

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 15 January 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Rear of Elsie Cottage Holt Court, Weston Lane SO19 9RA			
<b>Proposed development:</b> Erection of a two storey 2-bedroom dwelling, attached to side of existing property with associated car parking.			
<b>Application number</b>	12/01531/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	29.11.12	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Cunio Cllr Payne Cllr Williams

<b>Applicant:</b> Propus Developments Ltd	<b>Agent:</b> Neame Sutton Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2.	Planning History
3	Appeal decision dated 15 March 2012		

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.01.13 do not have sufficient weight to justify a refusal of the application. The proposal has overcome the issues raised in the previous appeal decision and would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Furthermore, the proposal would assist in meeting housing need and increase housing provision. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, 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).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS22 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The application site comprises a vacant piece of land to the side of a terrace of four, two and three storey houses which is part of a recent development. The site is bounded by 2m high close boarded wooden fencing and is over-grown with vegetation although it does not contain any planting of amenity value. The surrounding area is residential, although the character and appearance of dwellings vary.

#### 2.0 Proposal

- 2.1 The application seeks full planning permission to extend the existing property to provide a two-storey dwelling containing two bedrooms. The dwelling would have a flat-roof appearance. To the front of the property, one off-road car parking space would be provided.

#### 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 National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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 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 The application is a resubmission of an application for a detached dwelling on the site which was refused planning permission in 2010 and dismissed at appeal. The planning history and appeal decision are included in **Appendix 2 and 3**. As part of the planning considerations it is necessary to assess whether or not the previous reason for refusal has been addressed. The previous reason for refusal stated :-
01. Reason For Refusal - Character and Context, Building on Garden Land.

The proposed development involves building on land which forms an important

setting to the comprehensive development approved in 2007. The land also forms garden land that is an important amenity space for existing dwelling houses, is not previously developed land; and makes a positive contribution to the spatial character of the area. As such the proposal is considered to represent harm to the character and context of the area and would harm the visual amenities of the area. The development is out of sympathy with the spatial pattern of development within the immediate area and therefore the development represents an overdevelopment of the site. As such and having regard to the advice of Planning Policy Statement 3 (Housing – published June 2010), the proposals are considered to represent harm to the character of the area and would prove contrary to the following adopted Development Plan policies and supplementary planning guidance for Southampton:- City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 (i), SDP7 (i) (ii) (iii) and (v), SDP9 (i) and (v). City of Southampton Core Strategy (January 2010):- CS4, CS5 and CS13. Residential Design Guide (September 2006):- Sections 3.2 and 3.9.

#### 02. Reason For Refusal - Insufficient Amenity Space.

The Local Planning Authority is not satisfied that the proposed development would result in an attractive and acceptable living environment for the residents of Elsie Cottage and Florinda Cottage, in particular: the proposal fails to leave adequate, usable private amenity space to serve the residential properties. The remaining amenity space is below the council's adopted minimum standards and creates an unacceptable living environment. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.14 and 4.4.1 of The Residential Design Guide 2006 [September 2006]) and SDP7 (v) of the City of Southampton Local Plan Review (March 2006).

#### 03. Reason For Refusal - Flooding

The applicant has not provided a flood risk assessment. In the absence of a flood risk assessment, the flood risks resulting from the proposed development are unknown. The development proposal is thereby contrary to Planning Policy Statement 25 and policies SDP20 and H2 of the City of Southampton Local Plan Review (March 2006) and Policy CS23 of the adopted LDF Core Strategy (January 2010).

#### 04. REFUSAL REASON - Code for Sustainable Homes and on site renewables - Climate Change.

In the absence of any commitment to the Code for Sustainable Homes or to provide on site re-newabes in addition to an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

- 4.2 In particular, from **Appendix 3** the Inspector concluded at paragraphs 9 and 10:-  
“9. Furthermore, the proposed house would be built right up to the common boundary with no.20 and, as I have said above, **would fill much of the width of what is a narrow plot of land**. Notwithstanding the simple design and flat roof,

*the dwelling would appear as if it had been **squeezed into its plot**. The off-street parking of two cars at the front of the plot would also detract from the openness of the plot. In my view there would be **no room for any meaningful landscaping** at the front of the facade or the plot and this would not, in any event, compensate for the loss of spaciousness between no.20 and the Cottages. To my mind, the **2007 planning permission for the Holt Court area delivered a scheme with well-thought-out spatial relationships** given the heights and orientations of the buildings to be provided on the site. Refuse bin areas for nos 6, 8 and 10 Weston Avenue were shown on land which is now part of the appeal site and some landscaping is shown to the west of the bins but land is shown essentially as garden land with no significant built development upon it.*

*10. On this first issue, I find that the proposal would unduly **harm the character and appearance of the area particularly the spatial pattern**. It would be contrary to saved policies SDP7 (i) (ii) & (iii), SDP9(i) and (v) of the City of Southampton Local Plan Review (2006) 'LPR', policy CS13 of the City of Southampton Core Strategy (2010) 'CS' and the Residential Design Guide (2006) 'RDG'.*

## **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 and erecting a site notice (11.10.12). At the time of writing the report **5** representations have been received from surrounding residents, which includes an objection from Ward Councillor Payne and an objection from 20 Holt Court to which the extended building would be attached. The following is a summary of the points raised:

5.2 ***The proposal would result in an area of informal car parking which would exacerbate existing problems within insufficient car parking within the area.***

### **5.3 Response**

There is no requirement for the site to provide car parking to address overspill issues within the surrounding area and being privately owned, the applicant could prevent the site being used for car parking at any time. The provision of 1 off-road car parking space is in accordance with the maximum of 2 spaces permitted by the adopted Car Parking Standards Supplementary Planning Document and is therefore considered to be acceptable.

5.4 ***Adequate boundary treatment between the proposed dwellings and its neighbours should be provided.***

### **5.5 Response**

A condition is suggested to secure adequate boundary treatment is provided and retained.

5.6 ***No surface water should run-off from the site onto the neighbouring property.***

### **5.7 Response**

A condition is suggested to secure details of surface water disposal and

Southern Water has no objection to the proposal.

5.8 ***The proposal would represent an over-development with insufficient amenity space to support it.***

5.9 **Response**

The level of amenity space proposed (77sq.m) exceeds the the 50 sq.m guideline set out in the Residential Design Guide and less than 50% of the plot would be covered by building and hard-surfacing. The application includes adequate storage and parking and overall it is not considered that the proposal exhibits symptoms of over-development.

### **Consultation Responses**

5.10 **SCC Highways** - No objection.

5.11 **SCC Sustainability Team** – Conditions are suggested to ensure the development achieves level 4 of the Code for Sustainable Homes as required by policy CS20 of the Core Strategy.

5.12 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to minimise disruption to residents during the construction process.

5.13 **Southern Water** – No objection. Requests a note to applicant be attached to any planning permission informing the developers of the requirement to connect to the public sewer.

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

6.1 The application needs to be assessed in terms of the planning history of the site and the following key issues:

- i. The principle of development;
- ii. Design, density & impact on established character;
- iii. Impact on residential amenity;
- iv. Quality of residential environment and,
- v. Highways and parking.

6.2 **Principle of Development and Flood Risk**

6.2.1 Garden land does not constitute previously developed land and the priority for development should be previously developed sites. That said, when considering the previous appeal scheme for the introduction of a dwelling on this site, the appeal inspector noted that since the site was vacant, urban land, within a relatively sustainable location, it should be used efficiently and effectively, where possible (para 7 of the appeal decision in **Appendix 3** refers). The provision of a small dwellinghouse will contribute towards the Council's housing requirements.

6.2.2 The site lies within Floodzones 1 and 3 and policy CS23 of the Core Strategy requires new development to not be at risk of flooding or to increase the risk of flooding elsewhere. A flood risk assessment was provided with the previous application on this site and concluded that the site is suitable for the development of a dwelling. This conclusion was agreed with by the subsequent appeal inspector (paragraph 12 of the decision in Appendix 3 refers). The principle of

development is therefore considered to be acceptable.

### 6.3 Design, Density & Impact on Established Character

6.3.1 The proposed density of 51 dwellings per hectare is slightly in excess of the 35 to 50 d.p.h range set out by policy CS5 of the Core Strategy for low accessibility areas. This policy also requires density to be assessed in terms of the character of the area, open space accessibility and the efficient use of the land.

6.3.2 The previously refused scheme on this site proposed a detached dwelling which occupied much of the gap between 20 Holt Court and Elsie Cottage. The current application instead proposes an extension to the existing building which enables a gap of just under 4 metres to be retained between the side elevation and the boundary with Elsie Cottage. This enables a better sense of spatial separation to be retained in the development and the visual break in development that was referred to in the Inspector's decision. In addition to this, the dwelling is designed to read as a subordinate addition to the main house being set back slightly from the front elevation and also being lower in height than the existing dwelling. The main entrance door is also located to the side of the property which would assist with this secondary appearance.

6.3.3 As stated above, the amount of amenity space provided exceeds the Residential Design Guide Standards, meaning there is sufficient space about the building to ensure that the plot does not appear over-developed. One car parking space is provided to the front of the dwelling which would enable a significant area of soft landscaping to be incorporated to the property frontage and a condition is suggested to secure this. As such, it is considered that the proposal has fully addressed the reason for the previous appeal on this site being dismissed. One unfortunate consequence of the originally submitted proposals is that the side path to No.20's garden would have been lost. An amended plan has now been submitted showing part of the new dwelling's garden sacrificed to provide a new pathway to No 20's back garden, where secure cycle storage is to be provided, meeting the intention of the original 'estate' consent under 07/00718/FUL.

### 6.4 Impact on Residential Amenity

6.4.1 The separation between the side elevation of the proposed dwelling and the rear elevation of Florinda Cottage is 12.9 metres which exceeds the 12.5 metre separation distance recommended by the Residential Design Guide Supplementary Planning Document. Similarly the 'back-to-back' separation with Abbey Water Court also exceeds the 21 metre standard set out in the guidance. The proposed building would project no further to the rear than the adjoining property and would not therefore have a harmful impact on the amenities of the occupiers of this property. Furthermore, whilst, the reason for refusal of the previous scheme on this site related to the loss of amenity space available to serve Elsie and Florinda Cottages, this matter was not upheld by the appeal Inspector and is not considered enforceable at this stage as no planning condition was attached to 07/00718/FUL requiring the current application site to be laid out and made available as private garden land, before any new dwelling could be occupied and then retained for that purpose.

6.4.2 Party Wall issues with No 20 Holt Court can be resolved outside of the planning system. The proposal is therefore considered to have an acceptable relationship

with the existing residential properties which neighbour the site.

## 6.5 Quality of Residential Environment

6.5.1 The proposed dwelling would be served by more than the 50 sq.m standard set out in the Residential Design Guide, even with the new pathway to serve No. 20's back garden. Outlook from habitable room windows would be acceptable and defensible space would be provided to the front of the dwelling. In addition to this, cycle and refuse storage would also be provided to an acceptable standard. The quality of the residential environment proposed is therefore considered to be acceptable.

## 6.6 Parking and Highways

6.6.1 One off-road car parking space would be provided which is in accordance with the adopted maximum car parking standards and furthermore, having regard to the modest, two-bedroom nature of the proposed dwelling is considered to be acceptable. Highways have raised no objection with the location of the proposed parking space or the access to it and the development is therefore considered to be acceptable in this respect.

## 7.0 Summary

7.1 The amendments to the scheme ensure that the proposed dwelling would read as a subservient addition to the existing house and would retain a meaningful gap between the building and neighbouring development. The application is considered to fully address the reasons for the earlier appeal on the site being dismissed.

## 8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**JT for 15/01/13 PROW Panel**

### PLANNING CONDITIONS

#### **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 - 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 unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

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. APPROVAL CONDITION - Landscaping, & means of enclosure detailed plan [Pre-Commencement Condition]**

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. hard surfacing materials;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including a low front boundary treatment; and
- iv. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.



**04. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]**

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general.

**05. APPROVAL CONDITION - Cycle Storage [performance condition]**

Cycle storage for both the new dwelling and that to be provided in the back garden of No. 20 Holt Court, served by the new pathway to be provided, shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

**06. APPROVAL CONDITION - Amenity Space Access [performance condition]**

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwelling hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the development .

Reason:

To ensure the provision of adequate amenity space in association with the approved dwelling.

**07. APPROVAL CONDITION – Removal of permitted development [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

**08. APPROVAL CONDITION – Parking and Access [performance condition]**

The on-site car parking spaces and the access to them shall be provided on site in accordance with the plans hereby approved and made available for use prior to the dwellings first coming into occupation and retained as approved. The parking shall be thereafter retained for that purpose and not used for any commercial use.

REASON

To ensure that adequate parking is provided to serve the development

**09. APPROVAL CONDITION- Obscure Glazing [performance condition]**

The windows in the side elevation, above ground floor level of the dwelling hereby approved (serving a bedroom and a bathroom) shall be fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of the privacy of the neighbouring properties and the amenities of the prospective occupants of the development.

