

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

Application address: 22 Whithedwood Avenue SO15 5GZ			
Proposed development: Retrospective application for the erection of single-storey side and rear extensions and pitched roof to existing garage.			
Application number	14/00106/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	13/03/2014	Ward	Shirley
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Mark Chaloner Cllr Satvir Kaur Cllr Raymond Mead

Applicant: Mr Helda Baptista	Agent: Mr Kevin Goater
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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. 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies
2	Relevant Site History

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site consists of a two storey, end-of-terrace family dwellinghouse within the Shirley Ward of Southampton. The area in general is suburban and predominantly residential. It is characterized by dwellings of a similar style and scale.

1.2 The properties in the immediate area benefit from an access track giving access to garages at the rear of properties. This runs along the back of the properties which front onto Whithedwood Avenue, Torquay Road and St James Road.

2.0 Proposal

2.1 The application is retrospective and seeks to regularise works that have been undertaken at the site.

2.2 A single storey side extension has been erected with a pitched roof and external door in the front elevation. The extension is set back from the front building line by approximately 8.7m. The extension currently includes a short chimney to the front on the ridge of the roof. However, the plans show that this shall be altered to be taller so that it is 600mm above the ridge of the extension roof and relocated to the slope of the roof so that it is a minimum of 2300mm from the side of the host dwelling. This is in order to be compliant with building regulations. The extension abuts the adjacent private access track rather than being immediately adjacent to neighbours' gardens.

2.3 A single storey rear 'canopy' extension has also been erected. This runs along the full length of the rear elevation of the property and is open to the rear facing out onto the garden area. This has been constructed with timber posts and a tiled pitched roof. The purpose of the structure is to facilitate the use of the garden in all weathers.

2.4 The garage to the rear of the property has also been altered. The original flat roof of the garage has been replaced with a tiled pitched roof. This is accessed via a side and rear track which facilitates the access to the garages of properties along Whithedwood Avenue, Torquay Road and St James Road.

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.

4.0 Relevant Planning History

4.1 Set out in *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 undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- Overshadowing
 - Visually overbearing
 - Smoke from low level chimney
 - Restricted use of garden and opening of windows
 - Health related issues such as asthma
 - Out of character
 - Concerns that use is not residential
 - 'Ugly' appearance
 - Overdevelopment

These issues are fully responded to in Section 6 of this report.

5.3 Consultation Responses

5.3.1 **SCC Environmental Health (Pollution & Safety)** - The property is within a smoke control area, so should be using an exempt appliance or an approved fuel; The development should be conditioned to be used for domestic purposes only.

5.3.2 **SCC Building Control** - The chimney to the oven will need to be a minimum of 600mm above the ridge of the covered structure to the side of the house and a minimum of 2300mm from the side of the main house. With these minor changes I cannot see a problem with issuing a Regularisation Certificate.

5.3.3 **Cllr Satvir Kaur** - Request for item to go to PROW Panel as a result of a residents concerns relating to the scale and appearance of the extensions and the use of the wood burner/chimney.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; the residential amenity of the neighbouring properties as well as the host dwelling and; the character of the local area.

6.2 Principle of Development

6.2.1 The principle of erecting single storey extensions which are ancillary to the use of host dwellinghouse is acceptable subject to matters of scale, massing, design, character and context. The use of a wood burner as part of the residential enjoyment of the garden space and the cooking of some foods such as breads or for barbeques at a domestic level is judged to be acceptable in principle.

6.3 Residential amenity

6.3.1 In terms of residential amenity of neighbouring properties, the impact of both the physical works and the use of the buildings need to be assessed.

6.3.2 The side extension contains a wood burner which is served by the external chimney. The property is within a smoke control area and as such the burning of fuels requires an exempt appliance and approved fuels to be used. If the application is approved, details of the appliance, fuel and flue arrangement will be conditioned to be submitted to and approved by the Local Planning Authority. The use of the extensions should also be restricted to residential use only and at no times be used for a commercial or industrial purpose.

6.3.3 The rear extension is an open structure of less than 3m in height and the garage roof extension is modest in scale. It is not judged that either is visually dominant to any surrounding property. Neither extension will overshadow a surrounding neighbour due to the height of the buildings, the distance between the extension and neighbouring properties and the good quality boundary treatments. The minimum distance between habitable room windows and side walls of other properties is set out in the Residential Design Guide (RDG) paragraph 2.2.7. For two storey dwellings the minimum distance is 12.5m. The closest elements of the proposals will be at least 15m in distance from any windows of properties in St James Road and as such it is not judged that the works have an overbearing visual impact from these dwellings which will retain adequate daylight and outlook.

6.3.4 The residential amenity of the host dwelling also needs to be maintained to a sufficient standard. The RDG states in paragraph 2.3.13 that extensions should not result in the loss of garden space to the extent that daylight and outlook would be jeopardised. For a terraced property, at least 50m² needs to be retained. In this case, the works would result in the garden space being reduced to 58.2m² and is therefore in line with the guidance. This does not take into consideration that the rear extension is open and is also used as amenity space rather than residential accommodation.

6.4 Character of the area

6.4.1 In terms of the impact on the character of the area, the most prominent feature of the proposed works would be the front elevation of the side extension as this is the part of the proposal which faces the public realm. As stated in section 2.2, this elevation is set back from the main building line of the house by approximately 8.7m. In total, the distance from the front elevation of the extension to the public realm (pavement) is 16.8m. As such, the extension is set back significantly from the streetscene.

- 6.4.2 The materials used to render the extension and side boundary wall of the property is brown in colour which matches with the fence between the front garden of the property and the side track. Fencing of the same colour is also used at other nearby properties. This helps to mitigate the impact of the works and help them blend with their surroundings.
- 6.4.3 The proposed chimney will project 600mm above the ridge of the extension which will be visible from within the streetscene. However, the appearance is in-keeping with the residential nature of the area within which chimneys on houses is a characteristic feature. The proposed chimney is constructed in matching brickwork rather than an industrial-metallic type material. The distance from the street greatly mitigates the impact of the chimney. The separation distance from the chimney to the nearest houses means that whilst visible it is not overly dominant or intrusive.
- 6.4.4 The remaining sections of the works are not visible from the street and therefore it is not judged that they have any impact on the character of the area. The extensions are subordinate to the host dwelling and do not dominate its appearance which is in line with the RDG paragraph 2.3.1.

7.0 Summary

- 7.1 To summarise, retrospective permission is sought for two single storey extensions have been erected for residential use ancillary to the main house. There are issues relating to the smoke that is emitted from a chimney of the side extension which has generated a number of complaints. The principle of a wood burner is acceptable and should be controlled by condition to protect the residential amenity of neighbouring properties. It is not judged that the works will have any other negative impact on residential amenity or the character of the area and as such is judged to be supportable subject to the necessary conditions.

8.0 Conclusion

- 8.1 The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

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

JOAHAL for 25/03/14 PROW Panel

PLANNING CONDITIONS

01. 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.

02. APPROVAL CONDITION -Timing - physical works

Notwithstanding the provision of Section 91 of the Town and Country Planning Act 1990 (as amended), the works hereby permitted shall be completed within 6 months of the date on which this planning permission was granted.

Reason:

In the interest of proper planning and the avoidance of doubt
To protect the residential amenity of neighbouring properties

03. 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.

04. APPROVAL CONDITION - Use restriction

Notwithstanding the permission hereby granted, the permitted extensions including the wood burner shall be used only for residential purposes ancillary and incidental to the use of the dwellinghouse and at no time be used for commercial, industrial or any other purpose unless agreed upon in writing by the Local Planning Authority.

Reason:

To protect the residential amenity of the neighbouring properties.

05. APPROVAL CONDITION - Wood burner details to be approved

Notwithstanding the permission hereby granted the wood burner within the side extension shall not come into use until a full specification of the appliance, the fuel to be used and the flue arrangement have been submitted to and approved in writing by the Local Planning Authority. The wood burner shall thereafter be retained, maintained and operated in accordance with the approved details.

Reason:

To protect the residential amenity of the neighbouring properties.

06. Note to applicant - Building Control

The applicant is advised to contact Southampton City Council's Building Control team in order to ensure that all works comply with building regulations and are appropriately regularised. Please call 02380 832558 to discuss.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework 2012

Application 14/00106/FUL

APPENDIX 2

Relevant Planning History

1229/8 - Extension to form bathroom (Ground floor flat) - Conditionally approved
21/09/1962

04/00959/FUL - Change of use from 2 x 1 bedroom flats to a single dwelling house -
Conditionally approved 16/06/2004

14/00106/FUL

