

Appeal Decision

Site visit made on 14 September 2016

by Ian McHugh Dip TP MRTPI

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

Decision date: 6 October 2016

Appeal Ref: APP/D1780/W/16/3152469

38 Lodge Road, Southampton, SO14 6RJ

- 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 Mr Bholesh Kakiya against the decision of Southampton City Council.
 - The application Ref 16/00384/FUL/10392, dated 7 March 2016, was refused by notice dated 4 May 2016.
 - The development proposed is the erection of a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposal would provide a good standard of amenity for the future occupants of the development.
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring property at number 40 Lodge Road (number 40), with regard to privacy.
 - The effect of the proposal on the character and appearance of the existing building.
 - Whether the proposal makes adequate provision for the effect on nearby international nature conservation designations.

Reasons

Background and Context

3. The appeal property is a two-storey building, comprising a commercial unit on the ground-floor and a residential flat on the first-floor. The property is currently vacant. The site is situated in a densely built-up area of the city, where land uses are mixed and building styles and sizes vary.
 4. The appeal development is described on the planning application form as the erection of a two bedroom dwelling. The proposal is to enlarge the existing
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building at the rear by constructing a new two-storey extension. This would result in the formation of two residential units, comprising a two bedroom unit on part of the ground-floor and first-floor, plus a one bedroom unit, that would be wholly at first-floor level. The front-most part of the ground-floor area of the building would be used for retail purposes.

5. Both of the residential properties would be accessed from the side of the building. The submitted plans also show alterations to the shop frontage in order to create a pedestrian pathway along the side of the property. Two enclosed garden areas to serve each of the proposed residential units would be created within the existing rear garden at the site.

Amenity for Future Occupants

6. The Council contends that the proposal would fail to provide satisfactory levels of amenity for the future occupiers of the two residential units. It argues that the creation of the two amenity spaces, together with limited space for refuse and cycle storage, would fail to provide a good quality living environment for future residents. In addition, the proposal would involve the repositioning of a first-floor bedroom window from the rear elevation to the side wall of the property. This would face the side wall of number 40 which, the Council states, would present a poor and unsatisfactory outlook for the occupiers of the appeal building.
7. Policy SDP1 of the City of Southampton Local Plan Review 2015 (LP) states (amongst other things) that permission will only be granted for development that does not unacceptably affect the amenity of the city and its residents. In my opinion, this accords with Paragraph 17 of the National Planning Policy Framework (the Framework), which requires new development to always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.
8. I am not persuaded that the repositioning of the first-floor window would be unacceptably harmful to the future occupiers the unit. Although the occupants would look out onto the side wall of number 40, bedroom windows on side elevations are not uncommon and the room would receive adequate levels of natural light and ventilation. However, the sub-division of the garden would result in two relatively small amenity spaces, with the space at the bottom of the site being separated and divorced from the appeal building. This space would also be accessed via a relatively narrow and enclosed pathway. In my opinion, the location layout and form of these amenity spaces would not be particularly attractive to residents and, consequently, the proposal would not accord with the intentions of the Development Plan or with the Framework, as referred to above.
9. With regard to refuse and cycle storage, I note that areas for these purposes are shown on the submitted site plan. Whilst the Council has expressed concern over their position, I consider that such provision could be satisfactorily integrated into the development and the required storage space could be secured by an appropriate planning condition, should the proposal be acceptable in all other respects.

Effect on the Living Conditions of Number 40

10. The repositioned first-floor window would overlook the side elevation of number 40. The respective buildings would be separated by two narrow pathways. Number 40 contains a landing window on its side elevation but, as that window does not serve a habitable room, I consider that the risk to privacy would be slight. Therefore, I do not find against the proposal for this reason.

Character and Appearance

11. Policies SDP7 and SDP9 of the LP and Policy CS 13 of the Local Development Framework Core Strategy (CS) generally seek (amongst other things) to ensure that new development is of high quality design; respects the existing character and appearance of buildings; and integrates with its surroundings. Paragraphs 17 and 58 of the Framework also require development to be of high quality design and to respond to local character.
12. In addition, further guidance on design is contained in the Council's Supplementary Planning Document – Residential Design Guide 2006 (SPD). I note that paragraph 2.5.2 of the SPD states that roof form and pitch must relate to the original design of the building.
13. I acknowledge the Council's concern that the angle of pitch of the roof of the proposed extension would not match that of the existing roof, which is steeper. In that regard, there would be some conflict with the Development Plan, the SPD and with the Framework. However, the new roof structure would be finished in materials that would match the existing roof. In addition, it would be at a lower level and subordinate in relation to the main roof of the building. I therefore consider that any harm to the character and appearance of the building would be slight and does not justify a refusal on this basis.

Nature Conservation

14. The site is situated in a location where the Council (in conjunction with Natural England) seeks contributions to mitigate the effects of development on the Solent Special Protection Areas (SPAs). The SPAs have been designated under the provisions of the Conservation of Habitats and Species Regulations 2010 and are considered to be particularly valuable habitats for birds. The Council considers that a financial contribution of £174.00 per dwelling is required to facilitate visitor management within the SPAs. The policy justification for requiring contributions is contained in Policies CS 22 and CS 25 of the CS. My attention has also been drawn to three other recent appeal decisions, all of which have upheld the Council's approach on this issue.
15. On the basis of the evidence submitted, I consider that the Council's requirement is justified and that it meets the relevant tests in Regulation 122 of the Community and Infrastructure Regulations 2010 and Paragraph 204 of the Framework. Whilst the appellant has agreed to make a contribution, I have not been provided with a completed planning obligation. Consequently, the proposal conflicts with the requirements of the CS.

Other Matters

16. I accept that the appeal site is in a sustainable location and the proposal would create an additional dwelling unit. I also consider that the provision of smaller

residential units would not be at odds with the general character, density and form of development locally. However, these factors do not outweigh my findings above.

Conclusion

17. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR