

Planning and Rights of Way Panel 10th July 2018
Planning Application Report of Service Lead – Infrastructure, Planning and Development

Application address: 18 Grosvenor Road, Southampton			
Proposed development: Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).			
Application number	18/00765/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	17.07.2018 (extension of time)	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received (including Highfield Residents Association).	Ward Councillors	Cllr Mitchell Cllr Claisse Cllr Savage
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Mr Ron Meldrum	Agent: Ms Faye Lawrence
----------------------------------	--------------------------------

Recommendation Summary	Conditionally Approve
-------------------------------	-----------------------

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

Reason for granting Planning 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 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application site is located midway along the eastern side of Grosvenor Road in a predominately residential area to the north of Portswood. The road is typified by traditionally built detached and semi-detached dwellings benefiting from good size plots with mature tree planting in the rear garden and along parts of the street frontage, giving an established and attractive character with original elements such as front boundary walls being retained in sections. Outbuildings are generally subservient in scale and located to the rear or side of properties here.

1.2 The application site contains a two-storey, semi-detached family dwelling house with an unusually wide (for this road) gap between it and the neighbouring property to the south. Within this gap there is currently a partially constructed two storey garage/store/workshop structure, which has replaced a smaller garage. The existing building is partially screened from the road by a low brick wall across the front boundary and mature tree and shrub planting. A garage with mezzanine storage level at first floor was approved in this location under planning permission 15/01644/FUL, however, the current structure has not been built in accordance with the approved plans. The existing house and garage structure are set back from the road by approximately 10m. The application site slopes gently down across the site from North to South.

2.0 Proposal

2.1 This application proposes amendments to the as-built structure to bring it more in line with the originally approved scheme. The differences between the approved structure and the details for which permission are now being sought are listed below in detail (paragraphs 4.7.1 – 4.7.3). This application seeks to regularise the garage and secure an amended design.

3.0 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). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th 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.

4.0 **Relevant Planning History**

4.1 There have been a number of applications on the site relating to the erection of a garage structure:

17/01517/FUL	Replacement garage (amendment to planning permission ref 15/01644/FUL)	Refused	10.11.2017
17/01112/NMA	Non material amendment sought to planning permission for alterations to parapet and additional window openings for replacement garage	Withdrawn	11.10.2017
17/00105/ENBOC	Enforcement enquiry into as-built alterations to garage	Ongoing	
15/01644/FUL	Replacement Garage	Conditional approval	07.10.2015
14/00862/PLDC	Application for a lawful development certificate for a proposed single-storey side extension and replacement garage	Granted	07.10.2014
1335/8	Erection of garage	Conditional approval	06.09.1967

4.2 This application site has an extant planning consent for a replacement garage with modest decoration to the roof parapet, and a mezzanine first floor for storage, granted under 15/01644/FUL in October 2015.

4.3 Works began on site in order to implement the above consented scheme, however what was actually built is significantly larger than what was approved, with full width first floor accommodation, additional larger windows to all elevations and markedly larger castellations around the roof parapet.

4.4 Following an enquiry by the Planning Enforcement team into the larger, as-built structure, a Non-Material Amendment (NMA) application was submitted in order to regularise the departures from the originally approved plans. As the amended scheme involved additional side-facing windows close to a boundary, the proposal was not suitable for the NMA process, as a neighbour consultation would not normally be carried out under this procedure. This application was, therefore, withdrawn.

4.5 A retrospective householder planning application was then submitted, seeking to retain the as-built structure. This application was refused in November 2017:

REFUSAL REASON - Unacceptable Impact on the Character of the Local Area and Neighbouring Amenity

The as-built garage structure, by way of its increased height and significantly larger and more prominent parapet decorations, presents an incongruous addition to the street scene, which is out of character with its surroundings and, therefore, harmful to the character of the host dwelling and local area. In addition, the increased number and size of windows overlooking neighbouring property, No.20 Grosvenor Road, result in a loss of privacy and, therefore, significant harm to the amenity of these neighbouring residents. The as-built garage structure is, therefore, contrary to 'saved' Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015) and policy

CS13 of the adopted LDF Core Strategy (amended 2015), as supported by the provisions of sections 2.2, 2.3.8 and 2.5.2 of the Council's Residential Design Guide Supplementary Planning Document (2006) and the NPPF (2012).

