

HRA Objects to this Amendment to Planning Permission 21/01363/FUL on the following points:

- This application is intended to legalise the deviations from the approved development of a new dwelling. The development is on a small plot of the now demolished laundry building, which was once attached to 17 Brookvale Road, (Supporting Statement p.2 2.1)
- HRA regards this as overdevelopment for the restricted size of the plot. By increasing the footprint, without Planning permission, a house with 3 bedrooms has been built. A discussion with the Case Officer, Stuart Brooks, established that size of rooms is not a consideration in Planning Applications, however two of the bedrooms are extremely small and the plan shows no 'family' bathroom on either floor.
- From the outset of approved permission to build a 1-bed detached house, construction began on a completely different house without Planning Permission. The latest Supporting Statement (Southern Planning Practice Ltd) 21/01363/FUL for an Amendment to Planning Permission 20/01296/FUL states:
The purpose of the Amendment to Planning (p.1. 1.1) is, 'for the retention of alterations to dwelling permitted under planning permission 20/01296/FUL to include increased footprint, alteration to the fenestration and the provision of 3-bedrooms.

p.7, 4.1 highlights how the permitted development was never built and a 3-bedroom house on an increased footprint was constructed without Planning permission.

p.7, 4.2 States: Floorspace for the dwelling is 98m² and garden area 60m².
The floorspace is an increase of 14% but the garden amenity space remains the same as in the previous permitted 1-bedroom application. How could this be achieved? There are no dimensions on the permitted development drawings, and it is difficult to judge how much amenity space has been grabbed to build a house that was not permitted? It is described as 'modest' (Ref: p.9, 5.4.)
- Garden size: whilst the Supporting Statement for the latest Planning Application for comparison, draws attention to the small amenity space for flats in the vicinity, (p.10, 5.9, 5.10). Flats would generally not have gardens at all, the three houses at 17 Brookvale (17, 17A and now 17B) are surrounded by houses with appropriately sized gardens with mature planting.
By grabbing additional square meterage for an extended house, the size of the garden/amenity space is further reduced by 14m² or almost 25%, presuming the house has been built where it was supposed to be built.

- p.7, 4.5 Error. The address is not allowable for membership of Portswood Residents Gardens. This clause was added because the amenity space for a detached three-bed house is insufficient and was already marginal for the one-bed house that was permitted.
- The Planning Approval signed off by for the 1-bedhouse, by Paul Barton, Interim Head of Planning & Economic Development, Condition 14 states:

14.Approved Plans

The development hereby permitted shall be carried out 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.

This condition has been breached and there has been no interest in *proper planning* by the developer.

- Finally, a large structure is in a construction phase at the narrowest point of the garden. This has a pitched roof and rises above the garden wall. The house is currently being advertised with Austen-Wyatt Letting Agents as a 3-bedroom let, available in mid-November 2021. The structure at the top of the garden is described as a summer house. Would such a structure require Planning permission? Even if a summer house falls under PDR, the amenity space has been further compromised by an additional out-of-scale unnecessary building.

HRA objects to this Planning Amendment Application and requests that a thorough review of the development is undertaken, including development history and that the decision is referred to Panel.

Barbara Claridge

HRA HonSec

Appendix – Planning History 17B Brookvale Road

21/01363/FUL | Demolition of existing laundry building and provision of new two storey 3-bedroom dwelling including provision of a new access onto Brookvale Road and associated parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL) | 17A Brookvale Road Southampton SO17 1PW

This application is intended to legalise the **deviations from the approved development** of a new dwelling. The development is on a small plot of the now demolished laundry building, which was attached to 17 Brookvale Road, (Supporting Statement p.2 2.1)

The Supporting Statement (p.3 2.5) also outlines how the plot and parking area of the four bed-house (17A Brookvale Road) was divided to create the third plot to replace the laundry building. This plot is of irregular shape and decreases to a point at the end of its amenity space.

There have been three previous Planning Applications to convert the laundry into a dwelling: 20/00037/FUL and a resubmission of 20/00037/FUL were refused, 20/00581/FUL for a 1-bedroom dwelling was approved with 15 conditions.

