

Planning and Rights of Way Panel 12th October 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 25 Glasslaw Road, Southampton			
Proposed development: Erection of a two-storey side extension and single-storey rear extension (resubmission of 21/00755/FUL).			
Application number:	21/01261/FUL	Application type:	FULL
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	14.10.2021	Ward:	Harefield
Reason for Panel Referral:	Five or more letters of objection have been received objecting to the proposal contrary to the officers recommendation to approve.	Ward Councillors:	Cllr P Baillie Cllr D Fitzhenry Cllr V Laurent
Applicant: Mr & Mrs Tyler		Agent: Mr Chris Bainbridge	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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. Other material considerations 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. 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 39-42 and 46 of the National Planning Policy Framework (2021). Policy CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site contains a 1950's, brick built, detached, two storey family dwelling house, with a single side garage and a grassed garden with hardstanding providing off road parking for two vehicles. There is a larger triangular paved garden to the rear. The property is located in a residential area with predominantly detached dwelling houses, with a few detached houses of a mixed period.
- 1.2 Developments of note in the vicinity are the recent erection of a 2 storey side extension to 2 Glasslaw Road which implemented the planning consent 18/01207/FUL.

2. Proposal

- 2.1 The application seeks to erect a single storey rear extension, and a two storey side extension. It follows a recent refusal for a similar proposal and seeks to address the previous reason for refusal.
- 2.2 The single storey extension extends approximately 3m from the rear elevation of the host property. It has a lean-to style roof that slopes down from the rear elevation of the host building towards the eaves of the rear elevation of the extension. At its highest point the roof of the single storey addition will be approximately 3.3m in height dropping to approximately 2.7m in height at the rear elevation of the proposed extension. The proposed single storey extension will be separated from the southern boundary with number 23 by approximately 1.1m.
- 2.3 The footprint of the rear extension would be an irregular 4 sided shape. This is in order to fit within the boundaries of the triangular shaped rear amenity area. As can be seen from the site's planning history at **Appendix 2** the property already benefits from an extant planning consent for a single storey rear extension. The previously approved extension was of a very similar design, shape and scale to that proposed as part of the current application. The accommodation provided in both of the rear extensions provides a shower and W.C. and a dining room.
- 2.4 The two-storey side extension would be located on the southern side of the existing dwelling. It has a width of approximately 2.6m, the same width as the garage it replaces. It would have a rectangular footprint and abuts against the existing southern elevation of the property at length of approximately 7.8m. The eaves of the host property are approximately 4.9m. The roof ridge height and pitch will also replicate those of the existing roof slope. The front elevation of the two-storey side extension would be setback the front elevation by approximately 0.6m.
- 2.5 At ground floor the proposal would retain the garage and provide a utility room to the rear. At first floor a bedroom would be provided to the front served by an ensuite at the rear.
- 2.6 The proposed external facing materials are proposed would be facing brick and roof tiles to match the existing property with doors and fenestration changing from white frame to grey frames

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.
- 3.4 Policies SDP5 and CS19 require adequate provision of car and cycle parking, as supported by the Parking Standards SPD. Policy SDP23 (Unstable Land) seeks development that would not add to the instability of surrounding land.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 It is also noted that recent consent provided for the erection of a part 2-storey, part single storey side/rear extension following demolition of existing structures at nearby 2 Glasslaw Road has been implemented. Planning permission referenced 18/01207/FUL

5. 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 **5 representations** objecting to the proposal have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 The development will affect the appearance of the property to the detriment of the character of the host dwelling and the visual amenities of the street scene. The proposed development does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely

out of the character of the area. This is a residential road with detached houses, none of which have had a two storey development attached to the side, above the garage. The development is not in keeping with all the other houses in the street and appears to be an overdevelopment of the property.

Response

The impact of the proposal on the character and appearance of the area is discussed in greater detail within section 6.2 below. However, the revised scheme incorporates an amended two storey side extension design with a set back of 60cm from the front elevation of the property. There is an extant consent for a single storey rear extension referenced 21/00041/FUL. The proposed front elevation of the development will be very similar in appearance to the recent development at 2 Glasslaw Road (permission 18/01207/FUL applies). Given the history of recent permission and the subservience offered by the chosen design the scheme is considered to be contextually acceptable.

- 5.3 The proposed development, because of its layout, would result in unacceptable levels of outlook, privacy and usable amenity space therefore creating an unsatisfactory residential environment.

Response

The impact of the proposal on the amenities of the neighbouring dwellings is discussed in greater depth within section 6.3 of the report below. However, it is noted that the proposed two storey side extension will not extend beyond the front and rear elevations of the host property or the neighbouring property (No.23). The proposed upper floor windows will look out onto areas already open to public view, or can be obscure glazed to protect the amenity of the neighbouring occupants. The proposed two storey side extension is located to the north of the neighbouring property No.23 and will be screened from the neighbour to the north No17 by the host property itself. There is an extant planning permission for a single storey rear extension referenced 21/00041/FUL, and this should be afforded significant weight in the determination of this application as it could be built out in any event.

- 5.4 The current occupants are running a business from the property and it is understood that part of the development will be an office for the business.

Response

There is no definite point at which a business operating from a residential dwelling is considered to require a formal application to change the use of the property.

National Planning Practice Guidance states at paragraph 014 that *"Planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second (or in planning terms, provided that a business does not result in a material change of use of a property so that it is no longer a single dwelling house).*

A local planning authority is responsible for deciding whether planning permission is required and will determine this on the basis of individual facts. Issues which they may consider include whether home working or a business leads to notable increases in traffic, disturbance to neighbours, abnormal

noise or smells or the need for any major structural changes or major renovations.”

Ministerial advice on the matter states:

“Once the business or non-residential use of the property ceases to be ancillary to its use as a single dwelling, because, for example, the business has grown and the use of the dwelling for activities relating to the business has intensified, a material change of use for which planning permission is required is likely to have taken place. The likelihood of there having been such a material change of use maybe indicated where the business or non-residential use generates visitors, traffic, noise or fumes over and above what might be expected of the property were in use as a single dwelling without any ancillary use. Local planning authorities should take steps to ensure that such developments are effectively controlled, and should be prepared to refuse planning permission or to use their enforcement powers where appropriate.”

Thus, some basic ground rules have been previously laid down by ministerial policy. It would be fair to summarise that if a use does not significantly alter the ambience of a house, either in terms of appearance, noise, smell or comings and goings, if no special machinery or equipment not normally found at a house is installed and if the room or rooms used could easily revert to residential use at the end of the working day, then it can be concluded that a material change of use has not occurred. In any event the application is for the physical works alone and should be assessed as such.

- 5.5 It is understood that there are also plans to turn the front garden into a car park.

Response

The creation of hardstanding to the front of the property does not form part of the submission being considered. However, it is important to note that should the site frontage be laid to hardstanding, should the hardstanding be of a porous material with no water run off onto the public highway then the works may be considered ‘permitted development’ without the need for further planning permission.

- 5.6 The occupants of the property already park their vehicles (including vans) on the street.

Response

Provided vehicles are parked legally, residents and visitors to Glasslaw Road are able to park on the highway, include on the highway to the front of neighbouring properties. Enforcement of highway parking falls under separate legislation to planning legislation.

- 5.7 This house and other houses in the street have previous had subsidence issues. The property may affect the foundations of the neighbouring property No.23. The proposal presents significant fire risk, and could affect the spread of fire between the neighbouring properties.

Response

Should the application receive consent the approved scheme would also require Building Regulation approval where such matters such as appropriate

foundations and reducing the spread of fire risk between properties would need to be addressed. A planning permission can also carry an information that reminds the applicant of their responsibilities under the Party Wall Act.

5.8

The gap between the houses is still not sufficient to allow maintenance to occur on my property at 23.

Response

This is a civil matter between the parties involved. Maintenance of the application property or neighbouring properties does not form part of the material consideration for the application and development is taking place within the land ownership of the applicant.

6.0 Planning Consideration Key Issues

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

- Design and effect on character;
- Residential amenity;
- Parking highways and transport

6.2 Design and effect on character

6.2.1 As can be seen from the planning history within **Appendix 2** there have been a number of previous applications on this property. The planning permission 21/00041/FUL is extant and provides permission for a single storey extension at the rear of the property. The design of this single storey addition largely reflects the design and proportions of the single storey rear extension being considered under the current application.

6.2.2 Any fall back position is a material consideration in the decision making process. It may be considered unreasonable to raise concern over the proposed single storey extension as part of the current proposal given the likelihood that a very similar single storey rear extension could be built by implementing the permission 21/00041/FUL.

6.2.3 That said the proposed single storey rear extension would not be readily visible in any street scene and is of an appropriate design and scale. The proposed materials are appropriate and such materials can be secured by a planning condition.

6.2.4 The previous application (referenced 21/00755/FUL for a two storey side extension was refused on the following grounds:

- *'The size, width and design of the proposed two storey side extension would fail to have a subservient relationship with the existing property and erodes the gap between the detached two storey properties which forms an key part of the street scene. The proposals would therefore appear out of character and harmful to the character and appearance of the streetscene as a result in a terracing effect between the properties. As such, the proposal is contrary to saved policies SDP1(i), SDP7 and SDP9 of the City of Southampton Local Plan Review, Policy CS13 of the adopted Local*

Development Framework Core Strategy Development Plan Document,, as supported by paragraphs 2.2.2, 2.3.1 to 2.3.5 of the Residential Design Guide SPD and the guidance contained within the National Planning Policy Framework 2019.'

- 6.2.6 To overcome these concerns the revised scheme has set the proposal back from the front elevation of the host property by 60cm at both the ground floor and first floor.
- 6.2.7 This amendment would result in the front elevation of the extension appearing subservient to the front elevation of the host building. This amendment provides a physical set-back from the front elevation to provide a visual break between the extension and the original dwelling, as outlined within paragraphs of the Council's Residential Design Guide (RDG). The setting back of the front elevation also allows the separation between the extension and the neighbouring dwelling (No.23) to be appreciated in the streetscene removing any terracing effect as resisted in paragraph 2.2.2 of the approved RDG.
- 6.2.8 In some instances, the RDG recommends that the roof of two storey additions is set lower in height than the main roof to further achieve subservience to the main dwelling. Whilst the roof of the two storey extension is the same height as the existing roof in this instance, it is still considered that the two storey side extension would achieve an appropriate and sympathetic relationship to the main property through the set back of 0.6m from the front elevation. This proposal mirrors the size and design of a two storey extension at No, 2 Glasslaw Road, as such it would be unreasonable in the opinion of officers to refuse the application for poor design when a similar proposal in close proximity has been approved. The proposal would also use brick and tile external surfacing materials to match those used in the host property.
- 6.2.9 On this basis the proposed extension would be considered subservient and sympathetic to the host dwelling and therefore the size, scale and design of the extension is considered to be acceptable.
- 6.3 Residential amenity
- 6.3.1 The proposed single storey addition has already been identified as very similar in scale and design as the extant permission associated with the site. As such, the proposed single storey rear extension has already been considered by the Council and found not result in any material harm to the light, outlook or privacy amenity currently enjoyed by the occupants of the neighbouring properties. It would be open to challenge at appeal should a different conclusion be made by the Council as part of the current proposal.
- 6.3.2 The two storey addition will be located on the southern elevation of the host property. It is located 60cm back from the existing front elevation, and finishes level with the existing rear elevation of the property. Due to the strong building lines present with the neighbouring properties the proposed two storey addition does not extend beyond the front and rear elevation of the neighbouring dwelling (No23).
- 6.3.3 The proposal two storey addition will be located to the north of the neighbouring

property (No23). Furthermore, there are no windows located on the north elevation of No.23. The proposal two storey addition will be located to the north of the neighbouring property (No23). The host building will screen the proposed double storey addition from the neighbouring property (No27).

- 6.3.4 The proposed windows at first floor will look out onto areas already open to view from the public realm. At the rear the upper floor window within the extension will serve an en-suite. As such this window can be expected to be obscure glazed to protect the privacy of the occupants. It is therefore reasonable to impose a condition requiring this window to be obscure glazed. This would have the benefit of mitigating any overlooking across the neighbouring property (No.23). That said there is already a relationship of mutual overlooking towards the rear boundaries of the neighbouring properties within this area of Glasslaw Road.
- 6.3.5 Due to the orientation, and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook and the scheme therefore complies with saved Local Plan Policy SDP1(i).
- 6.3.6 The potential impact of construction noise on neighbouring residents can be mitigated by way of a condition restricting the permitted working hours. Therefore subject to compliance with these conditions, the proposals are considered to be acceptable with regards to the impact on neighbour amenity.

6.4 Parking highways and transport

- 6.4.1 The proposed and existing garage on site are not of a sufficient width to be counted as part of the off-road parking provision for the property and do not meet out own standards. The application site currently contains two off road parking spaces located adjacent to the north and southern boundaries.
- 6.4.2 The proposal does not seek to create a new dwelling as such the proposal is not required to meet the requirements of the Council's parking standards SPD. The proposal is limited to the extension of an existing dwelling. There is no change to the amount, or arrangement of the existing parking on the front driveway

7. Summary

- 7.1 The proposed development would not cause harm to the amenity of neighbouring residents and the design of the extensions would be sympathetic to the host dwelling and would not appear out of character with the host dwelling. Further the existing parking for the site would not be compromised.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

- 1 (a) (b) (c) (d) 2. (b) (d) (g) 4.(f) (vv) 6. (a) (b) (a)

Case Officer **Mark Taylor** for 12/10/21 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

The development 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. 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.

03. Materials

The materials and finishes to be used for the external walls, 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. Hours of work for Demolition / Clearance / Construction (Performance)

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

05. Obscure Glazing

The first floor window on the rear elevation serving the en-suite of bedroom 4 shall be obscure glazed to Pilkingtons level 3 or equivalent. The window shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties

INFORMATIVES

01. Party Wall

Note to applicant: You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk.

02. Trespass

Note to Applicant: This planning permission does not convey the right for the development to encroach over, under or on land which is not within your ownership, without the consent of the landowner.

POLICY CONTEXT

Saved Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

Saved City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP23 Unstable Land

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

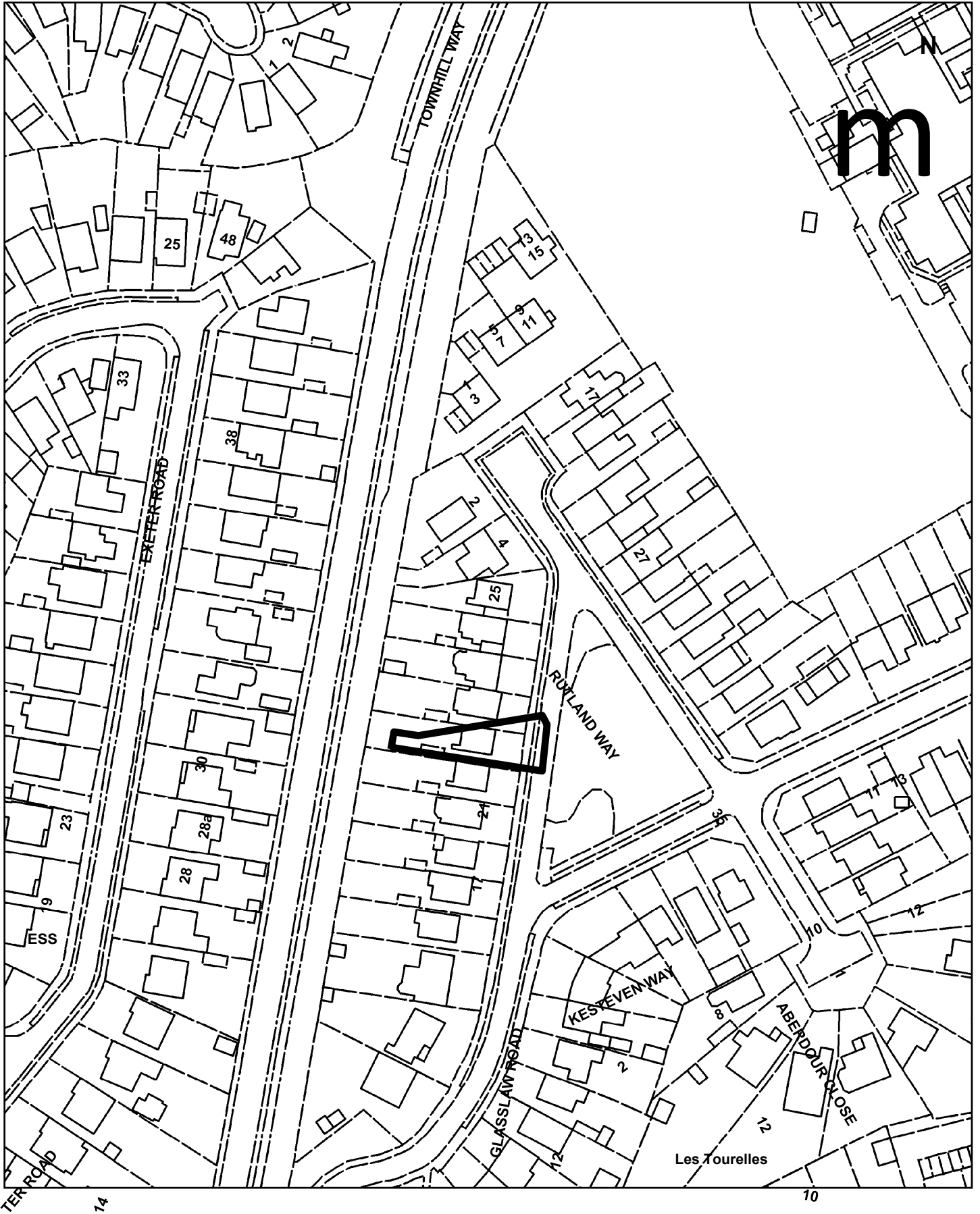
Relevant Planning History**25 Glasslaw Road**

Case Ref	Proposal	Decision	Date
965/35R1/25-1	Erection of 50 bungalows and garages	Conditionally Approved	03.05.1951
965/35R2/25	Erection of fifty bungalows and garages (revised)	Conditionally Approved	06.09.1951
1095/2/25	Erection of 9 detached dwellings	Conditionally Approved	01.10.1956
1095/2R1/25	Re-siting of houses	Conditionally Approved	01.09.1958
1286/78	2 storey addition to house	Conditionally Approved	27.04.1965
1293/50	Erection of a garage	Conditionally Approved	07.09.1965
21/00041/FUL	Single storey rear extension	Conditionally Approved	03.03.2021
21/00755/FUL	Erection of a two-storey side and rear extension	Application Refused for the following:	19.07.2021

The size, width and design of the proposed two storey side extension would fail to have a subservient relationship with the existing property and erodes the gap between the detached two storey properties which forms an key part of the street scene. The proposals would therefore appear out of character and harmful to the character and appearance of the streetscene as a result in a terracing effect between the properties. As such, the proposal is contrary to saved policies SDP1(i), SDP7 and SDP9 of the City of Southampton Local Plan Review, Poliy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document,, as supported by paragraphs 2.2.2, 2.3.1 to 2.3.5 of the Residential Design Guide SPD and the guidance contained within the National Planning Policy Framework 2019.

2 Glasslaw Road

Case Ref:	Proposal:	Decision:	Date:
18/01207/FUL	Erection of a part 2-storey, part single storey side/rear extension following demolition of existing structures	Conditionally Approved	22.11.2018



Scale: 1:1,250

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