
Appeal Decision

Site visit made on 21 February 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/D1780/W/16/3162818
161 Foundry Lane, Southampton SO15 3LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Shaoheng He and Quian Wu against Southampton City Council.
 - The application Ref 16/01438/FUL, is dated 22 August 2016.
 - The development proposed is described in the application form as 'two storey rear and roof extension'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension, raising of roof to facilitate loft conversion and alterations to windows/doors at 161 Foundry Lane, Southampton SO15 3LB in accordance with the terms of application 16/01438/FUL, dated 22 August 2016, and subject to the following conditions:
 - i) The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: FL0616-01 EE, FL0616-02 EE, FL0616-03 EE, FL0616-04 EE and FL0616-05 EE.
 - iii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - iv) All windows in the south east (right) side elevation of the development hereby permitted shall be obscure glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall thereafter be retained in this manner.

Preliminary Matter

2. I have based my description of the proposed development in my decision above on that provided in the Council's decision notice and as stated on the appeal form. This provides a more complete and clear description of the proposed development than the description used in the planning application form.
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Main Issue

3. Subsequent to the appeal being lodged, the Council provided a 'decision notice' which sets out what its reason for refusal would have been had it been in a position to determine the application. Its objection relates to the standard of living accommodation provided for future occupants of the dwellinghouse.
4. The main issue is therefore whether the proposed development would provide for an acceptable residential living environment for future occupiers of the dwellinghouse.

Reasons

5. The Council's objection to the proposed development centres on the standard of residential accommodation provided in the proposed upper floor of the extended building.
6. Although the floor area of the proposed bedroom within the loft conversion would be substantial, its overall size would be constrained by the sloping pitched roof. Consequently, the overall space and head room within this bedroom would be somewhat restricted. Nevertheless, the proposed rear dormer window would increase the sense of space within the room and the ceiling would be of a reasonable height in the central part of the room. Overall I consider that the bedroom would be usable allowing for reasonable manoeuvring within the room. This would be particularly so as it is intended to be used as a single bedroom.
7. The proposed rear dormer window, the views from which would not be restricted or obstructed, would also provide for a satisfactory outlook and ensure that there would be an acceptable level of daylight within the proposed bedroom in the roof space.
8. The proposed bathroom on the upper floor would also be constrained by the roof pitch above but this would not be to the degree that would make this room unusable or lead to unacceptable living conditions for future occupiers.
9. I have also considered the layout of the remainder of the extended building. This appears to provide generally acceptable room sizes and outlook. It is also a relevant factor that the proposed upper floor bedroom is the third bedroom and that the two other bedrooms within the dwellinghouse are of generous proportions.
10. The Council refers to its Residential Design Guide September 2006 (RDG), particularly section 2.2.1. Nevertheless, taking account of my reasoning above, I find nothing within this to suggest that the proposed development would be unacceptable, including any reference to minimum floor or ceiling heights.
11. I therefore do not consider that the proposal would result in a cramped or over-intensive living environment. It would provide for an acceptable residential living environment for future occupiers of the dwellinghouse. I find no significant harm to arise in the context of the relevant design and amenity aims of saved policy SDP1(i) of the adopted City of Southampton Local Plan Review, policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document of the National Planning Policy Framework.

Other matters

12. The proposed drawings include alterations to the front elevation of the building and this is reflected in the description used by the Council. I am satisfied that these alterations comprise part of the application and that the proposal is for the use of the extended premises as a single dwellinghouse. Taking account of the mixed designs and forms of buildings in the vicinity of the site I do not consider that any detrimental impacts would result from the proposed extensions and alterations upon the character or appearance of the area.
13. Taking account of the relationship of the existing building with the adjacent neighbouring property (159 Foundry Lane), I do not consider that the additional massing of the building now proposed would result in any unacceptable impacts on neighbouring living conditions in respect of outlook and day or sun light.
14. Whilst windows are proposed in the side elevation, a condition requiring obscured glazing for those above ground floor level would ensure that no unreasonable overlooking would occur from proposed windows in the side elevation towards the neighbouring property. With regards to boundary screening, given the householder permitted development rights to erect boundary fences or walls, I do not consider that any alterations to the existing boundary screening need result in any unacceptable loss of privacy for the occupiers of 159 Foundry Lane.
15. In reaching these conclusions on living conditions, I have noted the existence of the back dining room window at No.159.
16. There is no indication from the evidence before me that any structural damage would be likely to occur and I have given only minimal weight to the concerns of the occupier of the neighbouring property at No.159 in this respect. Matters regarding access to adjacent land for construction purposes also carry only minimal weight in my determination of the appeal. Whilst some disturbance during the construction process would be likely, this would be likely to continue for only a limited period of time and, subject to compliance with good practice and other relevant regulations, would not be of such a scale to result in the likelihood of unacceptable impacts upon neighbouring living conditions or highway safety implications.
17. Taking account of my reasoning above, I do not consider that the granting of planning permission for the appeal proposals would result in such interference to engage Article 8 of the Human Rights Act 1998.
18. Although the plans indicate a parking space this would appear to be outside of the application site boundary and is not a matter which has any significant bearing on my determination of the appeal.

Conditions

19. An approved plans condition is necessary to provide certainty to what has been approved. A condition requiring matching materials is necessary in order to safeguard the character and appearance of the area. A condition requiring side elevation windows facing 159 Foundry Lane to be obscure glazed and fixed shut up to 1.7m above floor level is necessary in order to safeguard the privacy of the occupiers of 159 Foundry Lane.

20. I have not attached the Council's suggested condition restricting working hours as this is generally a matter for separate environmental regulations and I do not consider that the size, scale or intensity of the works proposed in this case warrants a separate condition of this kind.

Conclusion

21. The proposed development would be in accordance with the development plan and there are no material considerations which indicate that the proposal should be determined other than in accordance with it.

22. Having regard to all matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR