

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 22 June 2010  
 Planning Application Report of the Head of Division

Application address	33 Dover Street SO14 6GG		
Proposed development	Part two storey, part single storey replacement rear extension and raising of roof to provide additional living accommodation.		
Applicant	Mr R Singh	Agent	Mr B Ryves 1-3 Lyon Street, Southampton, So14 0Ld

Application number	10/00435/FUL	Application type	FUL
Case officer	Stuart Brooks	Application category	

<b>Recommendation Summary</b>	<b>Conditional approval</b>
-------------------------------	-----------------------------

Reason for Panel consideration	Panel request by Ward Councillor, meeting the agreed referral protocol
--------------------------------	--

Date of receipt	13/04/2010	City Ward	Bevois
Date of registration	13/04/2010	Ward members	Cllr Derek Burke
Publicity expiry date	13/05/2010		Cllr Jacqui Rayment
Date to determine by	08/06/2010 <b>OUT OF TIME</b>		Cllr Stephen Barnes-Andrew

Site area	<b>0.006 ha</b>	Usable amenity area	<b>shown: 17.1 sq.m.</b>
Density - whole site	n/a	Landscaped areas	<b>shown: n/a</b>
Site coverage (developed area)	<b>9 sq. m.</b>	Site coverage	<b>15%</b>

Accessibility zone	<b>Medium (Band 3)</b>	Parking Permit Zone	<b>Yes</b>
Car parking provision	<b>Proposed: Zero</b>	<b>Existing: Zero</b>	Policy maximum: <b>1</b>
Motor cycles / Bicycles	<b>Proposed: Zero</b>	<b>Zero</b>	n/a

Key submitted documents supporting application			
<b>Design and Access Statement</b>			
Appendix attached			
1	Local Plan Policy schedule		

## **Recommendation in full**

Approval subject to conditions.

## **Proposed Development & Surrounding Context**

This application seeks permission for the erection of a part two storey, and part single storey replacement rear extension, and raising the height of the roof ridge to provide one additional bedroom in the roof space.

The application site contains a 2 bedroom two storey terraced dwelling. The property is located in a residential street with mainly two storey dwellings and 3 storey modern infill in places in a similar style and character.

In particular, there is no predominant roofline that runs along the terrace in the street, as there is a significant variation in height of the main roofline of the dwellings along either side of the street, more so for the properties 5 to 45 Dover Street.

The property itself abuts a modern 2 storey residential development with accommodation in the roof, where there is step downwards in the roofline and profile through to 31 Dover Street.

The property has an existing part single and two storey rear projection that is subservient in size to the main house, running along the edge of the common boundary with the neighbouring property at 31 Dover Street.

The local area is mainly characterised by properties with small gardens.

## **Relevant Planning History**

08/00937/FUL – Refused 15.08.2008

Replacement dwelling including the demolition of existing and erection of 3-bed dwelling with 3 storeys of accommodation.

### 01. Neighbouring Amenity.

Notwithstanding the adjacent neighbouring properties of 13 Middle Street and 35 – 41 Dover Street the proposal, by means of its excessive scale and proportions, relates poorly to the neighbouring properties (number 31 Dover Street and properties to the rear) and would result in the introduction of an overbearing and dominant structure which would adversely affect the residential amenities currently enjoyed by those neighbouring occupiers. Therefore the scheme is contrary to Policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the provisions of the Residential Design Guide (September 2006).

### 02. Residential Character.

Notwithstanding the adjacent neighbouring properties of 13 Middle Street and 35 – 41 Dover Street the proposed development would appear out of character with the more general and traditional cottage style architectural form which dominates the

local area due to the form of the roof and the depth and design of the building. Thus the development would result in continued erosion of the established pattern of development which is evident within the Inner Avenue residential area, contrary to Policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the provisions of the Residential Design Guide (September 2006).

## **Consultation Responses & Notification Representations**

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 7 representations had been received from surrounding residents, including 2 ward councillors.

