

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (WEST) – 27 January 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 117 Prince Of Wales Avenue SO15 4LS			
<b>Proposed development:</b> Erection Of A 2 - Storey Side Extension To Create A 1 X Bed Annex Following Demolition Of Existing Garage			
<b>Application number</b>	14/01590/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>	15/01/2015	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Denness Cllr Galton Cllr Thorpe

<b>Applicant:</b> Mr Massoud Yeganegy	<b>Agent:</b> Nigel Dyer Associates Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</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. 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).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Site History

**Recommendation in Full**

**Conditionally approve**

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

- 1.1 The application site consists of a two-storey semi-detached dwellinghouse with small rear garden and larger side garden which has been extended on by virtue of planning consent ref 12/00844/FUL with an annex to the main house. The works are substantially complete but have not been built out in accordance with the approved plans.
- 1.2 The area is characterised by dwellinghouses of a similar scale and design. In addition, the site is close to Oakley Road which has a small parade of shops which back into the application site. Immediately adjacent to the site is a private unmade vehicular access route serving garaging to the rear of properties in Oakley Road.

## **2.0 Proposal**

- 2.1 As the extension has been built out not in accordance with the approved plans, this application seeks to regularise the works as they are on site. This includes an increased width of around 400mm and a brick built enclosed porch to the side, north facing elevation, rather than the originally approved canopy only porch. There are no other alterations to the approved scheme.

## **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 See Section 6.2 and **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 **5** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 Overdevelopment – Response: the principle of development on this part of the site has already been accepted by consent ref 12/00844/FUL.
- 5.3 Road safety/traffic/parking – Response: It is not judged that the small amount of additional bulk will cause a highway safety, traffic or parking issue.
- 5.4 Overlooking – Response: there are no new windows which need to be considered

as they windows in the extension have permission under ref 12/00844/FUL. To protect privacy, a condition is recommended in order to restrict other windows being inserted.

- 5.5 Out of character – Response: Whilst the side extension does somewhat unbalance the appearance of the semi-detached pair, the previous consent is extant and is a material planning consideration. The alterations to the approved scheme do not significantly alter the impact of the development.
- 5.6 Property values – Response: The potential impact on property prices is not a material planning consideration which can be taken into account when assessing the application.
- 5.7 Encroaching on shared access route – Response: the applicants have shown the extension to be within the site itself. It is impossible to tell on site where the boundary lies and land ownership is not in itself a planning matter. The applicant has served certificate A stating that the works are wholly on or within land that they own. Having not received any evidence to contradict the applicant's claims, the application is taken on face value. Land ownership is a civil matter.
- 5.8 Extension is already built out – Response: whilst it is recognised the extension is already substantially complete, this does not automatically mean the application will be approved and neighbour comments are still taken into account within the application process.
- 5.9 **Consultation Responses**
- 5.10 **SCC Sustainability Team** – The annex is connected to the existing house through an internal door. As such, it should be treated as an extension rather than a new build unit therefore not required to meet any level of the Code for Sustainable Homes. The use of the development solely as an annex should be secured through an appropriately worded condition.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - I have no objection to this application.
- 5.12 **SCC Environmental Health (Contaminated Land)** - The department considers the proposed land use as being sensitive to the effects of land contamination. If planning permission is granted, the following conditions are recommended: Unsuspected Contamination and Land Gas Hazard assessments.
- 5.13 **Southern Water** – A formal application to connect to the sewer.

## 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 and site history and; the impact on the appearance of the building and character of the area.
- 6.2 Principle of Development and Site History
- 6.2.1 09/00688/FUL: An application for a side extension was granted in 2009 demonstrating the acceptable principle of this type of development on site.

- 6.2.2 11/01871/FUL: In 2011, an application was refused for a separate dwelling being built to the side of no. 117 due to lack of garden space for the new and existing houses, the scale and design of the proposal and on highway safety concerns due to its size limiting site lines from the access road.
- 6.2.3 12/00844/FUL: The implemented consent was granted in 2012 and sets out the principle of an annex in this location with access to the side elevation rather than the front to maintain its appearance as an extension. In addition, there is access between the two parts of the property internally and the absence of a kitchen within the extension to maintain the dependence of the unit on the main house.
- 6.2.4 12/01326/FUL: Another application for a separate dwelling was refused in 2012 on design and overdevelopment meaning a lack of garden space and amenity needed for a family dwelling.
- 6.2.5 The history shows that the annex is acceptable in principle as it retained a parasitic link to the main house where a separate dwelling would not provide sufficient amenity for residents. Its impact on the nearby sites, layout, access, highways have already been considered acceptable under ref 12/00844/FUL. This history is an important material consideration as the council's development policies have not changed during this time and as the 2012 consent for the extension is extant and implemented. The remainder of the report will therefore only consider the changes from the original consent.

### 6.3 Character and appearance

- 6.3.1 An application for the annex approved in 2012. However, during its construction it has been highlighted to the council that the annex has been built wider and with a more substantial porch than was originally granted consent.
- 6.3.2 The width has increased by approximately 400mm which given the scale of the property and extension is minimal and would not have a significant impact on the appearance of the building than that already granted. The addition of the porch adds additional bulk to the extension at ground floor level but is mitigated by the height of the boundary fence at 1.8m limiting its view when traveling along Prince of Wales Avenue and a 1.2m hedge to the front, softening the view from neighbouring properties. The porch is situated to the side of the extension rather than the front meaning there is a lack of an active street frontage to the annex and giving the appearance of an extension rather than another dwelling. The window design, proposed materials matching the existing house and access route are unchanged.
- 6.3.3 Neighbours have shown concern that the extension has been built over the boundary of the site and the adjacent access route to the garages of properties on Oakley Road. It is not possible to tell where the boundary lies when visiting the site. The applicants have shown that the extension lies within the boundary of the site on the submitted plans and with a lack of evidence to the contrary, the LPA should decide the application on the information submitted.

## 7.0 Summary

- 7.1 Overall, the changes to the approved scheme are minor and mitigated by the good quality proposed boundary treatment which can be secured by condition. On balance it is judged that the additions are not significant to warrant refusal of the

application.

## **8.0 Conclusion**

8.1 The application 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) (b) (c) (d), 2. (b) (d), 4. (f) (vv), 6. (c), 7. (a)

### **JOAHAL for 27/01/2015 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 - 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.

### **03. APPROVAL CONDITION - Limitation of use of extension as separate Annex [Performance Condition]**

The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling house. The dwelling house as extended shall only be used as a single unit of residential accommodation and shall not be subdivided, separated or altered in any way so as to create two or more separate units of accommodation without the grant of further specific permission from the Local Planning authority.

Reason

To avoid any unacceptable subdivision of the dwelling house which would be unlikely to satisfy either adopted Council planning policies.

### **04. 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.

#### Note to Applicant - Southern Water Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterborne, Hampshire, SO21 2SW (tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**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

**Relevant Planning History**

12/01326/FUL - Erection of a 2-storey, 1-bed house on the north side of the existing building - CAP 25.10.2012

12/00844/FUL - Erection of A 2 - Storey Side Extension To Create A 1 - Bed Annex Following Demolition Of Existing Garage. CAP - 22.10.2012

11/01871/FUL - Erection of an attached, two-storey, two-bed dwelling with associated cycle storage and amenity space, following demolition of existing garage. REF - 27.01.2012

**1. Refusal Reason – Inappropriate development.**

The proposed development, by reason of its design, scale and massing would appear unduly dominant, be out of character with and result in the erosion of the spatial characteristics and distinct pattern of development within the Prince of Wales Avenue street scene resulting in a disproportionate development that would unbalance the appearance of the semi-detached pair and erode the space between the rear of dwellings on Oakley Road and the application site. This would be to the detriment of the uniform character and appearance of the area and the residential amenity of neighbouring properties contrary to Policy CS13 of the Southampton Core Strategy (January 2010) and 'saved' policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as supported by the approved Residential Design Guide Supplementary Planning Document (September 2006).

**2. Refusal Reason - Poor residential environment**

The Local Planning Authority is not satisfied that appropriate and satisfactory living conditions would be created for the proposed dwelling or retain the existing residential amenity currently enjoyed by occupants of 117 Prince of Wales Avenue. This is by reason of the proposals

- i) failure to provide sufficient amenity space for the proposed and existing dwelling as required by paragraph 2.3.14 of the adopted Residential Design Guide
- ii) the position of the windows serving the kitchen/dinning room and their close proximity to the boundary treatment resulting in a poor outlook and light to this room.
- iii) The accumulation of outbuildings, including cycle and refuse storage to the properties frontage.

It is judged that such an arrangement is symptomatic of over development and results in an unacceptable poor residential environment for future occupants of the site contrary to the principle of saved policy SDP1 (i) of the City of Southampton Local Plan review (March 2006) and policy CS13 (11) of the adopted Core Strategy as supported by paragraphs 2.2.1 2.3.13 – 2.3.14 of the Residential Design Guide.

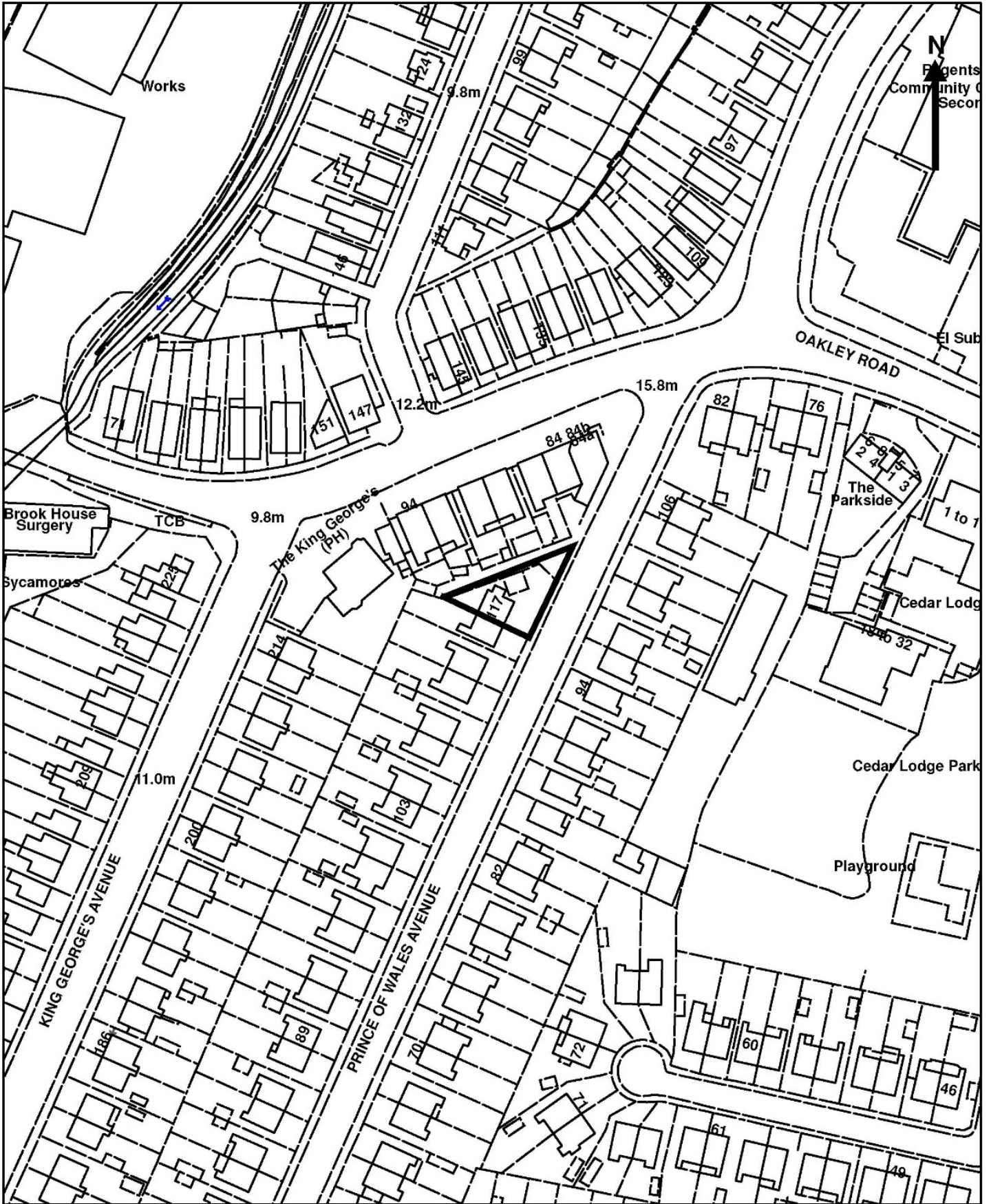
**3. Refusal reason: Highway safety**

The proposed development would obstruct existing vehicular site lines to the adjacent access road to the detriment of users of the adjacent highway contrary to saved policy SDP1 (i) of the City of Southampton Local Plan Review.

09/00688/FUL -Two storey side extension, and demolition of detached garage - CAP - 02.09.2009.



# 14/01590/FUL



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