



Appeal Decision

Site visit made on 11 June 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/D1780/W/19/3224664

32 Marne Road, Southampton SO18 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Phillip James against the decision of Southampton City Council.
 - The application Ref 18/01526/FUL, dated 6 August 2018, was refused by notice dated 15 October 2018.
 - The development proposed is described as single storey two bedroom bungalow facing on to Shales Road. Proposed development is to use land that currently forms part of 32 Marne Road SO18 6AG.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.
3. The appellant submitted amended plans with the appeal (Drawing Nos 271/002, 271/003 and 271/006 Amended – 08/03/2019), which did not form part of the original planning application. Having regard to the Wheatcroft principles¹, the revised details were not considered by the Council in their determination of the planning application and were not subject to a period of public consultation. In addition, I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. In the interests of fairness and natural justice, I consider that the Council and interested parties in particular would be prejudiced by the consideration of the amended proposal. My findings therefore relate to the scheme as determined by the Council.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, having particular regard to outlook;

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- Whether the proposal would provide satisfactory living conditions for future occupiers of the development, having particular regard to outlook and outdoor space; and
- The effect of the proposal on highway safety.

Reasons

Character and appearance

5. The appeal site lies within an area of primarily residential character, which is made of properties of different sizes and designs, including bungalows, terraced, detached and semi-detached dwellings. Buildings are typically set back from the road frontage, behind small front gardens. The site is located within proximity to the junction of Marne Road with Shales Road, and comprises a semi-detached dwelling.
6. Whilst it would be of a similar height to the adjacent bungalows on Shales Road, the proposal would appear uncharacteristically close to the road frontage and unduly stand out within the street scene. The proposed dwelling would occupy a significant proportion of the plot. This, combined with the proximity of the dwelling to the boundaries that would be shared with nos 30, 32 and 34 Marne Road, would impart a cramped and congested appearance to the appeal proposal.
7. By reason of its excessive scale and inappropriate layout, it would result in an overly intensive form of development, which would exceed the capabilities of the existing plot to comfortably accommodate an additional dwelling, causing harm to the locality. My attention has been drawn to other bungalows located on Shales Road. However, these are set further back in relation to the road frontage, and cover a footprint which appears proportionate to the size of their plot. The appeal proposal is therefore not considered comparable to these neighbouring examples. The inclusion of a green roof and garden area, as detailed within the green space assessment submitted by the appellant, are positive. However, these do not outweigh the harm which I have identified.
8. For the foregoing reasons, I conclude that the proposal would unacceptably harm the character and appearance of the area. It would consequently conflict with the design aims of Policies SDP7(iii)(iv)(v) and SDP9(i)(ii) of the adopted City of Southampton Local Plan Review – 2015 (LP), CS13 of the adopted Local Development Framework Core Strategy Development Plan Document – 2015 (CS) and the Council's Residential Design Guide (2006). The appeal scheme would also fail to accord with the Framework, which notably seeks to ensure that new developments deliver well-designed places.

Living conditions – Neighbouring residents

9. The proposed dwelling would be located within proximity to the boundaries shared with nos 30 and 32 Marne Road, and no 34 Marne Road to a lesser extent. The appeal scheme would introduce a large built form along the gardens of these properties, which would loom over the existing boundary fences. The overall height and length of the proposal, so close to the boundary, would be significant, resulting in a form of development which would appear overbearing, when viewed from these adjoining gardens. The appellant has referred to nos 8 and 10 Shales Road, which also sit within proximity to their

side and/or rear boundaries, but not to the same extent that would be demonstrated by the appeal proposal.

10. Whilst the dwelling would be constructed with a pitched roof and a small flat roof element, and on slightly lower ground, the overall bulk of the building, so close to the boundaries shared with these neighbouring properties, would introduce an unneighbourly form of development. The overbearing nature of the proposal would be detrimental to the living conditions of these neighbouring occupiers, particularly with regard to the enjoyment of their rear garden.
11. On this issue, I conclude that the proposal would be harmful to the living conditions of neighbouring residents, with particular regard to outlook. It would therefore conflict with LP Policies SDP1(i), SDP7(iii)(iv)(v) and SDP9(i)(v) and CS Policy CS13, which notably seek to preserve the health, safety and amenity of the city and its citizens. The proposal would also not accord with paragraph 127 of the Framework, which requires new development to have regard to the amenities of existing and future occupants.

