

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

<b>Application address:</b> 79C Milton Road SO15 2HS			
<b>Proposed development:</b> Conversion of existing garage to form one studio flat			
<b>Application number</b>	14/00857/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Joanne Hall	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	18/07/2014	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Request by Ward Member OR five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Sarah Bogle Cllr John Noon Cllr Matthew Tucker

<b>Applicant:</b> Mr R Singh	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for Refusal**

Poor residential environment

The proposal fails to provide adequate amenity space and would result in the creation of a poor living environment for future occupiers in terms of access to daylight, outlook and useable amenity space. The lack of defensible space around the window of the property would result in an unacceptable level of privacy. The proposal therefore demonstrates clear features of over-intensification of the use of the site. It is considered that the application is contrary to policy SDP1 (i) of the City of Southampton Local Plan Review (March 2006) as supported by paragraphs 2.3.12-2.3.14 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

**Refuse**

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

- 1.1 The application site consists of a two-storey, end-terrace dwelling house which has been converted into three studio flats. The site is located on the corner of Milton Road and Holt Road. The rear portion of the ground floor currently contains a double garage with two single garage doors facing onto Holt Road.
- 1.2 The area is characterised by two-storey terraced dwellings facing onto the highway with gardens to the rear. The site is close to but not within the City Centre boundary. The area is surrounded by the North end of the City Centre to the south-east, the Polygon area to the South West and the Banister Park area to the North.

## **2.0 Proposal**

- 2.1 The application seeks to convert the existing garage space into one studio flat. This would consist of one living space (for use as the bedroom, living room and kitchen), a separate bathroom, a hallway including a bike storage area and a small boiler cupboard. No amenity space or parking provision is proposed with the unit. The flat would be accessed via Holt Road.
- 2.2 The physical alterations would involve the removal of the two garage doors and the insertion of a window and door into the side elevation of the property. A separate bin store would be included with access directly from Holt 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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 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 901296/E - AMENDMENT TO ROOF AND ELEVATIONAL ALTERATIONS (PREVIOUS PLANNING CONSENT 892177/761/E DATED 24.1.90 AT 79 MILTON ROAD - Conditionally approved 13/11/1990
- 4.2 892177/761/E - CHANGE OF USE TO 3 SELF CONTAINED STUDIO FLATS REBUILDING OF REAR TWO STOREY ELEMENT PLUS ELEVATIONAL ALTERATIONS AND ASSOCIATED GARAGING AT 79 MILTON ROAD - Conditionally approved 24/01/1990

4.3 890999/E - CHANGE OF USE TO 4 SELF CONTAINED STUDIO FLATS PLUS THE ERECTION OF A TWO STOREY REAR EXTENSION AND NEW BAY WINDOW TO FRONT ELEVATION AT 79 MILTON ROAD - Refused 14/07/1989

4.4 920/14 - ERECTION OF A WC ADDITIONAL - Withdrawn 27/07/1949

## **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 24/06/2014. At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Refusal of previous application – The previous application was considered to be overdevelopment and highlighted the lack of amenity space and parking spaces. Whilst some weight can be given to previous discussions changes in materials considerations, namely national and local planning policy, have occurred since 1989 when the scheme was originally approved.

Increase parking pressure – The Highways Development Management team have indicated that there would be no harm caused to highway safety. However, the loss of parking may increase on street parking which could be detrimental to residential amenity.

Set precedent for other garage conversions – Each case should be taken on its own merits and considered within the context of its own environment

Enough students in the area/ too many HMO's – The property would not be an HMO but a self-contained flat. The Planning Department cannot control what type of individual the land owner wishes to let to.

Need for family housing – The Council does have policies relating to the loss of family housing (CS16) but this is not relevant to this application as there would be no loss of family housing.

Cramped accommodation/ only one small window – There are no minimum room size standards which can be applied. However, a cramped layout may create a poor living environment in relation to other standards which can be applied such as those related to outlook, daylight and privacy.

No amenity space – The RDG does have minimum standards for amenity space provision. For flats this is 20m<sup>2</sup>. However, the RDG does state that this can be altered where smaller gardens are characteristic of the area. This is explored further in section 6.3

Over-crowded - A density calculation have been made as part of this assessment. The density of the entire site known as 79 Milton Road would become 400 dwellings per hectare (DPH) as a result of this application. Whilst the area is within the highest accessibility zone of the Public Transport Accessibility Levels (band 6) which can accommodate density above 100dph (policy CS5), the densities of the sites within the immediate area are around 100dph.

Transient residents and related noise, unkempt gardens, refuse issues – whilst there are policies to safeguard properties for family housing, these do not apply in this case as the application site is not currently used as a family dwelling. Issues

relating to anti-social behaviour or waste management should be directed to the appropriate department of the Council such as environmental health.

Object to application being submitted – the applicant is at will to submit an application for a scheme for the Local Planning Authorities consideration.

### **Consultation Responses**

#### **5.2 SCC Highways - Remarks**

In terms of highway safety, the removal of the existing garages will be considered as betterment due to their close proximity to the public footway. Due to the scale of the development, I cannot deem this large enough to create enough impact to create harm in terms of highway safety.

The refuse and cycle store is not entirely ideal but is acceptable given the site restraints and that there is a slither of private land in front of the unit to access the bin store.

Recommendation:

I raise no objections and therefore recommend APPROVAL.

- 5.3 SCC Community Infrastructure Levy** – The development is CIL liable as there is a net gain of residential units through the change of use. The charge will be levied at £70 per sq m on the Gross Internal Area of the development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

- 5.4 SCC Sustainability Team** – There is no information on how the development intends to meet policy CS20 and provide 20% CO2 savings. Whilst this should ideally be submitted with the application, the applicant has confirmed that they are able to provide such information at the technical design stage, which is welcomed.

If the case officer is minded to approve the application, the following condition is recommended:

K065 (ENERGY' insert 20%)

#### **APPROVAL CONDITION ' Energy (Pre-Occupation 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).

## 5.5 **Polygon and Fitzhugh Community Action Group –**

Concerns that this development could lead the way towards development of other garages within the area into living accommodation. Highlighted that the retention of the parking spaces allowed for a previous application to be approved (892177/761/E) and that parking pressure has increased considerably since 1989.

## 6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are: residential amenity; character of the dwelling; character of the area and; parking and highways safety issues.

### 6.2 Residential amenity

6.2.1 There is no provision for amenity space for the proposed unit which is contrary to RDG paragraphs 2.3.12-2.3.14 which states that flats should have a minimum of 20m<sup>2</sup> of amenity space unless it can be considered characteristic of the area to have an amount below this standard. Whilst the application site is close to the City Centre, the area is characterised by terraced dwelling houses with garden space to the rear and it cannot therefore be said that a unit with no amenity space is characteristic of the area. This would have a detrimental impact on occupiers of the flat as the site would not benefit from amenity space which allows for sitting out, drying washing and other associated activities as well as access to suitable outlook from the unit.

6.2.2 In addition, the proposed unit would only have one window. This would be located in the living/bedroom area and face directly onto the street. There is no defensible space to protect occupier's privacy from pedestrians using the footpath directly adjacent to the window. Any measures taken to mitigate this either by the applicant introducing obscure glazing, or the occupiers using curtains or other furnishings, would limit the access to natural daylight and outlook to the only window of the flat.

### 6.3 Character of the dwelling

6.3.1 There would be little impact on the character of the dwelling as a result of the change to the side elevation. The removal of the garage doors and the introduction of a window would be in-keeping with the general form of development within the area. The introduction of a studio flat within a dwelling characterised by studio flats is not out of character in terms of the dwelling itself.

### 6.4 Character of the area

6.4.1 The physical alterations to the elevations have been designed to be in keeping with the character of the area.

6.4.2 The density of the entire site known as 79 Milton Road would become 400 dwellings per hectare. This is high even within an area of high accessibility such as this. The typical terraced dwellings within the area surrounding the site have an approximate density close to 100 dph.

6.4.3 Policy CS5 states that higher densities will be appropriate in some parts of the city in order to make better use of the land. Densities above 100dph should only be allowed in areas of high accessibility according to the Public Transport

Accessibility Levels. This site is within band 6, the highest level of accessibility. Therefore, a high density is acceptable in principle on this site. However, the lack of residential amenity as described in section 6.4.1 is symptomatic an intensified use of the site.

6.4.4 Overall, high density is acceptable in principle within this locality and whilst the high density would have a detrimental impact on the residential amenity of the occupiers, it would not pose a character issue in this case.

## 6.5 Parking and highway safety

6.5.1 Highways Development Management have indicated that they have no objections to the development in terms of highway safety and that in fact, the development would be an improvement on the arrangement on site which involves garage doors opening on to the public footpath. The application would result in the loss of two parking spaces. Whilst this could have an impact on on-street parking, it is not of sufficient scale to be harmful to highway safety or residential amenity. The site is located within close proximity to the City Centre and public transport. The site also contains provision of for cycle storage in line with the Council's standards to encourage alternative transportation.

## 7.0 Summary

7.1 The application is acceptable in terms of the visual impact of the physical alterations and its impact on highway safety. However, the application is not supportable due to the poor living environment created by means of the lack of any amenity space and the lack of privacy, daylight and outlook afforded to the proposed unit. These issues are symptomatic of overdevelopment of the site.

## 8.0 Conclusion

8.1 Having considered the aforementioned points, it is considered that the application is contrary to polices SDP1(i) and SDP7 (iv) of the City of Southampton Local Plan Review (March 2006) and CS5 and CS13 (11) of the City of Southampton Core Strategy (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) (vv), 6. (c), 7. (a)

#### **JOAHAL for 22/07/14 PROW Panel**

#### Reasons for refusal

##### **1. Poor residential environment**

The proposal fails to provide adequate amenity space and would result in the creation of a poor living environment for future occupiers in terms of access to daylight, outlook and useable amenity space. The lack of defensible space around the window of the property would result in an unacceptable level of privacy. The proposal therefore demonstrates clear features of over-intensification of the use of the site. It is considered that the application is contrary to policy SDP1 (i) of the City of Southampton Local Plan Review (March 2006) as supported by paragraphs 2.3.12-2.3.14 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
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  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# 14/00857/FUL



**Scale:** 1:1,250

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