
Appeal Decision

Site visit made on 17 January 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/D1780/W/16/3158309
10 Cecil Road, Southampton SO19 2HX

- 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 Mark Vincent against the decision of Southampton City Council.
 - The application Ref 16/00524/FUL, dated 7 December 2015, was refused by notice dated 7 July 2016.
 - The development proposed is demolition of existing bungalow and proposed replacement to 2 semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. One of the reasons for refusal related to the effect of the proposal on the Special Protection Areas (SPAs) of the Solent coastline. The Council sought a contribution to mitigate the effect of the proposal on the SPAs, and has confirmed that the necessary contribution has been secured. Accordingly the main issues are:
 - i) the effect of the proposal on the living conditions of neighbouring occupiers at 8 and 12 Cecil Road, with particular regard to light, outlook and visual impact, and
 - ii) the effect of the proposed level of parking on highway safety.

Reasons

Living conditions

3. The proposal would provide a pair of semi-detached two-storey dwellings fairly close to the boundaries with the houses at 8 and 12 Cecil Road. The proposed building would be in a similar position as the existing bungalow in relation to the boundary with 12 Cecil Road, with the main rear wall in line with that of the two-storey dwellings on either side. The proposed houses would have an indented rear projection which would extend a few metres beyond the main rear building line, only marginally beyond the single storey rear additions to the houses on either side.
 4. There are three small windows in the side elevation of No 12 facing the appeal site, which do not appear to serve habitable rooms. In any event, these windows are so close to the side elevation of the existing bungalow and its roof
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that the two-storey replacement would have no material impact on light or outlook. There would remain a good outlook from rear facing windows and the existence of a ground floor rear addition to No 12 would ensure that light to the garden would not be seriously affected.

5. The position is somewhat different in respect of the relationship with 8 Cecil Road. The existing bungalow is further from the boundary whereas the proposed building would be about a 1m or so from it. The main two storey part of the building would project almost 6m beyond the rear facing windows in the part of the house at No 8 nearest to the appeal site. This part of the building has a rear facing window at first floor, which, from what the occupier says in her letter of objection, serves a bedroom, whilst the ground floor window below serves a dining room. This two-storey flank wall so close to these windows and the more rearward projection of No 8 would create a tunnel-like outlook, which would be dark, forbidding and unneighbourly.
6. A large ground floor window also faces the appeal site, which I understand serves a kitchen. Whilst the current outlook is affected by the side wall and roof of the existing bungalow, the proposal would be nearer and higher and would materially reduce the amount of light reaching the window whilst creating a more austere, uninteresting and claustrophobic outlook. I consider that these combined impacts would significantly worsen the occupiers' living conditions and would conflict with the advice in the Council's Residential Design Guide Supplementary Planning Document (SPD) which says that spaces between buildings should ensure a reasonable outlook for occupants of lounges, dining rooms, kitchens and bedrooms.
7. I therefore conclude on the first main issue that the proposal would materially harm the living conditions of the occupiers of 8 Cecil Road, with particular regard to light, outlook and visual impact, although the impact on the occupiers of 12 Cecil Road would not be harmful. The proposal would conflict with Policies SDP1 and SDP9 of the City of Southampton Local Plan Review (LPR)(amended 2015), which respectively deal with quality of development, and scale, massing and appearance. It would also conflict with Policy CS13 of the Southampton Core Strategy Development Plan Document (CS) (amended 2015), which deals with the fundamentals of design insofar as it concerns amenity. It would also conflict with the SPD to which I have referred above although I find no conflict with LPR Policy SDP7 which does not concern living conditions.

Parking

8. It is proposed to provide 3 on-site parking spaces. The Highway Authority objects to the third "sandwiched" space on the basis that there would be insufficient visibility to allow a car parked in the middle space to reverse safely without risk to pedestrians and cyclists, and seeks a condition to require a revised layout to show only 2 spaces. I agree with this concern, and I shall deal with the proposal on the basis that only 2 on-site spaces are proposed.
9. The Council's Parking Standards Supplementary Planning Document (SPD) adopted in September 2011 sets out maximum parking standards, which in this case would require 2 spaces per dwelling. It says that provision of less than the maximum parking standard is permissible and that developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity. It also

says that on-street parking will count towards parking provision where a number of criteria are met.

10. The criterion in contention is (E), which says that the developer has demonstrated through parking surveys, accumulation estimation, etc, that use of on-street parking will not lead to demand exceeding supply of on-street parking. The appellant has carried out a parking survey late on a Friday evening which showed 9 available parking spaces. The Council contends that this is insufficiently robust, and fails to follow the Lambeth model. However, the SPD does not provide that any particular model should be used for carrying out parking surveys. The appellant carried out a survey at 11pm, at a time when most people would be at home. The Lambeth model includes a requirement for multiple surveys to be carried out, including in the early hours of the morning at which time most people would be at home.
11. Cecil Road is a relatively short road, and many of the dwellings have off-street parking, with several having space for 2 or more cars, and do not rely on parking on the road. The appellant's survey showed 9 spaces late at night; even if some people were to arrive home after this time, I consider that it would be unlikely that there would be many who would park on-street, and it is even more improbable that all 9 free spaces would be taken. The photograph supplied by the appellant shows plentiful daytime on-street parking and this chimes with what I found on my site visit. I recognise that the submitted evidence provides only "snapshots" of the parking position at particular times, but there is no substantive evidence to refute the claim that there is adequate capacity to absorb any overspill parking demand that might arise from the proposal.
12. I therefore consider that the proposal meets the criteria contained in the SPG and that the proposal would not give rise to significant highway safety concerns, or conflict with LPR Policy SDP1 or CS Policy CS19, the latter policy dealing with car and cycle parking, or with the SPD to which I have referred.

Other matters

13. I have had regard to local concerns that the proposal would appear out of keeping with the established street pattern. However, the existing bungalow is an anomaly in the street and because of the larger plot width and the sympathetic design I find that proposed dwellings would relate satisfactorily to neighbouring houses in terms of height, scale and design.
14. I have also taken into account overlooking of the property at 22 Jameson Road, but the distance between the windows in the proposed house and those in the rear elevation of 22 Jameson Road would be well over the 21m sought in the Council's Residential Design SPD and would be sufficient to ensure that there would be no materially harmful loss of privacy.
15. The proposal would have a benefit in adding to the housing stock, and making a more efficient use of land within a built-up area. I note the suggestion that it would not be viable to alter the proposal to bring the building further away from the boundary of No 8, but it is a core planning objective in the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupants of land and buildings, and this outweighs other considerations in this case.

16. I have had regard to all the other matters raised, but none is sufficient to add to the reason for dismissing the appeal.

Conclusion

17. I find that the proposal would conflict with the development plan as a whole and, for the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR