

Appeal Decision

Site visit made on 7 November 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/D1780/W/16/3155190

Land adjacent to 18 Frederick Street, Southampton, SO14 0LU

- 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 J Singh against the decision of Southampton City Council.
 - The application Ref 16/00385/FUL, dated 7 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is the rebuilding of garage block with 1 bedroom mews flat over.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was arranged as an 'access required site visit'. However, at the time of my visit there was no one available to provide access to the site. Nevertheless, I am satisfied that I was able to see everything I needed to determine the appeal unaccompanied and I have therefore proceeded on this basis.
3. The appeal was made in the name of Indie Singh, but the name on the application form was Mr J Singh. The agent has, however, confirmed that the appeal is to be made in the name of Mr J Singh.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the street scene;
 - The effect of the development on the living conditions of future occupiers having regard to the provision of garden space, and matters of light and ceiling height in relation to the internal living space;
 - The effect of the proposed parking arrangement on the safety of other highway users, and;
 - The effect of the development on the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC).
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Reasons

Character and Appearance

5. Frederick Street is a predominantly residential road and the properties are mainly traditional in design and two to three storeys tall. The appeal site comprises a derelict garage which is attached to the side of 18 Frederick Street; a two storey traditional style property. The proposal is to rebuild the garage with a one bedroom flat above.
6. The front elevation of the replacement garage would feature two front dormers with pitched roofs, and a front door with porch canopy. Although there are dormers in the vicinity of the appeal site, they are, on the whole, smaller, subservient, flat roofed structures located high up on the roofs of surrounding buildings. The pitched roof design and prominence of the proposed dormers would therefore appear out of character. The square shape of the dormer windows would also contrast with the taller, rectangular shaped windows which are more commonly seen in Frederick Street. Furthermore the porch canopy would appear as an alien feature, as typically the adjacent properties open out straight onto the street.
7. The overall design of the garage/flat would therefore jar with the street scene adversely affecting its character and appearance. Although I acknowledge that the garage at present is in poor condition and in need of redevelopment this does not override this harm. The proposal would therefore conflict with Policies SDP7 and SDP9(i) of the Local Plan Review (Amended March 2015) (LP) and Policy CS13 of the Core Strategy (amended March 2015) (CS) which require high quality building design which responds positively to, and integrates with, its local surroundings, character and architectural vernacular. This includes architectural detailing and building proportions.

Living Conditions

8. The Council's Residential Design Guide (2006) sets out minimum garden sizes for residential properties, which, for a flat, is 20m². There is no differentiation between the size of flat and amount of garden space required. The appeal site is heavily constrained by surrounding development and as such it is not possible to provide any garden space as part of the proposal. However, as it is a one bedroom flat it is unlikely to accommodate a family. In my experience, families have a greater need for garden space at their places of residence for, for example, playing, sitting out and drying washing. I also note that there is access to parks and the Common in the local area, and adjacent flats similarly have no amenity space. I am therefore not persuaded that the lack of provision of garden space would warrant refusing planning permission in this case.
9. The living accommodation for the flat would be located in the roof space which would, to a degree, restrict head room. However, looking at the section provided I am not persuaded that it would be cramped to the point of being unusable. The ceiling would slope down quite low; particularly at the rear, but both the bathroom and kitchen could be fitted out so as to maximise head room. The flat would have only a single aspect meaning the bathroom would have no window. The kitchen, however, being open plan, would benefit from light from the dormer window in the living room. Lack of natural light to a bathroom, would not, in itself, justify withholding planning permission as this is

not somewhere future occupants would be likely to spend the majority of their time.

10. Based on the above, I find no reason to conclude that the proposal would harm the living conditions of future occupiers of the flat in terms of garden space, and light and ceiling height of the internal living space. I therefore find no conflict with Policies SDP1(i) and H7 of the LP which require that, where appropriate, open space is accessible from new residential schemes, and more generally, seek to protect the amenity of residents.

Parking

11. The Council's Parking Standards Supplementary Planning Document (SPD) (2011) sets out that a one bed residence should provide a maximum of one parking space, even in high accessibility areas. On-street parking is heavily restricted in Frederick Street and around the appeal site generally. On-street parking is also in high demand, in part due to the close proximity of the hospital, but also because the majority of residential properties in the area do not have the benefit of off-street parking. I therefore consider provision of one parking space is appropriate, despite the accessibility of the appeal site, given the surrounding parking conditions.
12. The proposal before me would provide one parking space, and cycle and bin storage inside the garage. The Council's Highways Development Management Officer comments that the standard depth for a parking space would be 5m, or 4.8m in some cases. The appellant says the internal depth of the garage is 4.8m which is the lower of these two figures. The Council, however, raises concern that there is "a supporting column" in the way which would reduce the usable depth of the garage down to 4.5m.
13. I am not convinced this is a supporting column. From the plans before me it looks more like a soil pipe, in which case it could possibly be moved. However, the appellant has not disputed the Council's comment that this is a supporting column and the plans are not explicitly clear on this point. Therefore, on the evidence before me, I must treat it as a supporting column.
14. Cars are, generally speaking, getting larger therefore it is reasonable that the Council's minimum parking space dimensions are met. I am not, however, persuaded that the restricted depth of the proposed garage would necessarily make the manoeuvring of vehicles in and out hazardous to other users of the highway. It is more likely that this parking space would simply not be used. This would have the effect of increasing on-street parking in the area.
15. Whilst this would only be an increase of one vehicle, the SPD, at 4.2.2 para 4, states that research shows that reduced levels of on-street parking may remove a contributory factor in many Personal Injury Accidents in residential areas. As noted above the area surrounding the appeal site is heavily reliant on on-street parking which, due to the high density of the area and the close proximity of the hospital, is in high demand. Any further increase in on-street parking would therefore be harmful to the safety of users of the adjacent highway. For this reason the proposal would conflict with both the SPD and Policy SPD1(i) of the LP in that it would unacceptably affect the safety of the city and its citizens.

SPA and SAC

16. The Conservation of Habitats and Species Regulations 2010 provides statutory protection for designated sites. The Solent coastline supports a number of such sites including the Solent and Southampton Water SPA and the Solent Maritime SAC. Research undertaken across south Hampshire indicates that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme known as the Solent Disturbance Mitigation Project has been adopted. This requires a financial contribution of £176 per unit which will be used to fund measures designed to reduce the impacts of recreational activity.
17. I have not been provided with a copy of the mitigation scheme referred to above therefore I have not been able to carry out my own assessment in accordance with Regulation 61 (5) of the Conservation of Habitats and Species Regulations 2010 which requires any development which could damage such areas to be subject to an appropriate assessment of its likely effects. In any event, even if I were satisfied that such mitigation was necessary, despite the appellant stating that they are willing to make the above contribution, there is nothing before me to secure it.
18. Consequently I cannot be satisfied that the proposal would not have an adverse effect on the integrity of the Solent and Southampton Water SPA and the Solent Maritime SAC, or that the proposal would put in place adequate measures to mitigate any potential adverse effects. The development therefore conflicts with Policy CS22 of the CS which seeks to ensure development does not adversely affect the integrity of international designations, and that necessary mitigation measures are provided.

Conclusion

19. I have had regard to all matters raised, including that the proposal would provide accommodation for workers in Southampton. This does not, however, override the harm I have found with respect to character and appearance, and highway safety. Furthermore, on the evidence before me, the development would also be unacceptable in terms of its potential effects on the Solent and Southampton Water SPA and the Solent Maritime SAC. For these reasons the proposal would not be a sustainable form of development contrary to the purpose of the National Planning Policy Framework. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR