

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 22 April 2014
 Planning Application Report of the Planning and Development Manager**

Application address: 13 Bassett Green Road SO16 3DJ			
Proposed development: Erection of a part two storey, part single storey side/rear extension to facilitate conversion of existing house into three flats (one x 3-bed, two x 1-bed) with associated cycle/refuse storage (resubmission of 13/00428/ful).			
Application number	14/00043/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	19.03.2014	Ward	Swaythling
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Maureen Turner Cllr Sharon Mintoff Cllr Spiros Vassiliou

Applicant: Mr J Ahmed	Agent: Mr Balbinder Heer
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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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 intensification of use of the family dwelling to provide two further units is considered on balance not to materially harm the character, amenity, and highway safety of the local area. In particular, the material consideration of the Inspector's decision has been given significant weight which accepted in principle the physical form and intensification of use. The revised internal and external layout and reduction of one unit, will create an acceptable living environment for the future occupiers addressing the Inspector's concerns. The retention of a suitable family unit in accordance with policy CS16 and provision of smaller housing units will contribute to the city's housing need for families as well as low income and small households, whilst not detrimentally unbalancing the mix of the community.

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, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, H2, H7, of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Appeal decision and plans		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the north side of Bassett Green Road within the ward of Swaythling. This part of the street consists of mainly two storey semi detached and detached dwellings with off street parking.
- 1.2 The application site consists of a two storey semi-detached dwelling with a modest sized rear garden, and off street parking.

2.0 Proposal

- 2.1 This is a resubmission of the application 13/00428/FUL refused under Officer's delegated powers which sought permission for a part two storey and single storey side and rear extension to facilitate the conversion of the dwelling into 4 flats (1 x 3-bed, 1 x 1-bed and 2 x studio), and was subsequently dismissed at appeal (see **Appendix 3** for appeal decision and plans).
- 2.2 The revised application has retained the same physical form of the extension, however, reduced the number of units to 3 flats, with a 3 bedroom unit on the ground floor with its own private garden space, and 2 x 1 bedroom flats on the first floor with communal garden space to the rear. There will be on site parking to the front.
- 2.3 Amended plans have been accepted during the application stage to make minor changes to the internal layout of the flats and provide details of the parking layout. These changes are considered to be an improvement of the original scheme with no further material harm to the amenity of the neighbouring occupiers or the visual character of the street scene and, therefore, not obligatory to notify the adjoining landowners about the amended plans.

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 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS5 of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.5 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.

Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

4.0 Relevant Planning History

- 4.1 Application 13/00428/FUL was previously refused in October 2013 and subsequently dismissed at appeal (ref no. APP/D1780/A/13/2200905). The full planning history is 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, and erecting a site notice (31.01.2014). At the time of writing the report 7 representations have been received from surrounding residents, including a panel referral by a local ward councillor. The following is a summary of the points raised:

5.2 Comment

Insufficient on-site parking leading to pressure on on-street parking. The additional on street parking on a classified 'A' road will make it more dangerous for drivers exiting their driveways and pedestrians crossing by reducing visibility.

Response

The Planning Inspector did not raise a concern with regards to kerbside parking pressure and concluded that the layout of parking can be agreed under condition. The Highway Officer has raised no objection to the impact on highway safety, following the submission of parking layout.

5.3 Comment

Out of character. The local community consists of mainly families and retired couples who maintain their properties well. Set precedent for landlords to buy houses and subdivide them into flats for students leading to same 'buy to let' problems in Portswood and Swaythling, such as poor maintenance and more disturbances. There are purpose built flats being built in the local area already.

Response

The conversion is compliant with policy CS16 by retaining a suitable three bedroom family dwelling. The provision of the flats will further meet the city's housing need for units for lower income and small households who are not necessarily students, whilst contributing further to the mix of households in the community. The upkeep of the property would be the responsibility of the Landlord as well as the tenants. Although there is the potential for similar developments in the local area, this application should be assessed on its own merits, and the housing market is outside the control of the planning system. The City Gateway development is student accommodation.

5.4 Comment

Loss of light from two storey rear extension, and noise disturbance to 11 Bassett Road through party wall. The site plan is out of date and therefore occupiers are unable to fully assess the impact on their property, in particular as extension is built up to the common boundary. The removal of chimneys will structurally affect property. The bathroom vents near rear of property will cause nuisance from smells and damp.

Response

The Planning Inspector did not dismiss the appeal on the basis of the physical form affecting the amenity of the neighbouring occupiers, which is unchanged. Despite the site plan being out of date, the case officer was able to view the layout of 11 Bassett Green Road and fully assess the application. The structural effect from the chimneys removal and building affecting the boundary would be a Party Wall and Building Regulations matter. The installation of a vent can be fitted under permitted development or may be minor alterations which are not classed as development, and the rate of discharge is controlled by building regulations. The applicant has confirmed that the vent will go through the roof and, therefore, not adversely affect no. 11.

5.5 Comment

The facilities on the ground floor do not comply with disability requirements.

Response

There are currently no legal requirements in the Planning Act or the Council's planning policies to require all new units to be designed for disabled persons notwithstanding that this is encouraged in negotiations. Other legislation may require alterations.

Consultation Responses

- 5.6 **SCC Highways** – No objection.
- 5.7 **SCC Sustainability Team** – No objection, subject to complying with policy CS20 to reduce CO2 emissions 20% above current Building Regulations.
- 5.8 **SCC Environmental Health (Pollution & Safety)** - No objection
- 5.9 **Southern Water** – No objection

6.0 Planning Consideration Key Issues

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

- Principle of development
- Design, Scale, and Appearance
- Living conditions of existing and future occupiers
- Highway Safety

6.2 Principle of Development

- 6.2.1 In principle, the sub-division of the dwelling into additional residential units is acceptable. This is subject to the development complying with the requirements of policy CS16 to retain a suitable three bedroom family dwelling, whilst being assessed against other material considerations as set out below. It should be noted that the Inspector only refused the previous application for four flats on the grounds of the poor residential environment provided for future occupiers and not on the amenity of adjacent occupiers, the character of the area or parking/traffic related issues.

6.3 Design, Scale, and Appearance

- 6.3.1 The scale and massing of the proposed rear and side two storey extensions are considered to be subordinate and in keeping with the appearance of the host dwelling. The physical form of the proposed extension is unchanged in relation to the previous application, which did not form part of the Officer's delegated reason for refusal and the Planning Inspector did not also dismiss the previous scheme on these grounds.

- 6.3.2 By maintaining reasonable section of the front garden with a low front boundary wall, this would address the Inspector's concerns with regards to the stark appearance of the front parking area previously refused (paragraph 10 refers).

6.4 Living conditions of existing and future occupiers

- 6.4.1 Neither the officer's delegated decision nor did the Planning Inspector consider there would be a harmful impact on the amenity of the neighbouring occupiers from the physical form of the extension and the intensification of use. The intensification of use will be lessened following the reduction of the proposed number of units from four to three. It would be unreasonable to refuse the application on new grounds.

6.4.2 The external and internal layout of the refused scheme represented a poor living environment for future occupiers, which was the main reason the Planning Inspector dismissed the appeal. In particular, concerns were raised with regards to the cramped size of the 13sqm studio flat; the non-compliance of the three bedroom dwelling with requirements of policy CS16 to retain a suitable family dwelling with access to its own amenity space; poor outlook onto the side boundary; and lack of privacy for ground floor units and the communal space (paragraphs 3 to 8 refers).

6.4.3 The design of the revised internal layout (amended plans following the validation of the application) is considered to be a significant improvement of the residential environment by effectively addressing all the previous concerns stated above. The first floor units each have 30sqm floor space and outlook and daylight into and out of all habitable room windows. The revised layout also removes the ability of occupiers of the flats to look directly into habitable rooms of other flats within the building. Amenity space for the upper floor flats is still below the 20sqm per flat standard but is useable and private. The three bedroom unit on the ground floor has direct access to a private space to standards solely for use by the occupiers of that unit.

6.5 Highway Safety

6.5.1 Since the submission of the application, a revised parking layout has been submitted providing two parking spaces to the front. The proposed parking layout will be similar to the existing, with the exception of widening the driveway to be wide enough for two cars. An adequate amount of soft landscaping will be retained to ensure that the frontage does not appear stark in the street scene. The Highway Officer has raised no objection to the impact on highway safety, given that the arrangement for the existing dwelling and adjacent properties results where vehicles reversing onto Bassett Green Road.

6.5.2 The number of trips and parking demand associated with the conversion will be less following the reduction of one unit. Significant weight should be attached to the previous decision as the Officer's delegated decision nor Planning Inspector did not refuse the previous application on these grounds and, therefore, the introduction of these grounds as a reason for refusal would be considered as unreasonable behaviour by the Council and ground for costs at appeal.

7.0 Summary

7.1 In summary, the intensification of use of the family dwelling to provide two further units is considered on balance not to materially harm the character, amenity, and highway safety of the local area. In particular, the material consideration of the Inspector's decision has been given significant weight which accepted in principle the physical form and intensification of use. The revised internal and external layout and reduction of one unit, will create an acceptable living environment for the future occupiers addressing the Inspector's concerns. The retention of a suitable family unit in accordance with policy CS16 and provision of smaller housing units will contribute to the city's housing need for families as well as low income and small households, whilst not detrimentally unbalancing the mix of the community.

8.0 Conclusion

- 8.1 In conclusion, on balance the application is considered to have an acceptable impact in accordance with the Council's policy and guidance and, therefore, is recommended for 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), (d) 6 (c), 7 (a), 9 (a) and (b)

SB for 22/04/13 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 - Glazing panel specification [Pre-Occupation Condition]

The window in the side elevation of the building hereby approved to the bathroom shall be glazed in obscure glass. The window 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.

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

Written documentary evidence demonstrating that the development will at minimum achieve a 20% reduction in CO2 emissions 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).

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 enclosure [Pre-Occupation Condition]

Before occupation of the development hereby approved, the means of enclosure including boundary treatment of the site shall be erected and such means of enclosure 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 - Amenity Space Access [Pre-Occupation Condition]

The external grassed amenity space serving the development hereby approved, and pedestrian access to it, shall be made available 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.

08. APPROVAL CONDITION - Parking [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with the plan number A3/13BGR/02/RevE received on 27th March 2014 for 2 vehicles to be parked.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

09. APPROVAL CONDITION - Front boundary height [Pre-Commencement Condition]

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level along the front boundary.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

10. APPROVAL CONDITION - Refuse and Recycling [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved, the details of facilities for the storage, removal and recycling of refuse from the flats with a level approach shall be provided in accordance with the approved plans and, thereafter, such facilities shall 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.

11. 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 secure, covered space has been provided in accordance with the approved plans. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

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.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.