

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (WEST) 22 March 2016  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 195 Midanbury Lane			
<b>Proposed development:</b> Erection of a part single-storey and part two-storey side and rear extension (revised scheme to 15/02113/FUL).			
<b>Application number</b>	16/00177/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Kieran Amery	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07/04/2016	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received.	<b>Ward Councillors</b>	Cllr White Cllr Fuller Cllr Inglis

<b>Applicant:</b> Mr & Mrs James Brady	<b>Agent:</b> Mrs Debby Osman
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below.

The proposed two storey side and rear extension would not be detrimental to the character of the local area or the amenities of local residents. The proposal would not be considered harmful to highway safety. 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.

In reaching this decision the Local Planning Authority 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). Policies - SDP1, SDP7, and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13, CS14, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Decision notice for 15/02113/FUL		

**Recommendation in Full**

**Conditionally approve**

## **1.0 Introduction**

- 1.1 The application proposes the erection of a part single storey part two-storey side and rear extension to a semi-detached two storey dwelling.
- 1.2 Objections have been received regarding the impact of the proposed extension on the character of the host property and the local area, as well as the impact on the amenities of neighbouring properties in terms of overlooking and overbearing.

## **2.0 The site and its context**

- 2.1 The site is a two storey semi-detached family dwelling house within a residential area characterised by similar family dwellings.
- 2.2 There is a 1.8m closed panel wooden fence which acts as boundary treatment to the sides and rear of the property. There is also a small 2m deep existing rear extension with a conservatory on the host property.
- 2.3 To the rear of the property is Trent Close which is characterised mostly by bungalows with unusual plot shapes. The property shares its rear boundary with one of these bungalows "Ingledene" which is 16m away from the rear wall of the host dwelling.

## **3.0 Proposal**

- 3.1 The proposal is for a part two storey, part single storey, side and rear extension to the north east elevation, wrapping around the rear.
- 3.2 The proposed two storey extension would wrap around the building and would have a maximum width of 1.82m at two storeys from the side elevation, and would be set back from the front elevation of the property (not including a porch and bay window) by 1.9m. It would have a maximum height of 6.2m (0.6m below the ridge height of the host dwelling) and an eaves height of 4.5m. The proposals also include a first floor window to the side elevation which would serve a bedroom, this would be obscure glazed.
- 3.3 The single storey rear extension would have a maximum depth of 3.4m and a width equal to that of the host dwelling house. It would replace the existing rear extension. It would feature a sloped roof design and have a maximum height of 3m and an eaves height of 2m.

## **4.0 Relevant Planning Policy**

- 4.1 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**.
- 4.2 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.

- 4.3 Saved policy SDP1 (i) states that planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.
- 4.4 Saved policy SDP7(iii) supports proposals which would respect the existing layout of buildings within the streetscape. SDP7 (iv) supports proposals which respect the scale, density and proportion of existing buildings and SDP7 (v) supports development which would integrate into the Local community.
- 4.5 Saved policy SDP9 (i) states that proposals should respect their surroundings in terms of scale massing and visual impact, SDP9 (iii) states that proposals should respect their surroundings in terms of the quality and use of materials, SDP9 (iv) that proposals should respect their surroundings in terms of architectural detailing, and SDP9(v) in terms of the impact on surrounding land use and local amenity.

## **5.0 Relevant Planning History**

- 5.1 The relevant planning history is set out in detail in **Appendix 2**. There have been three previous applications for two storey side and rear extensions at this property. The first was refused in February 2006 on character and appearance related issues. The second was a revision of this application which was approved in April 2006. However this extension was never constructed.
- 5.2 Application ref:15/02113/FUL was refused due to character and appearance related reasons with regards to the impact of the extension on the street scene, on the 14<sup>th</sup> of December 2015. The current application is the first revision of this scheme. The decision notice is attached in **Appendix 3**. The current proposals seek to address the latest reason for refusal.
- 5.3 There is also currently an enforcement enquiry open at this site regarding an outbuilding in the rear garden.

## **6.0 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken. At the time of writing the report **five** representations had been received from surrounding residents. A summary of the material considerations raised by these objections is set out below.

### **6.1.1 Comment**

The proposals will adversely affect the character and appearance of the local area.

### **Response**

It is noted that there are no two storey side extensions existing within the immediate street scene. However this does not mean that one could not be constructed that does not impact adversely on the character of the area. The proposed extension benefits from a setback of 1.9m from the front elevation of the property, and 2.7m from the front of the front porch. This sets the extension

away from the street scene and retains the appearance of the principal elevation of the dwelling.

The roof height would also be slightly lower than the existing dwelling and it would be constructed with materials to match. The proposed extension is therefore not considered to be intrusive on the street scene and would not detract from the character of the area. This subservience addresses the previous concerns and follows the guidance of the Residential Design Guide.

#### 6.1.2 Comment

The proposed development would overlook neighbouring properties.

#### Response

The proposals do include two first floor windows, one would be on the side elevation and one to the rear. The window to the side elevation would be partially obscure glazed.

The proposed rear window would have a view of the bungalow “Ingledene” on Trent Close which would be partially screened from view by the presence of an existing outbuilding at the boundary and by the boundary fence. It is also noted that this property is overlooked by first floor windows on other properties.

This being considered it is unlikely that the proposed windows will contribute significantly to a harmful loss of privacy given the existing situation. This is explained in further detail in the planning considerations section of this report.

The previously proposed extensions were found to be acceptable in this regard and a loss of privacy was not previously used as a reason for refusal.

#### 6.1.3 Comment

The proposed extension would cause overshadowing and have an overbearing impact on neighbouring properties.

#### Response

The only property which would be impacted by the proposals in terms of light and outlook would be no.197 where there would be a loss of light to this side area at no.197. This is not the most usable area of the garden and light to this area is already restricted by the existing dwellinghouse at no.195. It is noted that the garden of no.197 benefits from a large amount of amenity space which would not be impacted by the application.

There are no windows serving habitable rooms on the elevation facing the proposed extension which would have their light or outlook reduced by the proposals. The application is therefore compliant with Local Plan Review Policy SDP1(i).

#### 6.1.4 Comment

The proposals would result in an intensification of use which would result in increased parking pressure in the area to the detriment of local amenity.

#### Response

The proposal would result in the net increase of one bedroom on the property resulting in a total of four bedrooms in total. The front driveway for this property

allows for one off-street parking space and there is on-street parking available in the local area. The addition of one bedroom is not considered to result in a significant increase in parking pressure. Previous reasons for refusal have not cited this as an issue with the extension.

#### 6.1.5 Comment

The proposed works are out of scale with the host property.

#### Response

The proposed extension benefits from a setback of 1.9m from the front elevation of the property, and 2.7m from the front of the front porch. This sets the extension away from the street scene and retains the appearance of the principal elevation of the dwelling. The roof height would also be slightly lower than the existing dwelling. For these reasons the extension is considered to be subservient in appearance with an appropriate scale to integrate into the host dwelling.

### **7.0 Planning Consideration Key Issues**

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

- (i) Design impact on the character and appearance of the host property and local area.
- (ii) Impact on the amenities of local residents;

7.2 (i) Design impact on the character and appearance of the host property and local area.

7.2.1 The preceding application ref:15/02113/FUL was refused because its two-storey height, width and lack of appreciable set-back from the front elevation of the property would result in an elongated appearance to the front elevation of the property that would erode the symmetry and balance of the semi-detached pair. Furthermore, the loss of space to the side of the property would also disrupt the regular spacing prevalent within the street. As such the proposal was considered to appear out-of-keeping with the comparatively uniform character of this part of Midanbury Lane. Plans of this earlier scheme will form part of the presentation to panel.

7.2.2 This section of Midanbury Lane is characterised by two storey family dwelling houses, with detached houses to the north west of the road and semi-detached to the south east. It is noted that there are no two storey side extensions existing within the immediate street scene on the south eastern side of the road where the application site is located.

7.2.3 It is also noted that there is an existing two storey side extension at no.190 Midanbury Lane which has much less of a set back from the principal elevation than the proposed extension. Though this extension can be seen in detail from the street it does benefit from a 10m setback from the footway and the topography of the local area means that this property is lower than the public footway, this helps to detach the existing extension from the street scene and so its presence does not set a dominant precedent.

