The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/D1780/W/19/3219946
152 Knighton Road, Southampton SO19 2FN

- 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 James Bevan against the decision of Southampton City Council.
- The application Ref 18/01635/FUL, dated 29 August 2018, was refused by notice dated 2 November 2018.
- The development proposed is for the erection of a 2-bedroom detached dwelling with associated cycle and bin storage, after demolition of existing workshop and portacabin.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council indicates that there would be a need for the development to provide mitigation of potential impacts on the Solent and Southampton Water Special Protection Areas. The appellant has submitted a contribution which the Council say would meet the requirement set out in the Solent Recreation Mitigation Strategy. Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment of the development in order to confirm its effect and need for mitigation. Given my findings on another main issue, this is not a matter I need to address further.

Main Issues

3. The main issues are the effect of the development on:

    - The character and appearance of the area
    - The living conditions of neighbours to the site
    - Parking provision in the area and resultant highway issues

Reasons

Character and Appearance

4. The area around the site is suburban in character, with mainly two storey houses in spacious plots. The site itself is set to the rear of the house at No 152 Knighton Road, with a long driveway access between Nos 152 and 156 Knighton Road. The site currently contains a commercial building with an

adjacent portacabin. It is stated that the existing building was last used to manufacture sails and other similar items but is now vacant and in a poor state of repair.

5. The proposal is to demolish the existing building and remove the portacabin and replace it with a new two storey dwelling. The dwelling would be in a backland location, which is uncharacteristic for the pattern of development for the area. However, it is recognised that there is already a substantial building in this location, which, from the information before me, is not domestic or part of any of the neighbouring residential properties. As such, what is proposed is essentially the redevelopment of a plot.

6. On this basis, although the dwelling would be in a backland position, it would only replace a building and cabin which has a greater 'footprint' on the same site. The proposed dwelling would have a first floor level, but the additional height is not such that would result in it being significantly more prominent or intrusive than the existing building. As such, the proposed dwelling would not be a development that would adversely affect the character of the area due to its backland location. There is also the benefit of a dwelling being a more appropriate type of building in this predominantly residential location.

7. The dwelling would be smaller than many others in the area and be set within a less spacious plot than typical in this area. However, the dwelling would still provide a two bedroom house with sufficient garden for future occupiers to use. Furthermore, the dwelling would replace a building with a larger 'footprint' and a portacabin which would actually result in a more spacious plot than existing. The dwelling would also have a more appropriate and attractive appearance than the current structures on site.

8. I recognise that the proposal may result in the site having a building to plot ratio of over 50% but given the current buildings on site I would regard the proposal as a betterment in terms of responding to the areas character and particularly its spaciousness. Overall, I do not regard this development to result in overdevelopment of the plot.

9. The dwelling in this location would result in more activity at the site across the day than a commercial building, which would likely be restricted to opening hours. However, the commercial unit if operational would potentially be very intensive during opening hours and I regard a dwelling in this location as a more suitable use.

10. For these reasons, the proposed dwelling would not be harmful to the character and appearance of the area, thereby according with policies SDP7 and SDP9 of the Local Plan Review (March 2015) and CS13 of the Core Strategy (March 2015). These policies seek to, amongst other things, respect the context of an area, including the layout and scale of existing buildings, and be of a high quality design. The proposal is also in general accordance with Residential Design Guide Supplementary Planning Document (September 2006) and the National Planning Policy Framework (the Framework).

Living Conditions

11. The proposal would introduce a new house into a residential area, with other properties in close proximity to all sides. The proposed dwelling is taller than the existing building, but the height has been kept down by the low eaves and

roof form. It would also be positioned near the end of the gardens of Nos 152 and 156. On this basis, whilst the new house would be visible from neighbouring properties, I would not regard it as likely to result in a significant overbearing or intrusive impact to the detriment of neighbours' living conditions.

12. The new house would likely result in some levels of noise above that currently emanating from the vacant commercial building but there is no substantive evidence to suggest that this would be at a level that would result in significant disturbance to neighbours of the site. Furthermore, if the existing commercial unit was to become operational again there would be a greater likelihood of noise and disturbance within this residential area.

13. The proposed dwelling includes first floor windows and rooflights. The rooflights are to be 'high-level' and so would not result in significant overlooking impacts. The dormer window would serve a bathroom and so it is considered reasonable that this window be conditioned to be obscure glazed if the appeal is allowed. The window to the Master Bedroom faces towards the car park to the rear of flats along Spring Road and therefore would also not result in any significant overlooking effect.

14. There is, however, a window facing west which would serve 'Bedroom 2'. This would have clear views back towards the rear of Nos 152 and 156, together with their rear gardens, from an elevated position. Given the short distances to these neighbouring properties I would regard the introduction of this first floor window serving a habitable room to be unneighbourly resulting in significant overlooking and loss of privacy.

15. The appellant has stated that they would obscure glaze this window, but this room is only served by this window and two rooflights. Using obscure glazing for the window would significantly diminish the outlook quality for future occupants of this house and particularly the bedroom, which I would regard as a habitable room. A condition requiring obscure glazing to be installed and maintained in perpetuity would be, to my mind, unreasonable and therefore would fail to pass the tests for conditions as set out in the Framework paragraph 55.

16. As such, the proposed development would be harmful to the living conditions of neighbours to the site, thereby being contrary to policy SDP1(i) of the Local Plan Review (March 2015). This policy seeks to safeguard the amenities of citizens of the city. The proposal also does not accord with the Residential Design Guide Supplementary Planning Document (September 2006).

17. However, policy SDP7 appears to relate more to design and context. Therefore, I do not regard the proposal as being in conflict with this policy on the issue outlined above.

Parking Provision

18. The proposal would result in a two bedroom house, with no off-street parking provision. There is the access road, but this is used for access by the occupants of No 152 to reach their parking space to the rear of this house.

19. It is clear from the evidence provided that parking on-street can get crowded at certain times of the day. At the time of my site visit, there was sufficient on-

street parking provision, but I recognise this may not be the case in the evenings, for example.

20. To address this, the Appellant has conducted a parking survey at two separate times in December 2018. These were conducted overnight, which is a suitable time as most people would be at home with their cars parked by their properties. On both dates it did show a high level of on-street parking, but there were spaces available, which would provide sufficient parking provision in the area, if required, for the proposed dwelling.

21. The Council regards this area as a sustainable location and the Council also note that the site is within walking distance to both a train station and a retail centre. On this basis, it could be that future occupants would not have any vehicle as it may not be necessary. However, even if future occupants did own vehicles there would likely be spaces available on-street.

22. Furthermore, I also consider that the existing commercial unit on site, if operational in the future, could have significantly greater impacts to parking provision in the area than the proposed two bedroom house.

23. Overall, I regard the proposed house would not result in significant increased parking pressures which could not be accommodated within the local area or result in highway safety issues. The proposal therefore accords with policy SDP1(i) of the City of Southampton Local Plan Review (2015) and policy CS19 of the Southampton Core Strategy Development Plan Document (2015). These policies seek to, amongst other things, ensure safety for citizens and to provide parking provision which meets the Council's maximum parking standards. The proposal is also in general accordance with the adopted Parking Standards Supplementary Planning Document (2011).

Other Matters

24. The appellant has stated that the vacant building currently on site is a magnet for crime. However, there may be ways to address this issue other than development on the site. This issue does not outweigh the harm to neighbour living conditions I have identified.

Conclusion

25. I have found that the proposal would not harm the character and appearance of the area or result in harm due to lack of parking provision. However, my findings in respect of the living conditions of neighbours is a significant reason to dismiss this appeal.

S. Rennie

INSPECTOR