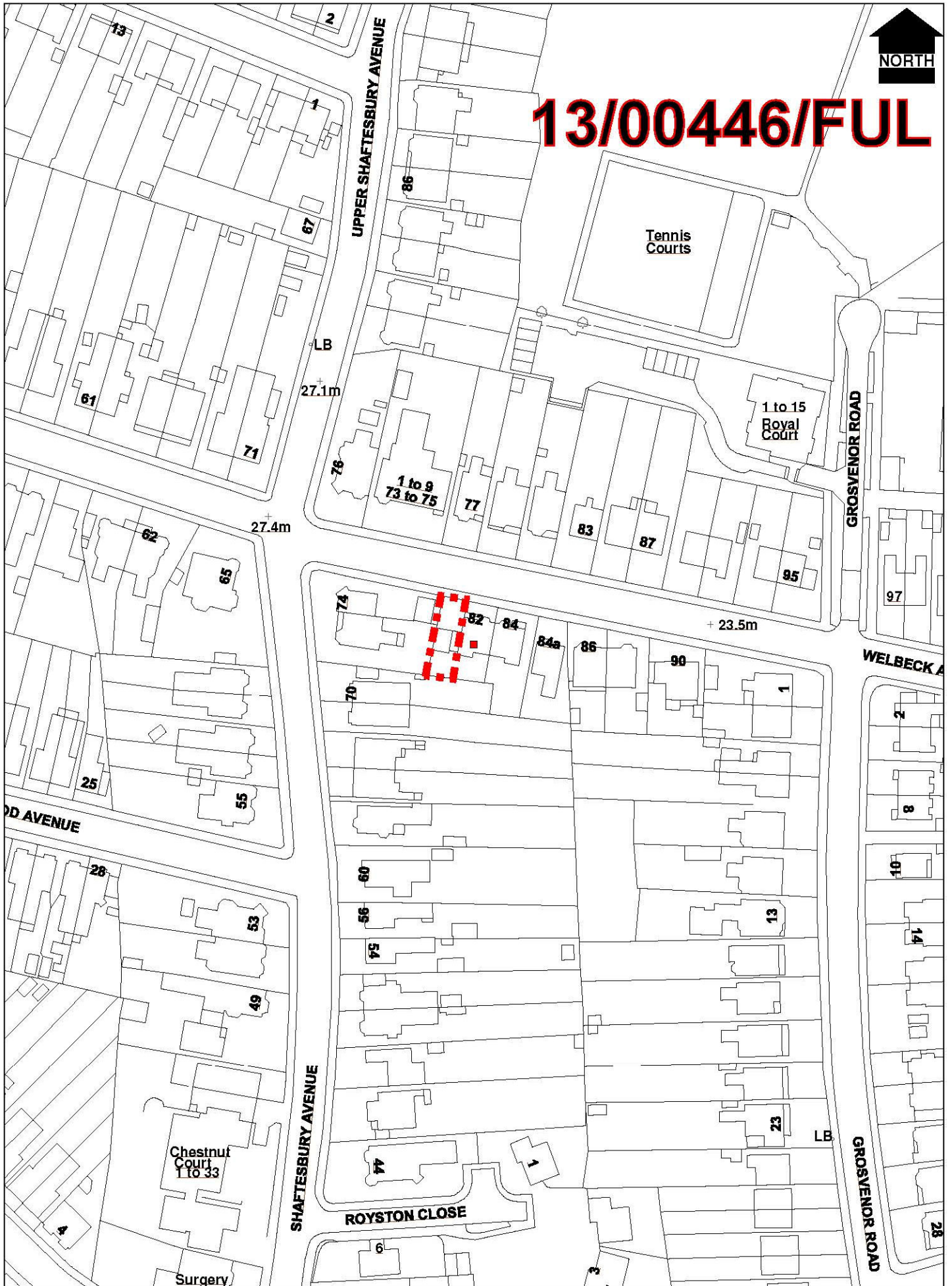
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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



# 13/00446/FUL



Scale : 1:1250

Date : 10 July 2013

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