
Appeal Decision

Site visit made on 24 July 2017

by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb

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

Decision date: 03 August 2017

Appeal Ref: APP/D1780/W/17/3173013

71 Richmond Road, Southampton SO15 3FU

- 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 Colin Hiscock against Southampton City Council.
 - The application Ref 16/02126/FUL is dated 8 December 2016.
 - The development proposed is the construction of one bedroom bungalow in the rear garden of 71 Richmond Road (a corner plot) to face onto Trafalgar Road.
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Decision

1. The appeal is dismissed.

Effect on the Character and Appearance of the Surrounding Area

2. No 71 has been converted into two flats and the proposal would separate off part of the grassed rear amenity space to form a plot of some 98m² fronting Trafalgar Road. The footprint of the 1 bedroom dwelling together with the parking area would cover 61m², a plot coverage of 62% out of character with many nearby plot ratios in this suburban location. The density would be 102 dwellings per hectare, slightly exceeding the upper limit of the range expected in this medium PTAL accessibility location.
3. The character of Trafalgar Road is suburban with a mix of building forms and layouts. There are a few other single storey dwellings in the area but the proposal would stand out due to the fact that it would extend to the back edge of the footpath rather than having a setback from the road. In addition, the proposal seeks to avoid windows looking into Trafalgar Road but fronting the road is a characteristic of the locality. The proposal would turn its back to the road and would look out of place. The design objective of private courtyards is also an urban characteristic not a suburban one. The proposal would detract significantly from the suburban character of the area.

Effect on the Living Conditions of the Residents of the Proposal and No 71 in terms of Amenity Space, Outlook and Light

4. The proposed dwelling would have a roughly rectangular amenity space of approximately 20m² onto which the south facing living room window would look. This would meet the minimum standard. It has been suggested that the off-site parking space could be used as additional amenity space but such dual use would not be necessary to meet guidelines.

5. The retained rear garden of the existing dwellings at No 71 would provide an area that the Appellant maintains would be in the region of 50m² meeting the standard. The Council considers that the area would only be 32m² which would not meet the standard compounded by the awkward shape and enclosure by an external staircase, contrary to the guidance in the RDG. I note that an additional 80m² could be available in the south facing front garden. Whilst there would be no privacy that would be no different to providing amenity space on balconies and would not justify dismissing this appeal.
6. The single storey structure would mitigate against harm to outlook and light as the 2.96 metre high parapet wall adjacent to the western boundary would sit behind a 2 metre boundary wall treatment that could be provided as permitted development. The orientation to the east of the adjoining garden would not cause significant overshadowing but maintain a reasonable amount of light whilst the boundary treatment would prevent any direct overlooking of the neighbouring habitable spaces.

Effect on Highway Safety in terms of Visibility

7. One parking space would be provided meeting the Council's Parking Standards Supplementary Planning Document. However the parking space is pre-existing from the dwellings at No 71 and the sightlines have not been materially reduced. Whilst not ideal, the use of the parking space would not have any material impact on highway safety in this suburban street.

S106 Obligation

8. The Conservation of Habitats and Species Regulations 2010 provides protection for designated sites known as Natura 2000 sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water Special Protection Areas (SPA) and the Solent Maritime Special Area of Conservation (SAC).
9. Research indicates that current levels of recreational activity are having adverse effects on bird species for which the sites are designated. Consequently a mitigation scheme has been adopted. The Solent Disturbance Mitigation Project (SDMP), requires a contribution for each new dwelling. In this case no contribution has been secured and a condition cannot require the payment of a financial contribution. I note the Appellant's willingness to enter into an undertaking but that no correspondence on the matter has been received. However, a contribution has not been secured and consequently the impacts have not been mitigated, contrary to policy.

Conclusion

10. Notwithstanding that there would be no material harm to highway safety and no substantial impact on living conditions in terms of amenity space, outlook and light I consider the detrimental impact on the character and appearance of the area and the lack of mitigation of impacts on the Natura 2000 sites are the determining issues in this case.

Ken Barton

Inspector