



Appeal Decision

Site visit made on 1 July 2019

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/B1740/W/19/3227440

Flat 3, 33A Rumbridge Street, Totton SO40 9DQ

- 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 Joe Dorrington against the decision of New Forest District Council.
 - The application Ref 18/11296, dated 19 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is conversion of existing detached store building to residential studio flat (C3 use class).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal property is already in use as a residential one bed studio flat. I have proceeded to consider the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposed conversion would provide satisfactory living conditions for occupants, with particular regard to internal space, natural light, outlook and privacy;
 - whether the proposed conversion would provide satisfactory cycle storage space; and
 - the effect of the proposed development on the integrity of the New Forest and the Solent Coastal European Nature Conservation Sites.

Reasons

Living conditions

4. The studio flat occupies a single storey building at the rear of a tattoo parlour at 33 Rumbridge Street (No 33). The flat is accessed via a gate of an area of informal parking fronting Winsor Road. This also provides access to the rear of the commercial unit and a flat above this.
5. The application form indicates the studio flat has 16sqm of floorspace. The flat has a living area which is used as a bedroom, kitchen and living space with a

separate shower/wc. There is only space for a single bed and this is therefore a one person unit.

6. The internal floorspace is very small even for a single person. With a small kitchen area, a single bed and other personal items and furniture in place, the occupier has very limited space to either sit down or move around or hang washing to dry, leading to a cramped living environment.
7. The flat is served by windows in the south and east elevations and an opaque glazed door. I observed during my site visit that the space felt gloomy and dark. These windows are very close to the side and rear boundaries of No 33. While the window in the south elevation should allow sunlight and daylight into the property, its proximity to the boundary could restrict that light. Similarly positioned in relation to the boundary with a two storey building beyond, the east elevation windows and door also did not appear to receive much daylight. I have been provided with no technical evidence showing how much light is able to penetrate this studio flat. In the absence of this and my own observations on site, I am not persuaded that the accommodation receives adequate natural light.
8. The windows face towards the boundary wall and fence. Due to their proximity to these boundary features, the windows provide no meaningful outlook for the occupier of the flat. In addition, as these windows look onto the access area shared with the upper flats and commercial unit, there is nothing to prevent people directly looking into the flat. This provides the occupier with little privacy. It is therefore likely that the occupier of the flat would need to use a window treatment such as blinds or curtains to restrict views into their living space, therefore reducing both outlook and light for this room.
9. I conclude that the proposed conversion would provide unsatisfactory living conditions for future occupants, with particular regard to internal space, natural light, outlook and privacy. It therefore conflicts with Policy CS2 of the New Forest District Core Strategy (New Forest District outside the National Park) (the Core Strategy) 2009 which requires new development to provide well-designed private spaces. It also does not comply with the Council's Housing design, density and character Supplementary Planning Document (SPD) (2006) which seeks well-designed housing development. It also does not accord with the National Planning Policy Framework's objectives for achieving well-design places.

Cycle storage

10. Policy CS2 of the Core Strategy requires new development to incorporate cycle facilities where appropriate. The Council's Parking Standards SPD 2012 sets out that one secure cycle parking facility is required for a one bedroom flat.
11. The proposal shows no cycle parking provision. It would be impractical to accommodate a bicycle within the flat due to its size. The appellant has suggested that cycle storage could be provided within an area of outside space shared with the existing commercial use and flat. I observed that there is some space between the rear of No 33 and the appeal building, however, this would not be wide enough to accommodate a bicycle without causing inconvenience by blocking the access for occupiers of the upper flat or commercial premises.

12. I conclude that the proposed conversion would not provide satisfactory cycle storage space. It therefore conflicts with Policy CS2 of the Core Strategy with regards to the provision of cycle storage. It also does not accord with the Council's Parking Standards SPD.

European nature conservation sites

13. The appeal site lies in close proximity to the New Forest and Solent Coast European Sites. These are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63(5) imposes a duty on local planning authorities as the competent authority, to consider whether any proposal may have a significant effect on such protected areas either alone, or in combination with other plans and projects.
14. The Council has undertaken a Habitats Regulations Assessment (HRA) and determined that the proposed development would, in combination with other developments, have an adverse effect on these sites. The appellant accepts the need to provide a financial contribution towards the Disturbance Mitigation Project and has indicated a willingness to secure this via a legal agreement. However, no such obligation has been provided during the appeal process. I am therefore unable to assess whether the mechanisms are in place to ensure delivery of any required mitigation.
15. In exercising my duty to protect the European Sites, I must adopt a precautionary approach. From the evidence before me I cannot be certain that the integrity of these protected sites would not be harmed as a result of this proposal, either alone or in combination with other plans and projects. Neither can I be certain that any mitigation which has been identified would be effective or secured.
16. It therefore follows that I have no choice other than to conclude that the proposed development would have an adverse effect on the integrity of the New Forest and the Solent Coastal European Nature Conservation Sites. It would therefore conflict with Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management (New Forest District outside the National Park) (2014) which requires mitigation to ensure that there will not be adverse effects from the development, in combination with other developments on the integrity of European nature conservation sites.

Other Matters

17. I accept that the proposed studio is well located in relation to the town centre and the services and facilities it provides. I note that there are no external changes to the building itself and that it would not harm the setting and character of the local area, nor the living conditions of neighbours. I also accept that car parking is not required. I acknowledge that higher density housing would be appropriate in this location. These matters are not in dispute.
18. The Council indicates that it cannot demonstrate a 5 year supply of housing land and confirms that relevant policies for the supply of housing are out of date. However, even within that context, the provision of one additional dwelling will be of limited benefit and does not outweigh the adverse impacts of the proposed development and the substantial harm that I have identified.

19. I have had regard to the provision of Paragraph 11d (i) of the Framework which indicates that permission may be refused where policies that protect assets of particular importance provide clear reasons for refusal. In this respect, because the development would affect the New Forest European nature conservation sites and the Solent Coast nature conservation sites, the presumption in favour of sustainable development does not apply.

Conclusion

20. For the reasons set out above, the appeal should be dismissed.

Rachael Pipkin

Inspector