
Appeal Decision

Site visit made on 19 September 2016

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2016

Appeal Ref: APP/D1780/W/16/3154270

601 Portswood Road, Southampton SO17 3SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dynamic Investments against the decision of Southampton City Council.
 - The application Ref 15/02333/FUL, dated 1 December 2015, was refused by notice dated 3 February 2016.
 - The development comprises the conversion of the existing semi-detached house to 1 no. 2 bed flat and 1 no. 3 bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name differs on the application and appeal forms, but the company name, Dynamic Investments, is present on the application form. Correspondence with the agent, dated 21 July 2016, confirms that any appeal should proceed in the company name. Accordingly, I have used this above.
3. The description of development is taken from the application form. It does not make reference to the single storey rear extension, or the cycle and refuse storage shown on the plans. I have taken account of these additional elements in reaching my decision. However, neither the Council nor interested parties raise any significant objection to the extension, and I find no reason to do so. Consequently I do not discuss it further in my report.
4. The development described has already taken place except that the garden has not yet been subdivided. For the avoidance of doubt, my decision relates to what is shown on the plans; and the fact of the development being largely complete carries no weight either in favour of it or against it. Similarly, while the appellant states that the property is currently let to students as a house in multiple occupation (HMO), my decision is made on the basis that two self-contained dwellings have been applied for.

Main Issues

5. The main issues are:
 - the effect of the development upon the supply of family accommodation in the area;

- whether it provides acceptable living conditions for occupiers of the ground floor flat in respect of privacy; and
- whether sufficient refuse storage can be provided having regard to the character and appearance of the area.

Reasons

The Supply of Family Accommodation in the Area

6. No 601 Portswood Road is a semi-detached house which, as a result of the appeal scheme, has been extended and converted into two flats. It now comprises a two-bedroom unit on the ground floor; and a separate three-bedroom unit with accommodation over two floors.
7. In accordance with the Council's aim to provide a mix of housing types and sustainable balanced communities, Policy CS16 of the Core Strategy¹ seeks, amongst other things, to prevent the net loss of family homes unless there is an overriding policy justification. For the purpose of the policy, a family home is defined as a dwelling with three or more bedrooms, with direct access to useable private amenity space, or garden, for the sole use of the household. A flat should have a garden area of at least 20sqm.
8. One of the units provided by the appeal scheme has the requisite number of bedrooms to comply with this policy and, if the garden were to be sub-divided, it would have a private outdoor area of sufficient size. However, access to this space would be via the front door of the flat and along an alleyway to the side of the property. Thus, access would not be direct as required by the policy and indeed, for reasons discussed further below, it would represent an inconvenient and unappealing route. Moreover, the garden is at a significantly higher level than the house and so, without significant excavation work, steps are likely to be required. Additionally, if the cycle store were to be constructed, it would occupy valuable space in a relatively confined area. It seems to me that these factors would deter occupants from using the garden.
9. For these reasons, the garden proposed for the three-bedroom flat would not be suitable for a family, either in respect of access or utility and so the unit would not provide a suitable family home. I therefore conclude that the appeal scheme reduces the supply of such accommodation in the area to the detriment of the Council's aims for its communities. This is without any overriding policy justification. Consequently, the scheme conflicts with Policy CS16 of the Core Strategy.

Living Conditions in the Ground Floor Flat

10. The ground floor flat comprises a living room; a kitchen/dining room; two bedrooms and a bathroom. With the exception of the rear bedroom window, all of the windows serving these rooms face the alleyway referred to above. Thus the occupiers of the three-bedroom flat would need to pass them in order to reach their garden.
11. The bathroom window is obscure glazed but the other windows are large and at a level such that adults and children would easily be able to look in. There would be no control over how many times residents of the three-bedroom flat

¹ Southampton City Council, Core Strategy – Amended Version, March 2015.

used the alleyway, or indeed whether they lingered in it. Consequently, given that the windows serve habitable rooms which are important living areas, the proposed arrangement could significantly diminish the privacy of ground floor residents.

12. I therefore conclude that the development has a significantly detrimental effect upon the living conditions of these occupiers, contrary to Policy SDP1 of the Local Plan², which seeks to protect the amenity of citizens. However, I find no particular conflict with the more strategic aims of Policy CS13 of the Core Strategy; or with Policies SDP16, H5 or H7 of the Local Plan which respectively deal with noise, the conversion of non-residential premises to housing and access to open space.

Refuse Storage

13. There is no evidence before me to indicate how much refuse storage would be necessary to serve the development if both flats were occupied. At present, only the two-bedroom flat is occupied and there are three large wheelie bins on the pavement in front of the property. The attached house, no 599 Portswood Road, appears to have been converted into two flats as well, and I observed five bins on the pavement outside that property. It is therefore probable that additional bins would be sought were the three-bedroom unit to be occupied.
14. Nevertheless, on the basis that three bins are present, these could not be accommodated on the small site frontage as the plans suggest without obstructing access to the front door. Nor could they be accommodated in the narrow side alley as suggested in the Design and Access Statement without obstructing the route to the garden for occupiers of the three-bedroom flat. Consequently, I am not satisfied that adequate refuse storage for the development could be accommodated within the appeal site and it seems likely that they would continue to be positioned on the pavement.
15. At the time of my site visit, there were a very large number of bins on the pavement outside properties on Portswood Road and on the surrounding streets. I do not know whether this is the case all the time, but when it does occur, it certainly does have a negative impact on the character and appearance of the area. Given that the bins at the appeal property could not practicably be stored elsewhere than on the pavement, I conclude that the arrangement would be detrimental to the character and appearance of the area.
16. The Decision Notice states that this would be contrary to Policies SDP1(i) and SDP10(iii) of the Local Plan, but these concern providing a complementary mix of uses and reducing opportunities for criminal activity respectively. I therefore find no conflict with these policies in respect of the matter at hand. However, the development does conflict with principles of the National Planning Policy Framework on requiring good design (Section 7), and this carries significant weight in my decision. It also conflicts with the guidance on waste management in Section 9.4 of the Council's Residential Design Guide Supplementary Planning Document (SPD), September 2006. I give this some weight in my decision, but it is not determinative.

² City of Southampton Amended Local Plan review, March 2015.

Other Matters

17. The reasons for refusal include that the development would contribute to the adverse impact of new development upon the Special Protection Areas of the Solent Coastline, which are protected by European legislation. This is because no financial contribution towards mitigation has been secured as required by the Developer Contributions SPD, April 2013.
18. The appellant does not dispute the need for a contribution, indeed he indicates a willingness to pay, but no planning obligation is before me and so I cannot take this into account. However, in light of my findings in respect of the main issues of the appeal, a completed obligation would not have led me to a different decision.
19. In reaching my decision, I have taken account of the appellant's view that the scheme would provide an additional home for workers in Southampton in a convenient location. It is not disputed that the flats would receive adequate light and that the extension has been finished in appropriate materials. However, these matters neither outweigh nor alter my conclusions above.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR