



Appeal Decision

Site visit made on 3 June 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/D1780/W/19/3222824

The Garden Cottage, Bassett Wood Drive, Southampton, Hampshire SO16 3PT

- 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 Pav Rai against the decision of Southampton City Council.
 - The application Ref 18/00979/FUL, dated 31 May 2018, was refused by notice dated 15 August 2018.
 - The development proposed is extension and alteration to existing dwelling and new 2 bed dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Pav Rai against Southampton City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has raised no objection in respect of the extensions and alterations to the existing property and I have little evidence to indicate that a different view should be reached. The main issues accordingly relate to the new dwelling.
4. The appellant has made a financial contribution of £500 directly to the Council for which a receipt and the Council's Habitat Mitigation Contribution Agreement form is before me. As this is intended to address the Council's third reason for refusal, I have dealt with this in my decision as an 'Other Matter'.

Main Issues

5. The main issues are therefore the effects of the new dwelling on:
 - i. the character and appearance of the area; and
 - ii. highway safety.

Reasons

6. The site is approached via a narrow un-made track that serves two properties in a fringe location between properties accessed from Redwood Way and a designated ancient woodland, the Bassett Wood Greenway Site. The scheme

relates to the subdivision of the site in order to erect a detached two-storey dwelling with associated parking. A two-storey front extension to the existing property, along with other external alterations, is also proposed.

Character and appearance

7. The site is therefore located along a small strip of land between the woodland and wider residential development. Given its approach via an un-made track, its own tree cover and proximity to the woodland, the site has a more rural and verdant character than properties along the developed Redwood Way. The existing garden therefore contributes to this spatial character.
8. The subdivision of the site would result in a relatively low density of development, however, this is only an indicator as to acceptability, and so is subject to site specific circumstances.
9. The site falls away particularly steeply towards the existing property. Given the proximity of very large trees, some of which are protected by a Tree Preservation Order, the site is constrained which reduces its effective depth. The introduction of the dwelling would therefore have an imposing presence that is not in keeping with this fringe location and so would fail to integrate into its context and harmfully affect its spacious character.
10. Given the constraints of the site and woodland character of its immediate setting, the scale of development would not respond positively or contribute to local distinctiveness, including building-to-plot relationships. I am therefore not persuaded that the subdivision of the site and introduction of a dwelling along with a large area of hardstanding, which according to the Council when taken together would cover over 50% of the site, would represent high quality design or be sympathetic to local character, including the surrounding built environment and landscape setting. The development also results in a loss of vegetation and some trees that would further erode its character.
11. I appreciate the Council did not raise the character of the area as a concern in response to a previous scheme for a dwelling at the site. Whilst the planning policies may have changed, the context and prevailing character of the area is still the same. However, I do not have the full details of that scheme before me and so this does not affect my findings in relation to the current appeal scheme.
12. I therefore conclude the new dwelling would be harmful to the character and appearance of the area and so would not accord with saved Policies SDP7(iv), SDP9(i)(v) and CS13 of the Southampton City Council Local Development Framework Core Strategy Development Plan Document Amended Version incorporating the Core Strategy Partial Review, March 2015 (the SCS). These policies, amongst other things, require development to respect the scale of their surroundings in terms of visual impact on surrounding land uses and so should respond positively and integrate.
13. For the same reasons the development would not comply with Policies BAS1 and BAS4 of the made Bassett Neighbourhood Development Plan, 2016 (the NP), which requires amongst other things for new development to be in keeping with landscape features of the surrounding area and take account of existing character. Neither would it accord with the achieving well-designed places aims of the February 2019 National Planning Policy Framework (the

Framework). I however do not identify a conflict with Policy SDP(i) of the SCS which is concerned with the health, safety and amenity of the city and its citizens.

Highway safety

14. There have been two previous appeal decisions concerning the site which have dealt with the matter of highway safety. The first Inspector dismissed the appeal¹ for a new dwelling as *'the proposal would result in a further deterioration of highway safety along the existing access due to increased use and interaction between vehicles, pedestrians and cyclists.'* The second Inspector allowed an appeal² for the sub-division of the existing dwelling into two flats, stating: *'on balance, I conclude that the impact of the development before me would not be severe...'*
15. Both of these decisions however pre-date the February 2019 Framework. Paragraphs 109-110 of the Framework place emphasis on the provision of safe access for all users as part of ensuring there would not be an unacceptable impact on highway safety.
16. The un-made track is narrow with poor visibility around the bends and is steep in places. If oncoming vehicles meet, this necessitates one having to reverse-back along the track. There is also no formal separation between vehicular traffic and other non-motorised users. Direct conflicts between road users therefore arise as there is not even sufficient width to enable a vehicle to readily or safely pass a pedestrian or other road user, despite the low speeds involved. The track is also poorly lit. In my view the characteristics of the track places non-motorised users at significant risk.
17. Furthermore, whilst the track is not a through-route for vehicles, it provides a more direct cut-through to link up with a nearby footpath and cycle way, as opposed using a longer route involving Redwood Way. The track, whilst not being an adopted highway, is publicly owned. Whilst there is no data concerning usage, this does not mean that it is not used, and I consider it highly likely that it provides an attractive alternative route.
18. The allowed scheme resulted in a total of 5 bedrooms at the site, but it would appear this was the same number as existed at that time. The floor-plans for the scheme before me indicate there are currently 6 bedrooms in the existing property and that despite extending it, there would then be 3. I am however unclear on the evidence before me as to reasons for any discrepancies. The new dwelling includes a further 2 bedrooms. I am however not persuaded that the number of bedrooms is the key criterion in assessing highway safety given the characteristics of the track. The proposal would also, given the increase in floor-space, which results in two family homes, as opposed flats, likely increase vehicle trip generation and so intensify the use of the track. This would add to conflicts between users of the track and so add to the unacceptable highway safety impacts that I have described.
19. I therefore conclude the movements associated with a new dwelling would be harmful to highway safety and so would fail to accord with saved Policies SDP1(i), SDP4, SDP11, TI 2 and CS18 and CS19 of the SCS. These policies, amongst other things, require development to: not unacceptably affect the

¹ APP/D1780/W/14/3001617

² APP/D1780/W/16/3143099

health and safety of citizens; be accessible; secure adequate access; not adversely affect road safety; and, promote reduced needs to travel and have regard to the Council's parking standards. It would also fail to accord with the Southampton City Council Residential Design Guide, 2006, as well as Policy BAS7 of the NP which seeks to protect and mitigate the impact of traffic. For the same reasons it would fail to accord with the highway safety objectives of the Framework.

Other Matters

20. The site is located within 5.6km of the Solent coastline Special Protection Area (SPA) which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Policy CS22 of the SCS seeks to ensure, amongst other things, that development does not adversely affect the integrity of international designations.
21. Whilst a financial contribution has since been made by the appellant, it has not been secured by means of a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), and so I am unclear as to what enforceable mechanism is in place to ensure the contribution is used for its intended purpose. The Council has also provided various appeal decisions supporting its approach, but these pre-date a judgement³, which means, as the competent authority, I would have been required to undertake an Appropriate Assessment had I been allowing the appeal. In the event I was allowing the appeal, I note that I have insufficient evidence to enable me to do so and that Natural England had not been consulted. I would have therefore requested further information from the parties, however, as I am dismissing the appeal on other grounds, I need not consider this matter further.
22. I appreciate the appellant is looking to make efficient use of the site and that planning conditions could ameliorate some of the more limited impacts of the development. I also acknowledge that the principle of a family home in this location, that would add to the diversity of the housing stock, is acceptable. The Government is seeking to significantly boost the supply of housing and Paragraph 68 of the Framework recognises that small sites such as this can make an important contribution to meeting the housing requirements of an area and can do so within short time periods. This factor weighs in favour of the appeal scheme. However, I have found that the new dwelling would be harmful to the character and appearance of the area and this would not be outweighed by provision of one new dwelling.

Conclusion

23. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR

³ Court of Justice of the European Union (CJEU) 12 April 2018: People over Wind & Sweetman v Coillte Teoranta