4.6 Following pre-application discussions on potential amendments to the as-built structure, in order to bring it more in line with the originally approved plans, the applicant has now come forward with a new application which seeks permission to retain the footprint of the as-built structure, reducing the height, removing the castellations around the parapet, removing the side-facing windows and reducing the size of the first floor rear-facing windows affecting neighbouring property No.20, and removing the ground floor toilet from the as-built structure. The reduction in the size of the first floor rear-facing window closest to No.20 was achieved as a result of negotiations for amended plans during this current application process.

4.7 The main bulk of the structure otherwise remains largely similar to the previously approved scheme, which should be afforded significant weight in the Panel's deliberations. The key differences, or points to note, between the previously approved scheme and the currently proposed scheme are as follows:

4.7.1 **Building outer shell:**

- The building is 60cm further away from the side boundary with No.20 than approved.
- The building is set 50cm further back from the front boundary than approved.
- The building is 10cm shorter in depth (front to rear) than approved.
- The building is 30cm higher than approved measured adjacent to the main house and 20cm higher than approved measured adjacent to the side boundary with No.20.
- The width at the front of the building is as approved.
- The width at the rear of the building is 70cm wider than approved, but this increase is towards the applicant's own house and is set well back from the front elevation.
- The more basic castellations shown on the originally approved plans have been replaced by a simple brick soldier course on the proposed plans.

4.7.2 **Internal layout:**

- The garage door opening is 2.5m, as previously approved, and retains an internal parking space of 6m x 3m.
- The scheme involves a full width first floor, rather than a part-mezzanine level.
- The scheme labels the first floor level as "Workshop", rather than the "Mezzanine storage" approved.

4.7.3 **Windows and doors:**

- The western front elevation includes 3 additional narrow windows and the approved narrow window has been reduced in size.
- The position of windows and doors have been altered slightly on the eastern rear elevation, but remain largely similar to those approved. The first floor rear-facing window nearest to the boundary with No.20 has been reduced in size and will be obscurely-glazed to obscurity level 5 (highest level) and fixed shut, in order to address concerns for overlooking of

neighbouring property No.20. The ground floor glazed patio doors shown on the approved plans have been changed to white painted timber double doors.

- The South side elevation facing No.20 has no windows, as approved.
- The North side elevation, facing the applicant's own house, has one additional first floor window and an additional ground floor door.

5.0 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 **11 representations** have been received from surrounding residents: 5 objecting to the proposal (Including the objection from Highfield Residents' Association) and 6 supporting the proposal. The following is a summary of the points raised:

5.2 **Concern that development will be used as additional residential accommodation, and/or as a meeting place or business use, not as a domestic garage. Concern for the inclusion of foul drainage in the as-built structure, which could facilitate a separate residential or business use.**

Response: The Council are not being asked to consider the suitability of an independent dwelling or meeting place or business use. To assess this planning application on this basis would be unreasonable. The original application included conditions to secure a non-residential, non-business use of the building, incidental to the enjoyment of the occupiers of the main dwelling. Similar conditions have been recommended further below, with a more detailed wording, in order tightly restrict the use of the ground and first floor spaces. If at any point local residents are concerned that the building has become occupied as a separate dwelling or additional sleeping accommodation, or is being used as a meeting space that is not incidental to the enjoyment of the main house, the Planning Enforcement team will investigate and take action as necessary. The amended plans have shown that the ground floor is capable of hosting a parking space with a garage door opening of 2.5m width, and an internal parking space of at least 3m x 6m, which meets our minimum standard for a garage parking space (this measurement includes provision for reasonable associated storage, such as bikes / bins).

5.3 **Overdevelopment of the site creating a two-storey building which has the appearance of a separate dwelling, and appears out of character with the surrounding area. It is still significantly higher and wider than approved.**

Response: Officers recognise that the proposal is still larger than originally approved, however as noted above in paragraphs 4.7 – 4.7.3, these increases in size are minor (between 20 and 30cm), and not as significant a departure from the approved plans as those presented by the current as-built structure, which was refused under 17/01517/FUL. These details are discussed further below.

5.4 **Additional windows and doors overlooking neighbouring properties.**

Response: The first floor rear-facing window closest to the boundary with No.20 has been amended during the course of this present application to reduce it further in size and to agree it as being obscurely-glazed and fixed shut, in order to address concerns for overlooking to the side-facing first floor bedroom window and private garden area of No.20. The windows and door openings presently

visible in the as-built structure are not part of the current proposal and are to be removed / reduced in accordance with the currently proposed plans. A condition is recommended to regularise the situation within a reasonable timescale.

5.5 The application is retrospective / the applicant does not respect the planning process / the previous application was refused / numerous attempts to regularise the structure.

Response: An application for planning permission can be submitted retrospectively, however it is done so at the applicant's own risk. The Council's Planning Enforcement team were promptly made aware of the deviations in the built form compared to the previously consented structure, and have actively engaged with the applicant to secure an application in order to regularise / amend the as-built structure. The Council's Enforcement policy states that enforcement action should be held in abeyance whilst the applicant is actively engaging with the Council to reach a solution. The policy encourages the submission of a regularising application if possible, so as to remove the need for a potentially costly/timely appeal. There are no set limits on how many times an applicant can apply for permission, and the applicant has used the pre-application process to discuss a solution with the Planning team, following the previous refusal. If any residents have concerns that the structure is not being built or occupied in accordance with the plans and conditions imposed, the Council's Planning Enforcement team can investigate this. The application itself should be judged on its own merits and the retrospective nature of the application, whilst not encouraged, is not a reason for refusal in its own right.

5.6 The plans cannot be scaled properly, or used for comparison between the approved and proposed schemes, due to the PDF layout of the submitted plans and due to the Council's Public Access measuring tool malfunctioning.

Response: Amended plans have now been received which resolve the PDF plan layout and include some dimensions for reference. These are available to view on Public Access. Comparison between the previously approved plans and the currently proposed plans have been made by the Case Officer and are listed above in paragraphs 4.7 – 4.7.3 for reference.

5.7 Consultation Responses

5.8 Highfield Residents Association: Objection raised due to the fact that the previous scheme was refused and should be enforced against, that the building is intended for residential use, and that the building presents overdevelopment that is out of keeping and therefore harmful to the character of the local area.

Response: These issues have been addressed in the response above.

6.0 Planning Consideration Key Issues

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

- Principle of Development & Planning History
- Use
- Design, Character & Amenity

6.2 Principle of Development & Planning History

- 6.2.1 As outlined in section 4 above, a previous, extant planning consent exists for a replacement garage building of a similar size under reference 15/01644/FUL. This could be built in the event that the current application fails. The current application has been submitted following an enforcement enquiry into the departures from the approved plans and a refusal of consent for the as-built structure.
- 6.2.2 The key differences between the previous consented replacement garage and the current proposal are outlined above in paragraphs 4.7 – 4.7.3.

6.3 Use

- 6.3.1 A number of concerns have been raised by local residents about the potential use of the structure for residential or business purposes. The applicant has not applied for separate residential use, or a business use and so the application should not be considered on this basis. The previous consent under 15/01644/FUL included a condition restricting the use of the structure to 'incidental' to the associated dwelling. The current recommendation in this report includes similar conditions with more detailed wording restricting the use of the premises in order to give tighter control to the Local Authority and to give some additional reassurance for local residents. Any subsequent breach will be investigated and enforced in line with the Council's Planning Enforcement policy.
- 6.3.2 It is also worth noting that disturbance caused by noise, nuisance or an unlicensed business use is controlled by separate powers under Environmental Health and Licencing legislation, and would also be subject to control by police services.

6.4 Design, Character and Amenity

- 6.4.1 As noted above, the scale and design of the proposed replacement garage structure is similar to that previously approved under 15/01644/FUL, with only minor increases to some dimensions. Whilst it is acknowledged that the differences between the currently proposed scheme and the previously refused structure, as-built on site, do not appear significant, the amendments proposed by the current scheme bring the development much closer to what was originally approved. The departures from the original approval are now relatively minor and, upon balance, the current proposal is not considered to have a materially greater impact than the previously approved scheme. The removal of the decorative elements at parapet level and a return to more traditional window proportions reduces the visual impact of the building sufficiently to ensure that it would not appear incongruous in the street scene, as it does at present.
- 6.4.2 The main impacts on the character of the host dwelling and local area result from the additional height (30cm higher than approved), the additional width towards the rear of the building (70cm wider than approved), and the inclusion of a full first floor level. The additional height when compared to what was previously approved is not considered a significant departure from the approved plans and the additional width is located towards the rear of the building, well set back from the road, so that the main bulk of the building remains the same width as

originally approved. The inclusion of a full first floor level rather than mezzanine level can also be tightly conditioned in order to secure a use that remains incidental to the main dwelling and does not result in a significant intensification of the use on site.

- 6.4.3 A number of concerns relate to the presence of additional or larger windows in the side and rear of the as-built structure, potentially overlooking neighbouring property No.20, and the inclusion of a toilet and foul drainage. For clarity, these items were not granted permission as part of 15/01644/FUL and have not been included for consideration as part of the current proposal. In order to resolve the current breach of planning consent on site, we have recommended a condition to secure regularisation of the development in line with the agreed plans within 6 months. Failure to comply would represent a breach of a planning condition. That said, the provision of foul drainage to a garage is not a planning concern as the provision of a toilet does not require planning permission.
- 6.4.4 The amended first floor rear-facing window adjacent to the boundary with Neighbouring property No.20 is currently partially screened by tall boundary hedging, however as this is not in the control of this neighbouring property, this window has been reduced in size and is recommended to be obscure-glazed and fixed shut to protect the amenity of the side-facing first floor bedroom and private rear garden area of No.20.
- 6.4.5 In terms of the alterations to the front elevation, the application proposes the installation of 3 additional narrow windows. Broadly, no objection is raised to these additional windows in terms of the overall appearance of the structure, as they are not considered to give the building a significantly more 'residential' appearance. For clarity, conditions are again recommended to ensure the structure is not occupied as a separate dwelling.

7.0 Summary

- 7.1 The general scale and design of the currently proposed structure is now considered sufficiently similar to the scheme previously granted consent by the Council under 15/01644/FUL. The proposed alterations result in relatively minor changes to the overall appearance of the previously approved structure and, taking all material planning issues into account, upon balance, the current proposals are considered to be acceptable subject to suitable conditions restricting the use of the property and obscure-glazing, as recommended in the conditions below. This scheme and the recommended conditions will address the current breach of planning control and address the previous reason for refusal.

8.0 Conclusion

- 8.1 Subject to the conditions laid out further below, the application is recommended for approval.

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), 4(f)(vv), 6(a)(b)

AC for 10/07/18 PROW Panel

PLANNING CONDITIONS to include:

1. Approved Plans – 6 months completion

The development hereby permitted shall be carried out in full in accordance with the approved plans listed in the schedule attached below within 6 months from the date of this planning permission or before first use of the building (whichever is sooner).

Reason: In the interests of the amenities of neighbouring properties and local area and to ensure a timely resolution to the current on-going breach of planning regulations.

2. No other windows or doors other than approved

Those window openings installed to date, and not shown on the amended plans hereby approved, shall be removed and infilled in materials to match the existing building prior to the first use of the building for its intended use or within 6 months from the date of this planning permission (whichever is sooner).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no additional windows, doors or other openings other than those expressly authorised by this permission shall be inserted into the south-facing side elevation, or east-facing rear elevation of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residential properties.

3. Obscure glazing (Pre-use)

The approved first floor, rear-facing window adjacent to the side boundary with No.20 shall be installed with a fixed shut, obscurely-glazed unit with obscurity level 5, prior to the first use of the garage building hereby approved. This window shall be thereafter retained as approved.

Reason: To protect the amenities of the adjoining residential properties.

4. Materials to match (Performance)

The materials and finishes to be used for the external walls, doors, 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 dwelling.

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.

5. Use of garage – domestic/incidental use (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the garage building, including first floor 'Workshop', hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house at 18 Grosvenor Road and associated ancillary storage relating to, and incidental to the enjoyment of the occupation of this dwelling house. At no time shall the garage building, including first floor 'Workshop', be used for the parking of commercial vehicles, or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be used as separate living accommodation or as a meeting place without first obtaining planning permission to do so.

Reason: To ensure that sufficient off-street car parking is available in the interests of highway safety, to protect residential amenity and to ensure that the building's use remains incidental to 18 Grosvenor Road.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car and 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

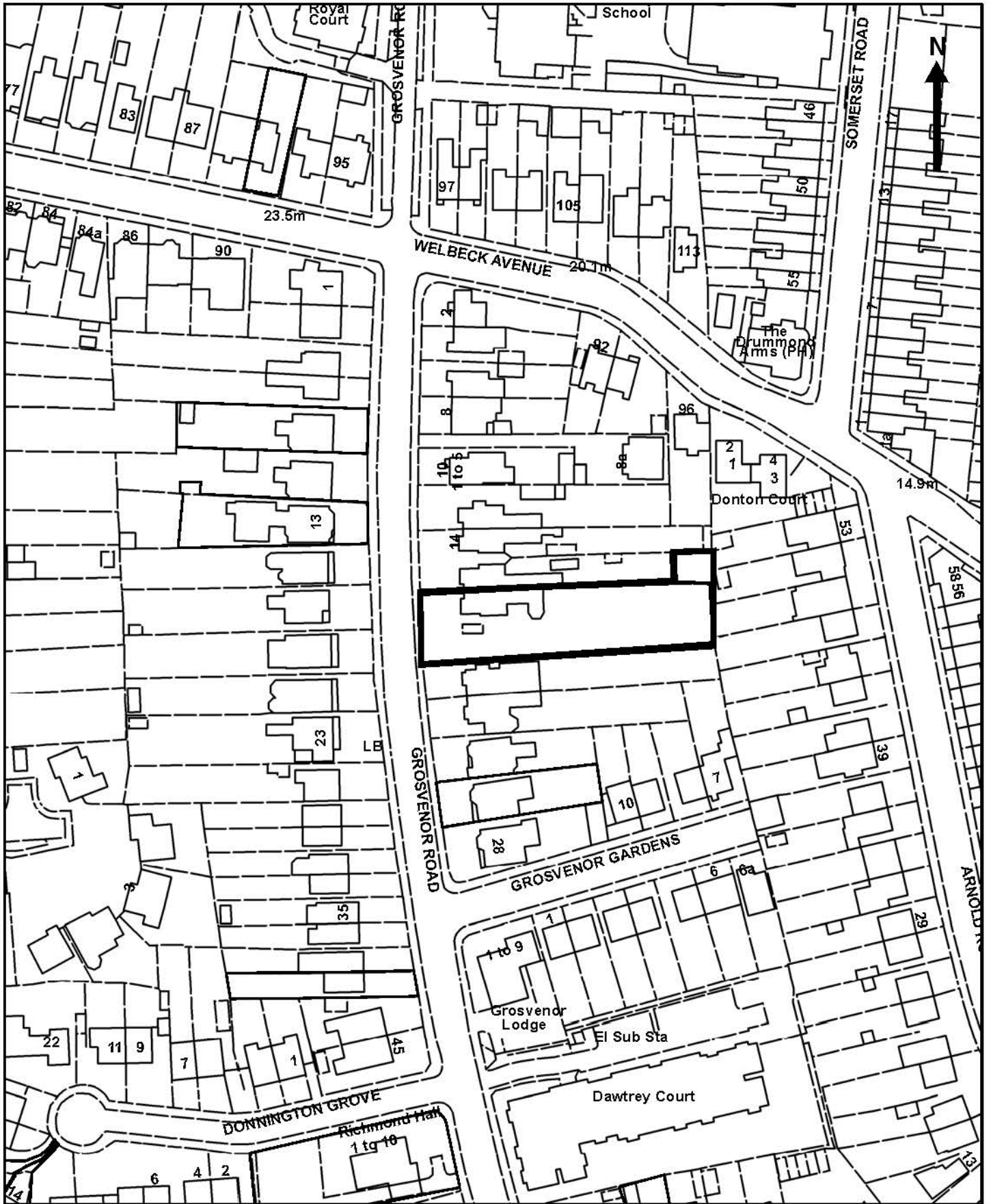
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2012)

18/00765/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

