
Appeal Decision

Site visit made on 11 July 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/D1780/W/17/3169438

Trevi House, 10 Seagarth Lane, Southampton S016 6RLI

- 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 Gurdeep Puaar against the decision of Southampton City Council.
 - The application Ref 16/01061/FUL/1147, dated 21 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is the conversion of 2 x three bedroom flats to form 4 self-contained flats comprising 1x3 and 3x1 bed with associated cycle and refuse storage.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effects of the proposal on (a) the Solent and Southampton Water Special Protection Areas (SPAs) and Solent Maritime Special Area of Conservation (SAC) and (b) the living conditions of future residents of the proposed top floor one bedroom flat, having regard to available floor space, headroom, outlook and light.

Reasons

Special Protection Areas and Special Area of Conservation

3. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPAs, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Council research undertaken across south Hampshire has indicated that the current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated for.
4. Circular 06/05 sets out the approach to be taken when assessing whether a development proposal would affect the significance of an SPA or SAC under the Conservation of Habitats and Species Regulations 2010 (as amended). The regulations place a requirement on the decision-makers to assess whether there is a possibility or even a risk of a significant effect on the interest features of the SPA or SAC. The regulations also place a requirement to consider proposals in combination with other plans or projects.
5. Planning permission has been granted for 2 three bedroom flats within a building which has largely been completed. The proposal would result in the

conversion of the building into 1 three bedroom and 3 one bedroom flats and consequently a net increase of two units. The Solent Disturbance Mitigation Project would require a financial contribution per unit to provide mitigation provision to offset the in-combination impacts on the significance of the SPAs and SAC. In this regard, the Appellant would enter into an understanding with the Council if an additional contribution is required. However my decision has to be based on the documentation before me here which details no mitigation provision for the two additional units.

6. Given the distance of the development from the SPAs and SAC, the development could have a significant effect on these designated sites in combination with further residential development coming forward in the future and their conservation objectives. In this regard, there would be recreational activity associated with residents which, as the Council's evidence confirms, does have a significant adverse effect on the designated sites' interest features, principally bird species, and their integrity. Given the absence of mitigation through any obligation or any other type of legal mechanism, there could be a significant effect on these sites. In respect of a planning condition, Planning Practice Guidance advises against a condition to secure monetary payments for schemes such as this. There are no alternative solutions before me which would demonstrate the integrity of the sites would be maintained. Taking into account the adverse effect of the proposal, there are no imperative reasons of overriding public interest to set aside the SPAs and SAC nature conservation considerations in terms of human health, public safety or benefits of primary importance to the environment.
7. In summary, adopting the precautionary principle, the proposal in combination with other developments coming forward, could have a significant adverse effect on the integrity of SPAs and SAC. Accordingly the proposal would conflict with Policy CS 22 of the City of Southampton Local Development Framework Core Strategy Development Plan Document 2010, which amongst other matters, requires development to not adversely affect the integrity of international designations.

Living conditions

8. The area of the top floor flat would meet the space standard detailed within the Nationally Described Space Standards. Based on my site visit and the submitted plans, the area of the flat and its component rooms would provide a good standard of living accommodation for future residents.
9. There has been some dispute regarding the headroom within the top floor flat. The accommodation would be within a sloping roof structure but the roof is steep pitched and the span of it would be significant given the building's depth. For these reasons, the majority of the main living areas, including lounge/kitchen, would not be unreasonably restricted in height. The unit's toilet and hand basin facility and ensuite bedroom facility would have more restricted headroom by reason of their location under the lower slope parts of the roof. However such facilities would normally be used less frequently than the main living areas and therefore the lower headroom within these areas would not be a significant hindrance to how residents would live in the property.
10. The top floor flat would be served by rooflights and there would be no windows provided within a vertical plane. However the rooflights would be positioned at

a height level to allow residents to look out without having to peer out at head height. The number of rooflights would also allow significant light into the main living areas and would avoid gloomy or dark spaces within the main living areas.

11. In conclusion, the development would not harm the living conditions of the future residents of the development for the reasons indicated. Accordingly the proposal would comply with policy SDP 1 of the City of Southampton Local Plan Review 2015 which indicates that planning permission will only be granted for development which does not unacceptably affect the amenity of its citizens. Similarly the proposal would not conflict with advice within the Council's Residential Design Guide 2006, which amongst other matters, requires development to have access to natural light and outlook for the intended occupants of new habitable rooms.

Other matters

12. Under the National Planning Policy Framework, there are three dimensions to sustainable development. Economically the development would add vitality to the local community and economy. The construction activities would generate employment activities for the local community and would have associated benefits for services and suppliers. In the longer term the development would also support the local economy in terms of the use of local shops, services and facilities and potentially new investment in the locality. The development would be located in an urban area with good access to facilities and services and would add positively to the mix of housing in the area. However there would be a significant environment impact arising from harm to the integrity of SPAs and SAC. For these reasons, the environmental impact would outweigh the identified benefits and the development would not be sustainable.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR