

**Planning and Rights of Way Panel 2<sup>nd</sup> August 2022**  
**Planning Application Report of the Head of Green City & Infrastructure**

<b>Application address:</b> 1 Gainsford Road, Southampton			
<b>Proposed development:</b> Erection of a log cabin in rear garden (Retrospective).			
<b>Application number:</b>	22/00340/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Connor Chalmers	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	31.05.2022 (EOT 05.08.2022)	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors :</b>	Alex Houghton Eamonn Keogh Joshua Payne
<b>Referred to Panel by:</b>	Councillor Eamonn Keogh	<b>Reason:</b>	Responding to neighbour concerns
<b>Applicant:</b> Miss Cheryl Strugnell		<b>Agent:</b> N/A	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
---	-----------------------

**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).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**

Conditionally approve

1.	<b><u>The site and its context</u></b>
1.1	The application site contains a large two-storey semi-detached family dwelling house with a shared front driveway. The property is located in a residential area characterised by large, detached and semi-detached dwelling houses in an urban setting.
1.2	The property shares front and rear boundaries with neighbouring properties at 1a Gainsford Road and 3 Gainsford Road. The front boundary with 1a Gainsford Road contains a shared driveway installed when the property at 1a was constructed in 2009. The rear of the property shares boundaries with the properties at 1a and 3 where they are separated by fencing. Due to the nature of the properties on this street being located on a hill, each property sits at a slightly higher elevation than the property located to the South-West of the property in question.
1.3	Historically, this property benefitted from a large side and rear garden, however, in 2009 a planning application was approved for the construction of a new detached property in this space which would later become 1a Gainsford Road, resulting in the remaining garden space being split between the two properties.
2.	<b><u>Proposal</u></b>
2.1	The proposal is for the retention of a single storey log cabin located in the rear garden of the property. The log cabin measures approximately 2.98m high, with eaves at 2.6m. The width of the building is 3.0m and length is 3.0m. The building is set off the boundary with its neighbours. The applicant's submission explains that they believed the building to be 'Permitted Development', which it isn't.
3.	<b><u>Relevant Planning Policy</u></b>
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 <b>Appendix 1</b> .
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.
<b>4.</b>	<b><u>Relevant Planning History</u></b>
4.1	A schedule of the relevant planning history for the site is set out in <b>Appendix 2</b> of this report.
<b>5.</b>	<b><u>Consultation Responses and Notification Representations</u></b>
5.1	<p>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 <b>2 representations</b> have been received from surrounding residents, with 1 letter in support and 1 letter objecting. The application has also been referred to Planning Panel by Ward Cllr Keogh.</p> <p>The following is a summary of the OBJECTIONS raised:</p>
5.2	<p>Loss of residential amenity in the form of right to privacy. The proposal results in overlooking from the frontage of the development into neighbouring habitable windows, namely the first-floor kitchen window and second floor bedroom window.</p> <p><b><u>Response</u></b>  <b>The impact of the log cabin on existing privacy amenities at neighbouring properties will be considered in Section 6 below.</b></p>
5.3	<p>Concerns of potential for excessive additional noise generated by visiting clients at the application site.</p> <p><b><u>Response</u></b>  <b>The potential for additional excessive noise came as a result of the outbuilding being briefly used as part of the applicant's home business. The applicant has since put an end to this usage upon being informed that the outbuilding could not be used for this purpose without planning consent. A condition will also be imposed to restrict the use of the building to incidental purposes only and no business related activities, other than a home office or other low-key uses.</b></p>
5.4	<p>Impact on street parking</p> <p><b><u>Response</u></b>  <b>Impact on parking behaviour will be considered in Section 6 below, however, the subject of the application relates to a log cabin for incidental use only. Therefore, there is no additional Planning requirement for either on or off-site parking.</b></p>
5.5	<p>Concern that the proposal would result in the provision of an undesirable precedent that would encourage similar and harmful development.</p> <p><b><u>Response</u></b></p>

