
Appeal Decision

Site visit made on 1 November 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 23 November 2017

Appeal Ref: APP/D1780/W/17/3179257
20 Suffolk Avenue, Southampton SO15 5EG

- 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 Ranjeet Kalirai Singh against the decision of Southampton City Council.
 - The application Ref 17/00764/FUL/35191, dated 9 May 2017, was refused by notice dated 26 June 2017.
 - The development proposed is described as the "erection of a two-storey rear extension and conversion of existing dwelling to 4 flats (1x1 bed, 2x2 bed & 1x3 bed)".
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal upon the supply of family housing. The standard of living conditions for prospective occupants of the proposed flats. The effect of the proposal on living conditions in the area with respect to parking stress. The effect upon the character and appearance of the site and surrounding street-scene. The effect of the additional population upon biodiversity interests.

Reasons

Family housing

3. The appeal site is a large terraced dwelling in a mainly residential area close to a range of uses and facilities. It currently provides substantial accommodation suitable for use as family accommodation. Core Strategy¹ (CS) CS Policy CS16 requires no net loss of family homes on sites capable of accommodating a mix of residential unless there are overriding policy considerations justifying this loss. The proposed conversion into 4 flats would include 2 units on the ground floor. One of the units on the ground floor is a 3 bedroom unit and CS Policy CS16 defines family homes as those with 3 or more bedrooms with direct access to useable private amenity space or garden for sole use of the household that should be fit for purpose.
4. An overall aim of CS Policy CS16 is to provide a mix of housing types and more sustainable balanced communities. This is consistent with the aim of the National Planning Policy Framework (the Framework) to deliver a wide choice of

¹ Southampton City Council, Core Strategy – adopted version January 2010 and amended 2015

high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. I have no other reason to question the consistency of this policy with the Framework.

5. The 3 bedroom unit on the ground floor would have access to a reasonably sized garden area. This would be reached via a bedroom as well as via the front door and around the narrow side access. This arrangement would affect the usability of the amenity space for the entire household. More critically, the other flat on the ground floor would have a lounge window which would directly face towards the garden. This main living room would have a very close relationship to the garden. Some screen planting is proposed. However, it would be difficult to retain such a living, growing feature in the long term through a planning condition and to be effective would also impact upon the outlook as well as light reaching that room. Use of 'plantation shutters' may help occupants of the smaller ground floor unit enjoy some privacy but the users of the garden would have little effective control over securing their privacy. Overall, I find this and the access to the garden a contrived arrangement that would be difficult to sustain and therefore would not be fit for the intended purpose.
6. Flatted developments inherently involve some overlooking of garden areas, often communal spaces shared by the occupants. Furthermore, in a tight knit residential area such as this, I would not expect complete privacy within gardens. However, in this case the inclusion of a family unit reasonably requires some degree of privacy if it is to be suitable for and attractive to families. The overlooking from the upper floors is less of a concern as that would not be as intimate as the impact from the ground floor room.
7. Although a 3 bedroom unit is proposed which can potentially be considered as a family unit, due to the specific attributes, it would not meet satisfactory standards. The submitted evidence does not lead me to consider that there are any overriding reasons to justify the loss of the family unit. The flat would not suit families which could undermine the mix, balance and sustainability of the community. In relation to this main issue, the proposal would involve the net loss of a family unit which would not comply with CS Policy CS16, Local Plan² (LP) Policy SDP1 or the Framework.

Living conditions

8. Occupants of the flats on the first floor would have access to an amenity area towards the rear of the site. This would be accessed via the front door of the property and via the front parking area. Although this is a somewhat tenuous arrangement these flats are not likely to be occupied by families and I do not consider it would make the amenity space unusable or impractical. The location of the cycle storage would also be conveniently and securely situated and walking between parked vehicles to reach the refuse and recycling bins would not be an unreasonable hindrance in my view.
9. Cars drawing onto the parking spaces would result occasionally in headlights shining towards windows serving a bedroom and living room of the ground floor units. This would have a very limited impact upon living conditions of those affected flats.

² City of Southampton Local Plan Review, adopted March 2006

10. As I explain above, the layout would rely upon a planted screen close to the window in the lounge of the 1 bed unit on the ground floor which would affect the light in that room and the outlook from that window if it is installed in a sufficiently robust form to protect adjoining neighbours from visual intrusion. For that reason, in relation to this main issue, the proposal overall would have a harmful impact upon the living conditions in that unit. This would not comply with LP Policy SDP1.

Parking stress

11. The Council's report refers to pedestrian safety concerns due to the position of the proposed parking spaces. The area at the front of the building is already used for parking of up to 4 cars. It is proposed to park 3 vehicles and although use of the property would increase, I do not consider that the proposal would make any significant difference to pedestrian and highway safety.
12. The Council's Car Parking Supplementary Planning Document³ (SPD) refers to car ownership levels generally increasing within the city. There may be more than 3 cars resulting from the proposed development and some increased parking on the road may well occur. However the Council's representations rely highly on assumptions and neither they nor the appellant has provided a parking survey showing what current parking pressures are within the surrounding streets. It has also not been confirmed which accessibility area as set out in the SPD the site falls within. The area is close to services and facilities where in my opinion the occupants of the flats would not rely upon the use of private vehicles. The flats proposed would be modest and the SPD does not help break down ownership levels by different types of accommodation. I have no evidence to indicate that it will be a substantial number of additional vehicles to the 3 that could be parked within the site.
13. The parking standards within the SPD require maximum numbers of parking spaces which accords with old government guidance. This does not relate to the Framework or the Written Ministerial Statement (WMS) of March 2015 which updated the advice. This states that Local Planning Authorities should only impose parking standards where there is clear and compelling justification that it is necessary to manage their local road networks.
14. Although residents in the area refer to current problems with parking, it is not clear whether this is due to parking by residents or people working nearby. The Inspector in the Welbeck Avenue appeal (APP/D1780/W/15/3135721) as referred to by the Council states that the material being considered at that time suggested there was considerable competition for on-street parking spaces in that location. The other referenced appeals have also been decided on their merits and based upon evidence in front of those Inspectors. I cannot reach the same conclusion based upon what is before me in relation to this area.
15. Many nearby dwellings have off-road parking. I arrived for my site visit by 08.45 hours and there was a good amount of on-street parking available in safe locations. This did confirm a similar situation as indicated within the appellant's daytime 'Google' image. My visit and the appellant's evidence show a snapshot in time but I have to make my decision based upon what is before me. In relation to the main issue, I do not consider that the proposal would lead directly to substantial additional on-street parking having a harmful impact

³ Parking Standards Supplementary Planning Document, September 2011

upon parking stress or therefore upon living conditions in the area. The proposal would comply in this respect with LP Policies SDP1, SDP11 and the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

16. The land within the appeal site to the front of the building has a gravel-surface that is available for parking cars. Many of the neighbouring properties are also turned over to car parking and soft landscaping is an occasional rather than a predominant characteristic of the area. The proposal would make very little difference to how the site or street-scene would look or integrate with its local surroundings. The proposal would not meet some of the aspirations of the Residential Design Guide 2006 but would have a neutral impact.
17. In relation to this main issue, the proposal would not have a harmful impact upon the character and appearance of the area complying with CS Policy CS13 and LP Policy SDP9.

Biodiversity

18. The appeal site is within 5.6km of the Special Protection Areas (SPA) of the Solent Coastline. Government circular 6/2005⁴ (the circular), and in particular the flow chart in figure 1, sets out the approach to be taken in considering development proposals that may affect international designations including SPAs. This is in order to fulfil the requirements of the habitats regulations⁵ (which have been updated since the publication of the circular). The evidence presented by the Council on this matter is limited. It is not clear whether or not the additional occupants of the site given the distance from the SPA would have an impact that would necessitate mitigation measures as required by Policy CS22 of the Council's amendments to the CS.
19. If the site is in sufficiently close proximity to the SPA, the matter may be overcome by contributions towards mitigation and harm. However based upon the presented evidence in this appeal, I cannot reach a conclusion on this main issue.

Other Matters

20. The proposal would provide additional housing in an urban area. However this and my conclusions on the third, fourth and fifth main issues do not outweigh my conclusions in relation to the first 2 main issues.

Conclusion

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

Andy Harwood

INSPECTOR

⁴ Biodiversity and Geological Conservation - statutory obligations and their impact within the planning system

⁵ Conservation of Habitats and Species Regulations 2010