

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 20th June 2017
Planning Application Report of the Service Lead; Infrastructure, Planning and Development

Application address: 123 Upper Shirley Avenue			
Proposed development: Erection of a detached double garage and 2m high boundary wall to Upper Shirley Avenue (resubmission 16/00395/FUL) (Amended to reduce the depth of the garage by 1125mm and to remove roof lights)			
Application number:	17/00607/FUL	Application type:	FUL
Case officer:	Andrew Gregory	Public speaking time:	5 minutes
Last date for determination:	14.06.2017	Ward	Shirley
Reason for Panel Referral:	5 objections received	Ward Councillors:	Cllr Coombs Cllr Kaur Cllr Chaloner
Applicant: Mr S Reynolds		Agent: John Warwick	
Recommendation Summary		Conditionally Approve	

Community Infrastructure Levy Liable	No
---	-----------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The amended garage respects the design, scale, character and materials of the main house and would be in keeping with the character and appearance of the surrounding area. As such the proposal is considered to address the previous reasons for refusal (LPA References 16/00395/FUL and 15/00454/FUL). 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); CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and The Residential Design Guide Supplementary Planning Document 2006.

Appendices attached			
1	Development Plan Policies	2	Appeal Decision
3	Planning History and Plans		

Recommendation in Full	Conditionally approve
-------------------------------	------------------------------

1. The site and its context

1.1 The application site is a two storey detached property occupying a prominent corner plot at the junction of Wilton Road and Upper Shirley Avenue. This property has a large rear / side garden fronting Upper Shirley Avenue in addition to a front garden along Wilton Road. There is an existing single storey detached garage within the side garden accessed via a dropped kerb and associated driveway.

2. Proposal

2.1 The application proposes the erection of a detached double garage to the rear of the property with access from Upper Shirley Avenue. The garage has a pitched roof form with front and rear gables. The proposed layout shows space for 2 vehicles with workspace at the back and does not incorporate accommodation within the roof space. French doors and windows are proposed in the side (north-east facing) and rear elevations and the proposal has been amended to remove roof lights. The garage is proposed to be finished in face brickwork, with cladding to the gables and plain roof tiles to match the existing house.

2.2 The garage (as amended) has a width of 6.2m, depth of 6.9m, height to eaves of 2.5m and overall height to ridge of 5.5m. The existing garage is proposed to be demolished and a new dropped kerb has been installed. A new 2m height boundary wall is proposed to enclose the rear garden to Upper Shirley Avenue.

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 seeks high quality building design which respects the surrounding area in terms of scale and massing. Policy CS13 (Fundamentals of Design) of the Core Strategy assesses the development against the principles of good design.

4 Relevant Planning History

4.1 In 2014 planning permission was approved for the conversion of the property from flats into a single dwelling house (planning application reference 14/00470/FUL).

- 4.2 In 2015, two planning applications were submitted for the erection of a two-storey garage. Both applications were refused because the height, design, scale and bulk of the garages was considered out of keeping with the street scene and at odds with the prevailing character of the surrounding area (planning application references 15/00058/FUL and 15/00454/FUL).
- 4.3 In 2016, a revised application was refused for a detached double garage with ancillary accommodation above and 2m high boundary wall to Upper Shirley Avenue, again because the design, height and resultant bulk was still considered out of keeping with the area (planning application reference 16/00395/FUL). A subsequent appeal upheld the Council's decision to refuse planning permission (Appeal Decision Ref APP/D1780/W/16/3161445).
- 4.4 The appeal Inspector had no objection in principle to the erection of a functional double garage, but agreed that the proposed garage was excessive in height, bulk and massing and would not be subservient or proportionate to the existing house. Moreover the Inspector considered that the garage would be out of proportion with the adjacent property at 121 Upper Shirley Avenue and its impact would be exacerbated by its prominent siting in line with the front projecting bay and porch of this neighbouring property.
- 4.5 A copy of the appeal decision is attached as *Appendix 2*, and the plans associated with the previously refused schemes are attached as plans and previous decision notices are included as *Appendix 3*.

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. At the time of writing the report **5** representation have been received. The following is a summary of the relevant points raised:
- 5.2. ***The details of the proposed garage structure are not vastly different from those in previous submissions. The overall height of the garage would appear to be only 200mm lower than the previous than the previous refusal (LPA Ref 16/00395/FUL). The ridged roof continues the pattern shown in previous applications and the need for such height is questioned. A simple flat, or gentle sloping roof, similar to that of the existing garage on site would intrude far less onto the local street scene and would be more in keeping with other buildings in the area.***
- 5.2.1 Officer Response - The garage (as amended) has been reduced in size with the depth reduced by 1.1m, the eaves height reduced by 0.75m and the ridge height by 1m. Consequently the building is lower in height and set further back into the plot. The plans do not include any roof accommodation, if however the owners decided to convert the roof space the available head height would be limited as a result of the reduction in eaves and ridge height. The inclusion of a pitched roof and gabled frontage would match the existing properties in the street. The angle of roof pitch is 40 degrees which is the standard pitch for plain tiles and in keeping with neighbouring properties
- 5.3. ***The glazed tops to the doors and side windows, should provide adequate light within the building without the need for skylights. The apparent inclusion of glazed patio doors to the side of the building appears incongruous for a simple garage structure.***

- 5.3.1 Officer Response - Agreed, and the scheme has been amended to remove the skylights. Planning permission would be required should the applicants wish to install roof lights in the future. The inclusion of glazed patio doors, on the side elevation facing into the site are not harmful to the appearance of the area
- 5.4 ***The repeated proposal for a 2m high boundary wall is a concern. The previous 1.5m height wall with the original garden planting behind the wall, provided adequate screening for the previous occupiers. A 2m high wall is out of keeping with other frontages in the road and would represent an austere appearance, offering little to the street scene.***
- 5.4.1 Officer Response - The Local Planning Authority and Appeal Inspector previously raised no objection to the boundary wall. It is not uncommon for a corner plot to have a boundary treatment above 1.5m in height in order to provide security and privacy to the rear garden. The wall design has been amended to provide 2m x 2m driver sightlines.
- 5.5 ***The proposed treatment of the gable end of the garage with black upvc cladding is a further intrusion on the street scene, out of character with other properties apart from the dwelling of number 123 itself***
- 5.5.1 Officer Response – Details of the finishing materials are recommended to be reserved by condition. Fibre cement weather boarding is now a commonly used building product and would complement the existing range of finishing materials in the street.
- 5.6 ***No objection to the replacement of the existing garages with a structure of a less intrusive size, more in keeping with the surroundings.***
- 5.6.1 Officer Response - There appears to be no objection in principle to a double garage. The height and depth of the garage has been significantly reduced. No accommodation is proposed in the roof and the available head room would now be limited if the roof space were to be converted. The provision of a pitched roof with gabled ends is in keeping with existing buildings within the street and the proposed height of 5.5m is a consequence of achieving a 40 degree pitch.
- 5.7 ***The proposed garage remains excessively large and elaborate to be perceived as a conventional garage rather than as potential accommodation. The plans indicate a high pitched roof, which could easily be converted into a living area, as previously rejected plans have shown***
- 5.7.1 Officer Response - No roof accommodation is proposed and the skylights have been removed. The available usable head roof would not be limited as a result of the lower eaves and ridge height. The garage could not be converted into a self-contained dwelling without planning permission.
- 5.8 ***A new dropped kerb has been installed however the old dropped kerb has not been raised, as required by condition 05 of planning approval ref 14/00470/FUL. Consequently reducing the availability of kerbside parking within the street.***
- 5.8.1 Officer Response - Condition 05 of planning permission ref 14/00470/FUL requires the redundant dropped kerb to be raised prior to occupation. The submitted representations that works to convert the property into a single dwelling are not completed yet. Therefore there is no breach of planning condition.
- 5.9 ***It is suspected, the applicants intends to create an independent living unit in the garage, significantly reducing the garden size and ability of the main house to be occupied as a family home***

- 5.9.1 Officer Response - Conversion of the garage to a dwelling would require planning permission and would need to satisfy policies within the development plan in respect of density, amenity space, parking, impact on character and appearance of the area and impact on residential amenities.

Consultation Responses

5.10 SCC Highways – No objection

The proposed development is considered acceptable in principle but sufficient sightlines will need to be provided as the driveway needs to be benefit from sufficient pedestrian sightlines especially as it is now located nearer to the Southern boundary. A condition will also be required to ensure the redundant access is stopped up and be reinstated to full height kerbs. Officer Response – Amended plans have been received which now demonstrate 2m x 2m sight lines. The kerb reinstatement has been added as a recommended condition.

6 Planning Consideration Key Issues

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

- Principle of development and Residential Amenity;
- Design and amenity;

6.1 Principle of development and Residential Amenity

- 6.1.1 The Local Planning Authority has no objection in principle to the erection of a double garage and 2m height boundary wall on this plot. Previous refusals related solely to the design and excessive size of the double garages (with accommodation in the roof). It should also be noted that the previous appeal Inspector raised no principle objection (para 7 refers). Therefore this application needs to be assessed in terms of the design, scale and height of the garage and its impact on the character and appearance of the area.
- 6.1.2 The previous refusals for a larger garage on this plot raised no objection on residential amenity grounds and the proposed garage does not introduce any new harm in that regard. The proposed garage has a lesser height than the previously refused garage and the height of the full gable is comparable to the gable height of the previously refused barn-hipped roof, as such the current proposed will not lead to harmful enclosure or shadowing to the garden of 117 Wilton Avenue or loss of light to neighbouring secondary side windows within 121 Upper Shirley Avenue. Furthermore the garage will not lead to any overlooking or loss of privacy to neighbouring properties with windows now only proposed at ground floor level. Planning permission would be required, should the owners seek to install windows within the roof in the future.

6.2 Design and Impact on Character:

- 6.2.1 The Local Plan and the Core Strategy support development that respects the character, scale, massing and appearance of the local area. The Residential Design Guide provides more specific guidance with regards to the design of garages, requiring the size of garages, car ports and parking areas to be in proportion to the size of the main house, with Paragraph 2.4.2 indicating:

“As with extensions, garages and parking areas should respect the scale, character and building materials of your house. In the majority of cases, garages at the side of a house should be set back from the main building line and a car space provided in front of the garage. Gates or garage doors must not project over the adjoining public highway when opened.”

- 6.2.2 The design and scale of the garage has been amended. The depth of the garage has now been reduced with the building set back behind the line of the projecting bay of 121 Upper Shirley Avenue. The garage has a lower eaves and ridge height. The height to ridge is now 5.5m, which is a consequence of achieving a 40 degree roof pitch on a double width garage. The design and scale of the garage is now considered subservient to the host building and will read as an ancillary building within the street scene. The provision of a 40 degree pitched roof with full front and rear gables is in keeping with the design of existing properties within the street. The use of face brickwork and plain tiles will match the existing house. The precise details of the materials, including the cladding to the gables, are recommended to be reserved by condition.
- 6.2.3 The proposed garage would occupy less than half of the garden area and therefore sufficient amenity space will remain for the main house (in excess of 90sqm) and the spatial character of the area will not be compromised. The single-storey garage with pitched roof will be located circa 10m from the main house and will not harm outlook and daylighting to windows in the rear elevation of the house.
- 6.2.4 The proposed 2m height front boundary wall would be finished in brickwork to match the house and garage. It is not uncommon to have a 2m height boundary treatment to a common plot in order to provide a safe, secure and private garden area. Nearby corner plots have a boundary treatment which are comparable in height. The design of the wall has been revised to ensure that appropriate sight lines (2m x 2m). As such, the boundary wall will not harm the street scene or prejudice highway safety. Please also note that the previous refusals and appeal decision raised no objection to the 2m height boundary wall.

7 Summary

- 7.1 The revised single-storey double garage is considered to address the previous reason for refusal by reason of its revised roof design, reduced depth and reduced height. The garage is now considered subservient to the main house and will read as an ancillary building within the street scene. The revised roof form, comprising a 40-degree pitch and front and rear gables will be in keeping with existing buildings in the street. Furthermore the 2m height boundary wall is suitable for a corner plot and will not adversely harm the visual amenities of the area.

8 Conclusion

- 8.1 Taking a balanced assessment of the details discussed above, this application is recommended for approval for the reasons set out above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, g, 4f, 6a,

AG for 20.06.17 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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 (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, no development works shall be carried out until a written schedule of 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. 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. 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. Sightlines specification (Performance Condition)

Sight lines as shown on the approved drawing of 2m by 2m measured at the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

Reason: To provide safe access to the development and to prevent congestion on the highway.

05. APPROVAL CONDITION - Existing dropped kerb [Pre-Occupation Condition]

Prior to the first occupation of the garage hereby approved, the redundant dropped kerb shall be raised, the footway reinstated and the new access formed under a S171 licence issued and agreed by Balfour Beatty, the Council's Highways partners.

Reason:

In the interests of proper planning and highway safety

06. 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)



Appeal Decision

Site visit made on 21 February 2017

by **David Cliff BA Hons MSc MRTPI**

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

Decision date: 3rd April 2017

Appeal Ref: APP/D1780/W/16/3161445
123 Upper Shirley Avenue, Southampton SO15 5NL

- 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 and Mrs S Reynolds against the decision of Southampton City Council.
 - The application Ref 16/00395/FUL, dated 8 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is the erection of a detached double garage with ancillary accommodation above together with a new boundary wall to Upper Shirley Avenue.
-

Decision

1. The appeal is dismissed.

Main Issue

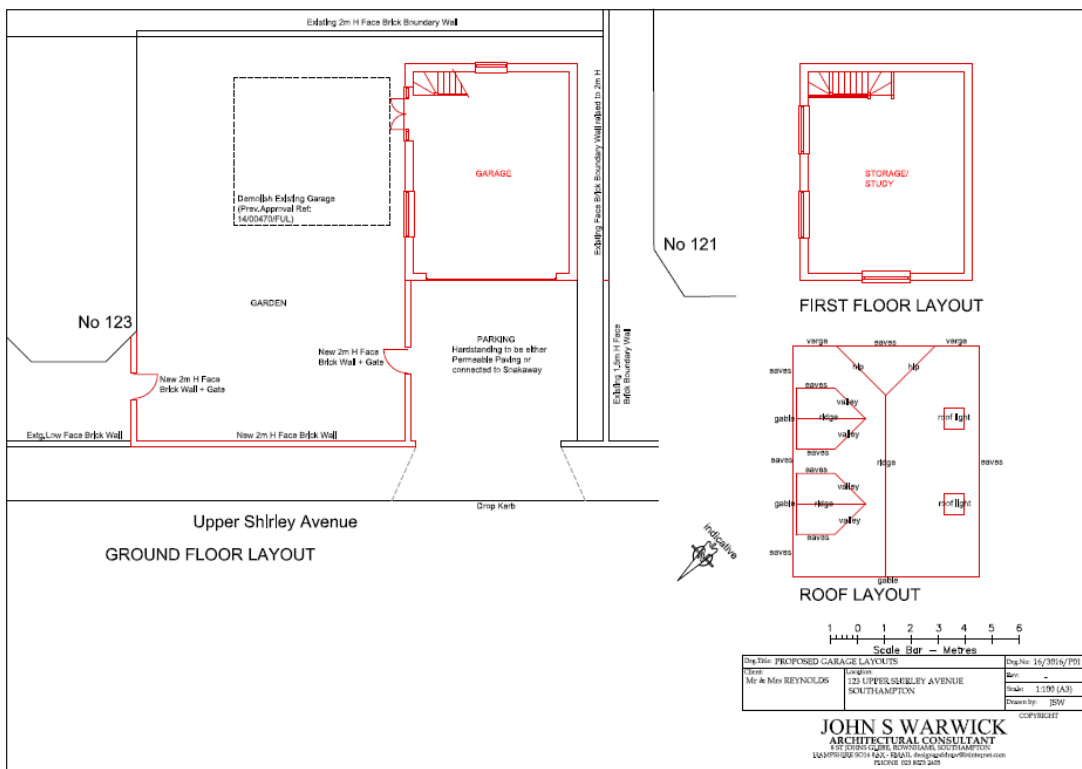
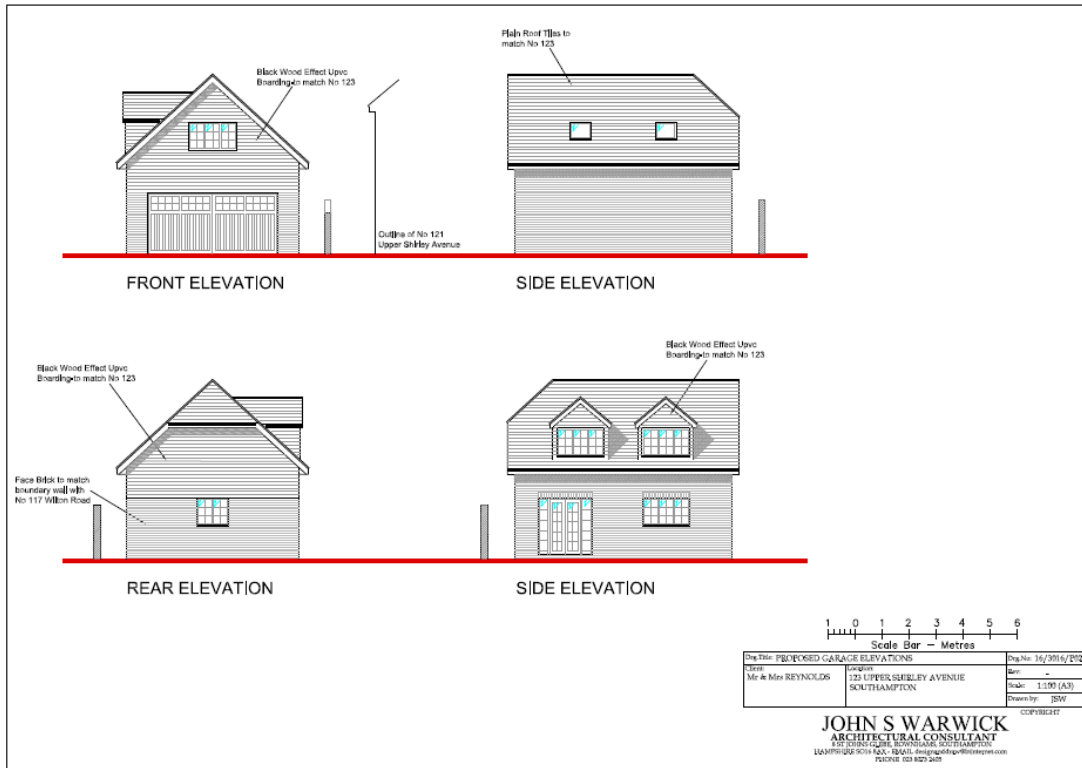
2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

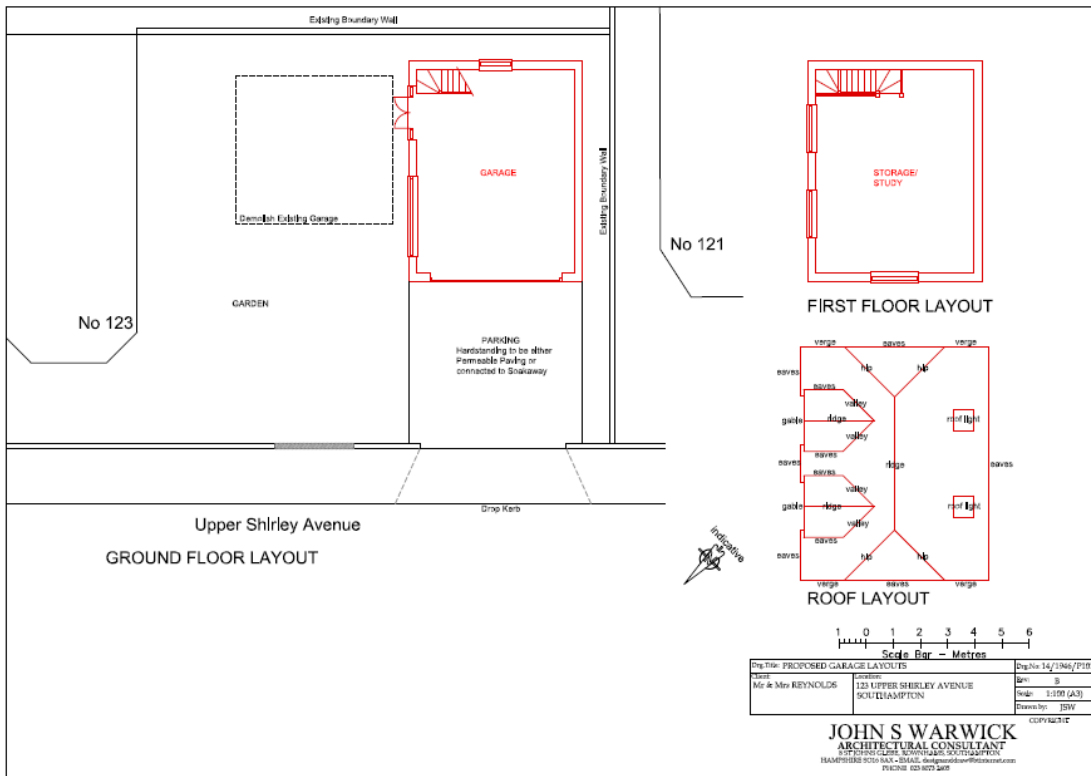
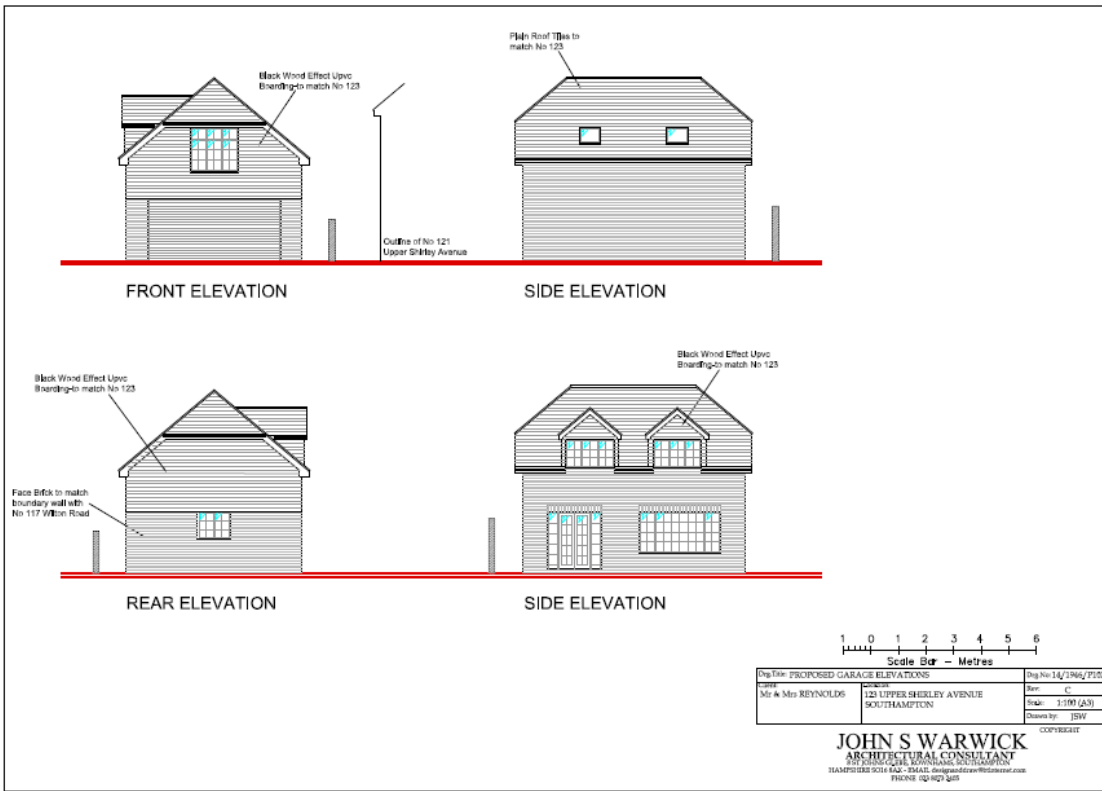
3. The appeal site comprises a corner plot at the junction of Upper Shirley Avenue and Wilton Road, within a generally residential area. The existing property's main garden/amenity area is located adjacent to Upper Shirley Avenue.
 4. The proposed garage would be a substantially sized outbuilding, including ancillary accommodation above the garage area. Incorporating a large front gable, its bulk and massing would result in it appearing as a particularly prominent feature in the streetscene and its visual impact would be exacerbated by the addition of two side dormer windows. Although front gables are a typical feature in the streetscene, the massing and height of the gable proposed in this case, resulting from the inclusion of ancillary accommodation above, would be excessively large for a double garage.
 5. The Council's Residential Design Guide Supplementary Planning Document (2006) seeks to ensure that the size of garages is in proportion and subservient to the size of the house which they serve. Whilst the existing house is large in size, given the massing of the garage, its two storey form and high eaves and ridge line, I do not consider that the proposed garage would appear as being appropriately subservient or proportionate to the existing dwellinghouse. It would also appear as being out of proportion with the adjacent property at 121 Upper Shirley Avenue. The proposal's impact within
-

Relevant Planning History

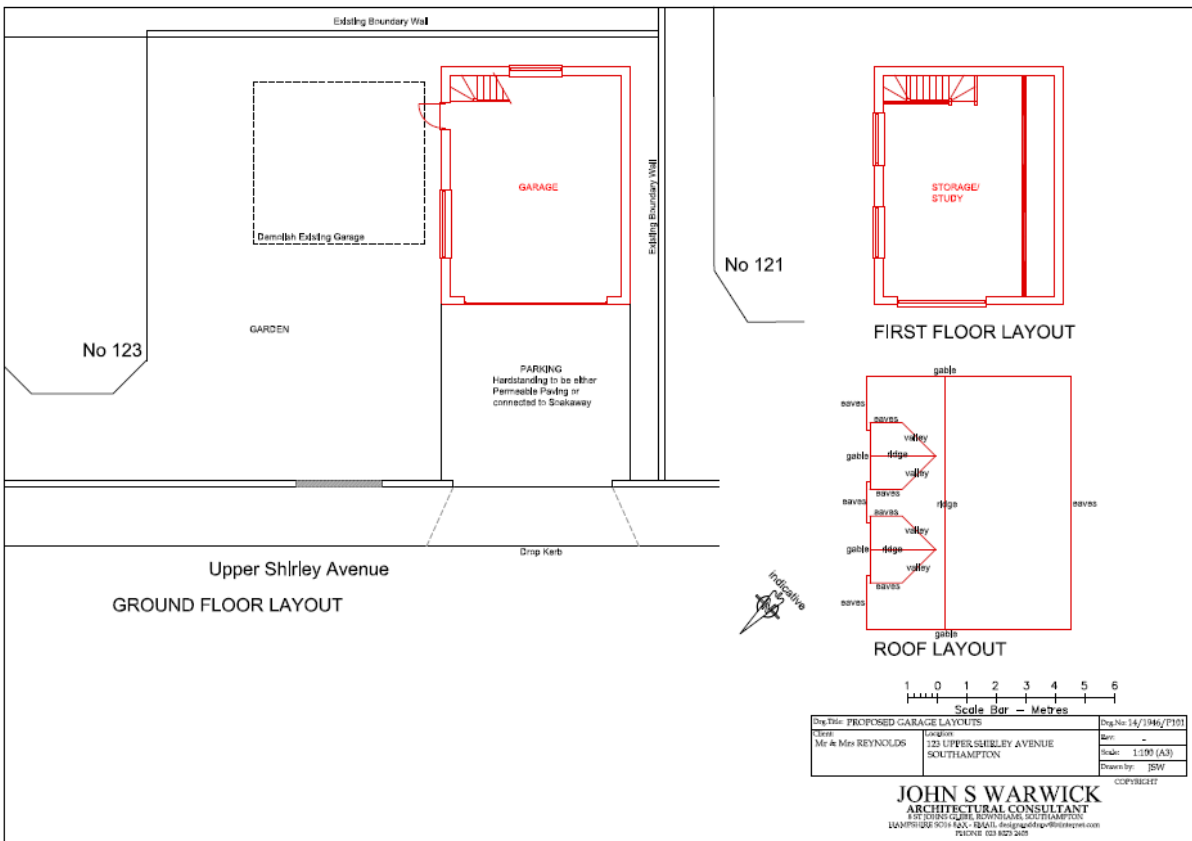
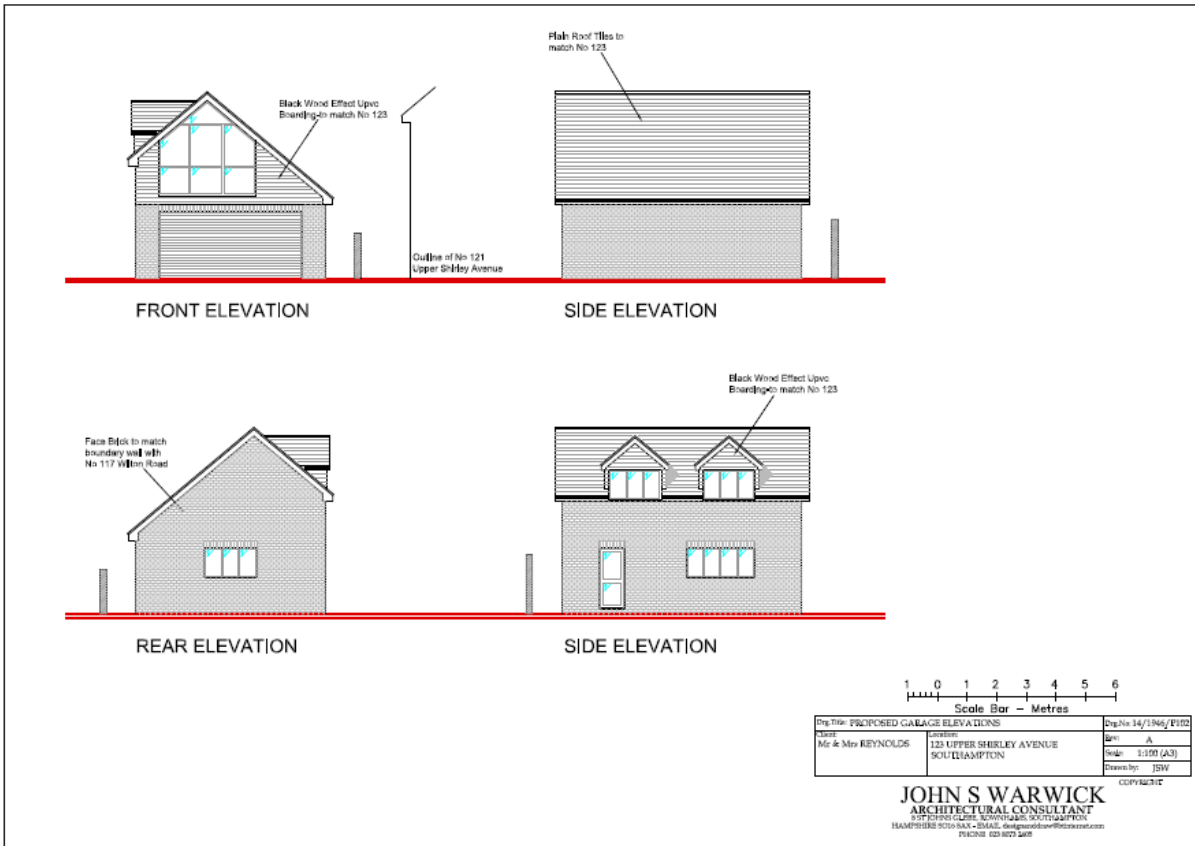
16/00395/FUL –Erection of a detached double garage with ancillary accommodation above and 2m high boundary wall to Upper Shirley Avenue (resubmission of 15/00454/FUL) – Refused (Inappropriate Design) on 16.05.2016



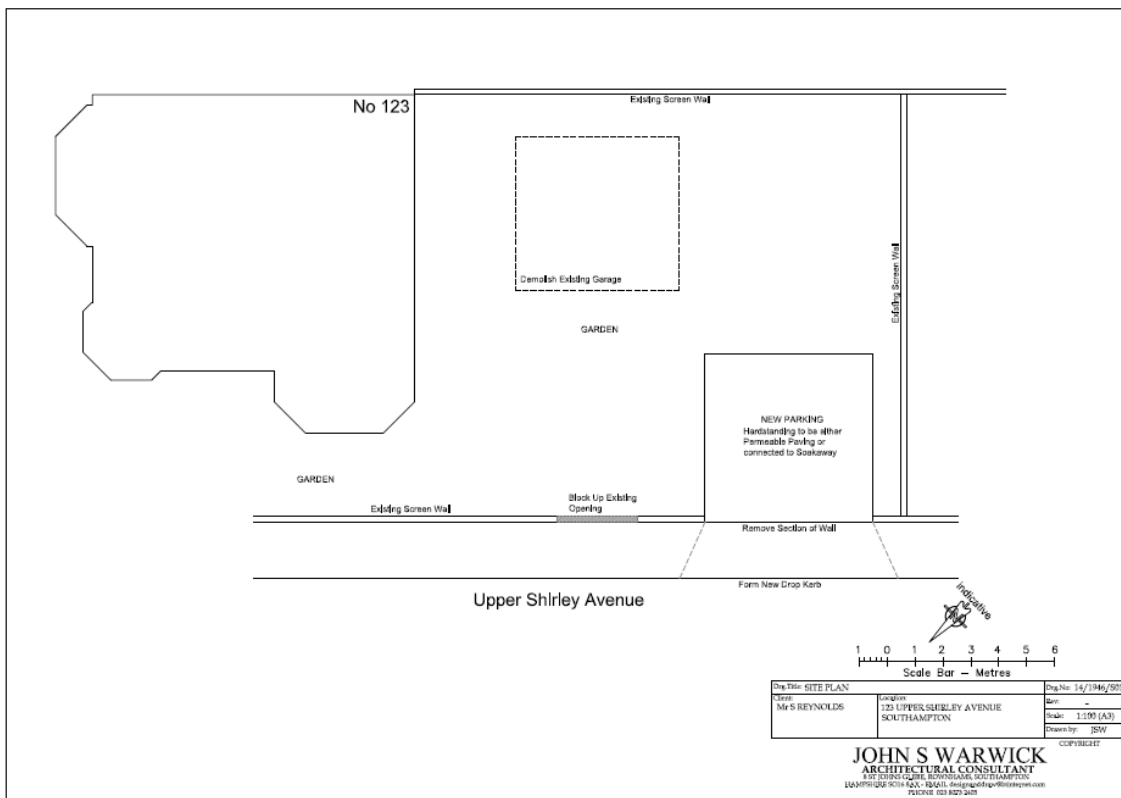
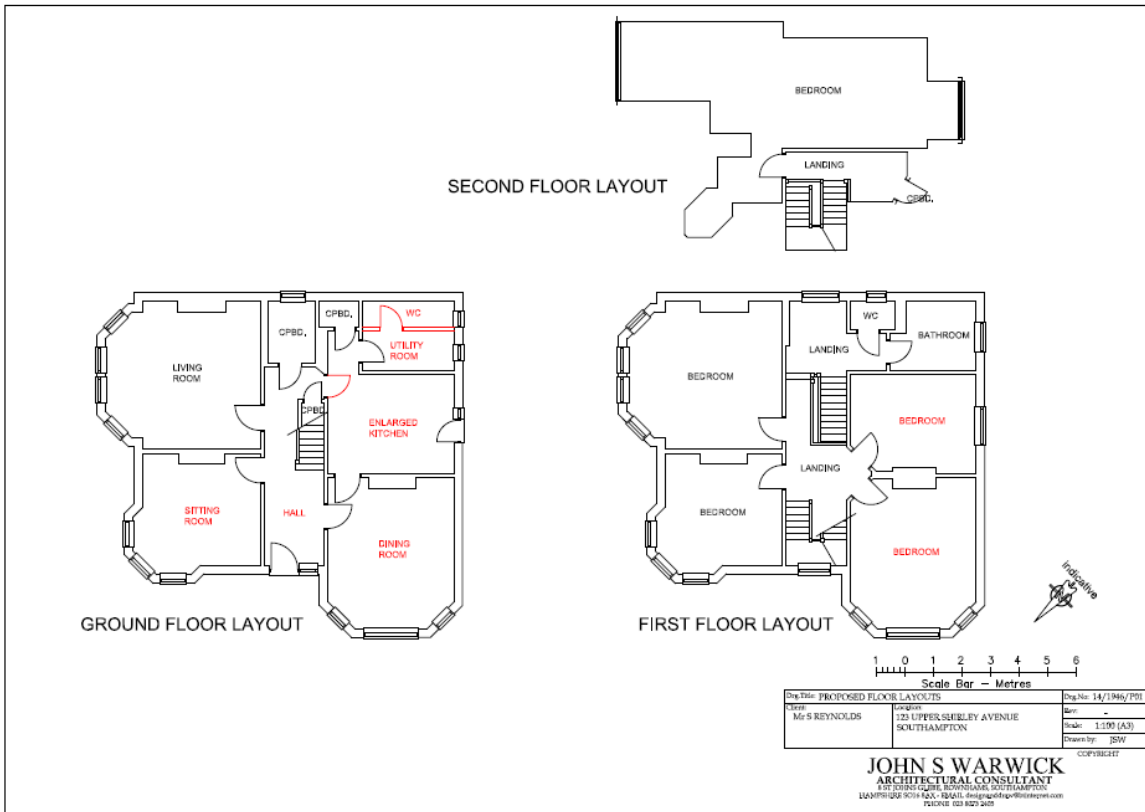
15/00454/FUL - Erection of a two storey garage in rear garden (resubmission of 15/00058/FUL) – Refused (Inappropriate Design) on 11.05.2015



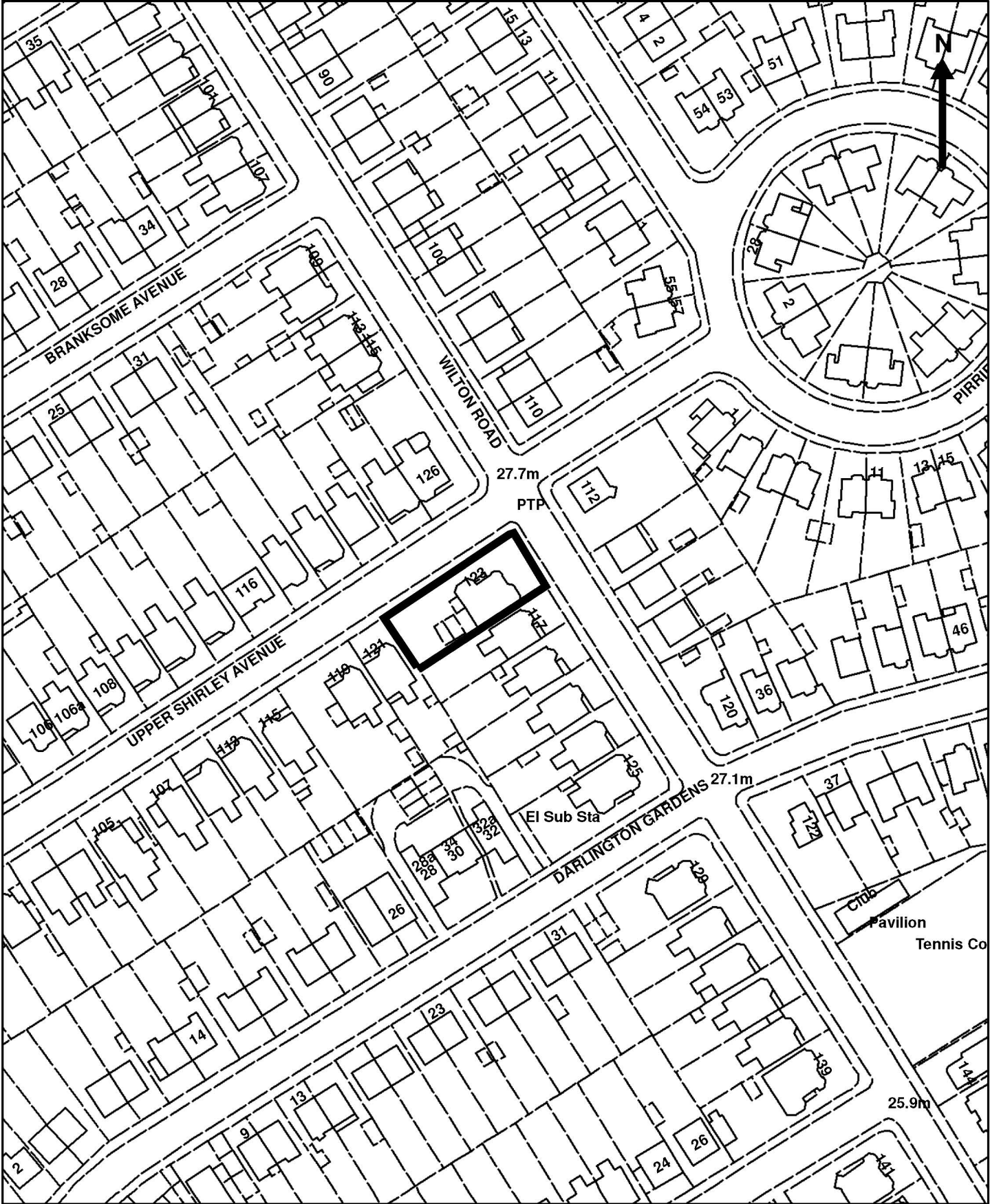
15/00058/FUL - Erection of a two storey garage in rear garden – Refused (Inappropriate Design) 11.03.2015



14/00470/FUL - Internal alterations to facilitate conversion of existing flats into a dwelling house (class C3) with new access and hard standing – Conditionally Approved on 12.05.2014



17/00607/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

