
Appeal Decision

Site visit made on 4 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 04 November 2016

Appeal Ref: APP/D1780/W/16/3147665

176A Portswood Road, Southampton SO17 2NJ

- 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 M Khan against the decision of Southampton City Council.
 - The application Ref 15/02383/FUL, dated 2 December 2015, was refused by notice dated 8 February 2016.
 - The development proposed is 2 no mews type dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the living conditions of future occupiers with particular regard to outdoor amenity space and those of future occupiers and neighbouring occupiers with particular regard to privacy and outlook; and
 - (ii) highway safety, including whether the proposal makes adequate provision for cycle storage.

Reasons

Living Conditions

3. The appeal site is located to the rear of Nos 176 & 178 Portswood Road, commercial premises which front onto an area of secondary retail frontage within the Portswood District Centre. The site is accessed via a narrow, unlit service road which provides service access to the rear of the commercial units and pedestrian access to some of the flats situated above. It currently consists of a workshop alongside which stands a derelict building. Both of these structures would be demolished and replaced by the proposed dwellings.
 4. The Council is concerned that the proposal would be an overdevelopment of the site, the effect of which would be to adversely affect the living conditions of neighbouring and future occupiers. They raise particular concerns regarding poor outlook, insufficient outdoor amenity space and privacy, as well as raising security concerns regarding the access arrangements.
 5. These concerns are well founded. The frontages of the properties would face out towards a poorly lit, narrow and cramped rear alleyway. To the rear, the
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outlook would be dominated by the rear of the commercial properties and the flats above. This would result in an unacceptable outlook for future residents which would be detrimental to their living conditions.

6. Furthermore, the proposed dwellings would cover a significant proportion of an already small plot resulting in low levels of outdoor amenity space. In view of the site's location in a high density area with easy access to local services, there is likelihood that the dwellings will at some time in the future be occupied by families. I do not consider that the limited outside space proposed would be sufficient to meet the needs of such occupiers and would be detrimental to their living conditions.
7. The Council is also concerned about the privacy of both future and existing occupiers. Part 2 of the Council's Residential Design Guide SPD¹ suggests separation distances of around 21 metres between the windows of habitable rooms which directly face each other. However, paragraph 2.2.5 makes clear that the Council may apply these standards more flexibly depending on the context of the site.
8. In view of its location in a high density area in close proximity to the district centre, it appears to me to be the sort of location where it is prudent to exercise a degree of flexibility. With proposed separation distances between habitable windows of around 19m, I am satisfied that privacy levels within the buildings would not be materially compromised.
9. Nevertheless, the proposal would involve the re-routing of the existing pedestrian access to the flat above No 178. This would result in the creation of a narrow enclosed alleyway alongside the proposed building, through which access to the flats would be gained. Even with additional security lights, it would provide an intimidating and inadequate access arrangement and would result in increased security risks for users. This would exacerbate the harm identified above and would result in inadequate living conditions for both existing and future occupiers. As such, I find the proposal would not provide safe and secure access for future occupiers and would materially alter that of neighbouring occupiers.
10. Consequently, although I do not consider the proposal would result in inadequate levels of privacy, I have nevertheless found that it would result in a poor outlook for existing and future residents. I have also found that it would provide insufficient outdoor amenity space for future occupiers. This, together with the inadequate access arrangements for the occupiers of the flat above No 178 indicates a level of incompatibility with the creation of a satisfactory residential environment which would be contrary to LP Policy H5. It would also be contrary to LP Policies SDP1, H7 and CS13 which, amongst other things, requires new development to apply the highest standards of design, provide acceptable levels of amenity and ensure that new development proposals are safe, secure and design out the risk of crime.

Highway safety

11. The proposed dwellings would be accessed via a service track which serves the rear of the commercial properties along Portswood Road. The track is narrow, poorly lit with a substandard surface. During my site visit it appeared to be well

¹ Southampton residential Design Guide (2006)

used by pedestrians seeking access between Westridge Road and St Denys Road.

12. While I note that the existing service track has been used for a considerable period of time, this has been predominantly for access to the rear of commercial premises. Such use is likely to be infrequent and the introduction of residential dwellings into this rear alleyway would increase both vehicular and pedestrian movements in what is a narrow and poorly lit area.
13. Furthermore, the increase in vehicular traffic along this service route would increase the likelihood of conflict between different highway users. It would provide inadequate access for future occupiers and would materially compromise the safety of pedestrians using the route, increasing the risk of collision and having a significantly negative impact on safety. This would be contrary to LP Policies SDP1, SDP4 and SDP11 which seek to ensure new development secures safe access for all pedestrians and protects the safety of the city and its citizens. It would also fail to promote safe, secure and accessible streets contrary to LP Policy CS13
14. Moreover, the access track is not accessible for the Council's refuse collection vehicles as a result of which future occupiers would be required to walk some distance to the nearest pick up point. These arrangements would not be suitable and would exacerbate the risks identified above.
15. The Council is also concerned that the proposed garages would not provide sufficient space to accommodate cycle storage. I share these concerns and while I note the appellant's views on other storage areas within the development, this would not provide the secure and accessible cycle storage required by future occupiers. Accordingly, it would fail to meet the Council's adopted standards and would be contrary to LP Policy CS19.
16. Consequently, I consider the proposal would be detrimental to highway safety and would fail to make adequate provision for safe and secure cycle storage. As such, it would be contrary to LP Policies SDP1, SDP4, SDP11, CS13, and CS19.

Other matters

17. The reasons for refusal set out in the decision notice refer to the impact that the proposed development would have on the Solent and Southampton Water SPA. If the circumstances leading to the grant of planning permission had been present, in the absence of any secured mitigation measures, it would have been necessary to give further consideration to the impact of the proposal on these areas in accordance with the Habitats Regulations. However, I have found above that the proposal would conflict with a number of LP policies and accordingly, I am satisfied that no such assessment is required.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR