

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 17 September 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 6 Richmond Gardens SO17 1RY			
Proposed development: Erection of a single storey side/rear extension to facilitate conversion of existing C4 HMO into 1x 3-bed and 1x 2-bed flats with associated cycle/refuse storage			
Application number	13/00750/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	15.07.2013	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Linda Norris

Applicant: Mr Sandhu & Mr Shanker	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	Yes - based on the net gross internal area of the ground floor flat.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The conversion of the HMO dwelling into flats is considered to provide decent accommodation, including family housing to contribute to the city's housing need, without adversely affecting the amenity of neighbouring occupiers, character of the local area, and highway safety. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS18, CS19, CS20

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 This application site is located on the north side of Richmond Road within the ward of Portswood. This part of Richmond Road is mainly characterised by 2 storey semi detached properties, with a mix of family dwellings, flatted blocks, and subdivided properties within the street including no. 2, 3, and 5.
- 1.2 The application site consists of a 2 storey semi detached property which is used as a C4 HMO. The rear garden steeply slopes down to the properties to the rear at Donnington Grove.

2.0 Proposal

- 2.1 It is proposed to erect a single storey rear and side extension to facilitate the conversion of the existing 4 bedroom HMO into 1x 3-bed flat (ground floor) and 1x 2-bed flat (first floor) with associated cycle/refuse storage.

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 Policy CS16 of the Core Strategy requires the retention of family homes. A family home built as a flat should have direct access to a minimum of 20sqm of useable and private amenity space, where the garden is for sole use of the household. The private amenity space or garden should be fit for purpose.

4.0 Relevant Planning History

- 4.1 There is 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, and erecting a site notice (10.06.2013). At the time of writing the report **8** representations have been received from surrounding residents, including a panel referral from a local Ward Councillor. The following concerns were raised which are material planning considerations:

5.1.2 Comment

Loss of light and privacy at 7 Richmond Gardens, due to overlooking of the side kitchen window and the rear garden. The new side windows should be obscure glazed and only top-opening.

Response

See section 6.6 of the report.

5.1.3 Comment

There is no wheelchair access for disabled persons for either flat, and the ground floor flat has internal steps. The bathroom is only accessible through a lounge and then a kitchen which is an unacceptable arrangement.

Response

Disabled access is assessed separately under Building Regulations. The access to the bathroom is the existing arrangement and remains unaltered.

5.1.4 Comment

This application is similar to the application refused at 14 Richmond Gardens (ref no. 11/00897/FUL) which was refused due to the loss of privacy and light on no. 15.

Response

The circumstances are materially different in this case as a habitable room window is not affected. See paragraph 6.3.4 of the report.

5.1.5 Comment

Overdevelopment in size and mass.

Response

See paragraph 6.3.2.

5.1.6 Comment

Over intensification of use which is out of character of street.

Response

There will be an increase of 1 bedroom in relation to the existing 4 bedroom property, which is not considered to be a significant intensification in use. There are existing flatted blocks and other subdivided properties within the street including no. 2, 3, and 5 and, therefore, the conversion of the property will not be out of character.

5.1.7 Comment

There is no additional parking proposed even though the road is part of a parking permit zone for residents adding to existing difficulties already faced.

Response

See section 6.5.

5.1.8 Comment

Will create a precedent within the area.

Response

Any further applications for a similar proposal would have to be assessed on its own individual merits.

5.2 **SCC Highways** - No objection raised.

5.4 **SCC Sustainability Team** – No objection raised.

6.0 Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Impact on the character and amenity;
- iii. Standard of living conditions for future residents
- iv. Impact on highway safety;

6.2 Principle of Development

In principle, the redevelopment of previously developed land, including the conversion of an existing HMO dwelling into flats is acceptable, subject to the retention of a family dwelling which meets the requirements of policy CS16. Furthermore, this is subject to no harmful impact from other material considerations such as intensification of use, parking, and quality of residential environment.

6.3 Impact on character and amenity

6.3.1 The proposed extension is single storey in nature, wrapping around the existing side and rear wall not extending beyond the building line of the furthest east flank wall. The proposed extension extends 2.96m to the rear, with an eaves and ridge height of 2.83 and 4m at the lowest point of the sloping rear garden.

6.3.2 It is considered that the scale and massing of the proposed extension will not be out keeping with the appearance and character of the property, given it is single storey in nature, and is not highly visible within the street scene due its set back position.

6.3.3 Following a site visit, the applicant has provided a cross section drawing to show the change in levels between 7 Richmond Gardens, to allow a full assessment of the impact on the amenity of the neighbouring occupiers. The cross section on the revised plans shows that a separation distance of 2m will be maintained between the proposed extension and the common boundary of no. 7, where the extension projects 2.57m beyond the neighbour's rear wall to the east.

- 6.3.4 The closest side windows affected at no. 7 serve a utility room (obscure glazed), toilet and kitchen windows (obscure glazed), where the kitchen window is not directly adjacent to the proposed extension. These are not considered to be habitable rooms, given their limited nature to be 'lived or slept in' as stated in the definition of a habitable room in the Residential Design Guide (Appendix K refers) and, therefore, any loss of light and outlook to these windows would not be detrimental to the overall enjoyment of the neighbour's amenity.
- 6.3.5 Although the proposed extension will be noticeable from the raised decking of no. 7, it is considered that there is sufficient separation distance between the massing of the extension to ensure that the neighbour's outlook and light to will not be adversely affected. Furthermore, the proposed side windows serving the lounge and bedroom will not adversely affect the privacy of no. 7, given that the utility and toilet room windows are obscure glazed, and the toilet window sits higher and is partially screened by a close boarded fence.
- 6.3.6 It is considered that the proposed will not adversely affect the outlook and light of no. 5, given the depth and that the rear windows affected are obscure glazed.

6.4 Standard of living conditions for future residents

- 6.4.1 The proposed conversion provides a 3 bedroom unit on the ground floor which will be suitable as family dwelling, as it has access to a private and useable amenity space with a size of approximately 45 sq.m. and, therefore, meets the requirement of policy CS16.
- 6.4.2 Following minor amendments to the scheme, a rear high level window has been installed to the first floor flat kitchen to maintain the privacy to the garden of the ground floor flat. Furthermore, a revised plan shows a 1.2m high gate will be installed to provide defensible space around the ground floor bedroom and bathroom windows.
- 6.4.3 It is noted that the outlook of the 2 bedrooms to the rear serving the ground floor flat are restricted to the side and rear, however, on balance it is considered that the overall residential layout is acceptable in terms of providing decent family accommodation. The ground floor unit has two side facing habitable room windows which would normally be expected to have some form of defensible treatment between them and shared paths used by occupiers of the upper unit. Given the narrowness of the side path and the position of the windows this is not possible to achieve in this instance. Therefore the scheme was amended to widen this gap from 1.2m to 2m and the lower cill of the bedroom window raised to 1100mm above internal floor level.

6.5 Impact on Highway Safety

- 6.5.1 There are no parking spaces proposed, and Richmond Gardens on the opposite side of the street is partly controlled by a resident's parking permit scheme. The minimum parking standards for 3 and 2 bedroom flats are 2 and 1 parking spaces respectively. The Highway Officer has raised no objection, given the level of on street parking available, subject to providing secure and covered cycle storage, and suitable refuse storage.

7.0 Summary

7.1 In summary, the conversion of the HMO dwelling into flats is considered to provide decent accommodation, including family housing to contribute to the city's housing need, without adversely affecting the amenity of neighbouring occupiers, character of the local area, and highway safety.

8.0 Conclusion

In conclusion, the application accords with the Council's policy and guidance and therefore is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

SB for 17/09/13 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 extension 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 - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until details have been submitted and agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands has been provided for 5 bicycles to be stored. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

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

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises

shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

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.

05. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

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

06. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. 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).

07. APPROVAL CONDITION - Retention of front wall

Unless otherwise agreed in writing by the Local Planning Authority, the existing front wall shall be retained and maintained.

REASON

In the interests of protecting visual amenity.

08. APPROVAL CONDITION - Boundary fence [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.

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
CS6	Housing Density
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

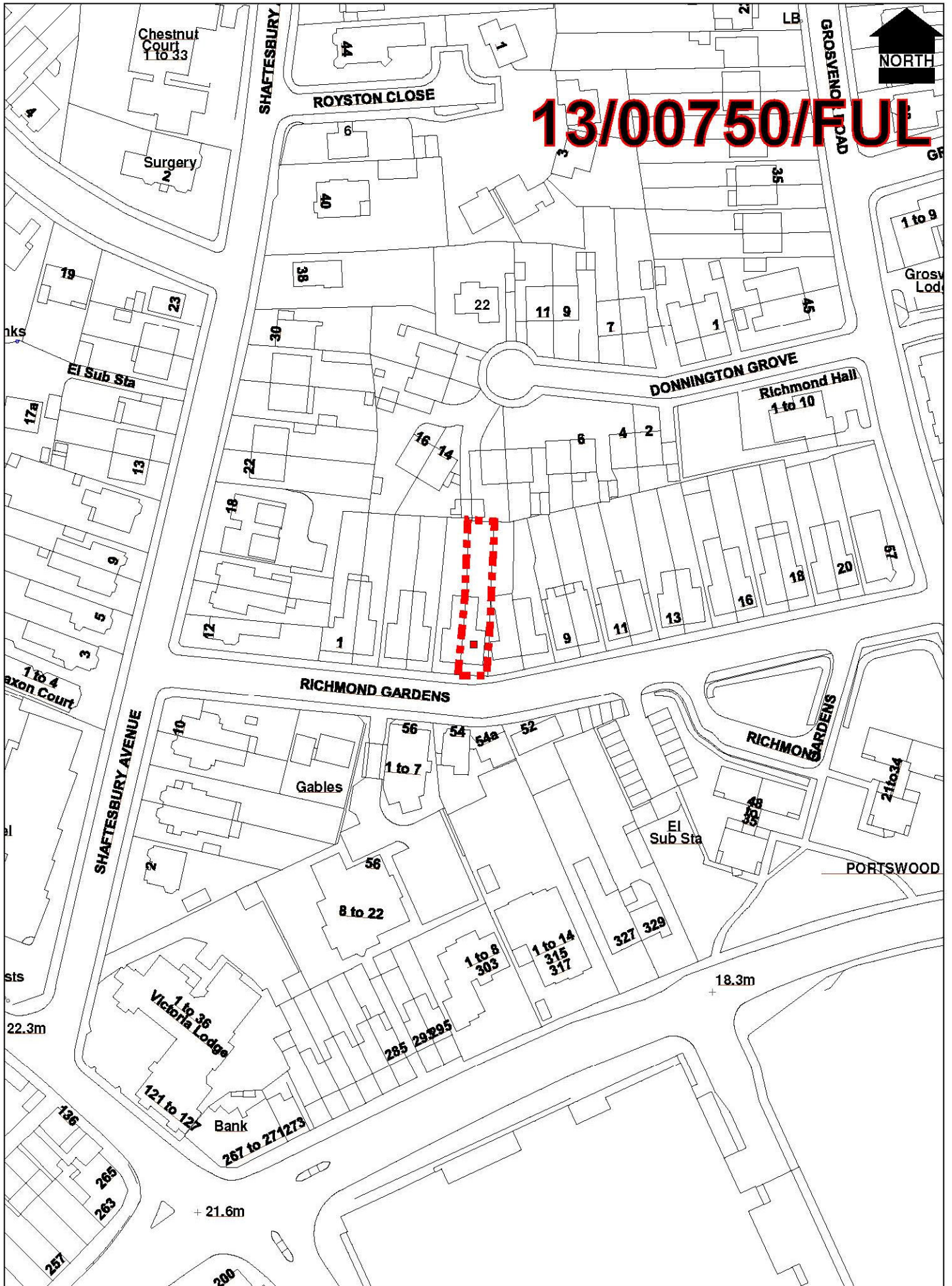
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:1250

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