
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: 3 September 2019

Appeal Ref: APP/D1780/W/18/3215624

57 Lodge Road, Southampton SO14 6RL

- 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 S. Poswall against the decision of Southampton City Council.
 - The application Ref 18/01375/FUL, dated 13 July 2018, was refused by notice dated 13 September 2018.
 - The development proposed is the conversion of existing 5 bed House in Multiple Occupation (HMO) to form 3 x 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the whether the living conditions of future occupiers is appropriate; and the effect of the development on the wildlife habitats of nearby European Sites.

Reasons

Living Conditions

3. The house is currently used as a HMO with 5 bedrooms. The proposal would change this to three independent flats, all with separate access points.
4. There is a yard/patio area to the rear of the building, which currently appears accessible through the building for occupants of the HMO. It is not clear whether the occupants of the HMO can use the rear yard area, but there is access and so it has the potential for occupants to use it in this way.
5. However, the conversion to flats would result in direct access to this outdoor amenity space for just the ground floor rear flat (Flat C). Although a relatively small area of amenity space, it would sufficiently provide for future occupants of Flat C. There would, however, be no outdoor amenity space for occupants of the other two flats proposed.
6. Core Strategy policy CS13 has regard to the fundamentals of design. In the supporting text it states that the development proposed should meet the relevant design guidance of the Council, including the 'Residential Design Guide' (RDG), adopted in 2006.

7. The RDG states that all residential development should provide a suitable amount of amenity space, not just family homes. As two of the flats proposed would have no access to outdoor amenity space then this would not accord with this guidance. It may be that some future occupants would not be interested in outdoor amenity space, but in most cases such a provision would be utilised by future occupiers and be an important part of their living conditions.
8. Furthermore, if the amenity space was to be shared between the three flats proposed it would require occupants of Flats A and B to leave the building onto the public footpath and to re-enter the yard through the existing door. This would not be appropriate or represent good design as typically occupants should have direct access to amenity space without having to walk along a public footpath to get there.
9. I recognise that as if converted to a family house it would not meet the amenity space requirements of policy CS16, but this is not the proposal in front of me with this appeal. I understand that planning approval has since been granted for a proposal with a different internal layout, but I do not have all the details of this. In any case, I have assessed the proposal on the merits of the plans before me.
10. Amended plans have been referred to, which appears to show direct access for all flats to the amenity space, but these have not been formally submitted. It is understood they form part of a separate planning application and so I have not considered them further with this appeal.
11. The site includes a garage to the rear of the plot, which opens onto Earls Road. This is large enough to contain several bins and bicycles. Exact details of the bike and bin storage have not been provided, but this could reasonably be required via condition.
12. It is noted that to access the garage, the occupants of the front ground floor and the first floor flats would need to walk along the public footpath to the garage door. Whilst I regard direct access to amenity space important, to access a bicycle or the bins I do not regard this as an unacceptable arrangement. In my opinion, this would not dissuade the use of bicycles or the proper storage of bins.
13. Overall, the proposal is therefore contrary to policy CS13 of the Council's adopted Core Strategy (January 2015) and saved policies SDP1 of the adopted Amended Local Plan Review (March 2015). These policies seek to ensure well designed development, to include no unacceptable amenity impacts to citizens of the city.
14. Also, for the reasons given above, the proposal does not accord with the Residential Design Guide SPD (September 2006).
15. I find no conflict with policy CS16, however, especially as what is proposed is not family homes and therefore the garden/amenity space requirements of this condition do not apply.

European Protected Sites

16. The Solent coastline and the designated Solent Coastal Special Protection Areas (SPA) would be accessible from the site which is nearby. The SPAs have

wintering birds and is a habitat of international importance. The Council and Natural England, through the Solent Recreation Mitigation Partnership (SRMP), has concluded that the likelihood of a significant effect of new development such as that proposed in this area, in combination with new housing around the Solent, cannot be ruled out.

17. The Solent SPAs would be accessible to residents of the proposed development, which would see a net increase of three new dwellings from the existing HMO. The SPA is susceptible to recreational disturbance associated with additional residents and as a result, the development would have a potential adverse effect on this designated site and its conservation objectives when considered in combination with further residential development coming forward in the future.
18. In accordance with the Solent Disturbance Mitigation Strategy for in-combination recreational impacts, a financial contribution is required from all new residential development to ensure the delivery of mitigation measures. From the information before me there is no legal agreement submitted or payment made, and so there is no implementable mechanism to secure any mitigation when the development is occupied. There are also no alternative solutions before me which would have a lesser effect, or avoid an adverse effect, on the integrity of the designated sites. Furthermore, there are no imperative reasons of overriding public interest to override the harm to the designated sites. Therefore, I can only conclude that the proposal would have an adverse effect on the Solent SPAs in conflict with Core Strategy policy CS22.
19. Had there not been substantive reasons to dismiss the appeal, further contact with parties would have been undertaken over the Council's approach and to obtain the formal comments of Natural England.

Other Matters

20. I recognise that the site is in an accessible location and that the Framework requires a presumption in favour of sustainable development. However, the harm I have identified above would be such that the accessibility of the location would not be sufficient to outweigh this harm. The proposal would not be a fully sustainable development due to the lack of appropriate living standards for future occupiers.
21. The proposal would provide three flats, which could help address the needs of students in the area and serving this demand, but the flats would not be all at a standard that would result in sufficient living conditions for all occupants. Furthermore, whilst the appellant states that a self-contained flat is preferable to a HMO accommodation, this does not address the issue of the sub-standard amount of amenity space available for some of the future occupiers. I also have no substantive evidence before me that continued occupation of this property as a HMO would lead to anti-social behaviour.

Conclusion

22. For the reasons given above the appeal is dismissed.

S. Rennie
INSPECTOR