

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 26 October 2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
30 Shirley Avenue SO15 5NG			
<b>Proposed development:</b>			
Erection of a single storey dwelling to rear of 30 Shirley Avenue with associated parking and access from Howards Grove			
Application number	10/00889/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5
Last date for determination:	OVER	Ward	Shirley
Reason for Panel Referral	The proposal involves development on land which is not previously developed. Therefore in light of the recent changes to PPS3 it is considered that the panel should be directly involved in the determination of this application.	Ward Councillors	Cllr Raymond Mead Cllr Dean Cllr Matthews

<b>Applicant:</b> Mr And Mrs B Kakya	<b>Agent:</b> Mr Derek
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<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		

**Reason for Refusal**

01. REFUSAL REASON – Impact on the street scene

The proposed bungalow would have an isolated appearance and would fail to respect the scale, massing, vertical and horizontal rhythm of the established pattern of development within Howard's Grove, which predominantly comprises two-storey dwelling houses. As such the development would be out of keeping with the Howard's Road street scene and contrary to the following Development Plan policies and supplementary planning guidance for Southampton:-

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

City of Southampton Core Strategy (January 2010):- CS5 and CS13.  
Sections 3.7 of the Residential Design Guide SPD (September 2006)

## 02. REFUSAL REASON - Uncertain impact on adjacent trees

Insufficient information has been submitted to demonstrate that the stability and health of the ash trees along the boundary in the rear garden of 32 Shirley Avenue will not be prejudiced as a result of the proposed development, contrary to saved policy SDP1 (i) and SDP12 of the City of Southampton Local Plan Review (March 2006) and CS22 of the City of Southampton Core Strategy (January 2010).

## 03. REFUSAL REASON - Car parking / Access

The provision of 2 car parking spaces to serve this level of development would exceed the Council's maximum car parking standards, as such the development fails to reduce dependence on the private motor car in the interests of sustainable travel and public health. Furthermore, the proposed car parking layout and access arrangement fails to provide sufficient driver visibility because sight lines would be obstructed by the boundary with 32 Shirley and cars parked within Howard's Grove. Accordingly the development would prejudice highway safety, contrary to policies SDP1, SDP4 and SDP5 of the City of Southampton Local Plan Review (March 2006) and policy CS13 and CS19 of the Local Development Framework Core Strategy (January 2010) and section 5 of the Residential Design Guide SPD (September 2006).

## **Recommendation in Full**

### **Refuse**

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

1.1 The application site comprises garden land to the rear of 30 Shirley Avenue and includes a Norway Maple tree (which is protected by the Southampton (Howard's Grove) (No2) TPO 1987) within the north-western corner and a couple of multi-stem trees located centrally within the plot. There is a level change of approx 400mm between the garden level and the highway to the rear (Howards Grove). The site is enclosed by close boarded fencing along the rear and north-eastern boundaries and a wall along the boundary with 28 Shirley Avenue.

1.2 30 Shirley Avenue is a large house. A long driveway is located to the side of the property with a garage to the rear. The immediate character of Shirley Road (numbers 20-34) comprises large detached dwellings situated within deep plots. Plots further to the north-east have been sub-divided with development fronting Howards Grove. Planning permission has also recently been granted for a renewal of permission for residential development at 27 Howards Grove.

#### **2. Proposal**

2.1 The application seeks full planning permission to sub-divide the plot and erect a 2-bedroom bungalow within the rear garden with access onto Howards Grove. Existing multi-stem Ash and Japanese Maple trees would be removed. 2 no. car parking spaces are

proposed to the front of the dwelling and excavation works will be required to achieve level access onto Howards Grove.

2.2 The dwelling has no accommodation within the roof space. The bungalow has a traditional hipped roof design and would be finished with face brick and concrete interlocking roof tiles. Close boarded fencing would be installed to sub-divide the plot. Bin storage would be provided to the front of the dwelling. A 10 metre length garden will be retained for 30 Shirley Avenue. The new bungalow's back garden would be between 8-9m deep.

### **3.0 Relevant Planning Policy**

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

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

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

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

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

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

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

- 3.1.6 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).
- 3.2 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

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

4.1 None.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners.

At the time of writing the report **5** representations have been received from surrounding residents which can be summarised as follows:

- Insufficient tree report because it fails to reference all trees within the garden of no. 30;
- The proposed vehicular access onto Howards Grove would prejudice highway safety with driver visibility obscured by parked vehicles on the north-western side of Howards Grove;
- Incongruous development because the development would stand alone;
- The development results in the loss of garden land;
- Impact on the boundary wall serving no. 28;
- The proposed plot sub-division would be detrimental to the character and appearance of the area.

5.2 **SCC Highways** – Object. The site is located within an area of high accessibility and the provision of 2 car parking spaces exceeds the Councils maximum car parking standards. A maximum of 1 car parking space would be allowed. The sight lines for vehicles leaving the car parking space adjacent to the north-eastern boundary would be obstructed by the boundary and vehicles parked on the highway.

5.3 **Trees** - The application fails to demonstrate how the three young Ash trees within the garden of no. 32 Shirley Avenue will be safeguarded because the excavation works to provide car parking is likely to cause root severance. No objection to removal of the multi-stem Ash and Japanese Maple

5.4 **Southern Water** – Apply informative regarding connection to the public sewer

#### **6.0 Planning Consideration Key Issues**

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

- i. the impact on the defined character and appearance of the area;
- ii. the impact on the stability of trees on adjacent land, and;
- iii. Whether the level of parking provision accords with the Councils maximum standards and if the associated access arrangement is safe and convenient.

## 6.2 Impact on the defined character and appearance of the area

6.2.1 The sub-division of the plot in the manner proposed would not be out of keeping with the established layout of buildings and gardens on land between Howard's Grove and Shirley Avenue, particularly to the north-east. It is noted that infill developments have recently been approved at 68-70, 82 and 86-88 Shirley Avenue and 27 Howards Grove. As such, loss of this garden land would not necessarily be harmful to the established character. However whilst this development may not be harmful to the established grain, the introduction of a bungalow within predominantly two-storey street scene is considered out of context and would be out of keeping with the character and appearance of the area.

6.2.2 The Council's Residential Design Guide advises that new infill development, situated part way along streets, should complement the pattern of development in the rest of the street and should be similar in scale, massing, vertical and horizontal rhythm and should have a high quality architectural detailing that is harmonious with existing adjacent development (section 3.7 refers).

6.2.1 Whilst a bungalow addresses certain constraints such as the relationship with the protected Norwegian Maple tree on site, preventing two-storey development in isolation and also in terms of outlook and privacy to neighbours, on balance, such merits do not outweigh the harm that would be caused to local character and context through the introduction of single-storey development into a predominantly two-storey street scene.

## 6.3 The impact on the stability of trees on adjacent land

The submitted tree report is insufficient because it fails to take into account the impact of the development on three young Ash trees growing along the boundary in the rear garden of 32 Shirley Avenue. If these trees are not removed under the agreement of the owner of 30 Shirley Avenue, it is likely that works to excavate the car parking area are likely to cause root severance and would significantly affect the stability of the trees and may render them unsafe as well as prejudicing their health.

## 6.4 Car parking and access arrangements

6.4.1 The application site is located within an area of high accessibility because of its proximity to Shirley Town Centre. As such a maximum of 1 car parking space would be allowed in accordance with the Council's maximum standards. The development therefore provides in excess of these standards by providing 2 car parking spaces. Over provision of car parking would be contrary to national and local parking policies which seek to reduce dependence on the private motor car.

6.4.2 Furthermore the proposed car parking arrangement would prejudice highway safety because the car parking space adjacent to the north-eastern boundary would not provide sufficient driver visibility when cars access and egress the space because site lines would be obstructed by the north-eastern boundary treatment and cars parked within Howard's Grove.

## 7.0 Summary

7.1 That the application be refused. The proposed bungalow would be out of keeping with the surrounding context. The submission fails to provide sufficient information to demonstrate that the impact on adjacent trees has been properly considered. The over provision of car parking would be contrary to national and local parking policies which

seeks to reduce dependence on the private motor car and the proposed car parking layout and access would prejudice highway safety.

## **8.0 Conclusion**

8.1 The application is therefore recommended for refusal.

### **Local Government (Access to Information) Act 1985**

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

1(a), 1(b), 1(c), 2 (a), 2 (d), 3(a), 4(f), 5 (e), 6(c), 7(a), 7 (b), 7 (d), 7 (k), 7 (o), 7 (u), 8(a), 10(a), 10(b).

**AG for 26/10/10 PROW Panel**

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

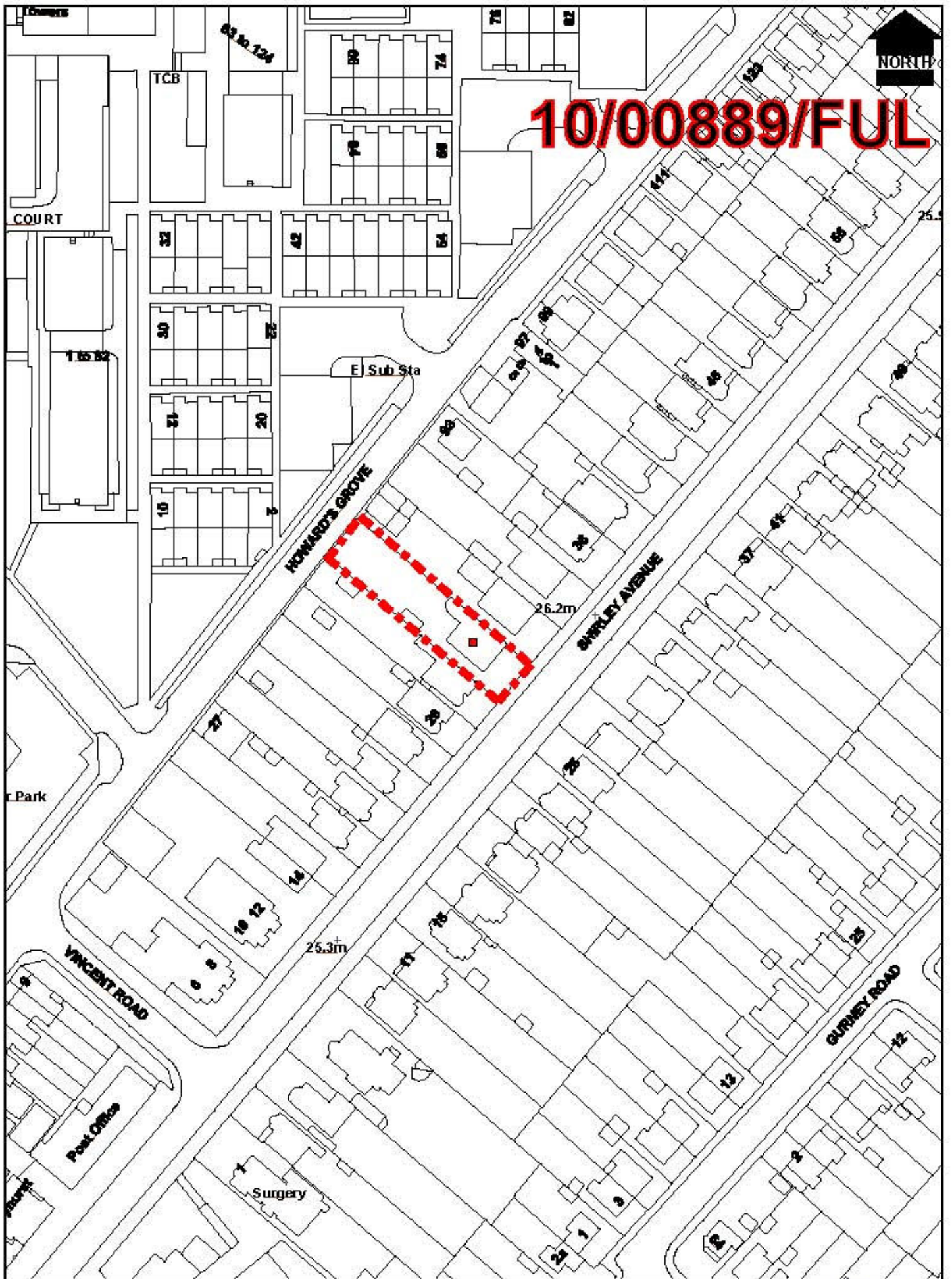
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP17	Lighting

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)
PPG17	Planning for Open Space, Sport & Recreation



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