

**Planning and Rights of Way Panel 13 November 2018**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> 10 Oakmount Avenue, Southampton			
<b>Proposed development:</b> Alterations to site frontage including partial demolition of existing wall and provision of extended hard standing area to facilitate on site car parking (Part retrospective)			
<b>Application number:</b>	18/01442/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Peter Morgan	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	24.09.2018	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>		<b>Ward Councillors:</b>	Cllr Lisa Mitchell Cllr John Savage Cllr Matthew Claisse
<b>Referred to Panel by:</b>		<b>Reason:</b>	Five or more letters of objection have been received
<b>Applicant:</b> Dr Rafia Deader		<b>Agent:</b> N/a	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</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 186-187 of the National Planning Policy Framework (2012). Policies –CS13 and CS14 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9 HE1 and HE2 of the City of Southampton Local Plan Review (Amended 2015) as supported by the Article 4(2) Direction of the Oakmont Triangle Conservation Area Character Appraisal and Management Plan.

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

**Recommendation in Full**

**Conditionally Approve**

## **1. The site and context**

- 1.1 The application site relates to a detached family dwelling located on the north-eastern side of Oakmount Avenue. The application premises falls within the Oakmount Triangle Conservation Area, which is characterised by a mixture of inter-war detached family dwellings and apartments, with some dwellings pre-dating WWI. With regard to the house design and materials of construction, the application dwelling and boundary wall are comparatively modern in appearance. However, as with neighbouring properties, the application dwelling is set back behind a front garden that is bounded by a 1 metre high brick wall with a single opening for pedestrian access.
- 1.2 The boundary wall to the application property has been partly demolished to widen the existing opening in order to facilitate vehicular access to a single parking space within the curtilage of the site. The development scheme also involves hard and soft Landscaping of the front garden and comprises laying of block pavements and the creation of three flower beds. Work has already commenced and nearing to completion.
- 1.3 The development has been amended to accommodate some of the concerns raised by some residents. The revised scheme has increased the size and number of the flower beds from two to three and would reinstate a small portion of the boundary wall (1m) adjacent to the neighbouring property no12 Oakmount Road, reducing the width of the opening from 3.6 metres to 3 metres.
- 1.4 The application premises falls within the Oakmount Triangle Conservation Area and is therefore subject to an Article 4(2) Direction removing 'permitted development' rights for the following works fronting onto a highway, including:
- 2(e). The provision, within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house (including paths and hardstandings).
  - 2(g). The erection construction, improvement, alteration or demolition of a gate, fence wall or other means of enclosure (whether whole or in part) within the curtilage of the dwelling house.

## **2. Proposal**

- 2.1 The application proposal involves the partial demolition of existing wall to increase the width of the former opening, remove concrete hardstanding and inset block pavements to facilitate a single car-parking space and create formal flower beds.
- 2.2 This application is submitted retrospectively with the partial demolition to widen an existing opening having been carried out.

## **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 July 2018. Paragraph 213 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 The statutory test for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

3.4 In accordance with para 189 of the NPPF, an assessment of the significance of the building within the Conservation Area is set out in this report with reference to the Council's Conservation Area Appraisal.

#### **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 conversion of the application premises to 2 no. flats was approved under application reference 04/01209/FUL, the consent has now lapsed and the house has retained the permitted use as a single family dwelling.

#### **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, placing a press advertisement 03.08.2018 and erecting a site notice 03.08.2018.

5.2 The applicant submitted revised drawings on 4<sup>th</sup> October 2018 and officers have re-consulted adjoining and nearby landowners and other bodies including:

- i. Oakmount Triangle Residents Association
- ii. Bassett and Highfield Conservation Area Forum
- iii. Highfield Residents Association
- iv. The City of Southampton Society

5.3 At the time of writing this report **30 representations** have been received from surrounding residents and other parties; including 9 objections and 20 in support and 1 additional representation. The following is a summary of the points raised:

5.4 In terms of those writing in to support the project they comment that the proposed works are attractive, in keeping with the area and should be granted planning permission. They comment that the front wall is of no merit in conservation terms, either in its design or in the type of brick used. We think the changes will, if anything, improve the general street scene, given the choice of pavements and the inclusion of areas for planting. The objectors disagree and comment as follows:

#### **5.5 Comment**

The works undertaken are not in keeping with the character and nature of the conservation area. Having undertaken these works without permission and being granted a retrospective dispensation would create a precedent which in future

would undermine the nature, control and benefits of the conservation area. Oakmount Conservation Area Management Plan makes it quite clear that removal of front walls and replacing front gardens with hard standing to facilitate car parking or the introduction of dropped curbs are strictly forbidden.

5.6 **Officer Response**

The Article 4 direction is in place to control small alterations such as this in order to prevent the dilution of character which makes the area special. The proposal should therefore be taken seriously in terms of its impact on the character of the conservation area. The Article 4 Direction is not necessarily prohibitive, its function is to remove permitted development rights hence development is subject to the planning application procedure thereby each submission is considered on a case by case basis. Whilst the Council seeks to be consistent in decision making, it is not considered that a precedent would be established were the Council minded to approve. The peculiarities of this application are elucidated within this report. Officers do not condone the retrospective nature of the works but the Council, nevertheless, has to assess the application in accordance with the particular merits of the case.

5.7 **Comment**

I suggest the proposed new pillar at the left should revert to the original position and a minimum CLEAR width of 3m

5.8 **Officer Response**

There is a 3 metre width of the opening. Cars emerging from the highway would do so slowly cautiously

**Consultation Responses**

5.9 **SCC Historic Environments Officer – No objection**

There is no objection to the proposal providing that there is future control over what happens to the rest of the garden. The percentage of planted area (soft landscaping) should be retained and if possible, a landscape scheme condition should be applied to this permission and implementation should be checked. In terms of the street frontage, this could actually result in an enhancement over the existing. The amendment is fully within the spirit of the Conservation Area Management Plan, retains the character of the street frontage and the conservation area, and consequently that planning permission should be granted. With regard to future potential for further conversion of the planted area to hardstanding, this is already controlled by the Article 4 direction (in which case, planning permission would be required). The layout of this current application provides an acceptable balance between hard and soft landscaping reflecting the proportion which is common to a number of properties along this street. Further conversion would certainly be resisted more vigorously for the reasons given above. There is no objection to this proposed amended scheme

**Note:**

*The landscaping scheme shall be delivered in accordance with the submitted amended plans without the need for an additional condition as requested. The Article 4 provisions will still apply for future works.*

## 5.10 **The City of Southampton Society**

- 5.11 The work of this property is well advanced. The wall in question is NOT of the traditional style typical of that area; although not new, it is not indented. Widening the entrance will allow a vehicle to be parked off the road. There will be some loss of the lawn area. The neighbours would not be disadvantaged. The situation is not perfect but because the change is not intrusive, a vehicle will be taken off the road and the work is so advanced that a reversal would not be of any great benefit, we approve.

## 5.12 **Highfield Residents Association**

- 5.13 Highfield Residents Association fully supports any objection also submitted by the Oakmount Triangle (OTRA). The proposed works are entirely contrary to the Conservation Area Status and Management Plan and would, if allowed, create a Precedent which would undermine the future of the Conservation status of The Triangle. The Conservation status makes it quite clear that removal of front walls and replacing front gardens with hard standing to facilitate car parking or the introduction of dropped curbs are strictly forbidden. It is disappointing to note that the applicant, who has lived in The Triangle for a number of years and is fully aware of the Conservation area, should seek to usurp it's status in this way, not least by initiating works over a weekend and without having sought any form of prior permission.

## **6.0 Planning Consideration Key Issues**

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

- The principle of development & impact on heritage;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Mitigation of direct local impacts; and
- Likely effect on designated habitats.

### 6.2 Principle of Development & Impact on Heritage

- 6.2.1 The application property is located within Oakmount Triangle Conservation Area and although the proposal is relatively minor in terms of scale and scope, the effect of removing existing walls and creating openings onto the street can have a detrimental effect if repeated routinely. There is an Article 4 direction in place to control small alterations such as this in order to prevent the dilution of character which makes the area special. The proposal should therefore be taken seriously in terms of its impact on the character of the conservation area. The Conservation Area Appraisal and Management Plan sets out that the conversion of planted front gardens to hard standing should be resisted.
- 6.2.2 Work has, however, already begun. Therefore, the main issues for consideration are whether the level of harm is so egregious it detracts from the character and appearance of the Conservation Area, and therefore the appropriate remedy is the reinstatement of the wall and garden to their former condition.
- 6.2.3 Policy HE1 of the Local Plan Review 2015 (as amended), as supported by LDF Policy CS14, allows development affecting conservation areas, which preserve or enhance the conservation area, having regard to the Conservation Area

Character Appraisal, and providing such applications are sufficiently supported by detail to enable a full assessment of the proposal.

- 6.2.4 However, *paragraph 201* of the National Planning Policy Framework (Revised 2018), acknowledges that ‘Not all elements of a Conservation Area... will necessarily contribute to its significance’, and provides that the LPA should take into account the “relative significance”, of the element affecting and its contribution to the significance of the Conservation Area ...as a whole’.
- 6.2.5 The SCC Historic Environments Officer, in respect of the original scheme, notes the prevalence of vehicular accesses within the street and their benign impact upon the character and appearance of the Oakmount Triangle Conservation Area owing to their general design which consists of large portions of the brick wall being retained. The application proposal would in a similar way to the other properties with vehicular accesses, retain much of the existing wall.
- 6.2.6 The e SCC Historic Environments Officer did consider that the application proposal would be acceptable in terms of design given the proportions of existing wall that is retained, and did not consider that the alterations to the boundary would be harmful the overall character of the Conservation Area. Provided there is future control over what happens to the rest of the garden the Heritage Officer raises no objection to the proposal.
- 6.2.7 With regard to the revised scheme, the e SCC Historic Environments Officer welcomed the proportional increase of soft landscaping, which correspondingly reduced the amount of hard landscaping, to a degree which when compared to what currently exists, would amount be a relatively minor increase.
- 6.2.8 Taken together with the reinstatement of a proportion of the demolition wall, the scheme overall would be in keeping with the spirit of the Oakmount Triangle Conservation Area Management Plan and as such no objection is raised in respect of the proposed amended plan. On this basis, in accordance with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 it is considered that the proposal would preserve the character and the appearance of the Conservation Area and can be supported, whilst acknowledging the frustration caused by the retrospective nature of the development.
- 6.3 Design and effect on character
- 6.3.1 In terms of visual impact, the application proposal should be viewed in respect of its impact to the street scene and Conservation Area as a whole and not the individual plot alone. It is considered that the proposed development would be in keeping with the area givens its design, which involves the widening of an existing opening to allow a single car to pass, and the retention of much of the existing wall. The full length of the frontage measures 11 metres. The long section of wall is 7 metres, there is a 3 metre opening and 1 m metre length adjacent to no.12 Oakmount Avenue.
- 6.3.2 The removal of existing hardstanding in favour of more formal paviour design, retaining characteristic flower beds, whilst ensuring the acceptable balance between hard and soft landscaping.
- 6.3.3 The revised proposal will increase the largest flower bed adjacent to the largest section of wall as well as create a new flower bed adjacent to the shared boundary wall with no.12 Oakmount Avenue. The opportunity for soft landscaping will ensure the positive visual impact of the frontage and preserve the character and appearance street scene in accordance with policy HE1 of the Local Plan. Compared to the current appearance of the garden, the application

proposal will encourage a more robust landscaped environment that will soften the appearance of the site overall. The scheme is considered to be acceptable.

#### 6.4 Residential amenity

6.4.1 Other than a change in outlook it is considered that the proposed development would have a very limited impact upon the neighbouring amenity.

#### 6.5 Parking highways and transport

6.5.1 The proposed development would result in the loss of the on street parking space to create one in-curtilage parking space. There is a modest environmental benefit through the removal of a single car from the street, however, it is considered that in truth the impact on parking would be neutral. No highway safety concerns arise from the change.

### 7. **Summary**

7.1 The proposed development is considered to be acceptable in terms of design and scope. With regard to impact on the Oakmount Triangle Conservation Area, the impact is considered overall to be modest and is supported by the SCC Historic Environments Officer. The application scheme amounts to the alteration of the frontage of a modern dwelling that is not characteristic of dwellings within the Conservation Area, the impact therefore of the proposed development on the Conservation Area is less than substantial. The application has received no objection from the SCC Historic Environments Officer.

### 8. **Conclusion**

8.1 It is recommended that planning permission be granted.

#### **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)

#### **Case Officer Initials for 13/11/18 PROW Panel**

#### **PLANNING CONDITIONS**

##### 1. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved amended plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. The development shall be completed in accordance with these plans prior to the first use of the new parking space for its intended purpose.

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



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design  
CS14          Historic Environment

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

SDP1          Quality of Development  
SDP5          Parking  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
HE1          New Development in Conservation Areas  
HE2          Demolition in Conservation Areas

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)  
Oakmont Triangle Conservation Area Character Appraisal and Management Plan

Other Relevant Guidance

The National Planning Policy Framework (2019)

**Relevant Planning History**

03/01198/LDCP

Change of use of property from two maisonettes to a dwelling house. – **WITHDRAWN**  
05.08.2004

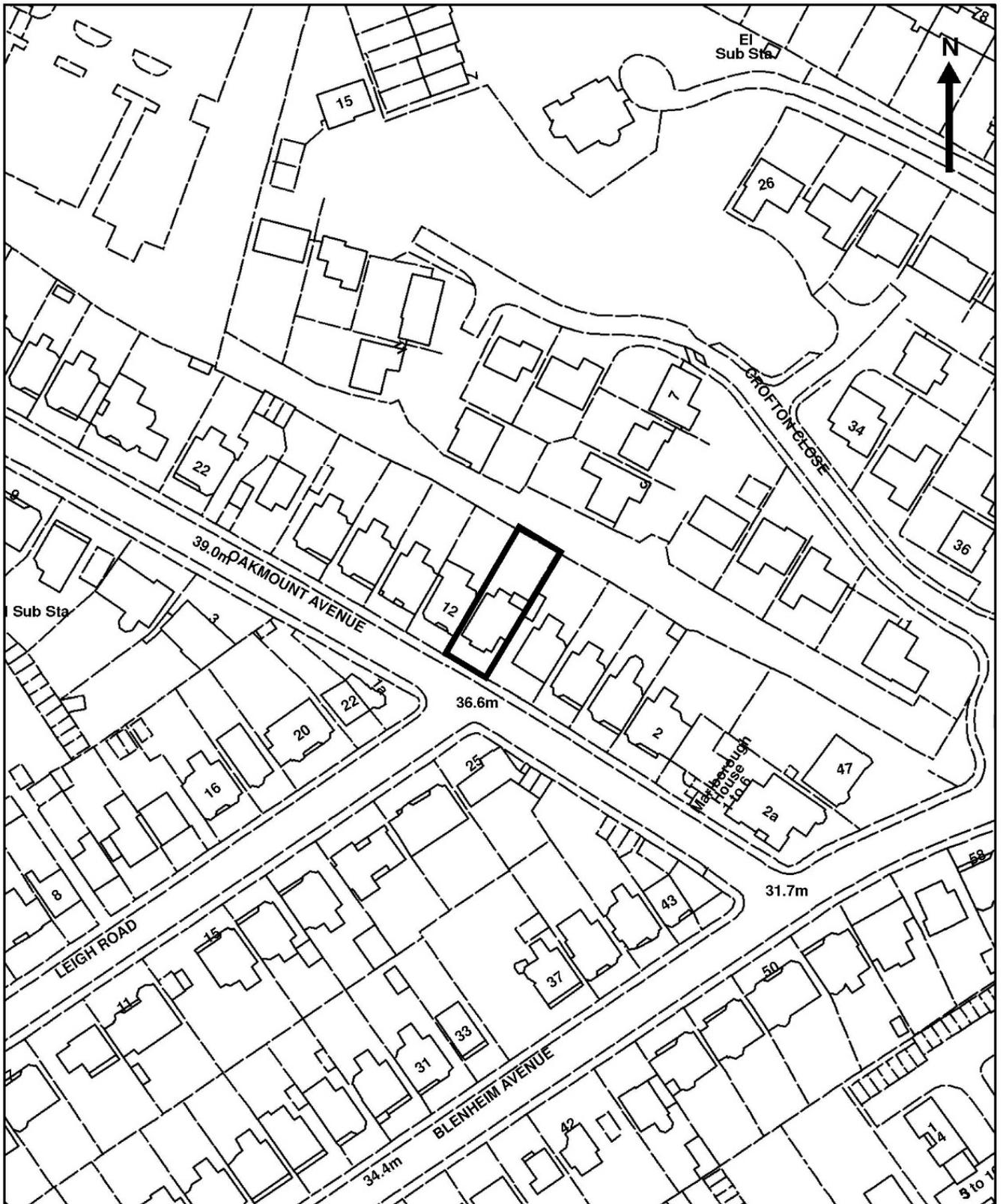
04/01209/FUL

Conversion of property from 2 no. flats to a dwelling house. – **CAP** 04.10.2004

18/01254/FUL – Application Received

Removal of side wall to allow access for driveway- keeping side pillar. Replacement of previous block paving with new like-for-like blocks in keeping with the area, also using same paving over existing hardstanding area. Replacement of the two previous lawn areas with soft standing for shrubs and flowers.

# 18/01442/FUL



Scale: 1:1,250

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