The Planning Inspectorate

Appeal Decision

Site visit made on 4 September 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/W1715/W/19/3220985
Yard at the end of Mount View, to the rear of 44 Twyford Road, Eastleigh, Hampshire SO50 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Jason Wilkinson of Rivendale Homes Ltd against the decision of Eastleigh Borough Council.
- The application Ref F/18/83020, dated 20 April 2018, was refused by notice dated 6 August 2018.
- The development proposed is part demolition of existing buildings and construction of five one bedroom apartments in a 3 storey building and three one bedroom terraced houses in a 2 storey building.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.

3. The Case Officer's report refers to emerging policies from the Emerging Eastleigh Borough Local Plan 2016-2036, which has been submitted for independent examination. As the Borough Local Plan has yet to be found sound, this the weight that can be afforded to these emerging policies, which I will therefore not refer to in my decision.

Application for costs

4. An application for costs was made by Mr Jason Wilkinson of Rivendale Homes Ltd against Eastleigh Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:

   - The effect of the proposal on the character and appearance of the area;
   - Whether the proposal would provide satisfactory living conditions for the future occupiers of the development, with particular regard to the size of the accommodation, light, outlook and the provision of outdoor space;

- The effect of the proposal on the living conditions of the neighbouring occupiers of no 14 Mount View, nos 42-46 Twyford Road and Ashton Gardens, with particular regard to outlook and privacy; and
- The effect of the proposal on highway safety.

Reasons

Character and appearance

6. Located within proximity to Eastleigh Town Centre, the appeal site forms part of an area of primarily residential character, which includes historic terraces and semi-detached dwellings, notably along Mount View and Twyford Road. Ashton Gardens is a fairly recent residential development, which comprises properties of a traditional appearance. The appeal site comprises an industrial building, which occupies a substantial proportion of the plot.

7. The scheme would constitute a significant intensification of development on this site, having particular regard the massing, scale and site coverage of the proposed three-storey block of flats. Taken together with the scale of the proposed terrace, the scheme would impart a cramped and congest appearance to the plot. Whilst there are examples of three-storey buildings within proximity to the appeal site, the proposal would strongly contrast with the domestic scale which characterises Mount View, resulting in a form of development which would appear contrived and unduly prominent within the street scene. Additionally, the incongruity of the appeal proposal would be further exemplified by the assertive modernity of its detailing, which fails to pick up on the more traditional features prevailing within the site's immediate surroundings. The choice of materials would do little to soften the impact of the development.

8. The proposal would result in an overly intensive form of development which would exceed the capabilities of the existing plot to comfortably accommodate a two-storey terrace of three dwellings and a three-storey block of five flats, causing harm to the character and appearance of the area. I consider that the scheme would represent a large, disjointed and unsympathetic form of development which would adversely affect the character and appearance of the area. Whilst paragraph 127 of the Framework states that appropriate innovation or change (such as increased densities) should not be prevented or discouraged, it equally requires developments to function well and add to the overall quality of the area. In my opinion, the appeal proposal is not successful in that regard.

9. My attention has been drawn to LP Saved Policy 53.BE, which deals specifically with development proposals within the Eastleigh Town Renaissance Quarter. However, whilst the appeal scheme may not conflict with Saved Policy 53.BE, it does not automatically follow that it should be granted planning permission. Proposals are required to accord with the Development Plan as a whole.

10. I have had regard to other residential schemes, which the appellant has referred to. Although limited information has been provided in respect of these particular approvals, the submitted information suggest that these bear little resemblance with the proposal before me which, in any event, I am required to assess on its individual merits.

11. For the foregoing reasons, the proposal would unacceptably harm the character and appearance of the area, and would subsequently conflict with the design aims of Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011)[1] (LP), but also the provisions of the Quality Places Supplementary Planning Document (SPD), which was adopted by the Council in November 2011. Furthermore, it would fail to accord with the Framework, which notably states that developments should add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions – Future occupiers

12. The appeal scheme would include the creation of three one-bedroom dwellings, all of which are proposed for single occupancy as shown on the proposed plans. These properties would be approximately 43.8 square metres and would therefore accord with the minimum space standards set out in the Government's Nationally Described Space Standard[2], which requires one-bed (1 person) dwellings to be at least 39 square metres.

