
Appeal Decision

Site visit made on 12 December 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 9th January 2018

Appeal Ref: APP/D1780/W/17/3181558

98 St Andrews Road, Southampton SO14 0AE

- 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 Allen Shepherd against the decision of Southampton City Council.
 - The application Ref 16/02090/FUL, dated 3 December 2016, was refused by notice dated 24 April 2017.
 - The development proposed is the erection of a three storey extension with loft conversion to facilitate conversion of the existing house into 3 flats (1x 3-bed, 2 x 2-bed) with front porch and associated cycle/refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development set out above has been taken from the Council's decision notice. This differs from the description set out in the application form and takes into account amendments to the proposal agreed by the parties at the application stage. It provides a more precise and up-to-date description of the development proposed and, accordingly, I have used it in the banner above.

Main Issues

3. The main issues are:
 - (i) whether the proposal would result in the unacceptable loss of a family sized dwelling;
 - (ii) the effect of the proposed development on the character and appearance of the surrounding area;
 - (iii) the effect of the proposed development on the living conditions of occupiers of neighbouring properties with particular regard to outlook and privacy and on the living conditions of future occupiers with particular regard to outlook and cycle storage provision.

Reasons

Housing Mix

4. Policy CS16 of the Core Strategy¹ sets out the Council's strategy regarding the area's mix and type of housing. Amongst other things, it restricts the net loss of

¹ Local Development Framework Core Strategy Development Plan Document (March 2015).

family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying it. It defines family homes as dwellings of three or more bedrooms with direct access to usable private amenity space or garden for the sole use of the household. The appeal site falls within such a definition, albeit that it is currently used as a HMO.

5. Paragraph 5.2.11 of the explanatory text explains that one of the aims of policy CS16 is to prevent the net loss of family homes on redevelopment or conversion sites. It goes on to explain that where a proposal to convert an existing house into self-contained units involves the loss of a family home, there should be no net loss of such properties as part of the overall conversion scheme.
6. The proposal would involve the loss of a family home and its replacement with a 3 bedroom flat on the ground floor and two 2-bedroom flats on the upper floors. While I note the appellant's assertions that this would comply with the requirements of Policy CS16, the plans indicate that, at around 50m², the ground floor unit would be very small. This lack of internal floor space, coupled with the small bedrooms and the tight configuration of the kitchen and living area would, in my view, fail to meet the normal everyday needs of a family household.
7. Moreover, the proposed enclosed spiral staircase located to the rear of the property is sited immediately adjacent to the only access from the ground floor flat to the rear garden. This relationship would create a cramped and constrained access to the rear garden which, when coupled with the limited internal floor space, provides a further indication that the ground floor unit would not provide a suitable replacement for the loss of a family home.
8. Consequently, I do not consider the ground floor unit would provide a sufficient replacement for the loss of a family home. As such, I find that the proposal would fail to accord with the requirements of Policy CS16 of the Core Strategy.

Character and appearance

9. The appeal site is located on St Andrews Road, a distributor road providing access to the city centre. The surrounding area is characterised by a mix of residential and commercial properties. The appeal property itself forms part of a row of modest terraced houses of generally similar appearance which are set back slightly from the main road with an area of hard surfacing to the front.
10. The proposal would involve the erection of a first floor rear extension and loft conversion and the sub division of the dwelling into 2x two bedroom flats together with a three bedroom flat on the ground floor. The Council accepts that the physical form of the extension itself would not harm the street scene due to its limited visibility. However, it raises concerns regarding its scale and massing which it considers would, when combined with the third floor profile, appear overly large and visually at odds with the rest of the terrace row when viewed from the rear.
11. While I accept that the proposed extension would, to some extent, erode the uniformity in size of the terraces from this vantage point, the neighbouring property already benefits from a similar sized rear extension which does not result in any material harm to the character or appearance of the terrace. The addition of a similar extension alongside would not, in my view, have a materially greater impact on the character and appearance of the terrace row than the neighbouring extension does. Overall, I consider any impact on the character and

appearance of the terrace itself or on the surrounding area would be minimal and not of a level which would justify withholding planning permission in this instance.

12. Consequently, I do not consider the proposal would cause material harm to the character and appearance of the area. As such, I find no conflict with Policies SPDP1, SDP7 or SDP9 of the Local Plan². I also find no conflict with Policy CS13 of the Core Strategy. Taken together, these policies aim to ensure that new development does not harm the character and appearance of the surrounding area and, amongst other things, respect the scale, proportion, massing and visual impact of existing buildings.

Living Conditions

13. The Council has also raised concerns regarding the outlook from the rear bedroom of the ground floor flat. However, while I note the impact that the flank wall has on this room, it is not significant and I am satisfied that sufficient outlook would be retained to ensure that the living conditions of future occupiers would not be materially compromised. Likewise, in relation to the outlook for neighbouring occupiers, while I note the Council's concerns regarding the loss of outlook and light for the rear windows of No's 97 and 99 (both of which serve habitable rooms), there is no robust evidence to indicate that any such loss would materially impact on living conditions of the occupiers of these properties.
14. Similarly, while I note the Council's concerns regarding a loss of privacy to the rear garden of No 97, this outside area is already overlooked and privacy levels significantly compromised. Overall, I do not consider the proposal would have any material impact on existing privacy levels in this area. Accordingly, I find no conflict with Local Plan Policies SDP1 or H7 or with Core Strategy Policy CS13. These policies, taken together, seek to ensure that new development does not negatively impact on the amenity of neighbouring or future occupants.
15. Turning then to the provision of cycle storage, Local Plan Policy SDP10 and Core Strategy Policy CS19 permit development only where it provides safe and secure cycle parking which meets the Council's minimum standards. The plans indicate that a cycle storage area would be provided to the rear of the property. However, with limited access to the rear of the site, storing bicycles in this location would, in the case of the 2 bedroom units, require transporting them via the spiral staircase - an arrangement which I consider would be inadequate.
16. Nevertheless, while I note the Council's security concerns with providing such storage to the front of the site, there are a number of options available which could be used to increase security in this area and I am satisfied that, were the proposal to be acceptable in all other respects, this matter could be dealt with via a condition. Accordingly, I find no conflict with Local Plan Policy SDP10 or Core Strategy Policy CS19 which, taken together, seek to ensure that new development provides, amongst other things, safe and secure locations for any associated cycle parking.
17. Consequently, I do not consider the proposal would impact negatively on the living conditions of neighbouring occupiers with regard to outlook and privacy or on the living conditions of future occupiers with regard to outlook or cycle storage. As such, I find no conflict with the Development Plan in this respect.

² City of Southampton Local Plan Review – Adopted Version 2nd Revision (2015).

Other Matters

18. The Council's fifth reason for refusal relates to the lack of any secured obligations in order to mitigate the adverse impacts of the proposed development on the Solent Coastline Special Protection Area. Had the circumstances leading to the grant of planning permission been present, it would have been necessary to give further consideration to the impact of the proposal on these protected areas and to assess whether sufficient mitigation had been secured. However, as I am dismissing for other reasons, I have not considered these matters further.
19. I note that the proposal will contribute to the overall supply of housing in the area. However, I am mindful that the Council can currently demonstrate a 5 year supply of deliverable housing land and, as such, the weight that I afford to this benefit is limited.

Conclusion

20. Although I have found above that the proposal would not be detrimental to the living conditions of occupiers of neighbouring properties or future occupiers and would not detrimentally impact on the character and appearance of the surrounding area, I nevertheless consider it would fail to provide a suitable replacement for the loss of a family dwelling. This would be in conflict with Policy CS16 and would fail to accord with a key strategic aim of the Development Plan as a whole.
21. Consequently, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR