

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 12th April 2011
 Planning Application Report of the Planning and Development Manager

Application address:			
9 Merton Road SO17 3RB			
Proposed development:			
Single storey rear and part 2-storey, part single storey side extensions with detached cycle and refuse stores to 9 Merton Road (C4 Dwelling) and single storey rear extension to 11 Merton Road (C3 Dwelling).			
Application number	10/01766/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5minutes
Last date for determination:	16/02/2011	Ward	Portswood
Reason for Panel Referral:	Member referral	Ward Councillors	Adrian Vinson Steve Sollitt Vincenzo Capozzoli

Applicant: Mr Purewal	Agent: Bps Design Consultants Ltd
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Recommendation Summary	Conditionally approve
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Introduction

The planning application was initially taken to the Planning and Rights of Way Panel held on 15th March 2011. Members of the Panel resolved to grant planning permission subject to the use of relevant planning conditions which are set out in this report. However, following the Panel meeting it was identified that one of the adjoining neighbours (number 13 Merton Road) had not been notified. It was therefore necessary for that neighbour to be consulted to ensure that the correct procedures have been followed. The neighbour notification letter was sent out on the 15th March 2011 and gave 21 days for a response. This period expires on 5th April 2011. At the time of writing this report no additional comments had been received; Should any further comments be received these will verbally be reported to the panel on 12th April 2011. The remainder of the report remains unchanged from that considered by Panel on 15th March as set out below.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. A family dwelling house (C3) can be established at number 9 Merton Road in the future as only external physical changes are proposed. The occupation of number 9 Merton Road is not considered likely to result in an intensification of activity resulting in a material increase in the level of noise and refuse generated from the site as the number of occupants will not be increasing. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street 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.

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises two dwellings, a pair of two storey semi-detached properties located on the west side of Merton Road which is close to Southampton University. Number 9 Merton Road is in use as an established use as a C4 (HMO) dwelling house with 5 bedrooms.

1.2 At present number 11 is in use as a C3 (family dwelling) house and shares the same rear building line as number 9 at both ground and first floor level. The rear window at ground floor level (closest to number 9) serves a kitchen which has a dining table.

1.3 Between number 9 and 11 the boundary treatment is formed by close boarded panel fencing which is 1.6m high for the first 2m (closest to the properties) and then rises to 1.8m for to the remaining length of the garden.

1.4 The surrounding pattern of development is characterised by family dwelling houses of traditional design. Owing to the proximity of the road to the University of Southampton many of the properties in the road have become C4 dwelling houses. Many properties in the area (both C3 and C4 houses) have been extended and altered since their original construction.

2. Proposal

2.1 The proposal seeks to extend both properties. The additional structure to number 11 would be single storey where as the extension to number 9 would be part single storey and part two storey.

2.2 The proposed two-storey side extension on the southern side of number 9 and single storey rear extension to the west side are required to improve the layout and residential environment for the occupants of this 5 bed house in multiple occupation. The proposed two storey extension would widen the property by 1.2m and would be 3.3m long. It would be set back from the front building line by 4.5m. The roof would be subordinate to the main ridge of the building by 1.5m and match the angle of the existing hipped roof.

2.4 At ground floor the extension at number 9 would wrap around the rear corner of the property and have a projection of 3.5m to the rear. The single storey element would be full width and where it meets the dwelling would be 3.8m high. The eaves of the structure would be 2.5m from ground level.

2.5 The extension at number 11 would in-fill the gap between the existing rear extension and the boundary between the semi detached pair (the southern boundary of the property). The projection will match that of the existing extension and that of the proposed extension at number 9 (3.5m). Owing to the design of the roof (existing) the proposed roof will pitch away from the parapet wall which will divide the two extensions of the semi detached pair.

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 (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

4.1 901156/W - ERECTION OF A SINGLE STOREY REAR EXTENSION AND DETACHED GARDEN STORE - CAP

4.2 10/00597/FUL - Erection of single storey rear and two storey side extensions to existing C4 (HMO) to form a 6 bedroom C4 dwelling house (HMO). - REF

4.3 10/00958/FUL - Erection of single storey rear and two storey side extensions to existing C4 (HMO) to form a 6 bedroom C4 dwelling house (HMO) and with external garden store (resubmission of 10/00597/F) - REF

Reason or Refusal: The proposed development by reason of its rearward projection, height and immediate proximity to the neighbour at number 11 Merton Road in combination with the orientation of the two properties would have a harmful impact on the residential amenities currently enjoyed by neighbouring occupiers, in terms of increased shadowing of and reduced outlook from habitable room windows. The development would accordingly contravene policies SDP1 (i) (and be contrary to paragraphs 2.2.1, 2.2.2, 2.2.11 and 2.2.12, 2.2.13, 2.2.19 of the Residential Design Guide 2006), SDP7 (v) and SDP9 (i), (v) of the City of Southampton Local Plan Review Adopted Version March 2006; and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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 including 1 local ward councillor .

5.2 Listed below is a summary of the issues raised by the objectors of the scheme:

- Overlooking potential.
- Affect on amenity and privacy.
- Ecological impact.
- Character of area.
- Parking pressure.
- Noise and dust.
- Disproportionate scale and mass.
- Loss of amenity space.
- Potential for an HMO complex to be formed which would dramatically alter the character of the area.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

6.2.1 Following the refusal of the two previous schemes with reference 10/00597/FUL and 10/00958/FUL, discussions have been held between the LPA and the agent/applicant. The outcome was the potential for a joint application for both properties (9 and 11) whereby the single storey rear extension at number 11 is constructed prior to the extension at number 9.

6.2.2 The current scheme involves a proposal to extend both properties. The reasons for refusal can be overcome by adopting this approach.

6.2.3 The previous reason for refusal is focused on the impact of the single storey rear extension, of number 9, and the harm which would have been caused to the amenity currently enjoyed by the occupants of number 11 in terms of increased shadowing and reduced outlook from habitable room windows.

6.2.4 The shared application has overcome this issue by ensuring that the rear projection at ground floor level is equalled at both properties. Planning conditions can be used to ensure that the extension at number 11 (and to the north) is constructed prior to the extension to the south (at number 9).

6.2.5 The remaining elements of the scheme (the two storey side extension at number 9 will not harm neighbouring amenity and have been judged to be acceptable. Significant overlooking will not be caused as there are no additional windows proposed facing down the garden or to the side (towards number 7 Merton Road). Furthermore being located to the north of the neighbour at number 7 Merton Road overshadowing will not be caused by the addition. The small scale design of the two storey element accords with the RDG and cannot be considered out of character with the surrounding area or detrimental to the character of the dwelling house, as such the two storey element has not been objected to previously and should therefore be supported.

6.3 Existing use as an HMO

6.3.1 Number 9 is currently in use as a 5 bed HMO (C4 use), planning permission would not be required to convert the dwelling back to a family dwelling house (C3 use). The Local Planning Authority recommend the use of a condition to ensure that the use of the property is not intensified, thereby restricting the number of occupants at the HMO to no more than 5. It should be noted that the applicant has agreed to this proposal however should the applicant wish to increase the number of occupants planning permission or a Variation of Conditions application would be required.

6.4 Adequacy of the amenity space provided

6.4.1 The remaining garden area for both sites is sufficient and as such the residential environment for the proposed residents, given that the scheme will increase the scale of accommodation on site, is acceptable.

6.4.2 The development at number 9 would occupy 25Sq.M and the development at number 11 would occupy 21Sq.M. The remaining garden area for each would exceed 150Sq.M. The area of garden remaining exceeds the minimum garden size for a semi detached house as defined within the Residential Design Guide and the space is considered sufficient in terms of both quality and usability to serve the level of occupancy having regard to the context of other gardens in the area.

7.0 Conclusion

7.1 The proposed extension satisfies the requirements of the Residential Design Guide and will not cause harm to neighbouring amenity. In addition the site is considered large enough to deal with the proposal and the design is sympathetic to the character of the property. For these reasons the scheme can be supported.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

[1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (MP 12/10/2010 for 26/10/20103PROW Panel).

MP3 for 12/04/2011 PROW Panel

CONDITIONS for 10/01766/FUL

01. APPROVAL CONDITION - Phasing

Prior to the construction of the development hereby approved at number 9, the development works at number 11 Merton Road hereby approved shall be completed in their entirety.

REASON:

As individually the rear extensions cause potential harm to the residential amenity of its neighbour, but as a comprehensive scheme developed in tandem this harm is overcome.

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - Residential Restriction

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010(SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 5 residents shall at anytime occupy the number 9 Merton Road whilst it is in use as a C4 dwelling house (House in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities) and the lounge shall remain in use as a lounge and not to be used as a bedroom.

Reason:

In order that the Local Planning Authority may exercise further control of this property in the interest of the living environment of prospecting residents (access to daylight) and given the scale of the property, surrounding context; and character.

04. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted, at first floor level, in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

05. APPROVAL CONDITION Cycle Storage Facilities [Pre-Occupation Condition]

The approved cycle storage facilities shall be constructed in accordance with the approved plans prior to the construction of the hereby approved extension of number 9 Merton Road. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

06. APPROVAL CONDITION - Refuse & Recycling [Pre-Occupation Condition]

The hereby approved refuse storage facilities shall be constructed in accordance with the approved plans prior to the construction of the hereby approved extension at number 9 Merton Road. Such facilities as approved shall be permanently retained for that purpose.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

07. APPROVAL CONDITION - 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.

08. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not 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).

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP11	Accessibility & Movement
SDP13	Resource Conservation
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

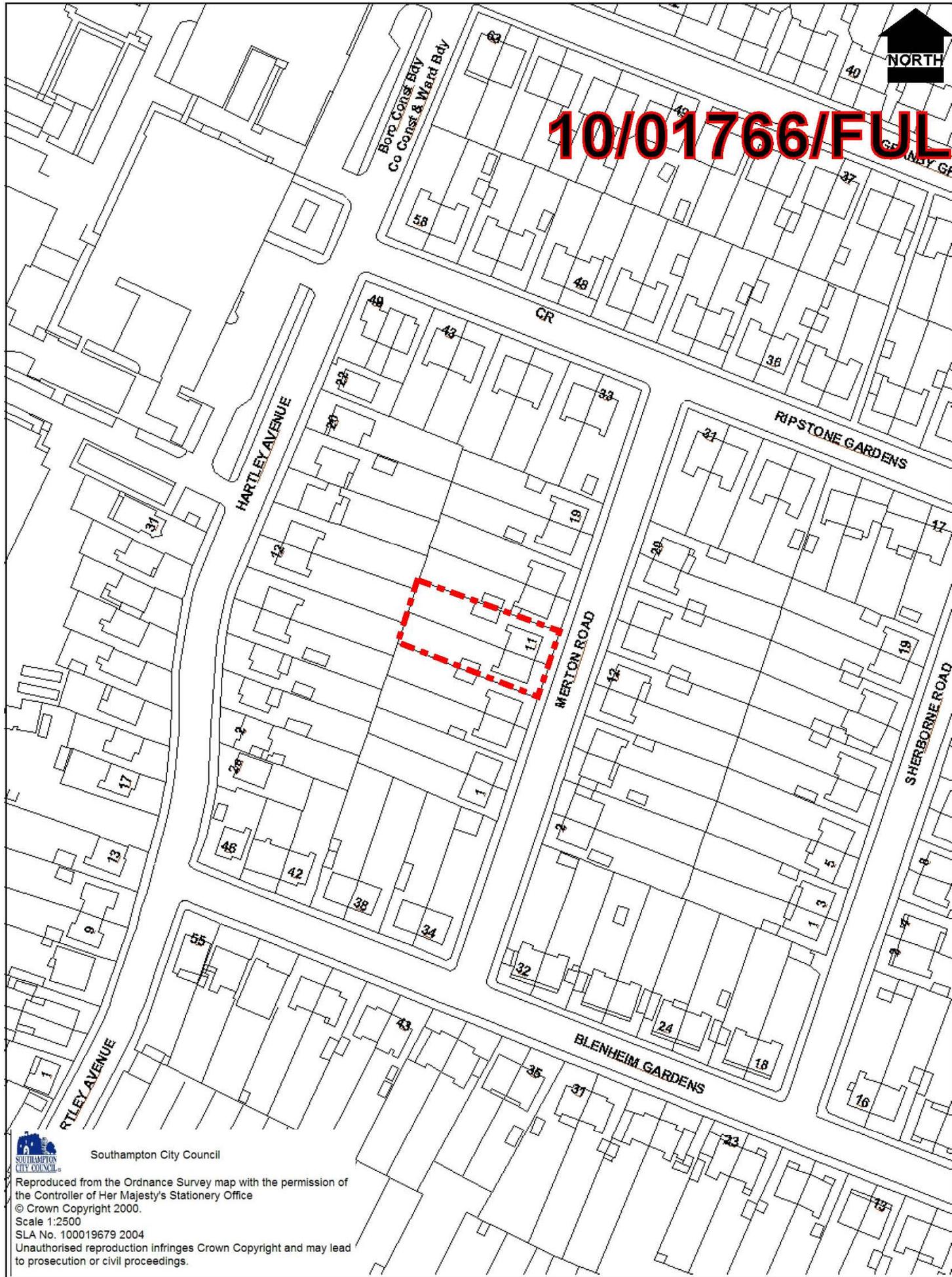
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

- PPS1 Delivering Sustainable Development (February 2005)
- Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
- PPS3 Housing (November 2006)



10/01766/FUL



Southampton City Council

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