

**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> 5 Cotswold Road, Southampton			
<b>Proposed development:</b> Erection of a single storey rear extension (Retrospective)			
<b>Application number:</b>	22/00668/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Tom Barnett	<b>Public speaking time:</b>	5 Minutes
<b>Last date for determination:</b>	28.06.2022	<b>Ward:</b>	Millbrook
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Graham Galton Cllr Jeremy Moulton Cllr David Furnell
<b>Referred to Panel by:</b>	Cllr David Furnell	<b>Reason:</b>	The proposal would have detrimental impact on Number 3 Cotswold Road.
<b>Applicant:</b> Kernan Charles		<b>Agent:</b> Revite	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</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. 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**

<b>1.</b>	<b><u>The site and its context</u></b>
1.1	The application site consists of a two-storey terraced dwelling, which is located within a sub-urban area part of the city. The dwelling is one of the central terraced properties, which is characterised by similar two-storey terraced dwellings which are set back from the road of Cotswold Road.
1.2	The application property shares boundaries with two immediate neighbouring properties. This includes neighbouring dwellings 3 and 7 Cotswold Road where the properties are both separated by timber fencing.
<b>2.</b>	<b><u>Proposal</u></b>
2.1	The proposal is for the erection of a single storey rear extension. The extension has partially been constructed and, therefore, these works are retrospective. The extension has a depth of 4.55 metres, a width of 5.45 metres and is 3.0 metres high with a flat roof. The proposal would leave an approximate gap of 1.06 metres with the neighbouring boundary of 3 Cotswold Road.
2.2	The original plans have been amended during the course of the application to more accurately reflect what was being built out on site. Initially the extension was shown to be built further towards the boundary with No. 3. However, the extension was actually being built closer to the boundary with No. 7 instead. Amended plans were requested to amend this inaccuracy and a second round of consultation was conducted on this basis.
2.3	An earlier application was granted for a Proposed Lawful Development Certificate. The purpose of this application was to confirm that a different extension would have been Permitted Development (PD). The applicant has decided not to pursue this scheme and the current proposals are not PD and require planning permission.
<b>3.</b>	<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	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.
<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.
4.2	The proposal had a Proposed Lawful Development Certificate (21/01290/PLDC) approved in 2021 for a rear extension, this has not been implemented. The dimensions of that proposal had a depth of 3 metres, maximum height of 3.310 metres, eaves height of 3 metres and a width of 6.5 metres.
<b>5.</b>	<b><u>Consultation Responses and Notification Representations</u></b>
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 <b>3 representations</b> ; including 1 letter of objection, 1 support and 1 Panel referral from a ward councillor have been received. The following is a summary of the points raised:
5.2	The 1 letter of <b>SUPPORT</b> was received from an immediate neighbour at 7 Cotswold Road. Their comments are provided/summarised below:  <i>The extension has not been a problem, love that the garden is now being looked after and sorted out. The fencing and brick wall along our left side of the garden was very broken down and old and now thanks to the garden work, this is now a beautiful brick wall which compliments both gardens. The height of the extension makes no difference to the sun entering our garden or any issues creating shade. The old brick wall for the shed previously was much longer in width than what is now in place now, which probably helps to bring more visual space into our garden. No damage has been caused to our garden our house.</i>
5.3	The following is a summary of the <b>OBJECTION</b> raised by a neighbour:
5.3.1	Initial Comment: <i>The plans provided are inaccurate and exceed the legal dimensions. The construction is causing damage to walls inside the house, doors and windows in the house are now difficult to shut. The plans submitted do not show the location of the bathroom with the developer not planning to use official plans. The developer has been told to stop all the works while the plans are being submitted, however this has been ignored and the works have carried on.</i>
5.3.2	Further comments by the same neighbour after new plans submitted: <i>The new plans block sunlight going into my downstairs room as well as my</i>

5.3.3	<p><i>garden permanently. This would devalue my property and plans are not accurate with the works in place, the works may not be what is show on the plans. Damage to the house still remains/being caused. The scaffolding is still up which may have more additional things being added to the roof.</i></p> <p><b>Officer Response:</b>  <b>The plans have been amended to reflect the ‘as built’ external works. The impacts of the development on residential amenity in terms of loss of light and outlook will be considered in section 6 below. Internal damage to neighbouring properties resulting from building works is not a material planning consideration, but may be resolvable as a civil matter or through the Party Wall Act.</b></p>	
	<p><b><u>Consultation Response</u></b></p>	
5.4	<p><b>Consultee</b></p> <p>Cllr Furnell</p> <p>Inc. Panel referral</p>	<p><b>Comments</b></p> <p><i>I would like to oppose the application at 5 Cotswold Rd so that the plans come before the full planning committee. The reasons for doing this is it will have a detrimental impact on neighbours at number 3 and the work done has been in contravention of the first application and massively exceeds what the developer originally applied for at the property</i></p>
	<p><b>6.0 <u>Planning Consideration Key Issues</u></b></p>	
6.1	<p>The proposed single storey rear extension exceeds 3.0m in depth and therefore planning permission is required. The key issues for consideration in the determination of this planning application are:</p> <ul style="list-style-type: none"> <li>- Residential amenity; and</li> <li>- Design and effect on character.</li> </ul>	
6.2.1	<p><b>6.2 <u>Residential amenity</u></b></p> <p>The application site is bordered by two immediate neighbours No. 3 and 7 Cotswold Road. 7 Cotswold Road is situated on the southern boundary of the application site and this neighbour has written to support the scheme. The depth of the extension would interrupt a 45 degree line taken from the midpoint of this neighbour. However, given the moderate height of the proposal; being 3 metres in height and the orientation of the proposal to the north of the neighbouring property, the proposal would not cause a significant loss of light or shade to this property to warrant a refusal on these grounds.</p>	

6.2.2	The other immediate neighbour at 3 Cotswold Road is located on the northern boundary and this neighbour has raised an objection. The proposal has been assessed against section 2.2.11 – 2.2.13 of the approved Residential Design Guide SPD in respect of outlook and the 45-degree test has been applied. The permitted development fallback has also been considered.
6.2.3	The 45-degree test has also been taken from the midpoint of closest habitable room for this neighbour. The test shows that the extension would breach the 45 degree line from this neighbouring window, which indicates that some loss of light and outlook would occur. However the extension is located approximately 1.06m from the shared boundary with No. 3, with a walkway/side access being located between the extension and this common boundary. This break helps to mitigate the impact of the development on this neighbour. In addition, the height of the flat roof extension would be approximately 1 metre higher than the existing boundary fence. The applicant has also provided an elevational '45 degree illustration which shows that the a 45 degree line taken from the top of the extension down to the ground would not be impeded by the neighbouring patio doors. This indicates that the height of the extension, coupled with the separation distance between the extension and the neighbouring window/doors would mitigate significant impacts of loss of light and outlook on No 3. Officers do not consider that these impacts would warrant a refusal based on these grounds.
6.2.4	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	<b><u>Design and effect on character</u></b>
6.3.1	The proposal would not cause any detrimental impact to the street scene given that the proposal is situated to the rear of the property. A rear extension of this scale is common and would not be significantly out of character for a residential dwelling. A useable garden is retained.
6.3.2	The materials used will match the existing dwelling with matching brick work, GRP roofing with clay tiles and UPVC doors and windows. 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.
7.	<b><u>Summary</u></b>
7.1	Overall, the application considered to be acceptable in terms of its siting, size

	and design and would not result in significant impacts on neighbour amenity to warrant a refusal of planning permission, whilst noting the objection from the neighbour at No.3.
<b>8.</b>	<b><u>Conclusion</u></b>
8.1	It is recommended that planning permission should be granted subject to 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 **Tom Barnett** PROW Panel 02.08.2022

**PLANNING CONDITIONS**

**Condition 1 - Approved Plans (Performance)**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

Reason: For the avoidance of doubt and in the interests of proper planning

**Condition 2 - Materials to match (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 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.



**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)



**Application 22/00668/FUL**

**APPENDIX 2**

**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
21/01290/PLDC	Application for a lawful development certificate for a proposed erection of a single-storey rear extension	Grant	01.10.2021