

Planning and Rights of Way Panel 24th May 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 34 Crofton Close Southampton			
Proposed development: Erection of a single storey rear extension (retrospective).			
Application number:	22/00383/FUL	Application type:	FUL
Case officer:	Connor Chalmers	Public speaking time:	5 minutes
Last date for determination:	06.05.2022 (EOT 27.05.2022)	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member/ Five or more letters of objection have been received	Ward Councillors :	Gordon Cooper Lisa Mitchell John Savage
Referred to Panel by:	Councillor Cooper	Reason:	Impact of the scope of this extension and the possibility that the owners may be planning an HMO in a residential estate
Applicant: Mr Lakhani		Agent: Birch Architects Ltd	

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

Reason for granting Permission

The development is acceptable considering 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).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site, its context and background to the scheme.

- 1.1 The application site contains a two-storey detached family dwelling house with an integral garage and front driveway. The property is located on a corner plot in a residential area characterised by large, detached dwelling houses of varying styles, set back from the main roads of the area in a quiet side street.
- 1.2 The property shares a rear boundary with neighbouring 33 Crofton Close where the properties are separated by a large brick wall further screened by tall mature planting along parts of the boundary. The eastern boundary is shared with 35 Crofton Close where the properties are separated by a timber fence.
- 1.3 The property has previously been extended, twice, firstly in 2002 with a two-storey rear extension which was built onto the rear wall, and in the same application with a single-storey rear extension which backed onto the south-east facing garage. The second extension in 2005 comprised of a single-storey side extension on the north-west facing side.

2. Proposal

- 2.1 The proposal is for the retention of a single-storey rear extension measuring 5.3m wide, 1.8m in length, and a height of 3.3m with the eaves sitting at 2.4m. The proposal also sees the existing west facing side extension risen by an additional 0.4m of height.
- 2.2 The proposals originally included a garage conversion to provide additional ground floor living accommodation. The applicant has removed these works from the application and amended plans have been received. Reconsultation was undertaken following receipt of these plans.

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 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, and 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.

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 The original planning consent for the development of the estate restricted the ability to extend the property and erect new garages without planning permission (condition 10). It effectively removed 'permitted development'. In addition, Condition 16 of the same permission, removed the right to convert the existing garages without planning permission. Therefore the application property does not have permitted development rights to extend or convert the garage without express planning consent.
- 4.3 In 2002, permission for a two-storey rear extension and single-storey rear extension was conditionally approved under ref: 02/01010/FUL and has been fully constructed on site.
- 4.4 In 2005, permission for a single-storey side extension was conditionally approved under ref: 05/00483/FUL and has been fully constructed on the site.

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. A further notification took place following the removal of the garage conversion from the current application. At the time of writing the report **17 representations** have been received from surrounding residents and associations.

The following is a summary of the points raised:

- 5.1.1 A house with six bedrooms and potential for more on the plans with almost no usable garden may in the future become an HMO, exacerbating the already congested parking situation in Crofton close and changing the nature of this residential area.

Response

This is not a relevant material consideration for this application. The additional bedroom on the original plans via a proposed garage conversion has been removed through amended plans. The property will remain as a C3 dwellinghouse and is not proposed to be changed to C4 House in Multiple Occupation use. Any such future change would require a further application, consultation and Council approval.

- 5.1.2 Overdevelopment and impact on visual amenity

Response

The impact of the extension on the visual amenities of the area and the overdevelopment of the site concerns will be considered in Section 6 below.

- 5.1.3 Development exceeds 50% of the curtilage allowed under Permitted Development (PD)

Response

This is not a PD check. Permitted development allows for extensions and

outbuildings that cover no more than 50% of the total curtilage of the site. If buildings cover more than 50% of the curtilage of the site, planning permission is required. The property does not have any permitted development rights, therefore the 50% reference is not relevant to this application.

- 5.1.4 Unauthorised loft conversion has been carried out, which requires planning permission. The original planning condition should be amended to restrict the ability to carry out a loft conversion.

Response

Converting attic space into additional living accommodation is not always 'development' for the purposes of Planning control. A site visit has been undertaken by officers, which has confirmed that the existing loft has been converted into additional bedrooms. Whilst extensions and new garages are prohibited on the property without express planning consent, this does not include internal alterations which allow loft conversions to take place. The suggestion to amend the original condition to prevent further loft conversions has no planning justification and would not meet the 6 tests outlined in National Planning Practice Guidance for imposing planning condition – they cannot be imposed retrospectively.

- 5.1.5 Application has been submitted after the works have taken place.

Response

The UK's planning system confirms that undertaken development without planning permission is not in itself unlawful. Similarly it does not follow that all retrospective development is harmful. The Council's Planning Enforcement Policy echoes the National Planning Policy Framework, which states that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Following local complaints the applicant was invited to apply ahead of the Planning Department taking matters further through Planning Enforcement. An application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan. Officers do not condone retrospective development but must work within the limits of current Planning legislation and guidance.

- 5.1.6 Impact on street parking

Response

Impact on parking behaviour will be considered in Section 6 below, however the extension the subject of the application relates to a kitchen extension and does not facilitate additional bedrooms. Therefore, there is no additional requirement for either on or off site parking.

- 5.1.7 Request for trees in the application site be made the subject of a TPO

Response

The planning application process is not the appropriate process for promoting a Tree Preservation Order. A TPO is also unlikely to be granted on smaller Conifer trees as they are not the subject of immediate threat from development and do not contribute significantly to the visual amenity of the area. The request has been forwarded to the Council's Tree Officer

Consultation Responses

5.2

Consultee	Comments
Cllr Gordon Cooper Inc. Panel referral	<p>" I see on the supporting details they say the work started on the 10th January; this is untrue the work was already well under way with the RSJ in the roof space in December when I requested a Stop Order to be issued. This is just one error I have noticed and there is no reference to that work"</p> <p>Several neighbours are concerned about the impact of the scope of this extension and the possibility that the owners may be planning an HMO in a residential estate. HRA will be commenting on the plans in the usual way. I think they have a legitimate concerns, particularly as there appears to be a flagrant ignoring of the planning process here.</p> <p>As a result, I would request that this case is brought before the planning panel.</p>
Highfield Residents' Association	<p>Highfield Residents' Association objects to this Planning Application (retrospective) for a plot that has already been constricted by previous significant single and two storey extensions. Planning Permission for these extensions were approved in Ref. No: 02/01010/FUL Validated: Wed 17 Jul 2002 Status: Approved and Ref. No: 05/00483/FUL Validated: Thu 31 Mar 2005 Status: Approved</p> <p>There is currently a SCC enforcement notice (2/00110/ENUDEV, 08/02.2022) under continued monitoring due to unlawful development.</p> <p>Highfield Residents Association objects on the grounds that it is incomplete, inaccurate, breaks a previous Planning Condition for the estate and is overdevelopment of an already constricted site.</p>
	<p>I submit this abbreviated objection in outline to cover the main issues...</p> <p>- Overall this development is an over-intensification of use converting a four bedroom property into one of eight bedrooms.</p>

<p>North So'ton Community Forum</p>	<ul style="list-style-type: none"> - Similarly the massing and scale of the current building is an over-development which leaves virtually no amenity space and is out of scale with the rest of Crofton Close. - Consequently this constitutes a material harm and damages the character and amenity of the Estate. - The conversion of a garage to a bedroom and ensuite is contrary to Condition 16, which has been upheld by three previous Planning Inspectors and if allowed, would create a precedent from which the Council would have difficulty in defending in the case of further future applications, which would surely follow and damage the integrity of the rest of the estate. - The impact on Parking is obvious and was a major consideration in the refusal of the Appeal for No 5 Crofton Close. - The NPPF requires, even for PDRs, that consultation must take place with the neighbours and not only was this not carried out, but attempts by neighbours to ascertain what was happening was consciously rebuffed. <p>For all the above reasons we ask for this application to be refused under delegated powers as the breaches of Planning Control are so manifest and deliberate.</p>
-------------------------------------	---

6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
1. Impact on neighbouring residents and;
 2. Impact on the character and appearance of the local area; and
 3. Impact on parking

6.2 **Impact on residential amenity.**

- 6.2.1 The application site is bordered by No.33 Crofton Close to the North-East and No.35 to the South-East. Both neighbours have objected. The rear garden of the application site backs on to the side boundary with No.33. The extension is located in the north west corner of the application site, which at most can be seen from the front elevation and parking area of No.33. The extension is low level, single storey, and relatively small in depth; and therefore does not result in any significant loss of light or outlook from the front parking area of No.33. Similarly the development is sufficiently distanced from the neighbouring boundary with No. 35 and would not result in adverse impacts on neighbouring privacy, daylight received, and current outlook.
- 6.2.2 There are also local concerns that this extension result in the overdevelopment of the site and would leave the property with an unsuitably sized rear garden. The Residential Design Guide (RDG - 2006) states in section 2.3.12 that extensions should maintain a garden area that allows for practical use and reflects the established character of the area and the size of the house. For a detached property it specifies a minimum garden size that maintains a depth of 10m and an area of 90sq.m, unless it can be demonstrated that smaller garden sizes are typical of the character of the area. For this specific property, at

the time it was built the depth of the garden was already less than 10m (9.43m). The lack of depth of the rear garden is compensated for with a wider rear garden which gives it a remaining total area of 86.1sq.m once the proposed extension has been accounted for. This shortfall of 3.9sq.m is not considered to be significant and would not warrant a reason for refusal regarding the living environment for future occupiers. Officers would have difficulty arguing harm at an appeal on this basis given that the remaining external space is flat and useable and, as such, the application proposals are not considered to result in an overdevelopment of the site or a poor quality external living environment for the occupiers.

- 6.2.3 It is not considered that that proposed extension would result in significant overbearing, overlooking or overshadowing impacts on the amenities of nearby occupiers, nor would it harm the amenity of the occupiers of the host dwelling. On this basis the proposal is considered acceptable when assessed against saved Local Plan policy SDP1(i) and the relevant sections of the approved RDG.

6.3 Design and effect on character

- 6.3.1 This application proposes a single storey extension to a 2 storey dwelling and is not uncommon. The corner plot location of the application site provides a high degree of visibility of the existing side extension and rear extension within the street scene. The proposed single-storey rear extension has been designed in such a way that the bulk of the western side elevation of the structure has been built into the existing side boundary brick wall. The use of a hipped roof design helps to reduce visual scale of the addition and the extension integrates well with the design and materials of the existing single-storey side extension and is proportionate with the scale of the existing dwelling. For these reasons, it is not considered to detract from the character of the existing property or result in an incongruous or harmful addition to the street scene.

- 6.3.2 In addition, the resulting scale and footprint of the host dwelling following the proposed addition (approximately 148sq.m) would be comparable with neighbouring and nearby large properties in Crofton Close including No.29 Crofton Close (approximately 139sq.m) and No. 1 Crofton Close (approximately 138sq.m). As such, the extension is considered to be a proportionate addition to the existing property and would not be harmful to the pattern of development locally or to the character and appearance of the area. On this basis, the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.

6.4 Parking highways and transport

- 6.4.1 A number of local third-party objections made direct reference to the issues of parking on Crofton Close. Officers recognise the concerns. However, this application only relates to a modest single storey rear extension and raising the roof height on an existing side extension. These alterations do not increase the number of bedrooms on the property and do not generate additional on-site parking. As such the proposals themselves do not directly impact on street parking behaviour.

7. Summary

7.1 In summary, the proposals would integrate well with both the character of the property and the surrounding area. In addition, this proposal will not have a negative impact for neighbouring properties and the proposals would comply with the relevant Development Plan policies.

8. Conclusion

8.1 It is recommended that retrospective 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) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Connor Chalmers PROW Panel 24.05.2022

PLANNING CONDITIONS

01. Materials in accordance with submission (Performance)

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 be in accordance with the submitted plans and information hereby approved.

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.

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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

CS19 Car & Cycle Parking

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

SDP1 Quality of Development

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

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

Case Ref	Proposal	Decision	Date
02/00278/FUL	Two storey extension to side and rear	Application Refused	16.04.2002
02/01010/FUL	Two storey rear extension and single storey rear extension	Conditionally Approved	20.09.2002
900255/W/(34)	CHANGE OF USE OF OAKMOUNT HOUSE TO 4 FLATS REDEVELOPMENT OF REMAINING SITE BY ERECTION OF 33 HOUSES WITH ASSOCIATED CAR PARKING STRUCTURED LANDSCAPING OF OPEN SPACE	Conditionally Approved	29.08.1990
05/00483/FUL	Erection of a single storey side extension	Conditionally Approved	26.05.2005