A summary of the applications and outcomes follows:

20/00037/FUL Determination of Application - Refused

01.Poor Living Conditions

The proposed sub-division of the plot to create a separate 1-bed dwelling with its own separate garden would be out of keeping with the spatial character of the area and would provide a poor living environment for the existing family dwelling house at 17A Brookvale Road given the lack of the private and useable garden space that would be retained for that property. The proposal is therefore contrary to policies SDP1(i) and H7 of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section 2.3, 4.4 of the Residential Design Guide SPD (September 2006), policy CS16 of the Core Strategy (March 2015 amended) and paragraphs 127 and 130 of the National Planning Policy Framework (2019).

02.Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential

development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Paul Barton

Interim Head of Planning & Economic Development

Resubmission 20/00037/FUL Determination of Application - Refused

01. Poor Living Conditions

The proposed sub-division of the plot to create a separate 1-bed dwelling with its own separate garden would be out of keeping with the spatial character of the area and would provide a poor living environment for the existing family dwelling house at 17A Brookvale Road given the lack of the private and useable garden space that would be retained for that property. Furthermore, the appearance of the unauthorised boundary treatment to be retained is harmful to the character and appearance of the street scene. The proposal is therefore contrary to policies SDP1(i), SDP7 and H7 of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section 2.3, 4.4, 3.11 of the Residential Design Guide SPD (September 2006), policy CS16 of the Core Strategy (March 2015 amended) and paragraphs 127 and 130 of the National Planning Policy Framework (2019).

02. Lack of information to assess impact on road safety

Without the submission of vehicle tracking diagrams it is unclear whether the revised layout of the parking area shown in the front garden of no. 17A would provide sufficient amount of space for turning a typical sized vehicle (5m long) so it can safely egress and ingress out of the existing access. These road safety concerns would be compounded by poor visibility of pedestrians using the adjacent footway given that drivers would have limited views to the rear whilst also concentrating on manoeuvring in the tight space. As such there is a lack of information submitted with the application to fully assess the impact to road safety to comply with the requirements of saved policy SDP1(i) of the Local Plan Review (March 2015 amended).

03. Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential

development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Paul Barton

Interim Head of Planning & Economic Development

By November 2020 a new Planning Application had been made: **20/00581/FUL Demolition of existing laundry building and provision of new two storey 1 bedroom dwelling including provision of a new access onto Brookvale oad and associated parking, storage and amenity space revisions to LPA**

This application was Approved 23 December 2020 with **15 conditions**, the most significant of which in regard to the latest Planning Application Amendment are:

07.Landscaping (Pre-Occupation)

08.Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it for the existing dwelling at 17a Brookvale Road and the approved dwelling, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

09.Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

12.Residential - Permitted Development Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the residential and visual amenities of the area.

13. Obscure Glazing (Performance Condition)

All windows in the rear elevation and the side facing windows serving the stairway and hall of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

14. Approved Plans

The development hereby permitted shall be carried out 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.

Paul Barton

Interim Head of Planning & Economic Development

23 December 2020

The house, now with an extended floorspace and 3-bedrooms not one was almost complete by October 2021 when an Amendment to Planning Application was submitted. **21/01363/FUL Demolition of existing laundry building and provision of new two storey 3-bedroom dwelling including provision of a new access onto Brookvale Road and associated parking, storage and amenity space (Amendment to planning permission ref 20/01296/FUL).**

In the supporting Statement for a demolition and replacement with a 1-bed dwelling the Supporting Statement claims (p.6.): The ratio of the footprint to plot area would not exceed 50% so would not represent a physical overdevelopment of the site.

Also p.11, 4.4 Floorspace for the one bed dwelling would be 84m² and garden area 60m².

p.13, 5.4 The ratio of the footprint to plot area does not exceed 50% so would not represent a physical overdevelopment of the site.

Yet from the outset, construction began on a completely different house without Planning Permission and the latest Supporting Statement (Southern Planning Practice Ltd) 21/01363/FUL for an Amendment to Planning Permission 20/01296/FUL states:

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