

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 31 August 2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
Land to The rear of 13 - 19 Firgrove Road			
<b>Proposed development:</b>			
Erection of 4 x 3-storey 4-bed houses with associated parking and cycle/refuse storage, outline application seeking consideration of access, appearance, layout and scale (details of landscaping to be reserved)			
Application number	<b>10/00490/OUT</b>	Application type	OUT
Case officer	Andrew Gregory	Public speaking time	5 minutes

<b>Applicant:</b> Mr Reg Savage	<b>Agent:</b> Concept Design - Rob Wiles
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<b>Recommendation Summary</b>	<b>Refusal of planning permission</b>
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**Reason for Panel Consideration**

The proposal involves development on land which is not previously developed. Therefore in light of the recent changes to PPS3 it is considered that the panel should be directly involved in the determination of this application.

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

**Recommendation in Full**

Refuse

**1. The site and its context**

1.1 The application site comprises garden land at the rear of 13-19 Firgrove Road and incorporates an existing sloping access and turning area serving garages at the rear of Park Dene an adjacent three-storey flatted development. The access also provides rear access to Hesketh House, a flatted development to the south-east. The site topography falls from front to rear with a level change of approximately 3 metres. The rear garden of no. 13 contains a Beech tree and is overgrown with mature planting; a Hawthorn hedge forms the boundary with the adjacent garages. Some of the other gardens have Privet hedges along their boundaries. A brick retaining wall forms the rear boundary.

1.2 No.13 comprises a single-storey character property (likely to be a undesignated heritage asset), numbers 15-19 comprise two-storey semi-detached dwelling houses. The surrounding area is predominantly residential in nature comprising a mix of modest two-storey housing and larger flatted developments, including Nightingale Court a three-storey flatted development to the rear.

## **2. Proposal**

2.1 The application seeks outline permission with consideration of Access, Appearance, Layout and Scale at this stage. The outstanding reserved matter covering the landscaping to the site would need to be assessed as part of a separate application should the Outline Permission be granted.

2.2 The application proposes the sub-division of the gardens of 13-19 Firgrove Road and the erection of 4 x 3-storey 4-bed houses in staggered semi-detached pairs. The site would be served by the existing access to the rear of Park Dene and Hesketh House. Pedestrian and vehicular access would be taken between the existing garage blocks which would be retained. Four car parking spaces and associated turning would be located to the front of the proposed dwellings. The dwellings would be orientated at 90-degrees to the buildings fronting Firgrove Road with private rear gardens ranging from 65sqm to 76sqm in area. 13-19 Firgrove Road would have retained gardens ranging from 5m to 15m in length.

2.3 The proposed buildings have a contemporary design with a mono-pitch roof form and modern window and door openings. The external finishing materials include a mix of render, timber and aluminium cladding. The site will be excavated to provide a level site situated approximately 2metres lower than the retained gardens of 13-19 Firgrove Road.

2.4 Bicycle storage is provided within the rear gardens and communal bin storage is provided at the front of the site.

## **3.0 Relevant Planning Policy**

### **3.1 PPS3 Housing (2010)**

3.1.1. On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.1.2 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.1.3 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.1.4 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.1.5 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.1.6 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

3.2 The Development Plan for Southampton currently 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**

None.

#### **5.0 Consultation Responses and Notification Representations**

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report 8 representations had been received which can be summarised as follows:

##### **5.1.1 Highways matters**

- The existing access is insufficient for intensified use
- Additional traffic will obstruct access to the retained garages
- Increased traffic will prejudice pedestrian safety within Park Dene
- A separate independent access road should be constructed to serve this development
- On-street parking is at saturation point and the area cannot accommodate increased parking displacement

##### **5.1.2 Principle**

- The proposal conflicts with the government's recent changes to development on garden land
- Out of character
- There is no market demand for 4-bedroom houses in this area and the properties may be occupied as HMO's

##### **5.1.3 Harm to residential amenity**

- Outlook and privacy of neighbouring properties would be compromised

- Significant reduction in garden sizes for 13-19 Firgrove Road
- Noise nuisance from new residential development

#### 5.1.4 Ecological matters

- Loss of wildlife habitat

#### 5.1.5 Infrastructure issues

- Localised drainage problems because the low-lying area often floods during heavy rainfall

5.2 **SCC Highways** - No highway objection subject to the attached planning conditions. The application site lies within an area defined as having “high” accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 4 spaces to serve the proposed level of development accords with the Councils maximum standards. The access width and gradient of 1:14 does not conflict with highway standards.

5.3 **Ecology** - No comments received at the time of writing this report and an update will be provided at the planning committee.

5.4 **Pollution & Safety** – No objection raised subject to a condition restricting hours of work, and no bonfires.

5.5 **Trees** – No objection following the receipt of amended drawings showing the position of the southern block in relation to the canopy of the retained beech within the rear garden of no. 13 Firgrove Road. A detailed arboricultural method statement will need to be submitted at reserved matters stage.

5.6 **Sustainability** – The application has provided a pre-assessment estimator to demonstrate that level 3 of the Code for Sustainable Homes can be achieved in accordance with policy CS20 of the Core Strategy. Conditions recommended to secure the delivery of level 3 and a 20% reduction in CO2 emissions.

## **6.0 Planning Consideration Key Issues**

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

- i. the loss of private residential garden land
- ii. the contribution the land currently makes to the character of the area;
- iii. the impact on the defined character of the area;
- iv. the contribution that the scheme makes to meeting housing need;
- v. impact on neighbouring residential amenities; and
- vi. Whether the access arrangement is safe and convenient.

6.2 The loss of private residential garden land/character/housing need: The predominant character of Firgrove Road comprises two-storey dwelling houses situated within long elongated plots with a road frontage. However this proposal seeks to sub-divide the plots of 13-19 Firgrove Road creating significantly reduced garden sizes for the existing properties to accommodate back land development with access taken from a sloping rear access drive through a forecourt and garage block. This arrangement is considered out of keeping with the established layout of buildings and gardens within the area. There is no longer a presumption in favour of making the best use of garden land following the recent

changes to PPS3 (see policy section). The city has a five year housing land supply without the reliance on windfall sites. As such significant weight can now be given to the impact on the character and appearance of an area when considering applications which result in the loss of garden land.

6.3 Impact on neighbouring residential amenities: The proposed layout would result in the southern block (D1/D2) being positioned 1m from the boundary of the retained gardens serving of 15 and 17 Firgrove Road, with a gabled side elevation which is 4m in height above the ground level of the retained garden of said properties. This is considered to represent an un-neighbourly and overbearing form of development and reinforces concerns that the development is out of character with the established pattern of development by introducing back land development tight on the boundary with neighbouring gardens and leading to unreasonable sense of enclosure.

Moreover this relationship is unacceptable when considered against permitted development tolerances which only allow an outbuilding to a height of 2.5 metres when positioned 1 metre from the boundary with a neighbouring garden. As such, the development would be harmful to the residential amenities of the neighbouring occupiers.

6.4 Whether the access arrangement is safe and convenient: The proposal would result in the intensification of use of the existing rear access serving Hesketh House and Park Dene. The access width of 3.1 metres does not allow vehicles to pass at the entrance and therefore the development would lead to the increase risk of vehicles obstructing the free flow of traffic within Firgrove Road whilst waiting to turn into the site, thereby prejudicing highway safety.

6.5 The proposed access into the site through the existing garage block serving Park Dene would be obstructed when the doors of the garages adjacent to the entrance are open, leading to conflict between the existing garages and the proposed development. The development thereby fails to provide an access which is safe and convenient.

## **7.0 Summary**

7.1 That the application be refused. The proposal results in development on garden land and would be out of character with the surrounding area. The residential amenities of neighbouring occupiers would be compromised as a result of the design, height and proximity of the southern block to the gardens of 15 and 17 Firgrove Road. Furthermore an unacceptable access arrangement is proposed. As such the proposal is contrary to adopted planning policies.

## **8.0 Conclusion**

8.1 The application is therefore recommended for refusal.

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

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),  
LDF Core Strategy and saved policies from Local Plan (Review)

AG 16.08.10 for 31.08.10 PROW Panel

### **Refusal reasons 10/00490/OUT**

01. REASON FOR REFUSAL - Harm to the character of the area

The local planning authority has identified a 5 year supply of development land to meet its housing target through its Core Strategy and Strategic Housing Land Availability Assessment. The application site is not within a list of such recognised or committed sites. The proposed development involves building on garden land which forms an important amenity space for the existing dwelling houses, is not previously developed land and makes a positive contribution to the spatial character of Firgrove Road which predominantly comprises dwellings situated within long elongated plots with a road frontage. As such and having regard to the advice of Planning Policy Statement 3 (Housing - published June 2010), the proposals are considered to represent harm to the character of the area and would prove contrary to the following Development Plan policies and supplementary planning guidance for Southampton:-

City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 (i), SDP4, SDP7 (iv), SDP9 (i) and (v).

City of Southampton Core Strategy (January 2010):- CS4, CS5 and CS13.

Sections 2.3.14, 3.1, 3.7, 3.9 and 4.4 of the Residential Design Guide SPD (September 2006).

## 02. REASON FOR REFUSAL - Harm to the amenities of occupiers of adjoining land

The proposal represents an un-neighbourly and overbearing form of development by reason of its' design and height and proximity to the retained rear gardens of 15 and 19 Firgrove Road leading to a sense of enclosure. As such the development would be out of keeping with the established layout of buildings and gardens within the area and would be harmful to the residential amenities of the occupiers of 15 and 19 Firgrove Road, contrary to City of Southampton Local Plan Review 'saved' policies (March 2006):-

SDP1 (i), SDP7 (iv), SDP9 (i) and (v).

City of Southampton Core Strategy (January 2010):- CS5 and CS13.

Sections 2.2.18, 2.2.19, 3.1, 3.7 and 3.9 of the Residential Design Guide SPD (September 2006).

## 03. REASON FOR REFUSAL - Inadequate access

The proposal would result in the intensified use of an existing access which does not have sufficient width to allow 2 cars to pass at the entrance and therefore increasing the likelihood of vehicles waiting on the public highway to turn into the site and obstructing the free flow of traffic within Richmond Road / Park Road. As such the development would prejudice highway safety and would be contrary to policies SDP1 of SDP4 the City of Southampton Local Plan Review (March 2006) and policy CS13 of the Local Development Framework Core Strategy (January 2010) and section 5 of the Residential Design Guide SPD (September 2006).

## 04. REASON FOR REFUSAL - Unsafe access

The development proposal fails to provide a safe and convenient access arrangement because vehicle access taken through the existing garage blocks would be obstructed when the adjacent garage doors are open. As such the development proposal is contrary to policies SDP1 of SDP4 the City of Southampton Local Plan Review (March 2006) and policy CS13 of the Local Development Framework Core Strategy (January 2010) and section 5 of the Residential Design Guide SPD (September 2006).

**POLICY CONTEXT**

LDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design

City of Southampton Local Plan Review – Adopted Version (March 2006)

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance

Supplementary Planning Guidance

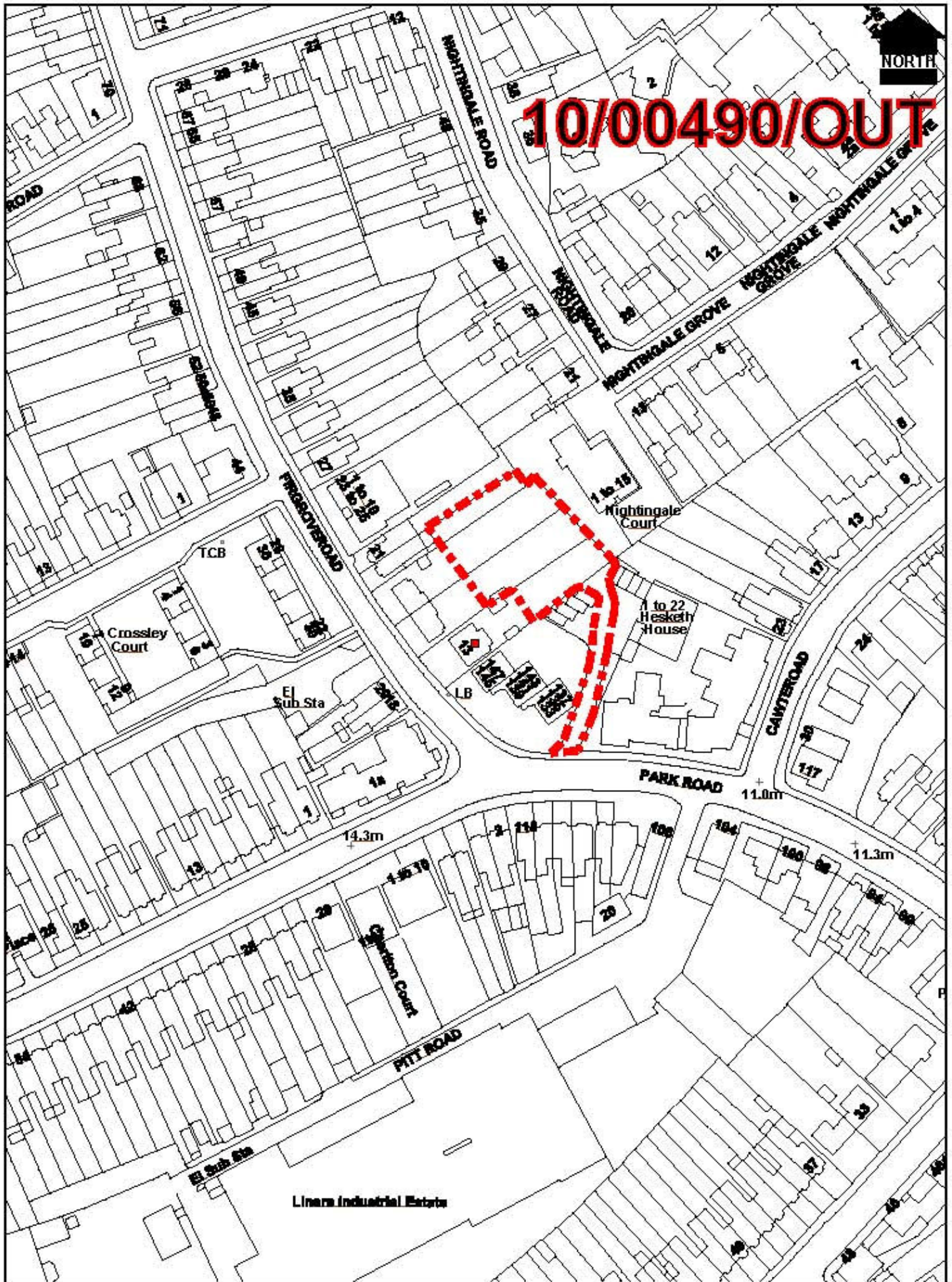
The following SPD/G also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)





10/00490/OUT

Scale : 1:1250

Date : 16 August 2010

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