### Summary of Representations made

Comment - The following concerns were raised due to the possibility of the property being converted into a house in multiple occupation:-

- The property will be used for more student accommodation to the detriment of the local street due to the disturbance caused by the anti social behaviour of the students.
- The amount of amenity space is inadequate to serve the occupiers. The size and layout of accommodation and communal facilities for the number of occupiers will be overcrowded.
- No cycle storage proposed.
- Larger occupancy will result in overflowing wheelie bins left out on the street on collection days which leads to vermin infestation and obstruct the highway for users.
- There is insufficient space for additional on street parking caused by increased occupancy, local residents are unable to park vehicles near homes leading to security problems.
- Set a precedent for extensions to HMOs in the local area.

### Response

**The applicant has confirmed that the property is currently occupied by a single family unit. On April 6<sup>th</sup>, this type of accommodation would most likely have fallen with a use class C3 dwellinghouse. The applicant has also confirmed that the completed building will continue to be occupied by single family unit under class C3. The assessment of the use as a HMO would be the matter of a separate planning application to be assessed on its own individual merits under the Council's relevant planning policies and guidance when the applicant decides to change the use of the property. Therefore, this application is purely assessed on the merits of the physical changes to the building rather than the use.**

Comment - The raising of the roof ridge will result in loss of outlook, sunlight and daylight to the front habitable windows of 33 Dover Street. The raising of the roof height is out of character with the general character of the local street, where the majority are 2 storey cottage style properties.

## **Response**

**There are no standards under the Council's planning guidance set out in the Residential Design Guide that defines the minimum front to front separation distances of development between properties across a road. The additional massing of roof will not significantly impinge on the light and outlook enjoyed from the front rooms of 33 Dover Street. Furthermore, there is a significant variation in height of the main roofline of the dwellings along either side of the street and, therefore, the change in roofline height will not be out of keeping with the varied roofscape character of the street.**

Comment - The increased height of the extension will significantly reduce the light entering the only windows in the dining room and kitchen and reduce light from the rear bedroom of 31 Dover Street. The rear extension will be built on the existing garden party wall of 31 Dover Street and the occupier has not been informed by the applicant how it will affect their property.

## **Response**

**The additional ridge height and massing of the replacement rear extension will not project any further than the rear flank wall of the existing first floor extension. The eaves height of the proposed two storey extension will be taller than the existing eaves level, and the additional roof massing as result of the taller ridge height will slope away from the closest first floor bedroom window at 31 Dover Street and, therefore, not significantly worsen the outlook and light enjoyed by the occupiers. The Local Planning Authority have taken in good faith that the information submitted with the planning application is correct, whereby, the applicant has declared by signing 'Ownership Certificate A' on the planning application that land to be developed is under their control. Party wall agreements are a civil matter that is not controlled under the planning process.**

Comment - Overintensification of the existing property characterised as a two bedroom cottage.

## **Response**

**The proposed rear and roof extension is subservient to the main house. The addition of one bedroom in the roofspace of the single family house is not considered to be an overintensification.**

The original foundations of the 1861 building are not strong enough to carry the weight of the larger roof which will be partly carried by the joint wall between 31 Dover Street.

## **Response**

**This is a matter to be assessed under Building Regulations.**

## **Summary of Consultation comments**

Highway Officer – No objection raised to the impact on highway safety.

## Planning Consideration Key Issues

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

- **The principle of development**
- **The impact on residential amenity**
- **The impact on visual amenity**
- **The impact on highway safety**

The development proposal needs to be assessed in terms of its design, scale and massing within the street scene; its impact on neighbouring residential amenities; and if it is acceptable in terms of highway matters including cycle and refuse storage.

### 1. Principle of Development

The principle is considered to be acceptable under current national and local planning policy and guidance to extend the footprint and massing of a dwelling to make efficient use of land to provide additional accommodation that is incidental to the enjoyment of a single family house. The applicant has confirmed that the established use falls under class C3 dwellinghouse. Therefore, this application should be purely assessed on the merits of the physical changes to the building rather than speculation on how it might come to be used. That of itself, could require planning permission if a material change of use occurred.

### 2. The Impact on Residential Amenity

The applicant has scaled down the size to a more modest proposal to that considered under application 08/00937/FUL, which was similar to the design and scale of the neighbouring residential flats recently built at 35 Dover Street.

The scale and layout of the proposed two storey extension massing will replace the existing building with more width towards the blank side wall of 35 Dover Street, and not exceed the rearward depth and eaves level of this part of the existing building.

The additional roof massing as result of the taller ridge height will slope away from the closest first floor bedroom window at 31 Dover Street and, therefore, not significantly worsen the outlook and light enjoyed by the occupiers.