**10. APPROVAL CONDITION – No other windows [performance condition]**

No other windows shall be located in the side elevation, above ground floor level of the dwelling hereby approved unless they are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of residential amenity

**11. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To ensure that the development does not adversely impact on the public sewer system

**12. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**13. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### **14. APPROVAL CONDITION - Hours of Construction [ Performance condition]**

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

#### **15. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety

#### **16. APPROVAL CONDITION - Approved Plans**

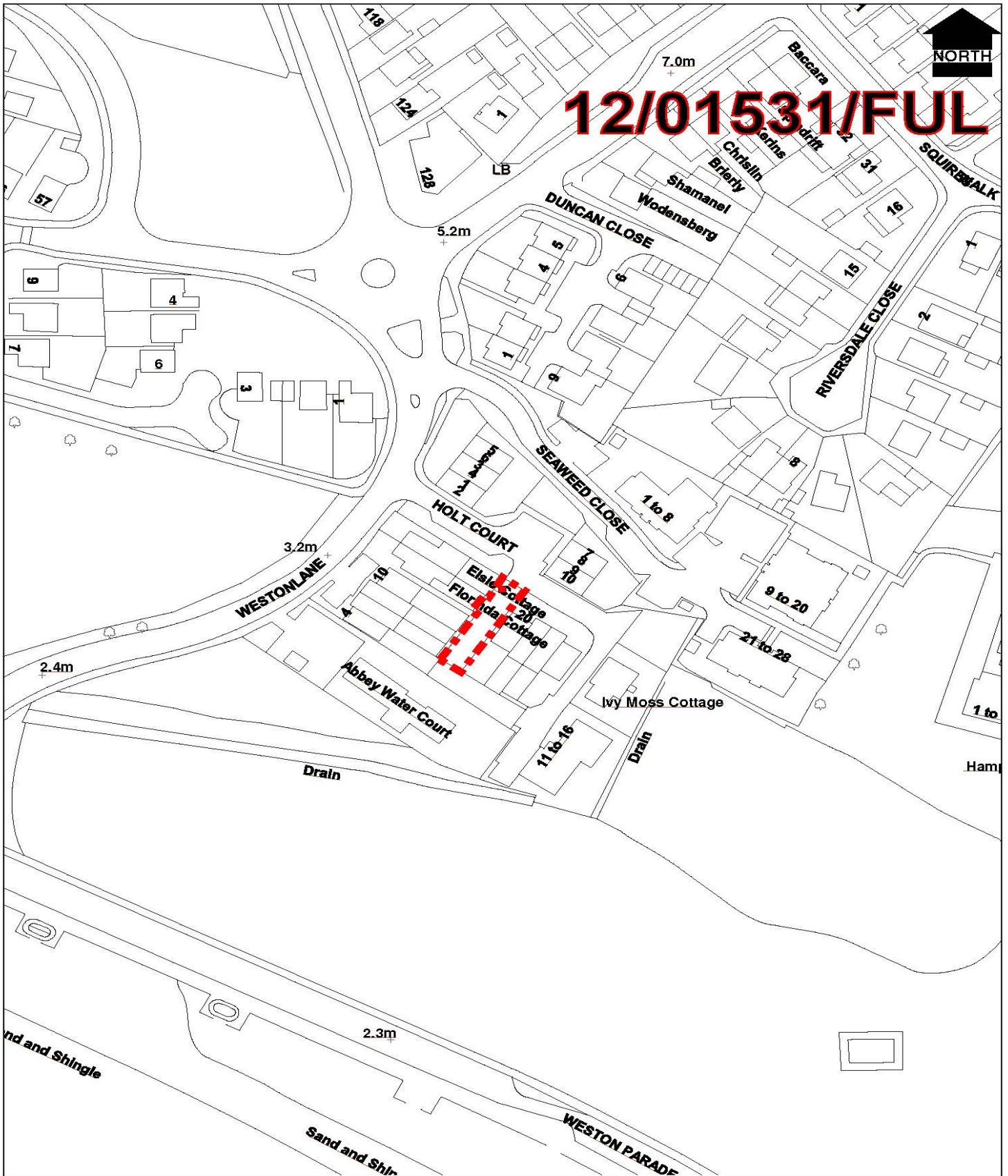
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

#### **Note to Applicant**

Party Wall: The applicant is reminded that further agreements may be required under the Party Wall Act (1996) as this application proposes development on or near the boundary with a neighbouring property. Further guidance can be obtained from the Council's Building Control Officer on 023 8083 2558.



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Date : 04 January 2013

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