5.6	<p><b>Any potential future developments at the property may require planning permission (if not built to permitted development tolerances) and, therefore, subject to the same local and national planning policies that have been applied in this instance.</b></p> <p>The neighbour in SUPPORT commented that they have a similar building in their back garden of a greater size and height and all neighbours have some form of outbuilding, larger than a standard shed and of varying heights and sizes, in their gardens. They can categorically state that the applicant generates no more noise from this building than any other user of their garden in the area. If the applicant is running a business, it is, in their opinion, nothing more than ancillary to the occupation of the property as a residential building and is certainly not causing any loss of amenity or increased noise.</p>	
	<p><b><u>Consultation Responses</u></b></p>	
5.6	<p><b>Consultee</b></p> <p>Cllr Eamonn Keogh Inc. Panel referral</p>	<p><b>Comments</b></p> <p>I understand the applicant isn't raising the height of all the fence panels and therefore I would request the application go to Panel.</p> <p><i>Officer response</i> <i>The applicant has offered to erect additional screening that can be secured by condition but it isn't necessary in Planning terms to insist that the fence along the entire boundary is replaced.</i></p>
6.0	<p><b><u>Planning Consideration Key Issues</u></b></p>	
6.1	<p>The key issues for consideration in the determination of this planning application are:</p> <ol style="list-style-type: none"> <li>1. Impact on neighbouring residents and;</li> <li>2. Impact on the character and appearance of the local area; and</li> <li>3. Impact on parking</li> </ol>	
6.2	<p><b><u>Residential amenity</u></b></p>	
6.2.1	<p>The application site is bordered by No.1a Gainsford Road to the South-East and No.3 to the North-East. The outbuilding is sited to the rear within 2.0 metres of the northern boundary with No.3. The outbuilding measures 0.48 metres above the 2.5 metre height limit for rear garden outbuildings under Permitted Development, resulting in this planning application. It should be noted as well that the physical building itself comes under this height limit, measuring 2.38 metres in height. However, the additional height comes from the rear of the garden where the proposal is situated being on uneven ground resulting in the need for the structure to be raised by 0.6 metres to be level.</p>	

6.2.2	<p>The proposed development would have little effect on the amenities regarding sunlight and daylight received by neighbouring properties, and their outlook, due to the development being sufficiently distanced from both properties. The key loss of amenity that effects this proposal is based on privacy concerns regarding the potential for over/inter-looking into neighbouring properties set at a lower elevation to the proposal. Notwithstanding that a slightly lower building could be erected under permitted development and result in the same concerns regarding loss of privacy from the building, the applicant has offered to erect boundary screening between No's 1 and 1a at the relevant points. An additional 0.5 metres would be added to the first two fence panels directly adjacent to the properties due to the remaining panels being sufficiently high enough to prevent overlooking. This would ensure that direct views from the outbuilding towards the rear elevation of No. 1a would be impeded and avoid concerns with regards to loss of privacy. Furthermore it is understood that this approach would be acceptable to the neighbouring properties which would negate loss of light and outlook concerns from the addition of extra screening on this boundary. This screening would be secured through a suitably worded planning condition and would mitigate concerns with regards to loss of privacy. Therefore, subject to compliance with this condition, the proposal is considered acceptable when assessed against saved Local Plan policy SDP1(i) and the relevant sections of the approved RDG.</p>
6.2.3	<p>The Panel will note that such outbuildings can be used for 'home working' without the need for planning permission.</p>
6.3	<p><u>Design and effect on character</u></p>
6.3.1	<p>The application proposes a moderately sized rear outbuilding on a property with a large garden space leaving sufficiently more than 50% of the curtilage of the property unaffected by development. This proposal is not an uncommon sight in this area with many neighbouring properties having similarly sized or larger rear outbuildings including neighbouring No.3 and the property at No.59 Bryanston Road which has a rear garden sitting adjacent to No's 1 &amp; 1a with a large outbuilding also overlooking both properties. The proposal itself is also considered to be of an acceptable design reflecting the character of the local area. As such, the outbuilding 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.</p>
6.4	<p><u>Parking highways and transport</u></p>
6.4.1	<p>The local third-party objection made direct reference to the issues of parking on Gainsford Road. This application only relates to the retention of a log cabin</p>

	in the rear garden. This proposal does not increase the number of habitable rooms on the property, and does not generate additional on-site parking demand. As such the proposals themselves do not directly impact on street parking behaviour.
<b>7.</b>	<b><u>Summary</u></b>
7.1	In summary, these retrospective proposals for an outbuilding 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 if the proposed additional condition is met, and the proposals would comply with the relevant Development Plan policies.
<b>8.</b>	<b><u>Conclusion</u></b>
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) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)  
Case Officer **Connor Chalmers** PROW Panel 02.08.2022

**PLANNING CONDITIONS to include:**

**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 and retained 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. Incidental Use Only (Performance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and for no other purpose.

Reason: To maintain planning control in the interests of amenity of the site.

**04. Screening**

Within one month from the date of this permission, an additional 0.5m high privacy screen shall be installed above the existing fence between the boundary with No.1a and No.1 over the first two fence panels nearest the properties. Once installed, the privacy screen shall thereafter be retained and maintained as such at all times.

Reason: In order to protect neighbour amenity from loss of privacy and overlooking

**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**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
02/00909/FUL	Erection of a two storey side extension and rear conservatory.	Conditionally Approved	12.08.2002
1551/E23	SINGLE STOREY SIDE EXTENSION	Conditionally Approved	30.01.1979
07/01521/FUL	Demolition of existing side extension and the erection of a new No.3 bed two storey detached dwelling.	Conditionally Approved	13.11.2007