

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 16 August 2011
Planning Application Report of the Planning and Development Manager

Application address: 73 Milton Road SO15 2HS			
Proposed development: Erection of a single storey rear extension.			
Application number	11/00754/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	14/07/2011	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Bogle Cllr J Noon Cllr Willacy

Applicant: Posh Pads	Agent: Snug Projects Ltd
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Recommendation Summary	Conditionally Approve
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Reason for Panel Referral: The application is seeking to extend the property for use as a C4 dwelling (small 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).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site contains a two-storey mid-terraced dwelling house located within a residential area of predominantly terraced dwellings. To the rear of the site is an un-adopted highway.
- 1.2 The property fronts Milton Road with a typical façade of pre-war design. To the rear there is a subservient section which has been extended since the property's original construction by 3m over two storeys. The property fronts the North side of Milton Road.
- 1.3 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.
- 1.4 The boundary treatment for the East side of the site had been removed prior to the site visit however the applicant has indicated the intention to add 2m high close boarded fencing. To the West the site is defined by a brick wall which varies in height from between 1.4m and 1.8m. There is also a section of trellis upon part of the wall which takes the boundary height to approximately 2m.

2. Proposal

- 2.1 The planning application seeks to extend the dwelling house so that additional communal space can be formed to serve a C4 use.
- 2.2.1 The applicant proposes a ground floor extension only. The single storey extension would add 1m to the depth of the property. The extension would be 5.5m wide and therefore occupy the full width of the plot, thus the extension would be 1.3m wider than the existing rear projection. The extension would wrap around the rear projecting element and would span 3.8m along the boundary of the site with the neighbour at number 75. The result is a structure 3.8m from the original rear elevation of the dwelling house.
- 2.3 As a result of the development there would be approximately 45m² of amenity space remaining.

3. 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 in **Appendix 1**.

4. Relevant Planning History

- 4.1 **11/00234/FUL** – Refused 07.04.2011 for the following reasons:

REFUSAL REASON - Impact on Neighbouring Amenity.

The proposed ground floor rear extension, by means of its rearward projection, height and proximity with the common boundary, relates poorly to the neighbouring properties (numbers 71 and 75 Milton Road) and would result in the introduction of

an increased sense of enclosure to these neighbours. Furthermore, the scheme would adversely affect outlook from a neighbouring habitable room window as well as the visual amenities currently enjoyed by existing neighbouring occupiers. Therefore, the scheme is considered to be harmful to existing and proposed residential amenity and has been assessed as contrary to policies SDP1 (i), SDP7 (v) and SDP9 (i) and (v) of the adopted City of Southampton Local Plan Review (2006) (and be contrary to paragraphs 2.2.1 and 2.2.2 of the approved Residential Design Guide SPD 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010).

REFUSAL REASON, Residential Environment.

The proposal, by reason of the layout of the building and the width of the extension would result in an unsatisfactory residential environment for current or future occupiers of the dwelling by means of unsatisfactory outlook from a habitable room window (illustrated as room 0.3 and as such the proposal is contrary to policies SDP1 (i) and SDP9 (i) of the adopted City of Southampton Local Plan Review (2006) (and be contrary to paragraphs 2.2.1 and 2.2.3 of the approved Residential Design Guide SPD 2006) and Policy CS13 of the adopted 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 undertaken which included notifying adjoining and nearby landowners and by erecting a site notice (02/06/2011). At the time of writing the report 5 representations have been received, 2 from local residents, 2 from local ward members and one from Banister Freemantle and Polygon Community Action Forum. The following observations/comments were made:

- Reduced light to ground floor bedroom window.
- Reduced outlook.
- Use of double doors opening to the rear garden increases the potential for noise nuisance.
- Five double bedrooms are too many for a property of this nature, potentially having as many as 10 occupants.
- Increase potential for rubbish in the streets, anti social behaviour, burglaries and vandalism.
- Contrary to policies H4 (i) and (ii).
- Overdevelopment of the site.
- Overcrowding of the area.
- Width of extension is a concern – fire.
- Out of keeping with neighbouring properties.
- Loss of amenity space.
- Parking pressure.

RESPONSE

The above considerations are responded to in detail in section 6 of the report - Planning Considerations.

5.2 Private Sector Housing – No objection.

6. 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.

Since the original submission amended plans have been provided with the aim of relieving concerns raised by officers. The revised plans reduce the overall length of the ground floor structure so that it projects 1m past existing rear building line of the host dwelling.

6.2 Principle of Development

6.2.1 The application is for an extension to the property at ground floor level and the number of bedrooms will not increase. The ground floor extension would be used to enlarge the communal living environment provided. There are no current policies which object in principle to extending the property or changing the use from a C3 dwelling house to a C4 dwelling house (the change of use does not at this moment in time require Planning permission). The proposal must therefore be judged in terms of its potential impact as a result of the physical characteristics of the extension.

6.2.2 The change of use to C4 dwelling house 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 manor 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.

6.2.3 As the change of use does not require planning permission the scheme should not be judged in relation to policy H4. (Houses in Multiple Occupation).

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

6.3.4 The development is not considered to be an overdevelopment of the site nor is the development considered to be out of keeping with the design scale and appearance of neighbouring properties.

6.4 The impact on the amenity of the surrounding area

6.4.1 An additional window is proposed to be added at first floor level in the west side of the rear subservient section of the building, as the window would serve a bathroom a condition is recommended to prevent overlooking from that window to

neighbouring gardens/habitable rooms. As the proposed extension to the property is single storey and owing to the boundary treatment on site the proposal is unlikely to reduce privacy to neighbouring occupants.

- 6.4.2 The reconfiguration of the internal space of the property and the increased scale of the property is not considered to significantly alter the amenity enjoyed by neighbouring occupants.
- 6.4.3 Due to the reduced scale of the development (degree of rearward projection and overall length of the proposed ground floor element) since the original refusal it is no longer considered that the extension relates poorly to the neighbouring properties (numbers 71 and 75 Milton Road). The reduced scale of the proposal is no longer considered to introduce a sense of enclosure or significantly harm neighbouring amenity in terms of outlook from habitable room windows.
- 6.4.4 The increased scale of the property cannot be directly linked to increased burglaries, additional rubbish on streets/poor upkeep of front gardens, anti-social behaviour and vandalism, as suggested in letters of representation; as such it would be unreasonable to refuse the application on these points.
- 6.4.5 At present there are 5 bedrooms in the property and therefore it is considered unlikely that parking pressure will be significantly increased. As the number of bedrooms is not increasing it is unlikely that more than 5 occupants will be residing at the property at any one time, as such the development will not cause or contribute towards overcrowding of the area. Potentially the number of occupants could be restricted to 5 should councillors deem it necessary.
- 6.4.6 The link raised between the use of double doors to the rear rather than single doors and windows and increased noise and associated disturbance is tenuous. The amount of noise originating from the host dwelling will be determined by the occupants of the property and how considerate they are to surrounding neighbours. As such the addition of the double doors should not lead the panel to refuse the development.

6.5 The adequacy of the living environment for the residents.

- 6.5.1 The garden area is sufficient (approximately 45m²) for the occupiers of the property. The amenity space provision is in character with the surroundings and it is noted that a garage was, until relatively recently, occupying a large part of the rear garden.
- 6.5.2 Where the extension will span the entire width of the building outlook to the rear will be obscured by from a habitable room window at ground floor level in the host dwelling. The distance between the window and the extension would be 3.6m which is considered sufficient enough to allow the application to be supported. Whilst the outlook of the room is not ideal the hipped nature of the roof at the rear elevation of the structure will help to reduce harm to outlook. Light to the habitable room will not be reduced as a result of the proposal as the proposed extension will be built to the North of the property.
- 6.5.3 The Building Control Team are satisfied that the development can comply with fire regulations.

7. Conclusion

7.1 The extension satisfies the requirements of the Residential Design Guide and would not caused 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(d), 2(b), 2(d), 4(f), 6(c), 7(a), 7(e), 9(a), 10 (a) and 10(b).

MP3 for 16/08/2011 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 - 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

The applicant's attention is also drawn to the approved use of the property as a small HMO (C4 use). In the event that more than 6 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

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



11/00754/FUL

Scale : 1:1250

Date : 04 August 2011

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