Living conditions – Future occupiers

12. The proposed development would include the provision of a small outdoor garden area to the side of the bungalow, which would be approximately 41 square metres. The proposed outdoor amenity area would fall significantly short of the recommendations set within the Council's Residential Design Guide, which requires detached properties to be provided with a 90-square metre rear garden area. The size of the garden would be wholly inadequate for a 2-bedroom dwelling, which could legitimately provide accommodation for a small family. This area would provide very limited space for any garden paraphernalia such as sheds, furniture, children's play equipment and washing lines.
13. One of the proposed bedrooms would be served by a single window, which would have an outlook towards a boundary fence sited at close quarters. Furthermore, the other bedroom would have a window located to the front elevation of the dwelling, which would look directly onto the car parking area. Whilst this would not be fatal to the scheme in isolation, this further exemplifies the poor living environment that would be provided for future occupiers. Bedrooms are regarded as habitable rooms, for which a reasonable outlook should be provided. Whilst the appellant suggests that a rooflight could be added to improve the living environment and notably bring additional light into the proposed bedroom, this does not form part of the proposal before me and, in any event, would not address my concerns in respect of the poor outlook which would be provided.
14. I therefore consider that the proposal would not provide satisfactory living conditions for future occupiers of the development and would subsequently conflict with LP Policy SDP1(i), CS Policy CS13 and the aims of the Residential Design Guide. Amongst other things, these policies require new developments to impact positively on the amenity of the city and its citizens. It would also fail to accord with paragraph 127 of the Framework, which seeks to ensure that developments provide a high standard of amenity for existing and future users.

Highway safety

15. In accordance with the Council's Parking Standards Supplementary Planning Document – September 2011 (SPD), which sets out maximum parking standards, the proposed development would require the formation of a maximum of 2 car parking spaces in this location. The proposed development would include the formation of a parking space to the front of the property, but it would not be large enough to meet the requirements of the SPD, which states that parking bays should not be less than 5m x 2.4m. As a result, cars parked within the proposed space would be likely to overhang the highway.
16. This would be compounded by the forms of boundary treatment to the rear and side of no 34 Marne Road, which would hinder visibility, particularly to exit the appeal site. The proposed development would not include the provision of a turning area, and consequently drivers would not be able to enter and leave the site in a forward gear. In the absence of adequate visibility splays, the resulting development could therefore prejudice the safety of other road users, including pedestrians and cyclists.
17. In instances where development proposals include less than the maximum number of parking spaces required, the SPD advises that developers should demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity. No justification, for example in the form of a parking survey, has been submitted by the appellant to demonstrate that there would be sufficient on-road parking capacity to accommodate the proposed shortfall.
18. There are no parking restrictions along Shales Road, and whilst my observations can only represent a snapshot of normal highway conditions, I was able to observe that there were spaces available at the time of my site visit. That said, it is highly likely that in the evening, when residents return home from work, any spare on-road capacity would be utilised. Based on the limited evidence before me, I am unable to conclude that there is adequate capacity, within proximity to the appeal site, to accommodate the potential parking demand that might arise from the proposal.
19. For the foregoing reasons, I conclude that the lack of appropriate car parking provision and associated visibility splays would be detrimental to highway safety and the proposed parking arrangement could lead to conflicts with other users of the highway. The proposal would therefore conflict with LP Policies SDP1(i), SDP10(ii), SDP11(i), CS Policy CS13 and section 5.2 of the Council's Residential Design Guide, which, amongst other things, seek to protect the safety of all road users and safeguard road safety. The appeal scheme would also fail to accord with LP Policy SDP5 and CS Policy CS19, which notably require development proposals to accord with the Council's parking standards, as currently set out within the SPD.

Other Matters

20. The appeal site lies within proximity to the Solent Special Protection Areas (Solent SPAs) and the New Forest Special Protection Area (New Forest SPA). In accordance with the Solent Recreation Mitigation Strategy, residential developments within 5.6km of the Solent SPAs are required to make a financial contribution towards mitigation measures, which are normally secured by way of a legal agreement. In the absence of a scheme of mitigation to address the impacts of residential developments on the New Forest SPA, the Council is

currently ring fencing 5% of Community Infrastructure Levy contributions to fund footpath improvement works.

21. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the implications of the *People over Wind*² decision by the Court of Justice of the European Union, having particular regard to the Appropriate Assessment undertaken by the Council, and the effectiveness of the suggested mitigation measures.

Conclusion

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

S Edwards

INSPECTOR

² People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17.