

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 23rd May 2017
Planning Application Report of the Planning and Development Manager

Application address: 282 Portswood Road			
Proposed development: Erection of additional floor to provide 3 x studio flats			
Application number	16/01750/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	07.12.2016	Ward	Portswood
Reason for Panel Referral:	More than 5 letters of objection received	Ward Councillors	Cllr Savage Cllr O'Neill Cllr Claisse
Applicant: Mr H Ebert		Agent: Concept Design & Planning - Mr Rob Wiles	

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7, NE4 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and a mechanism to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

2. In the event that the required measures are not secure or progressed within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of impact on the conservation of species and protected habitats.

1. The site and its context

1.1 The application site comprises a two-storey, white rendered detached building located at the end of a row of properties, just south of a junction with Thomas Lewis Way. The building fronts Portswood Road, with external yard areas to the south side and rear of the building. Beyond the rear boundary is an un-adopted highway that provides access to 284 to 304 Portswood Road.

1.2 The property currently contains part hairdressers, part residential to the ground floor with residential accommodation above, comprising a six bedroom HMO. It lies within a predominantly residential part of Portswood Road, with some ad hoc non-residential premises. The character of properties within this part of the street is mixed.

2. Proposal

2.1 The application seeks full planning permission to provide an additional storey to the building to accommodate 3 additional flats.

2.2 At ground floor level, an additional entrance would be provided to the rear of the building onto the un-adopted highway. Approximately 6 sq.m of the ground floor retail is being proposed to be converted to residential use. Cycle and refuse storage would be provided within an existing yard to the rear of the building. The storage area would be accessed from Portswood Road via the side yard area.

2.3 The first floor of the building would be largely unaltered from the existing situation, with the existing residential accommodation retained. An extension would be provided to the rear of the building to provide a stair core to the new roof level accommodation.

2.4 The proposed new accommodation is comprised of three self-contained studio flats within a mansard-style roof extension over part of the building with a flat roof element to the northern part of the building. The extension is set back from the

northern parapet of the building, although no access is proposed from the flats to this external area.

2.5 No car parking is proposed to serve the flats.

3. 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 27th 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.

3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply.

3.5 Policy CS5 acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, and the need to make efficient and effective use of land. The development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.

3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

4. Relevant Planning History

- 4.1 In 2010, planning permission was granted to change part of the ground floor and the first floor into a 6-bedroom HMO, retaining a commercial element on the remainder of the ground floor (planning application reference 10/01116/FUL). Subsequent to this, full planning permission was granted, at appeal, for external alterations and a roof extension to the building to facilitate an additional 4-bedroom HMO flat (reference 11/01447FUL). This planning permission has expired with no clear evidence that the permission has been implemented (although conditions were discharged). That said, the planning policy framework remains the same now as when the appeal application was determined and, therefore, it represents a material planning consideration of due weight. A copy of the Council's reasons for refusal and the appeal decision is provided in **Appendix 2** of this report. The current proposal closely follows the appeal scheme, with the main change being that 3 studio flats are now proposed, instead of a 4-bed HMO.
- 4.2 More recently, an application to utilise permitted development rights to change part of the ground floor to provide a further 2 flats was agreed (reference 16/01202/PAC3). This scheme retained a retail unit to part of the ground floor.

5. 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, and erecting a site notice (28.10.16). At the time of writing the report **6** representations have been received from surrounding residents and an objection from Cllr Claisse. The following is a summary of the points raised at the time of writing this report:

5.1.1 Loss of privacy/overlooking of neighbouring properties to the rear of the site.

Response

The additional flats are designed with single-aspect accommodation, facing onto Portswood Road, rather than toward the residential properties at the rear of the site. Since the rear-facing accommodation is non-habitable (bathrooms and stair), a condition is suggested to obscure glaze the rear-facing windows. In addition to this, the flats are not designed with access onto the roof area for amenity space purpose. A condition is suggested to prevent the roof being used as a terrace in the future, in the interests of privacy.