7.2.4 The proposed extension has been designed to address the concerns with the

preceding application and has been designed in a way that would not impact adversely on the character of the area by limiting the visual presence of the extension in the street scene. The proposed extension benefits from a setback of 1.9m from the front elevation of the property, and 2.7m from the front of the front porch. This sets the extension away from the street scene and retains the appearance of the principal elevation of the dwelling. For this reason the extension would, for the most part, retain the visual symmetry of the semi-detached pair.

7.2.5 The roof height would also be slightly lower than the existing dwelling and it would be constructed with materials to match. The proposed extension is therefore not considered to be intrusive on the street scene and would not detract from the character of the area. The earlier reason for refusal is considered to have been overcome.

### 7.3 (ii) Impact on the amenities of local residents

7.3.1 The two storey extensions have the potential for any first floor windows to overlook habitable rooms in neighbouring properties to the detriment of the amenity of the occupiers. The proposals do include two first floor windows, one would be on the side elevation and one to the rear. The window to the side elevation would be partially obscure glazed up to 1.7m from the finished floor level of the bedroom and un-opening in order to allow for some privacy to the neighbouring property. There is one other window on the first floor of the side elevation of no.197 Midanbury Lane which would be faced by this side elevation. This window appears to serve a hallway and is therefore not a habitable room. The side area of no.197 which would be overlooked by this window is garden space but it is also noted that the garden of no.197 benefits from a large amount of amenity space which would not be impacted by the application. A majority of the garden of no.197, including the most useable amenity space, are not considered to be unacceptably impacted.

7.3.2 The proposed rear facing window would be closer to the neighbouring property no.197 than the existing window at this elevation by 1m. The window would not result in any additional loss of privacy to the area considering the existing situation. This is partly due to the fact that the private area is safeguarded by the projection of the first floor extension.

7.3.3 The proposed rear window would have a view towards the bungalow "Ingledene" on Trent Close. Although the window would not directly face any windows serving habitable rooms on this neighbouring property, it would face a set of double doors which would be around 18m away as well as a paved garden area. Due to the single storey nature of the property, these doors would be partially screened from view by the presence of an existing outbuilding at the boundary and by the boundary fence at this spot. Paragraph 2.2.9 of the Residential Design Guide states that fencing and the positioning of ancillary outbuildings can be used as means of mitigating intrusive overlooking, and that such instances shall be considered on their own individual merits. In this instance the boundary fence and outbuilding would disrupt the direct view from the proposed rear window to the double doors in question and the relationship is acceptable.

7.3.4 It is also noted that existing first floor rear windows of adjoining neighbours to the rear of Ingledene do have views of this property. This being considered it is

unlikely that the proposed window will contribute significantly to a loss of privacy given the existing situation.

- 7.3.5 The only property which would be impacted by the proposals in terms of light and outlook would be no.197. The proposed extension would be built up to within 30cm of the property boundary at first floor level meaning there would be a loss of light to this side area at no.197. The area is paved and is already restricted by the original structure of no.195.
- 7.3.6 The garden of no.197 benefits from a large amount of amenity space which would not be impacted by the application. A majority of the garden including the most useable amenity space, would still have access to a good amount of sunlight and daylight for a majority of the day. Therefore the amenities of no.197 are not considered to be unacceptably impacted.
- 7.3.7 The extension would not extend beyond the furthest rear elevation of the kitchen of no.197 at first floor level, therefore not impacting on the light and outlook of any rear windows. There are no windows serving habitable rooms on the elevation facing the proposed extension which would have their light or outlook reduced by the proposals.
- 7.3.8 Following this assessment and a site visit, officers are satisfied that the application meets the requirements of SDP1(i).

## **8.0 Summary**

- 8.1 In summary the proposed extension would not result in a detrimental impact on neighbouring amenity and would not result in any harm to the character and appearance of the host property or local area.

## **9.0 Conclusion**

- 9.1 As such, the proposal is judged to have an acceptable impact and, being in accordance with the saved development plan policies as set out in item 4, it can be supported for conditional approval.

### **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(b), 2(d), 4(vv), 7(a), 9(a), 9(b)

**KA for 22/03/16 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Full Permission Timing Condition**

The development works hereby permitted shall begin no 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 – Side window obscure glazed**

The proposed first floor window to the side elevation of the extension hereby permitted shall be un-opening and obscure glazed up to a height of 1.7m from the internal finished floor level of the host room, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the privacy of the adjoining neighbouring property.

**03. APPROVAL CONDITION - Materials to match**

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.

**04. APPROVAL CONDITION - Approved Plans**

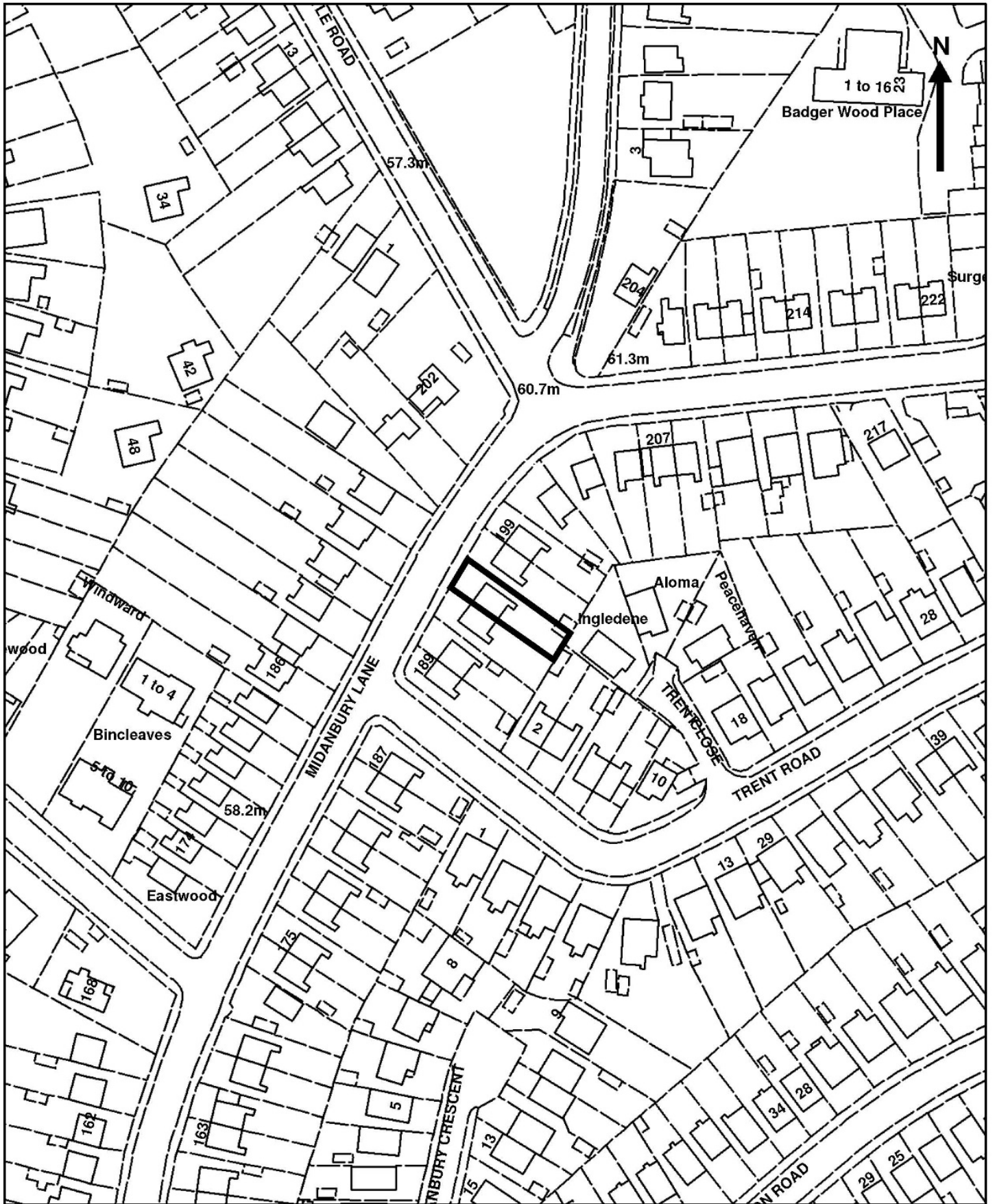
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the works shown on the plans in connection with application 14/01941/FUL do not form part of this approval.

Reason:

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



# 16/00177/FUL



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