

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 20<sup>th</sup> July 2010  
 Planning Application Report of the Head of Division

**Application address:**  
 Land rear of 16 Bassett Heath Avenue, Southampton.

**Proposed development:**  
 Erection of a 3-bed bungalow with associated parking and refuse/cycle storage (submitted in conjunction with 10/00059/FUL (retrospective))

Application number	10/00061/Ful	Application type	Full
Case officer	Andy Amery	Public speaking time	5 minutes

**Applicant:** Mrs Surinder Kaur      **Agent:** Roderick Moore

<b>Recommendation Summary</b>	<b>Refuse</b>
-------------------------------	---------------

**Reasons for Refusal**

The use of the building as a dwellinghouse is an unneighbourly form of development causing a loss of amenity and privacy for the residents of the adjoining properties by reason of disturbance from the increased residential activity associated with it in the rear garden of 16 Bassett Heath Avenue SDP1 and H7 of the City of Southampton Local Plan Review 2006.

The proposal, due to the excessive carry distance from the property to the refuse store, fails to provide convenient refuse facilities to serve the development contrary to Section 9.3 of the Residential Design Guide.

The proposal, given the internal layout of the building appears to allow for a 4 bedroom bungalow to be provided, provides car parking to serve a family sized unit at half the maximum standard allowed for a low accessibility area. As such the proposal could result in additional on-road parking which would be harmful to the open character and appearance of the roads in this area.

<b>Appendix attached</b>			
1	Development Plan Policies	3	Appeal Decision for 08/01376/ELDC
2	Enforcement Notice dated July 1993		

**Recommendation in Full**

That planning permission be Refused.

## **1. The site and its context**

1.1 The site is to the rear of the main property at 16 Bassett Heath Avenue and if anything has an even more complicated history than the main property. It is a detached single storey building originally built under permitted development rights in approximately 1988 as an ancillary structure to what was then a family dwelling at 16 Bassett Heath Avenue.

1.2 However, in July 1993 an enforcement notice was served against the use of the outbuilding as a dwelling. An appeal against the notice was withdrawn and it came into effect on 5 July 1993.

1.3 More recently, in 2008, an application was submitted by the applicant claiming lawful use of the property as ancillary accommodation in association with the management of the front building as a HMO. Following a public Inquiry it was determined by the Inspector that the property had been being used as a dwellinghouse and as an enforcement notice had already been served prohibiting such a use it was not possible to issue a lawful development certificate for it. A copy of this decision and the enforcement notice are attached as appendices to the report.

## **2. Proposal**

2.1 The application seeks to use the existing outbuilding as a self-contained 3 but potentially 4 bedroom bungalow with it's own amenity space and parking area.

2.2 Vehicular and pedestrian access to the property would be via a shared access with the main property which is proposed to be converted into 7 flats. However, the property would have it's own driveway which runs almost the full length of the eastern boundary immediately adjacent to 14 Bassett Heath Avenue.

2.3 The rear garden would be fenced off to provide a distinct curtilage for the property the useable space for which would measure approximately 80sq m.

2.4 Within this space a separate cycle store is provided in addition to a single parking space. However the carry distance from the property to the shared refuse store is 44m which exceeds the normal 30m carry distance.

2.5 It should be noted that the front of the site the main property which is the subject of a separate application to be considered by the Panel has been the subject of it's own considerable planning history. The combined proposals therefore seek to sub-divide the existing planning unit to create 7 flats on the main building along the street frontage and a wholly separate 3-bedroom dwelling on land at the rear.

## **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), 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**.

#### **4.0 Relevant Planning History**

The site has a lengthy and complex history as is set out below.

860279/W: ERECTION OF PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION. Conditionally Approved 25.06.1986

870496/W: ERECTION OF DETACHED TWO STOREY GARAGE. Refused 25.11.1987

881724/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY. Approve with Conditions 02.11.1988

**930558/W: CHANGE OF USE OF BUILDING AT REAR OF PROPERTY TO STAFF ACCOMMODATION. Refused 28.09.1993**

**An enforcement notice was subsequently served against the use of this property as a dwelling. An initial appeal was withdrawn and the Notice subsequently came into effect.**

931024/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY - RENEWAL OF PLANNING PERMISSION 881724/22951/W PRIOR TO EXPIRY. Conditionally Approved 03.11.1993

940328/W: ERECTION OF A 2 STOREY REAR EXTENSION WITH THE INSTALLATION OF AN EXTERNAL FIRE ESCAPE STAIRCASE Refused 13.05.1994

941113/W: ERECTION OF 2 STOREY REAR AND SIDE EXTENSIONS Refused 22.11.1994 Appeal Dismissed 16.08.1995

950074/W: ERECTION OF A 2 STOREY REAR EXTENSION AND THE INSTALLATION OF A FIRE ESCAPE STAIRCASE Refused 26.04.1995

951324/W: ERECTION OF SINGLE STOREY AND 2 STOREY EXTENSIONS WITH EXTERNAL STAIRCASE Approve with Conditions 21.02.1996

03/01331/LDCE: To establish lawful use of premises as a house in multiple occupation for 8 people. Approved 23.09.2004

06/01663/FUL: Two storey rear/side extensions and first floor extension to east elevation. Refused 02.01.2007. Appeal Dismissed 06.07.2007

07/01914/FUL: Erection of part two-storey and part one-storey extension to existing HMO to accommodate a maximum of 9 people. Refused 07.03.2008

**08/01376/ELDC: Certificate of lawfulness for the existing use of the rear-most detached out-building as managers accommodation ancillary to the use of the main front building as a house in multiple occupation. Refused 10.12.2008 Appeal Dismissed 16.10.2009**

08/01482/FUL: Single storey rear extension and part 2-storey part single storey side extension (amendment of consent 05/01381/FUL)  
Refused 07.01.2009 Appeal Allowed 19.06.2009

In summary the current situation is that the outbuilding has been recently vacated following the appeal decision in the Councils favour. However, whilst the Council has the ability to determine applications for it's future use the building itself is lawful.

## **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 also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 9 representations have been received from surrounding residents.

### **5.1.1 The site is already over-developed and an eye-sore these proposals represent a gross over-development of the site.**

Response: The outbuilding exists and is lawful and therefore the footprint it occupies on the site will not alter whether it is occupied or not. The proposal could not therefore be easily argued to represent over-development as would be the case if this were a new build on the rear garden. At the present time it is agreed the rear of the site in particular is more akin to a building site with large quantities of materials generally stored in the open. Any consent would require this material to be removed in order to allow the amenity space to be provided as a useable and functional space for future occupiers.

### **5.1.2 The additional occupation will result in loss of privacy and amenity for adjacent occupiers**

Response: This was the basis for the original serving of the enforcement notice and remains a valid concern. Activity associated with a separate dwelling in a backland location in what is still part of the garden of 16 Bassett Heath Avenue would have an impact on adjoining occupiers including occupiers of the main building.

### **5.1.3 Parking is totally inadequate for the bungalow given its low accessibility location. The site is not located close to amenities such as shops and schools and doctors which will mean greater reliance on the car and a significant increase in traffic.**

Response:

The maximum level of parking for a 3 bedroom bungalow is 1.5 spaces. However, it is clear from the layout that the 'store' is the same size and layout as other 'bedrooms' and could easily be used as such without any planning control. It therefore seems reasonable to assess parking requirements against the occupation of the property as a 4 bedroom bungalow. The maximum number of spaces would then be 2. As only one space is provided a 50% provision seems unduly low given the location of the site and the higher reliance on the car needed for everyday journeys. Additional on-road parking as a result to provide the maximum on site requirement would be to the detriment of the currently open and relatively car free roads the area benefits from.

### **5.1.6 The applicant has a long history of flagrantly breaching planning controls.**

Response:

The site has a very complex planning history as has been set out above and has been the subject of enforcement notices in the past which have required regularisation of breaches of planning control. At the present time the requirements of those enforcement notices have been complied with although monitoring of the use of the rear building needs to be maintained.

### **5.1.7 Highway safety will be compromised by the additional traffic generation.**

Response:

The highway officers have assessed the potential impact of the development and raise no objection to the proposals on highway safety grounds.

## **5.2 SCC Highways - No objections.**

## **6.0 Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;

### **6.2 Principle of Development**

6.2.1 The application seeks to convert an existing outbuilding into family dwellinghouse. The principle has been considered previously and rejected on the grounds of amenity. In addition more recently adopted requirements in terms of sustainable design, refuse storage and collection and car parking need to be considered. It is not considered the proposals represent 'garden grab' in the sense PPS3 seeks to prevent as it involves the conversion of an existing building to which no external alterations are proposed. Notwithstanding the generally supportive policies to the provision of family housing, it is not considered that the principle of a detached and self contained dwelling in this location is acceptable.

### **6.3 Impact on Established Character**

6.3.1 The application does not seek any additional external alterations and therefore the building would remain as it currently stands but with the additional of the new boundary treatment separating it from the main property and the provision of a parking space and cycle store. The building is not readily visible from public areas and therefore the impact on the character of the area is limited to the private and general amenity of immediate neighbours and the potential from additional on-road parking due to the failure to achieve the maximum parking standards on site.

## 6.4 Residential Amenity

6.4.1 The proposals will introduce additional activity in a backland position in immediate proximity to neighbouring gardens. This is not a characteristic typically associated with this area of the city and would be detrimental to adjoining occupiers.

## 6.5 Highways and Parking

6.5.1 A single parking space is provide. This is below the maximum permissible in a low accessibility area and given the potential number of bedrooms within the family unit is likely to require occupiers or visitors to park in the road rather than within the site.

## 7.0 Summary

7.1 The use of the outbuilding as separate dwelling would be detrimental to the amenities of adjacent occupiers. Furthermore, the proposal fails to adequately provide measures relating to refuse storage and car parking to the standards set out in the Councils adopted policies.

## 8.0 Conclusion

8.1 The application should be refused.

## Local Government (Access to Information) Act 1985

### Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

## **AA for 20.07.10 PROW Panel**

### REASONS FOR REFUSAL

01. The use of the building as a dwellinghouse is an unneighbourly form of development causing a loss of amenity and privacy for the residents of the adjoining properties by reason of disturbance from the increased residential activity associated with it in the rear garden of 16 Bassett Heath Avenue SDP1 and H7 of the City of Southampton Local Plan Review 2006.

02. The proposal, due to the excessive carry distance from the property to the refuse store, fails to provide convenient refuse facilities to serve the development contrary to Section 9.3 of the Residential Design Guide.

03. The proposal, given the internal layout of the building appears to allow for a 4 bedroom bungalow to be provided, provides car parking to serve a family sized unit at half the maximum standard allowed for a low accessibility area. As such the proposal could result in additional on-road parking which would be harmful to the open character and appearance of the roads in this area.