
Appeal Decision

Site visit made on 29 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/D1780/W/19/3230000

100 Macnaghten Road, Southampton SO18 1GH

- 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 Dr S Benning against the decision of Southampton City Council.
 - The application Ref 18/01793/FUL, dated 26 September 2018, was refused by notice dated 11 December 2018.
 - The development proposed is a new 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed dwelling upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 98 and 100 Macnaghten Road in respect of outlook.

Reasons

Character and appearance

3. The appeal site is located on the eastern side of Macnaghten Road at a bend in the road between No 98 to the north and No 100 to the south. The area is characterised by mostly evenly spaced pairs of semi-detached properties, interspersed with detached dwellings, of similar design aligned in an ordered manner.
4. By virtue of the bend in the road the orientation of the pairs of semi-detached dwellings on both sides of the site differ and the pair to the south (Nos 100 and 100a) are set back further from the road frontage than neighbouring properties. As a result, the gaps between properties at the bend in the road differ compared to others in the vicinity of the site. Nevertheless, the design, spacing and orientation of the existing properties combine to give the street-scene an ordered balanced appearance and strong rhythm of development, which the appeal site makes a positive contribution towards. The proposed dwelling would be positioned in the gap between No 98 and No 100 and so would disrupt the established balanced pattern and spacing of development described above.
5. Due to the position of the appeal site the design of the proposed dwelling, which would be attached to the side elevation of No 100 at first floor level, would appear somewhat unusual. It would have an irregular shape being

narrow at the front and wider toward the rear and due to the proposed dwelling having a different orientation to the host property the overall design would appear an awkward form of development. It would therefore be conspicuous and incongruous when viewed from the street and upset the overall balanced appearance of properties in the surrounding area.

6. I acknowledge the appellant has sought to design a proposal to reflect the complicated geometry of the site. However, for the above reasons the unsympathetic nature of the development would be readily apparent from the public domain and so would have a significant adverse influence on the street-scene. For these reasons, therefore, the proposed dwelling would be significantly harmful to the character and appearance of the area.
7. Consequently, in this regard, the proposal would conflict with Policies SDP7 and SDP9 of the adopted City of Southampton Local Plan Review 2015 (LPR); Policy CS13 of the Local Development Framework Core Strategy Development Plan Document 2015 (CSDPD), and Parts 2 and 3 of the Council's Residential Design Guide 2006 (RDG) which, amongst other things, set out to ensure that the design, layout and appearance of proposals, respect the character of existing development in the surrounding area. The Council has referred to Policy SDP1 of the LPR in their refusal notice. However, this policy is not directly relevant to character and appearance issues.

Living conditions

8. The Council's officer report refers to the effect of the development on the amenity of "*neighbouring properties*". It is clear from reading the report that this relates to 98 and 100 Macnaghten Road.
9. The development would be two storeys in height and its north elevation would be very nearly parallel with and approximately 3.1 metres away from the rear L-shaped side elevation of No 98, where there are side and rear facing first-floor windows within the L-shape of the building. Moreover, the Council's officer report states that these windows serve habitable rooms. Taking into account the height of the proposal and the separation distance the development would be overbearing upon the outlook from the aforementioned windows of No 98. For this reason, I conclude that the development would have a significantly harmful effect upon the living conditions of the occupiers of No 98 in terms of outlook.
10. The development would be angled away from the flank wall of No 100. As a result, when viewed from the first-floor window of this property, I am satisfied that the development would not have the same overbearing or intrusive presence and would not result in unacceptable harm.
11. Therefore, while I have found no harm or conflict with policy in relation to No 100, this does not alter my conclusion that the development would result in unacceptable harm to the living conditions of occupiers of No 98. Consequently, in this regard, the proposal would not accord with Policies SDP1 and SDP9 of the LPR, and Part 2 the RDG, which set out to ensure proposals avoid harmful effect upon the living conditions of the occupiers of neighbouring development. The Council has referred to Policy CS13 of the CSDPD in their refusal notice. However, this policy is not directly relevant to living conditions issues.

Other Matters

12. The Council's decision notice includes a third reason for refusal. This relates to the 'lack of Section 106 or unilateral undertaking to secure planning obligations' to mitigate against the wider direct impact of the development, with regards to the additional pressure that further residential development will place upon the Special Protection Areas (SPAs) of the Solent Coastline, contrary to Policy CS22 of the CSDPD. However, after the planning application was determined and the appeal lodged the appellant submitted to the Council a 'Habitats Mitigation Contribution Agreement', dated 14 June 2019, towards the cost of measures to mitigate the impact of the proposed development on the Solent SPAs. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter in any further detail. Furthermore, this does not alter my overall findings above.
13. The appellant states the proposed dwelling would not cause overshadowing to the gardens of adjoining dwellings and that first-floor windows on the north elevation of the proposed dwelling could either be obscurely glazed or omitted to ensure the privacy of the occupiers of No 98. However, these are not matters in dispute and thus they do not alter or outweigh my overall conclusions set out above.
14. The appellant points out that the proposal represents an opportunity to remove the builder's stores, remove any historic contamination on the site, include a landscaping scheme and extinguish any potentially anti-social use. I have taken these into account, however they do not outweigh the harm I have found in respect of character and appearance and living conditions.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR