

**Planning and Rights of Way Panel 23<sup>rd</sup> April 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> 14 Holly Hill			
<b>Proposed development:</b> Erection of a detached outbuilding (retrospective)			
<b>Application number:</b>	19/00166/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Laura Treagus	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	30.04.2019	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides
<b>Applicant:</b> Mr Roger Di'Giorgio		<b>Agent:</b> None	

<b>Recommendation Summary</b>	Conditionally approve
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<b>Community Infrastructure Levy Liable</b>	Not Applicable
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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 (2018). Policies –CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7 and, SDP9 of the City of Southampton Local Plan Review (Amended 2015) and the Bassett Neighbourhood Plan (2016).

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

**Recommendation in Full**

**Conditionally approve**

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

- 1.1 The application site lies on the southern side of Holly Hill and contains a two-storey detached dwellinghouse within a large, triangular plot. It contains a large side and rear garden with an area of hardstanding at the front of the property for off-road parking.
- 1.2 The site is located on the side of a hill, as part of the site is excavated for the present dwelling resulting in neighbouring properties to the south and east sited at a higher level than the application site. There is a protected tree at the very front of the site under TPO T2-038. The site is also located within the Bassett Neighbourhood Area.
- 1.3 The surrounding area is mainly suburban housing with a mixed style of dwellings.

## **2. Proposal**

- 2.1 The retrospective application relates to an outbuilding at the western side of the dwellinghouse with a height of 2.75m, a length of 6.3m and a width of 3.3m. The building contains one room and receives outlook and light from the rear and eastern side.
- 2.2 One window is located on the rear elevation and glazed-doors are situated on eastern elevation to allow access and outlook into the rear garden.

## **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 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council’s vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

#### **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.

18/01147/DIS - Application for approval of details reserved by condition 4 (Tree Retention and Safeguarding) of planning permission ref:

18/00640/FUL for an extension and pitched roof to garage. - No Objection (NOBJ) - 16.08.2018

18/00640/FUL - Erection of a 2-storey side extension and new pitched roof to existing garage. – Conditionally Approved (CAP) - 06.06.2018

#### **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. At the time of writing the report 5 representations (5 objections) have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 **The construction of the building is not in keeping with the existing dwelling or the surrounding area. It is not sympathetic to the local streetscene.**

##### **Response**

While the facing materials do not match the existing house, this is a functional, utilitarian outbuilding of a type which is often constructed using facing materials of timber or cladding. Given the relatively small scale of the development and the fact that outbuilding's such as garages and sheds are part of the character of the wider area, it is not felt they will be harmful to the broader character of the area. The dark grey finish is intended reduce the buildings impact.

- 5.1.2 **The building will be used as for business purposes in the future.**

##### **Response**

Given the building is located within a residential plot the use of the outbuilding is restricted to being either ancillary to, or incidental to the dwellinghouse. Whilst there is scope within the definition of 'incidental' uses for any homeowner to 'work from home' the scale of any home business without needing further planning permission is limited to that which doesn't have any additional impact or activity than the normal day to day activities associated with living at the property. In this instance, a planning condition is suggested requiring that the outbuilding should not be used for business purposes or as a separate dwelling unit or fitted out so that it could be used as such.

- 5.1.3 **It will result in an increase in traffic**

##### **Response**

The proposed use of the outbuilding is not considered to result in an increase of traffic. Any use of the outbuilding outside of a use incidental or ancillary to the function of the main dwelling would require planning permission in its own right.

- 5.1.4 **Overlooking from neighbouring properties**

##### **Response**

The topography of the area inevitably means that people do overlook parts of adjoining gardens from their own properties. While the rear windows within the outbuilding will be visible from neighbouring properties, by virtue of the lack of boundary treatment at the rear of the property and the changes in land levels, this

is not considered to result in any additional impact upon neighbouring residential amenity.

#### 5.1.5 **Too near/affecting boundary with 16 Holly Hill**

##### **Response**

The minimum distance from the outbuilding to the boundary with the neighbouring property is 1.9m. This set-back from the boundary is considered to be acceptable, and the outbuilding is not considered to result in an overbearing or overshadowing form of development.

#### 5.1.6 **Inappropriate siting and scale**

##### **Response**

The outbuilding is located to the side of the existing dwelling, which is typical of the positioning of garages/outbuildings serving houses in Holly Hill. Whilst the structure is visible in the street scene, the size of the application site and the scale of the outbuilding is not considered to have a harmful impact on the host dwelling or the neighbouring properties

##### **Consultation Responses**

5.2 No consultation responses received.

#### **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;
- Effect on character;
- Residential amenity;
- Protected trees;

#### 6.2 Principle of Development

6.2.1 The National Planning Policy Framework says 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). Furthermore, 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.

6.2.2 The outbuilding is situated in the rear/side garden of the property. Following the erection of the structure, the property still benefits from a significant amount of amenity space to the side and rear of the site. The outbuilding, which is single storey measuring 6.3m in length with a height of 2.75m (taken from the maximum height of the land adjacent to the dwelling), is subordinate to the original dwelling

6.2.3 The proposed use as a summer house is incidental to the main dwelling, the use of which will be restricted via condition. It is noted that any use of the outbuilding outside of a use incidental or ancillary to the function of the main dwelling would require planning permission in its own right.

6.2.4 The outbuilding is located north of an area of protected trees (T2-038) and the plot also contains some smaller, ornamental trees on the rear/side boundaries. The development is sufficiently distanced from the protected trees to constitute no harmful impact.

6.2.5 As such, the principle of development is considered to be in accordance with SDP1, SDP7 and SDP9 of the Local Plan Review, which is supported by the Residential Design Guide (2006), CS13 of the Core Strategy, and Policy BAS 4 of the Bassett Neighbourhood Plan – Character and Design, which requires development to be sympathetic to the character of the streetscene regarding scale, massing and height of the neighbouring properties

### 6.3 Effect on character

6.3.1 While the outbuilding is visible from neighbouring properties and the adjacent highway, the structure is single-storey and sufficiently distanced from the boundary to mitigate any significant harm on the character of the surrounding area

6.3.2 The outbuilding is constructed with a dark-grey, wood-texture finish (main dwelling is built in red brick). While the facing materials do not match the house a contrast between the main house and its ancillary outbuildings is not untypical. Given the minimal scale of development it is not felt they will be harmful to the broader character of the area.

### 6.4 Residential amenity

6.4.1 By virtue of the land-level changes and orientation of properties in the immediate area the structure is visible from neighbouring properties. However, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of daylight or a loss of privacy.

6.4.2 The outbuilding is considered to be sufficiently distanced from the neighbouring property at No. 16 Holly Hill. While it will be visible from a habitable room, the window that overlooks the application site is a secondary window and the room does not rely on this window for light and outlook. By virtue of the modest scale of the development, the outbuilding is not considered to result in an overbearing or overshadowing form of development. Furthermore, the habitable room is served by a main window on the rear elevation that would still provide a clear, unobstructed outlook over their garden.

6.4.3 The outbuilding is single storey, and the glazed window and doors on the rear and eastern elevation would only allow views directly into the rear garden. The boundaries comprising a mix of hedgerow and fencing are considered to give an adequate screen so as to safeguard the private amenities of neighbouring occupiers.

### 6.5 Protected trees

6.5.1 The outbuilding is located north of an area of protected trees (T2-038) and the plot also contains some smaller, ornamental trees on the rear/side boundaries. The development is sufficiently distanced from the protected trees to constitute no harmful impact.

## 7. Summary

7.1 In summary, the retrospective erection of a detached outbuilding is not considered to be harmful to the character and amenity of the area, nor to nearby protected trees, in accordance with BAS 4 of the Bassett Neighbourhood Plan (2016), CS13 of the Core Strategy, and SDP1, SDP7 and SDP9 of the Local Plan Review (amended 2015).

- 7.2 While the outbuilding is visible from the neighbouring properties, it is not considered to constitute significant harm to residential amenity in terms of outlook, the level of sunlight that is currently received, or the level of privacy that is currently enjoyed by the neighbouring properties.
- 7.3 The development is modest in scale, in accordance with SPD9 of the Local Plan Review (2015), and appears subordinate to the original dwelling house. Furthermore, the outbuilding does not constitute harm on nearby protected trees. For these reasons this scheme is supported and recommended for approval.

## **8. Conclusion**

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)

**LT for 23/04/2019 PROW Panel**

### **PLANNING CONDITIONS**

#### **Limitation of use of converted garage as separate accommodation (Performance)**

The extension to the existing garage building hereby approved shall only be used for purposes which are ancillary to, or incidental to the main dwelling, and shall not be subdivided, sold, leased, separated, altered or fitted out in any way so as to create, or be capable of creating a separate unit of residential accommodation without the grant of further specific permission from the Local Planning Authority.

Reason: To avoid any unacceptable sub-division of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies with regards to new self-contained residential accommodation.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design

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

SDP1          Quality of Development

SDP7          Urban Design Context

SDP9          Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2019)

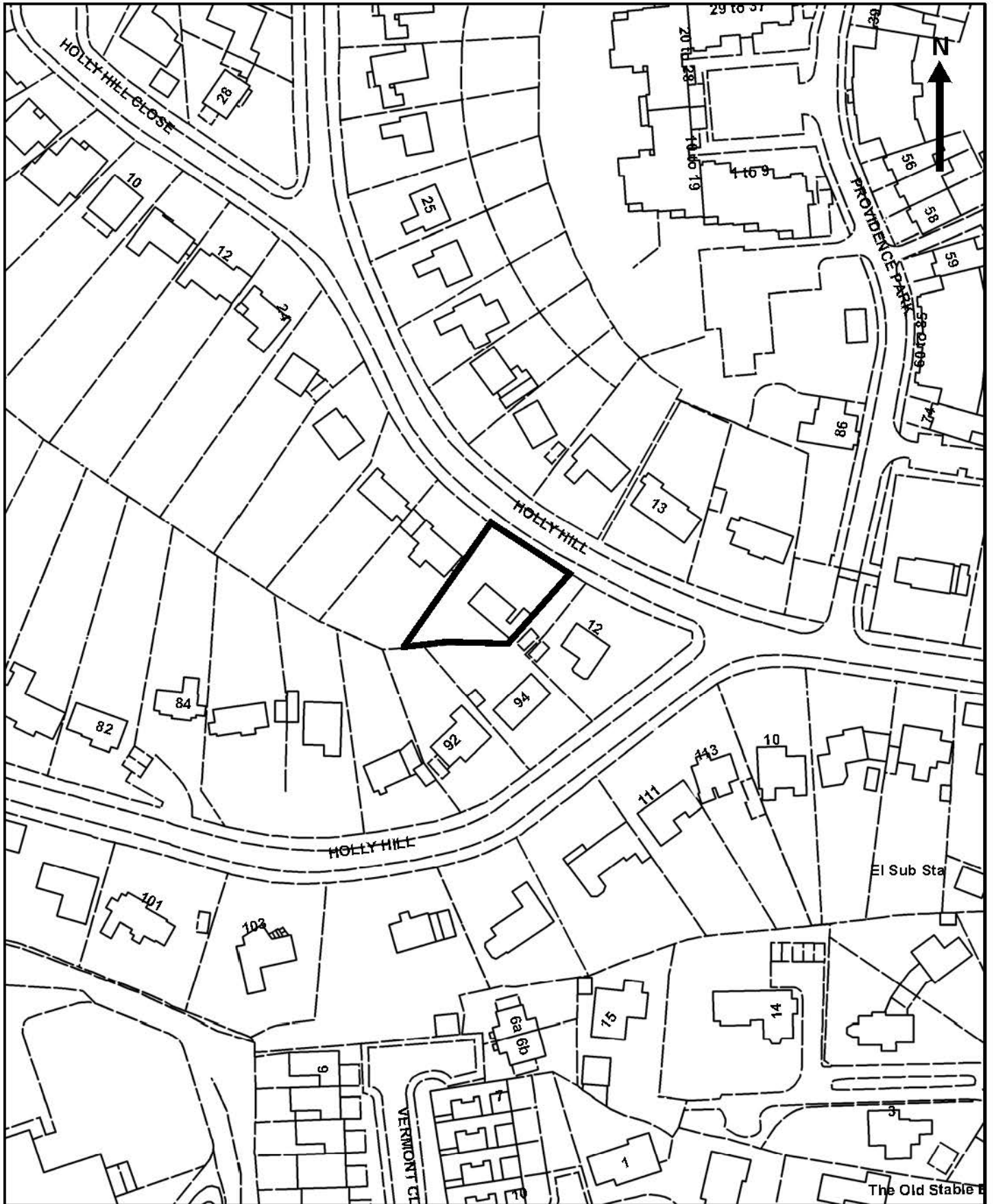
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