
Appeal Decisions

Site visit made on 15 May 2017

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 07 July 2017

Appeal A Ref: APP/D1780/D/17/3170371

Appeal B Ref: APP/D1780/D/17/3170373

20 Elmsleigh Gardens, Southampton SO16 3GF

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeals are made by Mr Singh against the decisions of Southampton City Council.
 - The applications Refs 16/02078/FUL and 16/02079/FUL, both dated 2 December 2016, were refused by notices dated 21 February 2017.
 - The development proposed in both appeals is part two storey, part single storey side and rear extensions.
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Decisions

Appeal A and Appeal B

1. The appeals are dismissed.

Preliminary Matters

2. These appeals follow planning permission for a scheme comprising part two-storey, part single storey side and rear extensions to an existing small 'House in Multiple Occupation' (HMO) which was allowed on appeal on 12 January 2015. There is no dispute that this consent has been implemented and I noted during my site visit that the footings of this extension have been constructed.
3. It is now proposed to amend that scheme by aligning the side wall of the rear first floor extension with the ground floor, rather than setting it in from the boundary. The proposals include extending the rear roof slope downwards to form a sloping 'cat-slide' roof at the side/rear. In both appeals the cat slide roof would finish just above first floor cill level. As a result of these changes, in both schemes the rear, first floor element up to eaves level would be closer to the boundary with 18 Elmsleigh Gardens (No 18) than in the approved scheme. The difference between the 2 appeal proposals is that the proposed eaves height would be either 3.7m or 3.9m above ground level. The other change to the approval would be the partial use of light coloured render which is intended to reduce the apparent mass of the previously proposed brickwork.
4. The elevational drawings for Appeal B also indicate that part of the cat-slide roof and the end of the altered ground floor extension roof would project slightly beyond the flank wall of the extension when viewed from the front, unlike in the approved scheme.

5. Despite the discrepancy with the block plan drawings, it is confirmed in the appeal submissions that the distance between the extensions and the boundary with No 18 would be 860mm, the same as the approved extension. I have dealt with the appeal on this basis.

Main Issues

6. The developments proposed in these appeals have already been approved in principle and are being implemented. Therefore, in this decision I have focused primarily on the effects of the differences between the approved scheme and the 2 proposals before me. Consequently, in both appeals the main issue is the effect of the height and rearward depth of the proposed extensions on the living conditions of the occupiers of No 18.

Reasons

7. In the previous appeal decision, the Inspector noted that the 2 storey rear extension would follow the main side walls of the house and would be sufficiently inset from the boundary of both neighbours at Nos 18 and 22 to avoid any loss of outlook or visual dominance from any part of their gardens. As the appellant indicates, the Inspector did not specify a required distance from the boundary to avoid any loss of outlook or visual dominance. However, these appeals have been determined on their merits, based on my observations made at the site visit and my professional experience.
8. The proposed steeply sloped roof would extend upwards and away from the boundary and its angles would limit the additional bulk at this level, thereby reducing its effects. However, in both appeals the first floors of the revised extensions would be closer to the boundary with No 18 than in the approved scheme resulting in additional massing at this point. It is also important to take into account that the appeal property is at a slightly higher ground level than No 18.
9. I have carefully considered the approved scheme, the relationships of this and the proposed developments with No 18 and noted that the Council officer's report indicated that the degree of harm in both appeals is finely balanced. Taking all of the above matters into account, I conclude that the additional volume proposed at the rear of the appeal property would be too close to No 18, unneighbourly and unduly dominant. The proposed alterations to the approved extensions would go beyond the limits of acceptability and would harm the outlook and living conditions of the neighbouring occupiers of No 18, including views from their patio and the other most usable garden areas close to the rear of the house. The use of light coloured render to reduce the apparent mass of the previously approved brickwork does not overcome the harms.
10. I conclude that both amended schemes would conflict with saved Policy SDP1 (i) of the City of Southampton Local Plan Review which in summary seeks to protect the amenity of the city and its citizens. There would also be conflict with the guidance in the Council's Residential Design Guide SPD. Among other things and of relevance to these appeals, it seeks to ensure adequate outlook for the neighbours of proposed developments.

Other Matters

11. In terms of the other matters raised, the appearance of the 2 developments when viewed from the public realm would be similar to the approved development. I agree with the previous inspector that the side/rear extensions would be read as subsidiary visual elements and would not therefore be objectionable in this regard.
12. A number of objections were made, including from the East Bassett Residents' Association, to the resulting intensification of the HMO use. As indicated by the previous Inspector in his decision, permission had previously been granted for the additional 5th bedroom. The minor alterations proposed in these appeals would not affect the number of residents.
13. Concerns about overdevelopment of the appeal site and insufficient garden space remaining, car parking provision and the potential for unneighbourly behaviour by future residents were considered in the previous appeal, and there is no need to address them further. In combination these matters are insufficient to affect my conclusions on the main issue. There was some support for the proposed developments and the issues raised have been addressed above.
14. The fact that the scheme was amended prior to submission of the appeal proposals does not affect my conclusions which are based on the schemes that were determined by the Council.

Conclusion on both appeals

15. For the reasons I have given, the appeals should be dismissed.

Elaine Benson

INSPECTOR