

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel - 7 June 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 161 Foundry Lane			
<b>Proposed development:</b> Erection of a two storey rear extension and alterations to the roof of the property including installation of rooflights (resubmission of 15/01757/FUL)			
<b>Application number</b>	16/00359/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	28.04.2016	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr Shields Cllr Parnell Cllr Moulton
<b>Referred to Panel by:</b>	Cllr Moulton	<b>Reason:</b>	Concern regarding loss of light and other issues raised by neighbouring objectors
<b>Applicant:</b> Mr & Mrs Shaoheng & Qian He & Wu		<b>Agent:</b> Designaplace	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</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 (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Site history
3	Existing elevation		

**Recommendation in Full**

**Conditionally approve**

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

- 1.1 The application property has an unusual design, with a large single storey element to the front of the property (existing drawings attached as **Appendix 3**). The site lies in a predominately residential area, although there is a commercial unit opposite. The site itself was historically used as a retail unit but has more recently been converted for use as a dwelling.
- 1.2 The layout of surrounding properties is more uniform. The property to the north is well set back from the road frontage, with a driveway running down the side of the application site leading to a parking area at the rear. The property to the south is set forward of the application site, level with the single storey element.

## **2.0 Proposal**

- 2.1 The application proposes roof alterations to the rear two-storey element of the property, raising the ridge and eaves height by 0.6m (matching the eaves height of the neighbouring property to the south at 159). The application also proposes a part single-storey part two-storey extension to the rear of the property, protruding 4m at single storey level and 3m at two-storey level.
- 2.2 These physical alterations combine with internal alterations to the existing property to facilitate the conversion of the existing 2-bed property into a 4-bed unit.

## **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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). 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 The full planning history is outlined in **Appendix 2**. A previous application on this site was recently refused. This application was significantly different from the current proposal which sought to convert the single-storey element to the front to two-storey in addition to a number of other differences. Given the differences between the two schemes it is considered that the reasons for refusal outlined as part of that application are not directly relevant to the current proposal.
- 4.2 As noted the site has historically been used partially as a retail premises but currently has a lawful use as a residential dwelling.

## **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 **4** representations have been received from surrounding residents. The following is a summary of the points raised:

### **5.1.2 Overlooking of neighbouring properties**

#### **Response**

This is considered in more detail in section 6.3, below.

### **5.1.3 Development adjacent to boundary**

#### **Response**

New development adjacent to the boundaries with neighbouring properties needs to be carefully considered and this is discussed in more detail in section 6.3, below.

### **5.1.4 Overshadowing/impact on Right to Light**

#### **Response**

It is noted that a defined Right to Light is a separate legal issue which is not covered under the purview of the planning process. If there are any concerns in this regard independent legal advice should be sought. Overshadowing is addressed in section 6.

### **5.1.5 Construction will require trespass on neighbouring land**

#### **Response**

There are often construction solutions available which do not require access to neighbouring properties. Regardless, this would be a private issue for the relevant land owners to resolve if permission is granted and therefore it should not form part of the consideration of the planning application.

### **5.1.6 No consultation by applicant with neighbours**

#### **Response**

While the Local Planning Authority encourages those considering development to discuss proposals with neighbouring land owners, they are not required to do so. The Local Planning Authority has undertaken a consultation exercise on this planning application to notify local residents of the application.

### **5.1.7 Concern regarding quality of building work and concern regarding impact on structural integrity of neighbouring property with reference to Party Wall Act.**

#### **Response**

It is noted that, if granted consent, the proposal will need to comply with other necessary regulations such as those required by Building Control, or the Party Wall Act as necessary. As these elements are typically controlled by other legislation they fall outside the remit of the planning process.

### **5.1.8 Negative impact on property values**

#### **Response**

This is not a material consideration on which a planning application can be assessed.

**5.1.9 Noise and disruption associated with construction and concern that vehicles/skips/storage associated with construction will disrupt local highway infrastructure.**

Response

It is likely that any disruption would be temporary in nature. Notwithstanding this, conditions can be imposed to control hours and construction and associated issues to limit the impacts of development.

**5.2 Consultation Responses**

**5.2.1 Cllr Moulton** – Concern regarding loss of light and other issues raised by objectors.

**6.0 Planning Consideration Key Issues**

6.1 The main considerations are the impact of the proposed physical alterations on the overall character of the host dwelling within the surrounding area and; the impact on the amenities of the occupiers of the host dwelling and neighbouring properties.

**6.2 Character**

6.2.1 While the application does propose increasing the overall height of the main dwelling, it is noted that the two-storey element is set well back from the highway. In addition, the existing building is already set at a lower level than the adjacent properties. As a result, the increase in the overall height brings the site more in line with the scale of adjacent properties although it would still be set at a lower level to those neighbouring properties.

6.2.2 The part two-storey, part single-storey extension to the rear is set down from the main ridge line of the property. While the existing site to the south is set somewhat forward of the application site, the neighbouring property to the north is set further back. In addition, the extension is set in slightly from the original side walls of the house, which helps to break up the massing of the development and reduce its visual impact. On balance, it is not felt that the proposal would be harmful to the overall character or appearance of the property within the surrounding street scene.

**6.3 Amenity**

6.3.1 It is considered that the site retains sufficient amenity space to meet the needs of the occupiers. The proposal avoids new side facing windows serving habitable rooms at first floor level. At ground floor level, there is a study served by a side-facing window, however there is an existing window in this location with an identical relationship. As such, the proposal is not considered worse than the existing situation. The new bedrooms in the roof are only served by front and rear facing roof light windows which is not ideal, however on balance it is not felt that this issue alone represents sufficient harm to justify refusing the application, given that the overall quality of residential environment in the dwelling is good.

6.3.2 As such, the main consideration is the impact of the proposal on the amenities of neighbouring occupiers. The main impact will likely fall on the adjacent

residential property at 159 Foundry Lane. The existing property at 161 is set back from the boundary but runs to the rear of the site, extending the full length of the rear garden of the neighbouring property. This results in the existing situation blocking outlook on one boundary of the site and creating a large visually imposing form of development.

- 6.3.3 The raising of the ridge and eaves has a minor impact but this is minimal impact, however and as a result it is not felt that the additional height will represent a significant increase in harm when compared to the existing situation. The extension to the rear is set in slightly to the sides of the property and reduces in height. Given this design and the position in relation to the property at 159, it is considered that the proposal will not represent a worsening of the existing situation. It is noted that the application site is situated to the north of the impacted dwellings, which mitigates the harm in terms of the creation of an overshadowing form of development.
- 6.3.4 The impact on the flats to the north at 167 is mitigated given the adjacent drive providing set back and reducing the impact due to the nature of the adjacent land as a drive. There is some additional impact from the extension of the property on the sites fronting York Road however, given the set-back between the dwellings, it is not felt that this relationship will be harmful.
- 6.3.5 Some concern has been raised by local residents regarding the potential for overlooking from the side facing windows. There are a total of 5 side facing windows (of which 4 currently exist), with 3 at ground floor level and 2 at first floor level. It is considered that the existing boundary treatment is sufficient to control the impact of the windows at ground floor level. Both windows at first floor level serve a corridor. As such, it is considered that a condition can be imposed requiring that these windows be obscured to prevent any additional harmful overlooking without having an impact on the amenities of the occupiers of the host dwelling.

## **7.0 Summary**

- 7.1 The application proposes a number of physical alterations to the existing building. The site has an unusual design and relationship with neighbouring dwellings. However, notwithstanding these features of the property, it is considered that the proposed alterations would not have a harmful impact when compared to the existing situation.

## **8.0 Conclusion**

- 8.1 For the reasons discussed above, the application is recommended for conditional approval.

### **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), 6(a)(b), 7(a)

**JF for 07/06/2016 PROW Panel**

## **PLANNING CONDITIONS**

### **01. Materials to match (Performance Condition)**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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.

### **02. Obscure Glazing (Performance Condition)**

All windows in the side elevations, located at first floor level and above, in the side elevations of the development hereby approved, shall be obscure glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

### **03. Hours of work for Demolition / Clearance / Construction (Performance)**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday            08:00 to 18:00 hours

Saturdays                    09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

### **04. 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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

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**

15/01757/FUL, First floor front extension and extension to the roof of the property, to increase the height and pitch with roof lights  
Refused, 29.10.2015

*Reason for refusal - Unacceptable impact on amenity*

*The proposed development, by means of its height and depth, represents an un-neighbourly form of development, being harmful to the outlook and access to natural light for neighbouring properties (specifically 159 Foundry Lane). This is by reason of the proximity of the extension to the sole window serving a habitable room within the side elevation of the neighbouring property. The proposal thereby proves contrary to saved policies SDP1(i) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.2.2 and 2.2.7 of the Residential Design Guide Supplementary Planning Document (2006).*

*Reason for refusal - Impact on Character*

*The proposed extension would result in significant depth of two-storey massing that would be readily apparent from Foundry Lane given the setback nature of the neighbouring property at no. 16 Foundry Lane. The long, unbroken ridge line would create a massing that would be out-of-character with the surrounding area. The proposal would, therefore, not meet the provisions of policies SDP1, SDP7 and SDP9 of the Southampton Local Plan Review (2015) which require context-sensitive design as supported by the Residential Design Guide Supplementary Planning Document (March 2006)*

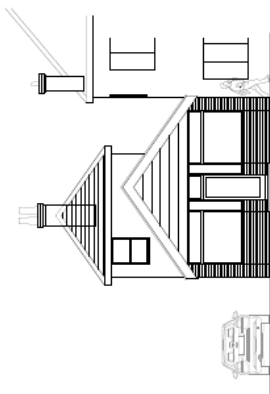
980477/W, Change of use of retail shop to single dwelling house  
Conditionally Approved, 26.06.1998

940674/W, Change of use to 2x1-bed self-contained flats with the erection of a side porch  
Refused, 24.08.1994

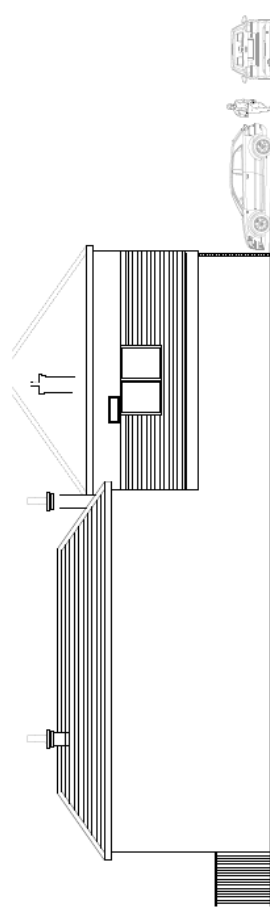


# Existing plans

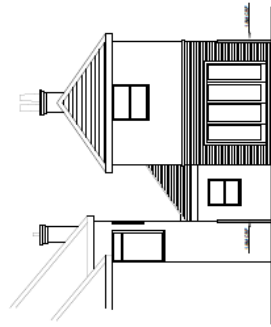
10/11/16  
 Proposed Two Storey Rear and Roof Extension  
 14 Country Lane, Southampton  
 SD16 3LB



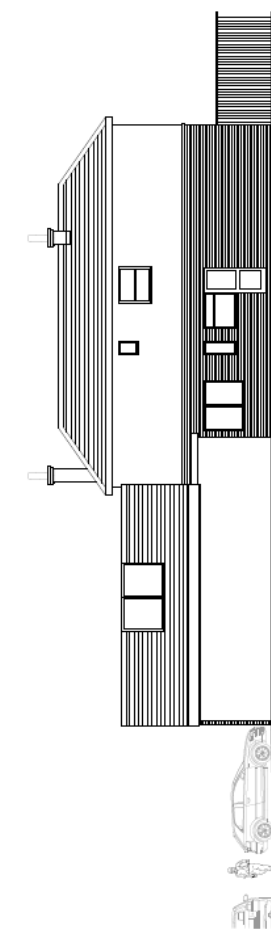
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



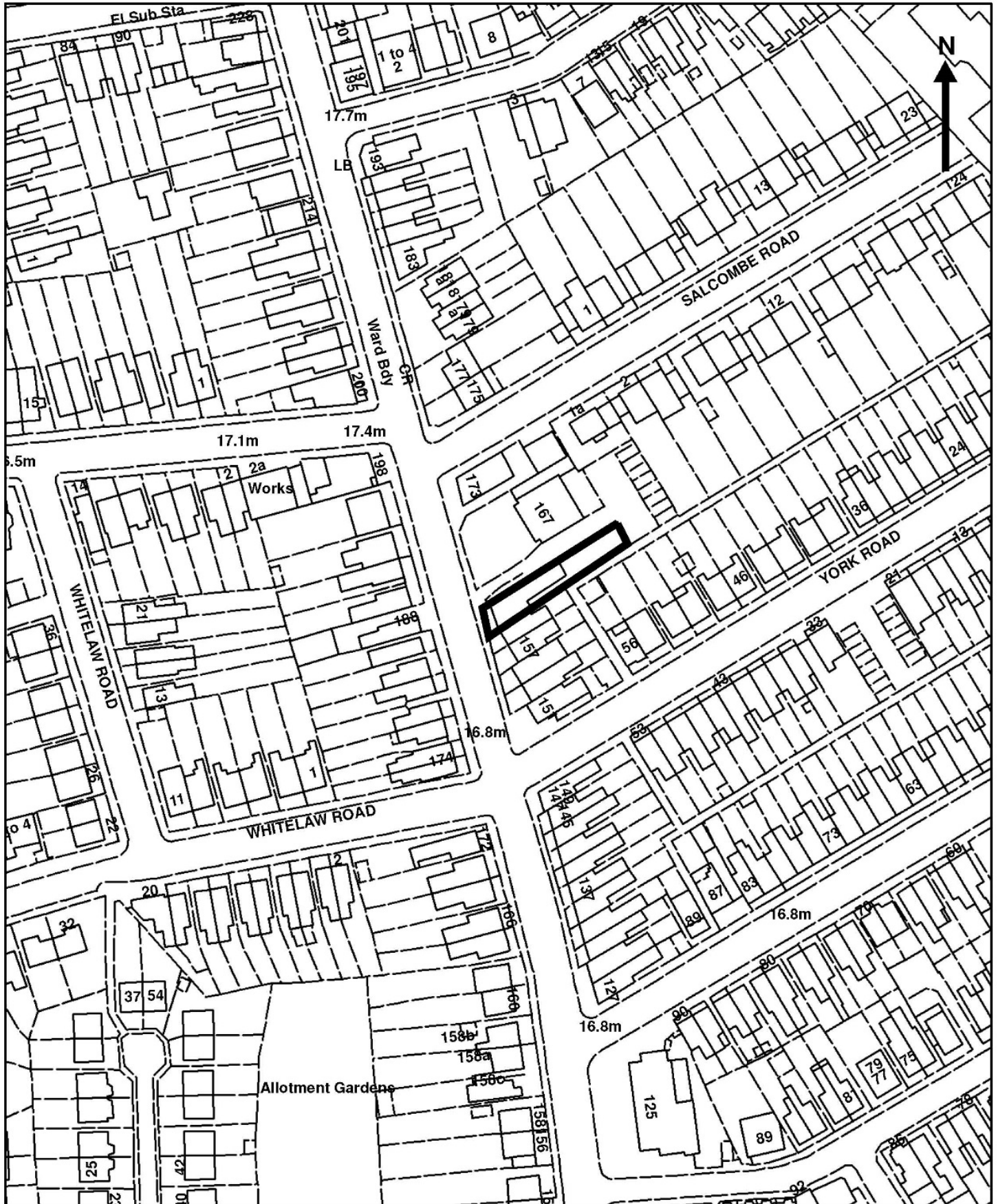
RIGHT SIDE ELEVATION

Revision: D	Issue for Planning	29-02-16	MA
PROJECT			
Proposed Two Storey Rear and Roof Extension 14 Country Lane, Southampton SD16 3LB			
STATUS			
Planning Application			
CLIENT			
Existing Elevators			
NO. DRAWING	NO. 1		
DRAWING NO.			
REVISION			
FL16-PL03		D	
SCALES			
1/100 @A2		DATE	Jan 16
		DRAWN	MA

Architectural Practice  
 14 Country Lane, Southampton  
 SD16 3LB

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