5.1.2 Loss of car parking spaces adding to existing pressure within the area, including over-spill parking on the private road to the rear of the site.

Response

The application does not propose the stopping up/removal of existing car parking bays within the area. No additional car parking is proposed to serve the additional

flats. It is important to note that the appeal scheme was also a car free development and, as set out above, this approval is a material consideration in the assessment of this application. Whilst the application proposes two additional flats when compared with the appeal scheme and two further flats could be constructed under permitted development, overall, an increase of one bedroom is proposed from the consented schemes on site. The Council's adopted parking standards require a maximum rather than a minimum provision of car parking, meaning the provision of no car parking is in accordance with this standard. The site is approximately 50 metres from the High Accessibility bus corridor and less than 400 metres to Portswood District Centre. Furthermore, it is also important to note that a car free scheme was previously found acceptable by the appeal Inspector, with no changes to the Council's policy with respect of car parking since this time. The proposal is, therefore, considered to be acceptable in this respect.

5.1.3 ***Concern that a new access will be created onto the private road to the rear. The access to bin and bike store interferes with parking bays for 284-296a.***

Response:

Since the road to the rear of the site is a highway (albeit not maintained by the Highway Authority), the occupants of the development would have rights of access over this land. Whilst planning application 11/01447/FUL was partly refused on this basis, this refusal was not supported by the appeal inspector (see paragraphs 12 to 14 of the Appeal Decision in **Appendix 2**). There have been no changes in circumstances since this appeal was considered, meaning the conclusions of the appeal inspector are still applicable.

5.1.4 ***The development is likely to be occupied by students. There are too many flats and HMOs in the area already. The proposal would result in noise and disturbance***

Response:

Whereas the previously approved application (11/01447/FUL) proposed an additional HMO on the site, the current application proposes 3, self-contained, Use Class C3 (dwelling) studio units which is considered to be less likely to generate anti-social behaviour issues. The Council's policies encourage making efficient use of previously developed sites within accessible locations to provide further residential accommodation and, as such, there is no reason to resist the principle of additional flats in this location.

5.1.5 ***Concern that there will be poor refuse management.***

Response:

There is sufficient space on site to store refuse containers in a location that is both convenient for residents to access and containers can be moved to a collection area convenient to the public highway on bin days. Conditions are

suggested to secure full details of the design of the storage before work commences on the development.

5.1.6 ***The roof extensions would result in a loss of light to neighbouring properties and would appear over-bearing and over-dominant when viewed from 284-296 Portswood Road.***

Response:

The scale and massing of the roof extension is identical to the appeal scheme. This application was refused by the Council partly for the impact of the height and massing of the roof alterations and the impact on the neighbouring dwellings. However, this reason was not sustained at appeal (see paragraph 9 of the attached Appeal Decision in **Appendix 2**). The Council's policies with regards to residential amenity have not changed since this decision was made and so the conclusions of the Inspector are still pertinent in the consideration of this application.

5.1.7 ***Over-development of the site due to the existing 6-bed HMO already granted and ground floor flats to be constructed under permitted development.***

Response:

Whilst the current application proposes two more flats compared with the appeal scheme, the number of bedrooms has decreased from 4 to 3. Furthermore, Policy CS5 of the Core Strategy supports high densities (over 100 d.p.h) in locations close to and within the district centres. As such, the level of development is considered to be appropriate in this instance.

5.1.8 ***Loss of trees***

Response:

There are no protected trees on or immediately adjacent to the application site. The application does not propose to remove any trees to accommodate the development.

5.1.9 ***The roof alteration is out-of-character with the street***

Response:

As noted, the scale, massing and appearance of the roof extension is the same as the previous application allowed at appeal. In particular, the Inspector found that "Bearing in mind the pattern to the development in the neighbourhood, with its diversity of building styles and heights, I agree with the appellant that the area lacks visual cohesion and focus. The development would enhance the appearance of the streetscape". Given the similarity between the two schemes and, that the policy and visual context remains the same, it is difficult to now justify a refusal on this basis.

5.2 **Consultation Responses**

5.2.1 **SCC Highways** – No objection subject to conditions securing the detail of the cycle and refuse store and landscaping.

5.2.2 **SCC Sustainability** – No objection. Suggests conditions to secure energy and water efficiency measures.

5.2.3 **SCC Historic Environment** – No objection or conditions suggested.

5.2.4 **SCC CIL Officer** – The development is CIL liable.

6. **Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of the following key issues:

- Principle of Development;
- Impact on Character and Amenity and;
- Impact on Highway Safety.

6.2 Principle of Development

6.2.2 The proposal would make efficient use of this previously developed site to provide additional residential accommodation. The development would result in a density of 104 dwellings per hectare, in accordance with Policy CS5 of the Core Strategy, which supports densities in excess of 100 dwellings per hectare in locations close to District Centres. The site itself does not lie within a designated centre and, as such, there is no presumption against the loss of the small area of ground floor commercial space. The level and type of accommodation proposed is, therefore, acceptable in principle.

6.3 Impact on Character and Amenity

6.3.1 As set out above, the physical form of the development closely follows the appeal scheme (planning application reference 11/01447/FUL). Whilst officers refused the previous application, partly on the basis of the roof alterations, the subsequent appeal inspector found the scheme to be acceptable in terms of both the impact on the character and appearance of the area and on neighbouring residents. Whilst this planning permission can no longer be implemented, the planning policy framework and nature of the site and immediate surrounds remain unchanged. On this basis, the conclusions of the appeal inspector are considered to be directly relevant to this application. Conditions are suggested to secure full details of external materials to ensure a satisfactory finish to the development.

6.3.2 The existing yard area of the south side of the building is approximately 77 sq.m in area. At the moment, this area does not form amenity space for existing

residents within the building. A condition is suggested to provide suitable landscaping and boundary treatment to this area to provide a suitable amenity space area. Given the small, one-bedroom nature of the accommodation proposed, this provision is considered to be acceptable. The studio flats themselves are small, however, outlook from habitable areas would be good and the position of windows would allow for a good level of natural light. As set out above, it is considered to be preferable in terms of amenities of nearby residents to introduce smaller, individual units of accommodation rather than the larger HMO previously consented.

6.4 Parking and Highways

6.4.1 There is no formal car parking provision currently on the site itself and no further car parking is proposed to serve the development. As set out above, this is considered acceptable given the accessibility of the site and having regard to the planning history of the site in which a four-bedroom HMO was approved with no additional car parking.

6.4.2 The road to the rear of site is a public highway, albeit maintained at private expense, meaning it can be relied on, in planning terms, for pedestrian access into the development. Concern regarding the maintenance burden that the development could place on this route is a civil matter to be addressed outside of the planning system. The Highways Team have raised no objection to the proposed pedestrian access into the development and this is also consistent with the conclusions of the previous planning inspector.

6.5 Other Matters

6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Subject to securing the recommended mitigation, the application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7. Summary

7.1 The physical form of the development is consistent with a development already found acceptable at appeal. Given that planning policies and the site and immediate surrounds have not changed significantly since this time, the appeal decision is an important consideration for this application. On this basis, the scale, massing and design approach proposed are considered to be acceptable in terms of the impact on character and amenity. Whilst additional residential units are proposed, the intensity of the development is consistent with adopted policy guidelines for residential density and directly comparable with the impacts that the consented HMO would have on the site and surrounds. On balance, the proposal is, therefore, considered to be acceptable.

8. Conclusion

8.1 In conclusion, the proposal would have an acceptable impact in accordance with the Council's policies and guidance.

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), (g), (vv), 6(a), (b), 7(a)

JT for 23/05/17 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of hard landscaping materials (to be permeable), external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this

should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. Cycle storage facilities

Before the development hereby approved first comes into occupation, secure and covered storage for 3 bicycles (with the installation of Sheffield style cycle stands) shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

04. Landscaping detailed plan

Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; pedestrian access and circulations areas and; hard surfacing materials and an amenity space in the external area to the south of the building;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

05. Refuse & Recycling

Before the development hereby approved first comes into occupation, the bin storage shall be provided in accordance with the details to be first submitted to and approved in writing by Local Planning Authority. The storage shall be thereafter retained as approved. In addition, the bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.

The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. E mail waste.management@southampton.gov.uk

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

06. Construction Management Plan

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;

- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

07. Hours of work for Demolition / Clearance / Construction

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.

08. Energy & Water

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

09. Energy & Water

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. Amenity Space Access

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, as agreed pursuant to condition 4 above, shall be made provided and made available for use of the dwellings and thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space for the existing and future occupiers.

11. Obscure Glazing

All new windows located on the rear (eastern) elevation and roof slope of the building shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied and thereafter retained in this manner.

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

12. Restricted use of flat roof area

The flat roof area of the extension hereby approved, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

13. 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)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
NE4	Protected Species
H1	Housing supply
H7	Residential environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

11/01447/FUL

Refused 13.01.12

External alterations and mansard roof addition to create additional 4 bed flat with roof terrace and associated bin and bike storage.

01. Inappropriate development.

The increased height and massing of the rear elevation including the increased roof form would have an adverse impact on neighbouring dwellings to the rear of the building resulting in an undue sense of enclosure and an overbearing impact when viewed from the dwelling and curtilage of those dwelling houses contrary to policies 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).

02. Highway safety

The proposal introduces a primary access to the rear of the site which is not served by an appropriate pedestrian footpath. The main access and the proposed cycle store opens out directly onto existing car parking spaces. Such an arrangement will result in a conflict between the use of the access and existing car parking arrangements for properties 284 to 304 Portswood Road leading to a poor residential environment for future occupants, highway safety issues and potential loss of parking contrary to policies SDP1 (i), SDP5 and SDP7 (iii, iv) of the City of Southampton Local Plan Review (March 2006) and CS13 (11) and CS19 of the Local Development Framework adopted Core Strategy (January 2010).

03. Code for Sustainable Homes and Climate Change

In the absence of any commitment to carry out necessary measures intended to achieve the required Co2 savings and sustainability measures the application has failed to demonstrate that it can satisfy the requirements of the adopted Local Development Framework Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.



Appeal Decision

Site visit made on 25 June 2012

by David Harmston FRICS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 July 2012

Appeal Ref: APP/D1780/A/12/2169526

Tenant Direct, 282 Portswood Road, Southampton SO17 2TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hayden Ebert against the decision of Southampton City Council.
 - The application (Ref 11/01447/FUL), dated 24 August 2011, was refused by notice dated 13 January 2012.
 - The development proposed is external alterations and mansard roof addition to create additional 4-bedroom flat with roof terrace and associated bin and bike storage.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations and mansard roof addition to create additional 4-bedroom flat with roof terrace and associated bin and bike storage at Tenant Direct, 282 Portswood Road, Southampton SO17 2TD in accordance with the terms of the application (Ref 11/01447/FUL), dated 24 August 2011, subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years of the date of this permission.
- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings – Nos:- 30595/101; 30595/102; 30595/103; 30595/104A; 30595/105; 30595/106; 30595/107; 30595/108; 30595/109; 30595/110; 30595/111; 30595/112 and SO/Hs/710.1.

- (3) Before the development hereby permitted is commenced, details and samples of all the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and samples.
- (4) The landscape proposals for the site shown on Drawing No:- SO/Hs/710.1 shall be carried out in the first planting season following the completion of the development and shall be maintained for five years. Any trees, shrubs or other plants which die, become seriously diseased or are damaged during this period shall be replaced during the next planting season with specimens of the same size and species.
- (5) Notwithstanding the details shown on the approved plans, the dwelling hereby permitted shall not be occupied until the external amenity space, cycle storage and refuse facilities serving the development, and the pedestrian access thereto, have been completed and made available for use by the occupants in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These elements of the development shall be kept available for their permitted use at all times for the benefit of the occupants of the dwelling.
- (6) The dwelling hereby permitted shall at no time be occupied by more than six unrelated individuals.
- (7) The roof area of the development hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area at any time.
- (8) No building operations, site clearance or demolition of the existing building shall take place on the site otherwise than between 0800 hours and 1800 hours on Mondays to Fridays, 0900 hours and 1300 hours on Saturdays and at no time on Sundays or Bank and Public holidays.

Preliminary Matters

2. For reasons of clarity, I have adopted the description of the development as stated in the Council's decision notice. Reason three of the Council's decision notice concerns the absence of any commitment to carry out the necessary measures to achieve the required Co2 savings and sustainability measures in accordance with the relevant policy of the Local Development Framework Core Strategy and the Council's Residential Design Guide. However, within its representations, the Council states that it accepts that the SAP calculations submitted by the appellant on 22 February 2012 are sufficient to overcome that reason. I shall therefore address that matter no further.
3. In determining this appeal I have taken account of the recently published

National Planning Policy Framework. The Local Plan was adopted in March 2006 and the Local Development Framework (LDF) Core Strategy in January 2010. As such the local policy context is relatively up to date and none of the relevant development plan policies are inconsistent with the Framework. Whilst the policies in the Framework have been considered, in the light of the facts of this case, they do not alter my overall conclusions on this matter.

Main Issues

4. With the above considerations in mind, the outstanding main issues in this appeal are, firstly; whether the height and massing of the development would be so unneighbourly because of its impact on the adjoining dwellings that the proposals are unacceptable for that reason and, secondly; whether the proposed layout of the development in respect of the access arrangements to the development and the cycle store would result in unacceptable conflicts between pedestrians and vehicles to the detriment of highway safety and convenience with a possible loss of car parking spaces.

Reasons

5. The building the subject of this appeal lies in a prominent position on the east side of Portswood Road within a densely-developed neighbourhood of mixed uses. It is in use for commercial and residential purposes on the ground floor with residential accommodation above. To the side and rear of the building and parallel to the main road is a short, brick-paved spur road fronting which are residential properties (Nos 284 – 304 Portswood Road). Car parking takes place on this area as well as within the curtilages of the adjacent properties. At the time of my visit extensive roadworks were taking place within the vicinity of the site with traffic control and restrictions to access.
6. It is proposed to construct a new rear entrance to the building to serve an additional four-bedroom residential unit to be constructed at roof level and to be occupied as a Use Class C4 HMO for up to six people. This would be achieved by removing part of the existing roof and replacing it with a new flat roof occupying just less than half the building's length with a mansard set back from the parapet. It is stated that the design of the development is intended to be 'modern' being a positive improvement to the streetscape and the outlook from the nearby dwellings. The overall height of the altered building would be comparable to that of Nos 284 – 304 Portswood Road.
7. The Council acknowledges that its *Residential Design Guide* encourages the introduction of taller buildings at street corners, but this cannot be universally applied. In some situations, such as in this case, such forms of development will be unsuitable because of the scale and proportion of the adjoining

structures. An unacceptable sense of enclosure and overpowering impact would be experienced by the residents of the nearby dwellings to the rear of the site meaning that the proposals would be in conflict with Policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as well as Policy CS13 of the LDF Core Strategy.

8. On the first main issue whilst the bulk and scale of the roof would be greater, and its appearance in the streetscene would be markedly different to that existing with the introduction of fenestration at second floor level and its altered configuration and character, that does not mean that it would necessarily be unacceptable for such reasons. I noted the presence of other three storey buildings within the vicinity of the site and I do not consider that the altered and extended building in the manner proposed would appear either incongruous or visually intrusive in this location despite the physical prominence of the site. A wide variety of building styles exists locally and this development would add interest and innovation to the area without being the cause of undue harm to its character and appearance. The height of the structure would not be materially greater than exists now and would not be excessive when perceived in the context of the nearby buildings.
9. Cogent evidence has been adduced demonstrating that there would be no significant reduction in the amount of daylight reaching the adjoining properties. The design of the development is such that no undue overlooking or other loss of privacy need occur to any nearby dwelling (subject to a restriction of use being placed on the roof area). With the distances involved and the scale, bulk and height of the development I do not consider that the visual amenity of the residents of Nos 284 – 304 Portswood Road would be unduly harmed nor would they experience any overpowering or domineering impact from the altered structure.
10. Whilst there would be a marginal deficit in the degree of separation between the windows in the mansard roof and the adjoining properties as advocated at paragraph 2.2.4 of the *Residential Design Guide* the incidence of possible overlooking would not be significant and would be no more intrusive than could be expected within a densely developed area such as this where buildings are often positioned in proximity to each other.
11. Bearing in mind the pattern to the development in the neighbourhood, with its diversity of building styles and heights I agree with the appellant that the area lacks visual cohesion and focus. The development would enhance the appearance of the streetscape without creating any unacceptable harm to the adjoining residents. I therefore consider the proposals to be compliant with Policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as well as Policy CS13 of the LDF Core Strategy.

12. On the second main issue, the status and ownership of that section of the highway facing Nos 284 – 304 Portswood Road appears to be uncertain. Whilst I have studied all the information supplied to me in this respect it seems to me that its current use as a means of vehicular access and for car parking purposes would not be materially affected by the development. Whilst a small section of the car parking frontage next to the building might be lost because of the position of the new access it would be disproportionate and unreasonable to resist the development for this reason.
13. In my opinion, the development would not unduly compromise the level of highway safety pertaining in this location. Vehicle speeds on the road are likely to be low and I do not consider the arrangement that would be created to be uncommon within urban areas where, for instance, pedestrian entrances and access to bin stores at the rear of properties often open directly onto service roads or similar rights of way used by cars. The access facilities to the dwelling and its cycle storage and bin areas would be typical of the arrangements often to be found in urban areas such as this.
14. Whilst these arrangements would not be ideal, I do not consider that they would be so sub-standard, or their use so hazardous or inconvenient, that the development should be resisted for such a reason. In my conclusion on this issue, the benefits of providing an additional dwelling unit in the form of an HMO in this area outweigh the possible forfeiture of such car parking provision as is available in this location and the unconventional form of access to the development. For these reasons I conclude that such measure of conflict as could exist between the development and Policies SDP1 (i), SDP5 and SDP7 (iii and iv) of the Local Plan and Policies CS13 (11) and CS19 of the LDF Core Strategy should not override the positive features of the proposals.
15. Concerning conditions, I have considered those suggested by the Council and the appellant's response thereto in the light of Circular 11/95 (*The Use of Conditions in Planning Permissions*) and all the circumstances of this case. Apart from the statutory time duration of the permission it is necessary to control the details of the external materials of the development, in the interests of visual amenity. I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt noting that Drawing No:- 30595/104A is the revised version of the proposed floor plans which omits the roof terrace/balcony. I have imposed a condition restricting the use of this area to avoid overlooking and loss of privacy to the nearby dwellings. The landscaping of the site should be undertaken in accordance with the approved drawing (No:- SO/Hs/710.1), in the interests of visual amenity and I have imposed an appropriate condition accordingly.
16. Pursuant to the comments on the matter made by the appellant, the details of the bin stores and cycle storage areas, and the access, should be subject to an

approval by the Council and I have imposed a condition in this respect. To retain control over the occupancy of the dwelling unit as an HMO I agree with the Council that an appropriate condition is necessary and reasonable, in the interests of residential amenity. Finally, within this tightly-knit neighbourhood I agree that a condition should be imposed restricting the hours during which construction works can take place, in the interests of amenity.

17. I have considered and taken into account everything else that has been raised in relation to this appeal and I have afforded weight in the planning balance to all the points made in opposition to this proposal but nothing overrides my conclusions above and the reasons for them.

David Harmston

Inspector