

Appeal Decision

Site visit made on 29 January 2018

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 February 2018

Appeal Ref: APP/D1780/W/17/3184555

First Floor Flat, 6 Cranbury Terrace, Southampton SO14 0LH

- 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 Mrs L Yeganegy against the decision of Southampton City Council.
 - The application Ref 17/01071/FUL, dated 15 June 2017, was refused by notice dated 22 August 2017.
 - The development proposed is internal alterations to allow conversion of existing toilet/store at half landing level to form 1 x student use studio flat with associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The mid-terrace appeal building (listed building) is part of the terrace at 4 to 11 (consecutive) Cranbury Terrace, which is listed in Grade II. The listed building is situated within the Cranbury Place Conservation Area.
3. Much of the fitting out for the proposal has been carried out. The Design and Access Statement says that no alteration is proposed to the elevations. However, the single part side hung and part top hung double-glazed window to the first floor rear outshoot differs from the large and small first floor windows that are shown on the application plans. As there is no evidence before me to show that this change has been subject to public consultation, and other parties' interests could be prejudiced, I shall deal with the appeal as being for the proposed development as it is shown on the application plans.
4. The Council has confirmed that it does not seek to defend its reason for refusal 02, which relates to the impact on the listed building due to the loss of a door and the reconfiguration of the entrance to the proposed studio flat. From what I have read and seen, the proposed development would preserve the special architectural interest of the listed building, so I see no reason to disagree.
5. Because no alteration is proposed to the elevations, the proposed development would preserve the character and the appearance of the Conservation Area.

Main issues

6. With this in mind, the main issues are:

- the effect that the proposed development would have on the living conditions of the future occupiers, with regard to space standards and natural light, and
- whether the proposal would have a significant adverse effect on the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC).

Reasons

Living conditions

7. The relevant part of the listed building is a former toilet and lobby at first floor level in the rear outshoot, which is reached from a half landing on the staircase that leads to the upper floors. The proposal would be a studio flat (studio), which would include a living and sleeping area with cooking facilities, an en-suite shower room and built-in storage.
8. Although the Council has not adopted the *Technical housing standards - nationally described space standard* (NDS) it provides a reasonable yardstick against which to assess the studio. The NDS says that the minimum gross internal floor area for a one bed space single storey dwelling with a shower room should be 37 m². Whilst a smaller dwelling could be acceptable in some circumstances, the floor area of the studio would be about a quarter of this size. The Council has also explained that the minimum size of affordable accommodation that would be offered to people on the Council's waiting list would be a one-bedroom unit with a floor space of about 45 m². The studio would be about one fifth of this size. So, its size would be very small.
9. In consequence, the only space in the living area where the single occupier could stand up on the floor, clear of the entrance door, would be too constrained for most day to day activities, such as dressing, ironing and unloading shopping, to be done comfortably and safely. There would be little space for any visitor to stand or sit, and there would be no related communal indoor space, such as a shared living room or kitchen. Thus, the future occupier could at times feel hemmed-in and isolated. As there would be little storage for all but the bare essentials, and almost none for any personal interests and equipment, the occupier's quality of life would be harmfully constrained. Thus, the proposal would provide unacceptably small and harmfully cramped living conditions for its occupier.
10. The outlook from the studio was not a concern of the Council, and from what I saw, I agree. However, the only window in the living area would face roughly north, so it would rarely receive any sunlight. This is contrary to the guidance in the second edition of the Building Research Establishment *Site Layout Planning for Daylight and Sunlight*, which says that a dwelling with no main window wall within 90° of due south is likely to be perceived as insufficiently sunlit. The occupier would have access to the fairly short back garden, which can be reached from the floor below, but as this is roughly north of the terrace, much of the garden would only be sunlit at times.
11. Also, due to the shallow depth of the studio, the scale and siting of its main window, and the configuration and use of the back garden by other occupiers of the building to sit outside, hang washing and use the cycle store, the studio's occupier would have poor privacy in their home. Thus, it is likely that blinds or curtains would at least be partly drawn across the main window

during most hours of daylight, which would further reduce the quality of natural light in the only living space.

12. There may be other flats elsewhere that only face north. However, although future occupiers could choose not to occupy the flat, and it should receive ample daylight, the minimal sunlight and need for screening for privacy in conjunction with its very small size, would make the living space unacceptably oppressive for the future occupiers. Thus, the scheme would fail to achieve high quality design.
13. Attention has been drawn to local demand for accommodation for students and homeless people. However, the spatial needs of students and homeless people are little different to those of anyone else. So, the intention of the appellant's planning obligation, to restrict occupancy of the studio only to a single person in full-time education or a single person on the Council's waiting list for housing, attracts very little weight. This and the other points in favour, including the accessible location and easy access to the city's parks, would not outweigh the harm due to the unacceptably cramped and oppressive living conditions in the studio.
14. Therefore, I consider that the proposal would harm the living conditions of the future occupiers, with regard to space standards and natural light. It would be contrary to Policy SDP 1 of the *City of Southampton Local Plan Review* which aims to not unacceptably affect the health, safety and amenity of the city's citizens, Policy CS 13 of the *Southampton City Council Local Development Framework Core Strategy Development Plan Document (CS)*, which seeks good design, and advice in the *Southampton City Council Residential Design Guide*. It would also be contrary to the *National Planning Policy Framework* (Framework) which aims to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

SPA and SAC

15. The appeal site is within 5.6 km of the Solent coastline. So, in accordance with the Solent Disturbance Mitigation Project for the in-combination recreational impacts, a financial contribution is required from all new residential development to ensure the delivery of mitigation measures. The contribution would be directly related to the development, necessary to ensure that the development would not have a significant adverse effect on the SPA and the SAC, and fairly and reasonably related in scale and kind to the development because the contribution would be in accordance with published criteria. Thus, the contribution would meet all 3 tests in Regulation 122 of *The Community Infrastructure Levy Regulations 2010* as amended, and in Framework paragraph 204.
16. Although the appellant's planning obligation seeks to ensure that the financial contribution would be made, it includes a number of defects. These include that the unilateral undertaking on page one is undated and the obligation in paragraph 8 on page 4 does not refer to the Third Schedule. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. However, as it stands, the planning obligation would not make adequate provision for the financial contribution to be made.

17. Thus, I consider that the proposal would have a significant adverse impact on the SPA and the SAC. It would be contrary to CS Policy CS 22 which aims to promote biodiversity and protect habitats, and to ensure that development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided.

Conclusion

18. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR