

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 May 2011
Planning Application report of the Planning and Development Manager

Application address: 7 Brighton Road, Southampton, SO15 2JJ			
Proposed development: Erection of a single storey rear extension to facilitate change of use of property to an 7 bed HMO (Sui Generis).			
Application number	11/00296/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	20.04.2011	Ward	Freemantle
Reason for Panel Referral	Referred by the Planning & Development Manager	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball
Applicant: Mr Floyd Barnes		Agent: Mr Paul Bulkeley	
Recommendation Summary	Conditionally Approve		
Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

Reason for Panel Referral: The application is seeking to enlarge an existing property in order to create a seven bed House of Multiple Occupancy which has been objected to by a local ward member who has requested that should the application be recommended for approval the determination of the application should be made at the Planning and Rights of Way Panel.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The occupation of this property is not considered likely to result in an unacceptable intensification of activity resulting in a material increase in the level of noise and refuse generated from the site. 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).

1.0 The site and its context

- 1.1 The property is a semi-detached dwelling house located in Brighton Road which is characterised by semi detached dwellings with hipped roofs and bay window features. The property is positioned on the Northern side of the road. To the rear of the property there is a two storey projection, the depth of projection is 2.5m at first floor and 4.5m at ground floor. The width of both elements is 4.4m and the extension is 1.8m from the boundary of the property with the neighbour at number 8 Brighton Road.
- 1.2 The property is located in an area which is popular with student landlords due to the close proximity to the main campus of Solent University.
- 1.3 Records held by the Private Sector Housing Team do not hold any evidence to suggest that the application site has been used as a House of Multiple Occupancy in the past. Council tax records indicate that the site has previously been used as a family dwelling house in the same ownership between 1994 and 2011 and it is noted that a single person discount was granted for the property between February 2009 and April 2010. The electoral register states that the property has had no more than 2 occupants during the past ten years.
- 1.4 Owing to the proximity of the road to Solent University (0.75 miles) many of the properties in the road have become Houses of Multiple Occupancy. Having researched the councils HMO Private Sector Housing records along with the Electoral Register 15 properties have been identified as being occupied by three or more unrelated individuals out of a total of 23 residential properties (65%).

2.0 Proposal

- 2.1 The planning application seeks to extend the dwelling house so that additional communal space can be formed.
- 2.2 The applicant proposes a ground floor extension only. The single storey extension would add 3m to the depth of the property. The flank wall adjacent to number 8 Brighton Road would be extended to the rear so that the extension would become no closer to the neighbouring property than it is at present. The extension would be 5.5m wide and therefore would be 1.2m wider than the existing rear projection. The result will be to partially obscure the view to the rear which one of the host dwellings habitable

windows currently enjoy.

- 2.3 As a result of the development there would be approximately 94m² of amenity space remaining.

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**.

4.0 Relevant Planning History

- 4.1 N/A.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners. At the time of writing the report, **seven letters of representation** have been received from surrounding residents and letters of objection have been received from **two local ward members**.

Summary of objections:

- Small Road which is already under pressure for from the number of occupants and visitors.
- Shortage of family properties in the area.
- Potential increase in noise generated in the evening.
- Misuse of wheelie bins.
- Parking pressure.
- Increased burglaries.
- Loitering of strange people.
- Increased volume of waste.
- Rear extension is considered overdevelopment and unsightly.
- No off street parking.

Response: Please refer to Section 6.0 for a discussion which covers the above issues.

- 5.2 **SCC Highways** - Although the proposed use of this development may generate more trips, the local on street parking facilities are heavily restricted with parking permits zones and double yellow lines. Brighton Road is filled with parking permit bays and double yellow lines, with no 1

hour parking areas, and is effective through 8am-6pm. Because of the parking restrictions and that the proposed HMO will still be classed as one address, the entire site will only get one parking permit.

5.3 **Southern Water** – The development would be built upon a public sewer and therefore prior to commencement (should planning permission be granted) the development must advise the Local planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewer.

5.4 **Private Sector Housing** – No objection.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The impact on character of the host dwelling;
- iii. The impact on the amenity of the surrounding area; and
- iv. The adequacy of the living environment for the residents.

6.2 Principle of Development

6.2.1 The application is for an extension to the property and an increase in the number of bedrooms; as a consequence the amount of accommodation provided will be increased. There is no current policy objection in principle to extending the property or increasing the number of potential occupants. The proposal must therefore be judged in terms of its potential impact due to the physical characteristics of the extension and the increased level of occupation.

6.2.2 The change of use to sui generis HMO is not considered to be the loss of a family dwelling house and as such is not contrary to policy CS16 as the property is not being altered in a physical manner which would prevent the property from being used as a family dwelling house (C3 use) at any time in the future, as such there is no loss of a family unit in policy terms.

6.3 The impact on character of the host dwelling;

6.3.1 The change to the rear is considered acceptable in appearance and does not poorly relate to the original building as the adopted design has ensured harmony with the original design of the building, incorporating a shallow pitched roof.

6.3.2 The width of the extension is also considered acceptable as is the scale

and degree of projection.

- 6.3.4 The development adequately respects and maintains the character of the original dwelling.

6.4 The impact on the amenity of the surrounding area

- 6.4.1 The proposed extension is at ground floor level, overlooking of neighbouring gardens will not be caused due to the boundary treatment which exists on site. The incorporation of roof lights will not result in loss of neighbouring privacy.
- 6.4.2 The increased level of accommodation for the site, from a family dwelling house to a House of Multiple Occupation of 7 bedrooms (sui generis use) is not considered to significantly alter the amenity enjoyed by neighbouring occupants; it is noted that the applicant could, at present, convert the property without planning permission to a 6 bed House of Multiple Occupation. The additional harm generated by one additional occupant, provided the household behave considerably, is considered to be negligible in this case. On balance the link between additional noise, refuse and disturbance to neighbours caused by the additional occupant is tenuous.
- 6.4.3 An increased number of occupants in a property cannot be directly linked to increased burglaries or the loitering of strange people as suggested in letters of representation, as such it would be unreasonable to refuse an application on these grounds.
- 6.4.4 Again, the misuse of wheelie bins is a matter related to the behaviour of occupants rather than the number of people occupying a property.
- 6.4.5 Parking permits are required for the parking of vehicles in the street between the hours of 08.00 – 18.00 and it is noted that there are no temporary parking bays in the street. Upon reflection it is considered unlikely that parking pressure will be significantly increased as the property will not be allocated any additional parking permits. Confirmation has been received from the Highways Development Management Team who state that where there is a single postal address for a dwelling only one permit will be allocated. Therefore there will be no change to the parking allocation for the site as a result of the change of use. Furthermore it is unlikely that the change of use will increase parking in the area during the evening as that would require residents to move their vehicles on a daily basis.

6.5 The adequacy of the living environment for the residents.

6.5.1 The garden area is sufficient (approximately 94m²) for the increased occupancy level and the outlook obscured by the extension to the rear is not deemed to be significant enough to justify refusal given that outlook can be achieved, albeit at a slight angle. It should be noted that the extension is at least 2.3m away.

7.0 Conclusion

7.1 The extension satisfies the requirements of the Residential Design Guide and would not cause harm to neighbouring amenity. In addition the site is considered large enough to deal with the increased level of occupancy and the design is sympathetic to the character of the property; and 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

PLANNING CONDITIONS

CONDITIONS for 11/00296/FUL

01. 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).

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 extension 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 - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site for all temporary contractors' buildings; plant and stacks of materials and equipment associated with the development; and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

05. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

REASON

In order to safeguard the public sewer

06. 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.

Note to Applicant

1. The applicant's attention is also drawn to the approved use of the property as a 7 bed HMO (sui generis). In the event that more than 7 people reside at the address a material change of use will have occurred and a further planning application will be required.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

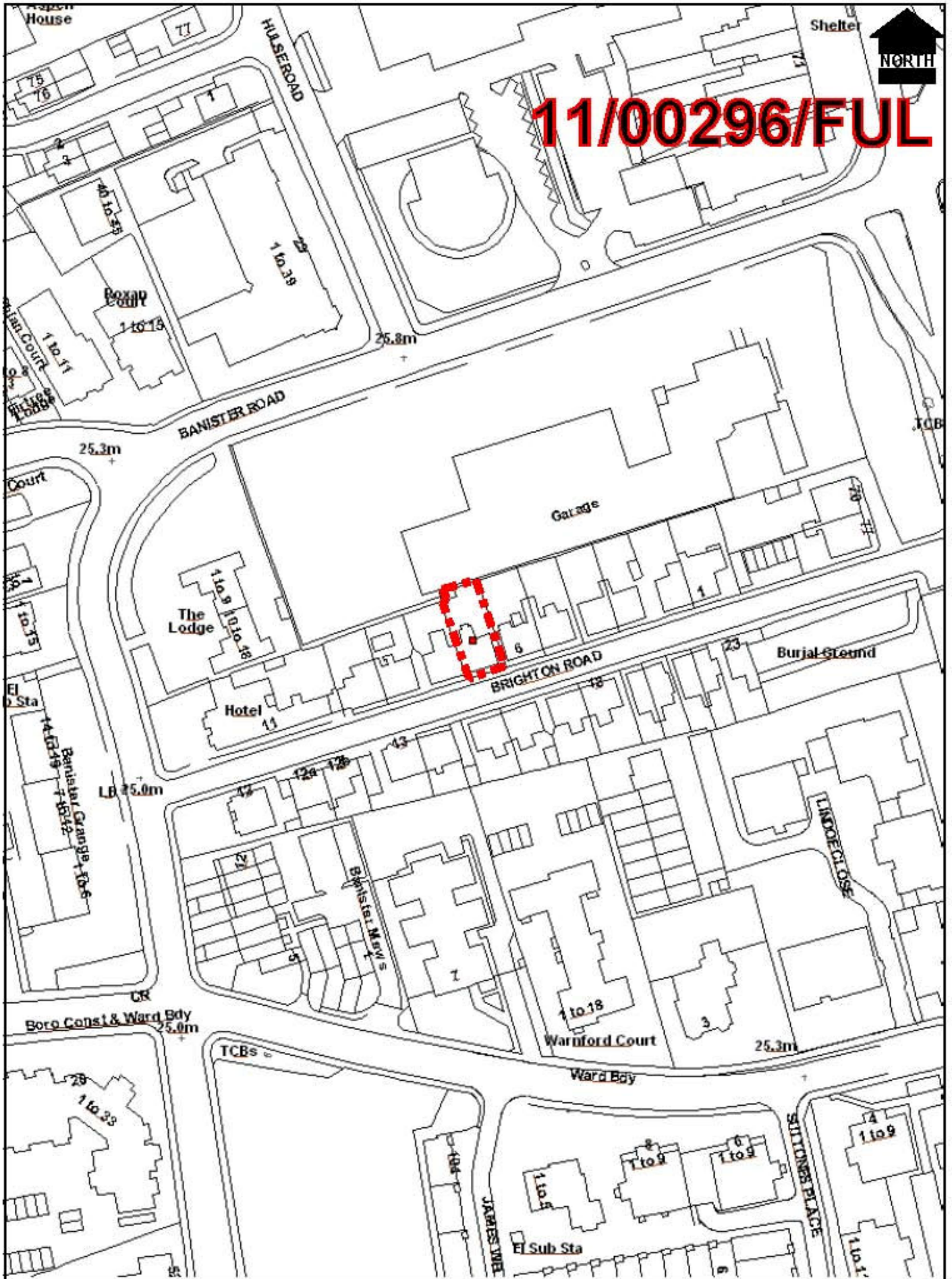
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS3 Housing



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Scale: 1:1250

Date: 10 May 2011

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