



Appeal Decision

Site visit made on 15 October 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/D1780/W/19/3233700
40 Atherley Road, Southampton SO15 5DQ

- 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 B Kakiya against the decision of Southampton City Council.
 - The application Ref 19/00116/FUL, dated 24 January 2019, was refused by notice dated 3 April 2019.
 - The development proposed is erection of single storey detached dwelling at land to rear of 40 Atherley Road.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr B Kakiya against Southampton City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, having particular regard to noise and disturbance;
 - Whether the proposal would lead to an increased pressure for car parking; and
 - The effect of the proposal on Special Protection Areas.

Reasons

Character and appearance

4. The appeal site comprises a large detached property, which is subdivided into two self-contained flats. It lies within an established residential area, which is primarily characterised by Victorian detached and semi-detached dwellings, many of which benefit from deep rear gardens. Whilst there is some variety in their detailed design, the properties along Atherley Road exhibit a strong linear building line, set back from the roadside.

5. The erection of a single storey dwelling to the rear of the existing building would represent an incongruous form of development which would appear at odds with the prevalent pattern of frontage development in the area. My attention has been drawn to a historic map of the area, showing a number of outbuildings within the rear gardens of some of the properties. In the absence of further evidence showing the scale of such buildings, I can only afford limited weight to this consideration.
6. Having regard to the submitted evidence and my observations as part of the site visit, the outbuildings commonly found in the rear gardens of the properties in the area maintain a degree of subservience to the prevailing character of surrounding residential properties. Whilst the design approach seeks to pick up on the history of the area, the proposal would clearly appear as a separate dwelling, with its own curtilage and ancillary structures. Consequently, the presence of existing buildings and structures in backland positions does not justify the harm that would arise from the increase in scale, bulk and massing of the proposed bungalow.
7. The proposal would fail to relate well to its surroundings and thus appear as an uncharacteristic and discordant form of development, which would be visible from the street scene, particularly by reason of the degree of spacing between no 40 Atherley Road and nos 27-29 Howard Road. The appeal scheme would unacceptably harm the character and appearance of the area, which would not be mitigated by the suggested improvements in respect of lighting and surface treatment. The harm would be further compounded by the excessive footprint of the bungalow relative to the size of the plot, giving it a cramped and overdeveloped appearance.
8. I therefore conclude that the proposal would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with the design aims of Policies SDP7(iii)(v) and SDP9(i)(ii) of the adopted City of Southampton Local Plan Review – 2015 (LP), CS13 of the adopted Local Development Framework Core Strategy Development Plan Document – 2015 (CS) and the Council's Residential Design Guide (2006). The appeal scheme would also fail to accord with the National Planning Policy Framework (the Framework), which notably seeks to ensure that new developments deliver well-designed places.

Living conditions

9. The proposed dwelling would be located within relative proximity to the boundaries shared with no.38 Atherley Road and nos.21, 23 and 25 Howard Road. Nevertheless, the distance between the proposed dwelling and these neighbouring properties would ensure that the intensification arising from the occupation of this two-bedroom bungalow would remain limited, particularly as the proposal would not include any vehicular access to the rear of the site. Additionally, a suitably worded condition requiring details of boundary treatments would ensure that there would be no loss of privacy for neighbouring residents as a result of the proposal.
10. I therefore conclude on this issue that the appeal scheme would not unacceptably harm the living conditions of the occupiers of neighbouring properties, having particular regard to noise and disturbance. Consequently, I find no conflict with LP Policy SDP1(i) which notably seek to preserve the health, safety and amenity of the city and its citizens.

Car parking provision

11. The area to the front of the site currently provides off-road parking for the existing flats, but the appeal scheme would not include any additional car parking for the proposed dwelling. The Case Officer's report indicates that, in accordance with the requirements of the Parking Standards Supplementary Planning Document (the Parking SPD), the proposed development would require the maximum provision of one car parking space, taking the site's location within a high accessibility area into consideration.
12. The Parking SPD states that the provision of less than the maximum parking standard is permissible. However, regardless of whether the maximum amount is provided, or a lower quantity, developers are required to demonstrate that the level of parking included as part of new residential developments will be sufficient, for example in the form of a parking survey, using the Council's preferred Lambeth methodology. No such justification appears to have been submitted during the course of the planning application, to demonstrate that there would be sufficient on-road parking capacity to accommodate the absence of on-site provision.
13. Parking is unrestricted along Atherley Road, but at the time of my site visit on a weekday around lunchtime, competition for the limited number of parking spaces was evidently already very high. Whilst my observations can only represent a snapshot of normal highway conditions, it would be reasonable to expect that by the evening, when the majority of people return home, on-street parking would increase over and above what I saw at the time of my site visit.
14. The car parking survey submitted by the appellant as part of the appeal does not strictly adhere to the Lambeth methodology, having notably regard to the extent of the survey and the required information. Therefore, I cannot be certain that the results of the survey accurately reflect on-street parking conditions within proximity to the site.
15. Additionally, I note that part of the existing provision to the front of the site would be lost as a result of the proposal. Whilst the appellant suggests that a condition could be imposed to ensure the retention of the existing space, this would not address the lack of justification in respect of the parking provision for the proposed dwelling.
16. The appellant has drawn my attention to a recent application at no.1 Atherley Road¹. As this particular proposal for the erection of a two-bedroom dwelling included the provision of a car parking space, it clearly does not represent a direct parallel to the appeal proposal which, in any event, I am required to determine on its individual merits.
17. On the basis of the submitted evidence, I conclude that the proposal has failed to satisfactorily address the requirements of the Development Plan with regard to the provision of car parking. It would therefore not accord with LP Policy SDP1(i) and CS Policy CS19, which notably seek to ensure the safety of citizens and require development proposals to accord with the Council's parking standards, as currently set out within the Parking SPD.

¹ Local Planning Authority reference 16/00706/FUL.

Habitats Regulations

18. The appeal site lies within proximity to the Solent Special Protection Areas (Solent SPAs) and the New Forest Special Protection Area (New Forest SPA). It is accepted that the Solent Recreation Mitigation Strategy (SRMS), which has been developed by the Council, in conjunction with other Local Authorities and Natural England, provides a suitable mechanism to address the in-combination effects of increased recreational pressure on the Solent SPAs arising from residential development.
19. The SRMS requires new residential developments located within 5.6km of the Solent SPAs to make a financial contribution towards mitigation measures, which are normally secured through the completion of a Section 106 legal agreement or unilateral undertaking. The mitigation measures funded through these financial contributions do not constitute infrastructure as defined by the Community Infrastructure Levy (CIL) Regulations. In some instances, additional mitigation may be required by reason of the size of the proposed development or its proximity to one of the SPAs. There is no scheme of mitigation in place to address the impacts of residential developments on the New Forest SPA, and the Council is therefore ring fencing 5% of CIL contributions for that purpose.
20. No planning obligation has however been submitted to secure the mitigation measures which are required to ensure that the development would have no likely significant effect on the Solent SPAs. In the absence of such obligation or alternative measures to mitigate the effects of the development, I am unable to complete the Appropriate Assessment which has to be carried out, in accordance with the requirements of the Habitats Regulations. Consequently, and in the absence of secured mitigation measures, I cannot be certain that the proposal would not prejudice the integrity of the Solent SPAs. The appeal scheme would therefore conflict with CS Policy CS22 which, amongst other things, seeks to protect habitats through appropriate mitigation measures.

Conclusion

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

S Edwards

INSPECTOR