The existing ground floor extension built along the edge of the common boundary currently projects in front and beyond the outlook of the neighbour's dining room and kitchen to be level with the most rearward wall of 31 Dover Street. The additional depth of the ground floor extension massing is not considered to significantly worsen the outlook and light serving the adjacent kitchen and dining room windows.

No further windows should be installed in the south elevation of the extension in the interests of protecting the privacy of the neighbouring occupiers.

The amount of useable private garden space retained by enlarging the ground floor extension will fall below the minimum standard of 50 square metres and 10 metres in length as set out in the Residential Design Guide. However, properties in this part of the city typically have smaller gardens than these minimum standards and, therefore, considered will not to be out of character with the local area.

Local residents have raised concerns to the possibility of the property being converted into a house in multiple occupation. Planning permission will be required to change the use of the C3 dwelling to a house in multiple occupation under class C4. The assessment of the use as a HMO would be the matter of a separate planning application to be assessed on its own individual merits under the Council's relevant planning policies and guidance when/if the applicant decides to change the use of the property.

Amended proposed floor layout plans have been submitted add further assurance that the property will be occupied by a single family unit, showing that there will be a total of 3 bedrooms by providing an additional bedroom in the roofspace.

As such it is not considered that the application affects a C4 HMO. A planning condition is recommended to control the use of the building following the completion of the works to a C3 dwelling.

As such the proposal is considered to have an acceptable impact on residential amenity.

### 3. The Impact on Visual Amenity

There is a significant variation in height of the main roofline of the dwellings along either side of the street.

The property itself abuts a modern 2 storey residential development with accommodation in the roof, where there is step downwards in the roofline and profile through to 31 Dover Street.

The overall ridge and eaves height will be increased by 300 and 800mm. The proposed change in eaves and roofline height, due to the additional massing and steeper pitch, will appear gradual and sufficiently maintain the balance of proportions of the main house when viewed from the street and, therefore, will be in keeping with the character of the street. Furthermore, the scale and layout of the rear extensions will appear subservient and, therefore, be in keeping with the character and appearance of the main house.

As such the proposal is considered to have an acceptable impact on visual amenity.

### 4. The Impact on Highway Safety

The Highway Officer has raised no objection to the impact on highway safety. The addition of one bedroom will not materially alter the frequency of motor vehicle trips associated with the use of the property as single family house, or neither the amount of refuse to be collected.

As such the proposal is considered to have an acceptable impact on highway safety.

### Summary

The revised proposal has been downscaled to provide a more modest extension to the property and additional family accommodation to make efficient use of previously used land, whilst having due regard for the amenity of neighbouring occupiers and the character of the local area.

### **CONCLUSION**

The details provided by this application are acceptable and the application is, therefore, recommended for conditional planning approval.

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

1 (a), 1 (b), 1 (c), 1 (d), 2 (c), 2 (e), 4 (s), 6 (c), 7 (a), 7 (c), 7 (m), 8 (a), 9 (a) and 9 (b).

SB 9.6.10 for 22.6.10 PRow Panel

**Application 10/00435/FUL – 33 Dover Street**

**SUGGESTED 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 [Performance Condition]

The materials and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

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 - Use

The extension hereby approved shall only be occupied as a single dwellinghouse in accordance with Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010. The development shall not be occupied as an HMO (including by 3 or more unrelated persons sharing the same basic amenities) without first obtaining planning permission for a change of use.

REASON

To ensure that the extension has been assessed correctly in accordance with the details given by the applicant's agent in their email dated 26th May 2010.

04. APPROVAL CONDITION - No other windows or doors other than approved [Permanent 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 or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the south facing elevation of the extension hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties.

**Reason for Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scheme has been significantly modified since the refusal of application ref. no. 08/00937/FUL and the development has been reduced in size with the common boundary of 31 Dover Street and the roofline lowered to be in keeping with the character of the street. The extension works will facilitate the building's use as a single dwelling (Class C3) and a planning condition has been used to secure this land use in light of the third party comments received. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the Council's current adopted Supplementary Planning Guidance (namely the adopted Residential Design Guide SPD (2006)) and adopted Local Development Framework Core Strategy Policy CS13 (2010).



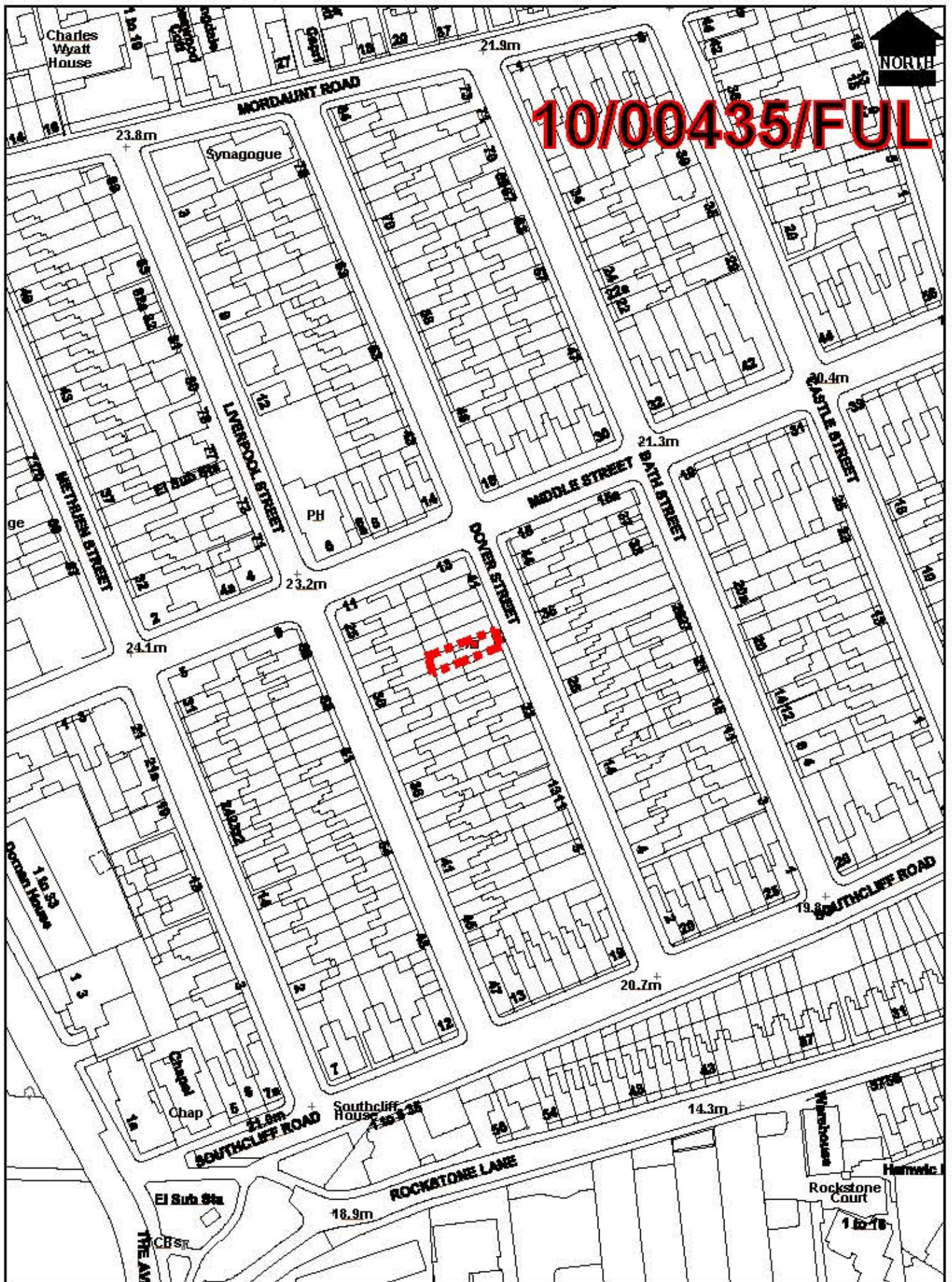
**Relevant Planning Policy**

**Adopted City of Southampton Local Plan Review Policies**

SDP1	General Principles
SDP7	Context
SDP9	Scale, Massing and Appearance

**Adopted Local Development Framework Core Strategy Development Plan Document**

CS13	Fundamentals of Design
------	------------------------



Scale: 1:1250

Date: 09 June 2010

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