13. However, the windows and bi-folding doors serving the kitchen/dining and living areas of the proposed houses would be solely North facing and would look onto an approximately 2.9m high wall. The outlook from these openings would be severely restricted, and levels of natural light considerably limited, by reason of the orientation of the windows and doors, but also the proximity to the boundary wall. At first floor level, some of the bi-folding doors serving the proposed bedrooms would also look onto blank walls sited at close quarters. This would create an oppressive outlook and unpleasant sense of enclosure which would be further exacerbated by intervening forms of boundary treatments and the garage on the adjacent site at ground floor level, and privacy screens at first floor level.

14. Furthermore, the appeal scheme would not provide any form of usable outdoor space for the future occupiers of the proposed block of flats, in the form of balconies, terraces and/or communal gardens. This would be contrary to the recommendations of the Quality Places SPD. Furthermore, whilst I note the appellant's comments in respect of the site's location within walking distance to high quality public open spaces, this would not adequately compensate for the absence of on-site provision for the number of dwellings proposed, which would not meet the day-to-day needs of future occupiers.

15. For these reasons, the proposal would fail to provide satisfactory living conditions for future occupiers of the development. It would therefore be contrary to the design aims of LP Saved Policy 59.BE and the recommendations set within the Council's Quality Places SPD, but also paragraph 127 of the Framework, which requires new development to provide a high standard of amenity for existing and future users.

Living conditions – Neighbouring occupiers

16. No 14 Mount View (no 14) comprises an end-of-terrace property situated to the South of the appeal site. Whilst the appeal building extends alongside a significant part of the boundary shared with no 14, it is currently a single storey structure and the pitched roof leans away from this neighbouring

[1] Adopted May 2006.
[2] Technical housing standards – nationally described space standard (March 2015).

property. The overall height and bulk of the first floor element of the proposed terrace would be substantial and, being so close to the boundary shared with no 14, would introduce a form of development which would appear oppressive and overbearing to the occupiers of this neighbouring dwelling. This would adversely affect their outlook from their property and enjoyment of their private garden area.

17. The same would apply in respect of no 42 Twyford Road (no 42), an end-of-terrace property located to the rear of no 14, as the proposed first floor elements would introduce significant bulk within proximity to the boundary shared with this neighbouring property. As a result, the effect of the proposal would be detrimental to the living conditions of these neighbouring residents, with particular regard to the enjoyment of their private outdoor area.

18. The proposal would have a lesser effect on the living conditions of the occupiers of Nos 44 and 46 Twyford Road, who are currently presented with the gable end of the existing building. Viewed from these neighbouring properties, the additional bulk resulting from the proposal would therefore not appear as great. Nevertheless, whilst not fatal to the scheme in isolation, this compounds the other issues notably found in respect of the effect of the development on the living conditions of neighbouring residents.

19. As noted above, the appeal site lies within proximity to a recently completed residential scheme known as Ashton Gardens. This development includes terraced properties, which back onto Mount View, with their rear boundary being marked by timber close-boarded fences. The front elevation of the proposed three-storey block of flats would include many windows serving kitchen/dining and living room areas, which would be located approximately 10 metres from the rear boundary of the properties fronting Ashton Gardens, at the nearest point.

20. The distance between the proposed block of flats and these neighbouring properties would fall significantly short of the recommendations set by the Quality Places SPD. This document stresses that a minimum distance of 20 metres to be maintained between first floor habitable room windows, when the existing and proposed properties are both new builds. The SPD also states that this distance should be increased by 5 metres for each additional storey, to protect the living conditions of residents.

21. Whilst at ground floor level, privacy would be safeguarded by intervening forms of boundary treatments, the proposed first and second floor openings would enable future occupiers of the development to overlook the rear gardens of nos 91, 92 and 93 Ashton Gardens in particular. This would result in a loss of privacy for the occupiers of these neighbouring properties, which would adversely affect their enjoyment of their property and garden area.

22. I accept that the proposed block of flats would be no closer to the properties fronting Ashton Gardens than the existing terrace on Mount View. However, the appeal scheme would introduce residential development immediately to the rear of nos 91, 92 and 93 Ashton Gardens, where currently there is none. This would be exacerbated by the introduction of a three-storey building within proximity to these neighbouring properties, thus increasing the loss of privacy resulting from the proposal. This would not be mitigated by the slight changes in level between the appeal site and this neighbouring development.

23. The proposal would adversely affect the living conditions of neighbouring occupiers, having particular regard to outlook and privacy. It would subsequently conflict with the design aims of LP Saved Policy 59.BE and LP Saved Policy 120.E, which notably seeks to ensure that the redevelopment of existing industrial sites does not harm the amenities and environment of nearby existing housing. The appeal scheme would also fail to conflict with the recommendations set within the Council's Quality Places SPD and paragraph 127 of the Framework.

Highway safety

24. Cycle parking would be provided as part of the proposed block of flats, but the appeal scheme would not include any off-road car parking provision. This would constitute a significant shortfall when assessed against the requirements of the Council's Residential Parking Standards SPD[3], which requires the provision of 2 spaces per dwelling where parking is allocated or 1 space per dwelling where more than 50% of the proposed spaces are unallocated.

25. Several of the surrounding roads are subject to parking restrictions, notably along Twyford Road, Shakespeare Road and Hathaway Close. There is also a Controlled Parking Zone (SPZ) in place within the recently built Ashton Gardens development and along Mill Street, but new developments are not entitled to CPZ permits. Whilst a financial contribution towards a CPZ was secured as part of the application for the redevelopment of the former Travis Perkins site, this does not appear to have been implemented, and on-street parking along Mount View remains currently unrestricted. This limits the weight which can therefore be ascribed to this consideration.

26. Although my observations can only represent a snapshot of normal highway conditions, I noted that there were few spaces available within the vicinity of the appeal site. I visited the site around lunchtime, and by the evening, it would therefore be reasonable to expect an increase in on-street parking over and above what I saw at the time of my site visit.

27. I have had regard to the results of the Parking Stress Survey, which was carried out in January 2019 as part of a revised planning application[4] for the construction of five one-bedroom apartments and two one-bedroom houses, including the provision of four off-road car parking spaces. The Parking Stress Survey does not however strictly adhere to the Lambeth Methodology quoted by the appellant. In particular, I note that in accordance with this methodology, the extent of the survey should be limited to all roads within a 200-metre walking distance of the site, and should not be measured as a 200-metre radius. Surveys were undertaken on 3, 7 and 8 January 2019. However, the Lambeth Methodology states that surveys should not be undertaken in weeks which include or follow Public and School Holidays.

28. Lastly, it is of note that the survey was conducted between 1800 and 2030, whilst best practice recommends a snapshot to be undertaken between the hours of 0030-0530 on two separate weekday nights. Therefore, I cannot be certain that the results of the survey accurately reflect on-street parking conditions within proximity to the site.

[3] Adopted in January 2009.
[4] Local Planning Authority Reference F/18/84511.

29. As part of the revised planning application, the number of dwellings proposed has been reduced to six and five off-street parking spaces would be provided. Whilst I understand that the Local Highway Authority withdrew its objection in respect of this revised scheme, this is not the case of the appeal proposal before me which, as noted above, would not include any off-street provision. Having regard to the extent of the shortfall, the proposal should not exclusively rely upon on street parking to satisfy the requirements of the development, particularly in an area which already appears under pressure.

30. In the absence of adequate on-site provision, the appeal proposal would be likely to increase the demand for parking within the locality, thus placing greater pressure on the local network and increasing illegal, inconsiderate or obstructive parking. For these reasons, I consider that the appeal proposal would compromise highway safety for all road users. As such it would conflict with LP Saved Policies 59.BE and 104.T and the Residential Parking Standards SPD which, amongst other things, require development proposals to provide an adequate level of parking provision. By causing an unacceptable impact on highway safety, the appeal scheme would also fail to accord with paragraph 109 of the Framework.

Other Matters

31. I accept that the existing building holds little architectural merit and the premises can be lawfully used for B1(c) or B8 purposes. It is also of note that the appeal site lies near Eastleigh Town Centre and within the Urban Renaissance Quarter, where higher density development is encouraged, but this should not be at the expense of providing a high quality living environment. Whilst I have had regard to these considerations, they do not outweigh the harm which the proposal would cause to the character and appearance of the area, living conditions and highway safety.

32. Following the determination of the planning application, Natural England has issued revised advice in respect of the effect of development involving overnight accommodation on the River Itchen Special Area of Conservation, the Solent and Southampton Water Special Protection Areas and Ramsar Site, and the Solent Maritime Special Area of Conservation. The whole of the Borough lies within the catchment area of waste water treatment works which discharge into the river Itchen, the river Itchen estuary or the Solent. Increased levels of nitrogen and phosphorous within the Solent are causing eutrophication at some of these protected sites. As a result, the advice issued by Natural England suggests that residential development present likely significant effects on the Solent SPAs which, either alone or in combination with other plans and projects, could adversely affect the integrity of these protected sites. However, as I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here.

Conclusion

33. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR