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# 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: 25 September 2019**

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**Appeal Ref: APP/D1780/W/18/3214743**

**1 The Broadway, Portswood Road, Southampton SO17 2WE**

- 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 Russell Clarke (Lainston Broadway LLP) against the decision of Southampton City Council.
  - The application Ref 18/00954/FUL, dated 25 May 2018, was refused by notice dated 10 September 2018.
  - The development proposed is the demolition of existing building and re-development of site with 37 units of student accommodation, with communal facilities, cycle and refuse storage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The effect of the development on the character and appearance of the area; and the living conditions of both neighbours to the site and future occupiers of the development.

## Procedural Matters

3. A signed Unilateral Undertaking legal agreement has been submitted by the appellant, dated 14 August 2019. This agreement sets obligations for the appellant for transport and environmental matters. There is an obligation also to providing a plan of CCTV cameras and operations. Finally, there is an obligation that the proposed development provides for student housing also, amongst other things.
4. The Council has confirmed that the Unilateral Undertaking meets their requirements. As such, I have taken this as reason for refusal No 3, which related to a failure to enter into a S106 agreement, has now been satisfied. This is no longer a matter of dispute for me to pursue further.
5. 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. Within the submitted Unilateral Undertaking the appellant has included an obligation to contribute a sum towards 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 and consult Natural England in order to confirm its effect and

need for mitigation. Given my findings on the main issues, this is not a matter I need to address further.

## **Reasons**

### *Scale and Design (including matters of amenity space provision)*

6. The proposal would result in a large three storey building which would contain 37 student units of residential accommodation. Each unit would be an en-suite bedroom, although there is communal space within the building.
7. Furthermore, the proposed building is set off all the boundaries, with space for a bin and cycle store. It would be visible from The Broadway, but only glimpse views in the gap between buildings. The full extent of the building would not be visible from most public vantage points.
8. The design and materials proposed are modern in style, which I would regard as a more pleasing appearance to that of the current building. Furthermore, the building of mainly two storey height, with a smaller section three storey, is suitable given the height of some of the existing surrounding buildings.
9. Although I recognise that this is a large building proposed, this is also a sizable plot, currently occupied by a vacant industrial building which almost entirely fills the plot. The existing building would be demolished in full. As such, the proposal for a building which does not fill the site would appear more spacious within the plot than the current structure.
10. The pedestrian access would be via Portswood Road, through between the two neighbouring frontage buildings. I understand that this is quite a long access route which may have been intimidating and a security concern. However, the appellant has provided details of new lighting and a door with access system to be installed, which would help mitigate against these issues. As such, I have no concerns with regards the layout and design of the access to the building for future occupiers.
11. However, whilst there would be some external space around the proposed building, it would mainly be hardstanding area to the front, which is adjacent to the bicycle store and bin store. There are areas of relatively narrow strips of grass/landscaping to the sides and rear. As such, there is very little quality usable space for occupants of the 37 units to use as external amenity space.
12. In this regard, paragraph 4.4.1 of the Residential Design Guide states that "all development should provide an appropriate amount of private amenity space for each dwelling to use". Whilst I accept that these are small student rooms, they are a form of residential accommodation. The fact that they are small units, in my opinion, would increase the value in external amenity space for future occupants. I see no reason why being student accommodation should allow for little or no outdoor amenity space generally.
13. It is clear that this is a busy area, with Portswood Road/The Broadway being vibrant areas. However, I know of no significant outdoor public areas near the site that could sufficiently accommodate for the lack of amenity space at the site. Southampton Common is a substantial distance from the site and so this does not sufficiently compensate for garden space that could be provided within the site.

14. There may be other student sites with less outdoor amenity provision than the appeal scheme, but I do not have full details of these. There could have been circumstances that would allow less amenity space for these other cases but, based on the proposal and its location, the lack of amenity space as shown on the submitted plans is insufficient provision.
15. As such, whilst I regard the proposed building as not having a visually cramped appearance within the plot, the size of the building is such that it would not allow for sufficient outdoor amenity space for future occupiers. The proposal is therefore contrary to 'saved' policies SDP1 of the City of Southampton Local Plan Review (as amended 2015) and policy CS13 of the Core Strategy 2015. These policies seek to, amongst other things, impact positively on the amenity of the citizens of the city. Furthermore, I regard the proposal as being contrary to sections of Part 4 of the Residential Design Guide Supplementary Planning Document 2006.
16. However, I find no conflict of the proposals against policies SDP7, SDP10 and H7, H13 of the Amended Local Plan Review (2015).

*Living conditions of neighbours*

17. The proposed student accommodation building is near to houses, including those on Westridge Road and Tennyson Road, for example. The existing building is not residential and is currently vacant, thereby having little impact upon the living conditions of neighbours.
18. There would be windows serving the proposed student accommodation in upper floors. However, the position of the building and the proposed windows, coupled with the distances to neighbouring properties is such that the overlooking impact and loss of privacy would not be at a significant level.
19. The Council has raised the issue of perceived overlooking. However, there is no substantive evidence before me that the effect of the windows that are obscure glazed or serving non-habitable rooms would result in a perception of overlooking that would harm the living conditions of neighbours. If it is only a perception of overlooking, then this is evidently not an impact equivalent to actual overlooking impact. As such, I would regard the potential of perceived overlooking to have minimal impact to the living conditions of neighbours.
20. The proposed building would be visible from many neighbouring dwellings, but currently the view is of a large and bulky industrial style building. I would regard the proposed accommodation building as an improvement generally for the outlook of neighbours.
21. The distance between the proposed buildings and the rear of neighbouring houses varies but is sufficient to avoid any significant level of overshadowing or overbearing effect, especially when taking into account the size and bulk of the existing building.
22. Overall, I regard the proposed development as having no significant impact to the living conditions of neighbours to the site, in accordance with 'saved' policy SDP1 and of the City of Southampton Local Plan Review (as amended 2015), which seeks to, amongst other things, safeguard the amenity of citizens of the city.

23. I also find no conflict of the proposals against policy H7 of the Amended Local Plan Review (2015) on this issue as this does not appear to be particularly relevant in this regard.

### **Other Matters**

24. A signed and dated Unilateral Undertaking has been submitted with this appeal. This includes contributions towards highway works and sums that would have environmental benefits. The Council has confirmed that the submitted Unilateral Undertaking meets their requirements, which was a reason for refusal with the planning application as there was not a completed legal agreement at this stage.
25. However, these contributions are essentially to address impacts that would have resulted from the development, such as additional traffic or parking pressures. As such, the obligations made by the appellant in this legal agreement are neutral factors in the planning balance for this proposal.
26. The proposal would provide additional student accommodation, with a University nearby. The proposal would also provide towards the mix of housing in this urban accessible location where there is a mix of uses. I also acknowledge that the students could provide support for local businesses. There would also not be any commercial vehicles accessing the existing industrial building anymore. However, these matters do not outweigh the harm I have identified in the main issues above.

### **Conclusion**

27. For the reasons above, the appeal is dismissed.

*S. Rennie*

INSPECTOR