
Appeal Decision

Site visit made on 10 November 2016

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/D1780/W/16/3156304

Banister Grange, Banister Road, Southampton, SO15 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 Brighton Land Ltd. against the decision of Southampton City Council.
 - The application Ref. 16/00782/FUL/1861, dated 10 May 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the erection of an additional floor on the existing block to provide 6 x 2-bed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - The effect of the proposed additional floor on the character and appearance of the host building and on the surrounding area;
 - Whether the wider impact of the development, particularly on parking capacity and highway safety, and the Solent Coast Special Protection Area would be mitigated.

Reasons

3. The appeal site comprises a three storey block of residential apartments which stands on the corner of Archers Road and Banister Road in a generally residential area. The existing building has a rectangular box like form with a prominent flat roof which extends out at the eaves. Each of the three attached sections of the building contains 6 flats off a centralised main doorway with balconies above. The balconies and the small paned windows reflect the building's origins said to be in the 1930s and the design of the building was described by a previous inspector as in the 'moderne' style¹
4. It is proposed to construct a third floor (4th level) on top of the building to comprise 6 additional flats. The addition would have a similar box form with external elevations clad in a dark zinc material with a vertical standing seam. Additional cycle storage areas would be created in the grounds of the building.

¹ APP/D1780/W/15/3131646

5. I note from the planning history of the site that a previous application for an extension for an upper floor on the building was recommended for approval by the planning officer but the Council decided to formally refuse permission. In the subsequent appeal, the inspector concluded that while the development would accord with policy in respect of parking provision and would not result in demonstrable harm to the living conditions of existing residents within the building, the proposal would appear bulky and oppressive in appearance and would harm the architecture of the host building and thereby the character and appearance of the area. Nevertheless, the appellant stresses that the inspector said in paragraph 7 of the decision letter "In my judgement, having regard to the scale of the surrounding development, the building's prominent corner location and its somewhat existing bland regimented appearance, particularly when viewed from the rear, I consider that a well designed additional storey might well have the potential to improve the appearance of the existing block. Further, a high quality addition may well also serve to enhance the character and appearance of the wider area."
6. The appellant's architect has therefore sought to address the concerns expressed in this new proposal.

Effect on character and appearance

7. In assessing the proposal I have to say that the images on the copy of the plans before me do not do justice to the existing building or to the proposal and therefore I have also taken particular note of the computer generated 3D image of the proposed scheme.
8. At my site visit I noted the range of building bulks and styles that exist in the neighbourhood of the appeal site. Building heights ranged from 2.5 to four storeys and there was a variety of architectural styles. Many of the buildings had sloping or pitched roofs with tiles but there were also other examples of similar 1930s architecture with extensive flat roof blocks. Given this variation in form and appearance the principle of an additional storey need not be out of place locally.
9. However, the existing building has very clear lines where the main rendered elevations sit on a brick plinth and the building is 'topped off' by the projecting eaves. These give a horizontal emphasis to the building which is reinforced by the linear form of the main fenestration and balconies. The plans of the proposed elevations appear to show the projecting eaves on top of the third storey level cut back but a similar roof treatment is proposed for the top of the zinc metal roof. The computer 3D image appears to show the existing projecting eaves retained and a simple turned edge to the zinc roof.
10. While I understand the design concept of adding a roof bulk in a different darker treatment to be visually separate to the main rendered block, in my judgement the proposal to continue the plane of the main and side elevations upwards, whatever happens to the extended eaves, results in a building mass which detracts from and devalues the distinguished form and integrity of the present building and does not enhance it. When viewed around this prominent corner site the enlarged building would appear 'top heavy' and I agree with the Council that it would be a visually oppressive structure which would detract significantly from the character and appearance of the area. I do not consider that the proposal overcomes the concerns expressed by the previous inspector.

11. In policy terms I find that the proposal does not accord with policy SDP1 of the Amended City of Southampton Local Plan (2015) as the proposed additional floor would unacceptably affect the amenity of the city; conflicts with Policy SDP7 as there would be harm to the character and appearance of the area; and conflict with SDP9 as the proposal would not be of a scale, mass or visual impact that would respect the host building or its surroundings. There is also conflict with Policy CS13 of the Core Strategy in respect of the 'Fundamentals of Design' particularly regarding 'Architecture' and 'Urban Form'. I also agree with the Council that the proposal does not accord with the emphasis placed on good design in the National Planning Policy Framework (the Framework) to ensure that new development makes a positive contribution to making places better.

Mitigation of the effects

12. The Council says that the additional 6 residential units proposed in the development gives rise to a need to mitigate the impact on the transport network and also to mitigate the impact of additional population on the Solent Coast Special Protection Area through the Solent Disturbance Mitigation Project in line with adopted policies in the development plan. Such mitigation would normally be secured by a formal obligation. The appellant is prepared to enter into such an Obligation but advises that as the application was rejected by the Council the process of preparing a Section 106 Agreement was stopped.
13. Although there is no formal Obligation before me, notwithstanding my conclusion on the first issue above, if I was minded to allow the appeal, I am satisfied on the evidence available that the parties together could prepare an Agreement, or the appellant company could put forward a Unilateral Undertaking, that would make proper provision for the mitigation. This issue can therefore be overcome.

Other matters

14. An owner/occupier of one of the existing flats on the second floor of the building (i.e. directly below the proposed 6 new flats) raises objection to the development on the grounds of noise and disturbance, as well as a reduction in the value of his property. These factors are said to harm the human rights of the occupiers. Concern is also raised about the safety of existing residents during the construction phase and the structural integrity of the building to cope with the additional load.
15. The structural effects of the proposal and safety issues during construction are dealt with under other legislation and are not, in the main, planning considerations. The direct effect on the property itself is also a private matter for the landowners. However, in terms of the effect of noise and disturbance during construction these can be assessed as a planning consideration.
16. There is no evidence before me on the likely extent of noise and disturbance but it is clear to me that existing residents within the building could well be affected by noise from construction work if the development was permitted, if only for a temporary period. It is not unusual for planning conditions to be applied which limit the timings of building work so that it does not occur at times that are generally regarded as being unsocial and thus mitigate the effects of development. However, in this case, such conditions would not prevent noise disturbance taking place through the daytime when the objector,

who undertakes night shift work, was trying to sleep or study. Planning conditions are therefore unlikely to be successful in mitigating the temporary effect of construction work.

17. Nevertheless, rights about the respect for the peaceful enjoyment of a home are qualified rights and there is a limit to the extent in which a public body can protect these rights in the public interest without interfering in the rights of others to develop their land. In this case, there are planning concerns about the visual impact of the development which weigh against the scheme, notwithstanding the objections expressed by neighbours on disturbance grounds.

Planning Balance

18. Bringing together my conclusions on the main issues, I have found that the proposed fourth floor would be of a scale and design that would harm significantly the architectural character of the host building and its appearance in the street scene. As such the proposal would not accord with the relevant provisions of the development plan, but the mitigation of the wider effects of the proposal could be resolved by an Obligation if the scheme was otherwise acceptable.
19. I recognise that the proposal would help increase housing supply which is a main aim of the Framework and I am satisfied that the site lies in an accessible and sustainable location. Nevertheless, the harmful effect on a distinctive local building means that the proposal is not compatible with the environmental dimension of sustainable development when the Framework is read as a whole.
20. Overall I find that there are no other considerations which outweigh the adverse effects.

Conclusions

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

David Murray

INSPECTOR